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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 24th September 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, we have quorum to transact business. Clerk-at-the-Table, proceed.

PAPERS

Hon. Speaker: Hon. Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following papers on the Table:

1. Legal Notices from the Water Resources Authority—
 - (a) Legal Notice No.139 of 2024 relating to the Kamatargui Wetland Catchment Protection Order, 2024;
 - (b) Legal Notice No.141 of 2024 relating to the Fafi Wetland Catchment Protection Order, 2024;
 - (c) Legal Notice No.142 of 2024 relating to the Eneyampuipui Wetland Catchment Protection Order, 2024;
 - (d) Legal Notice No.143 of 2024 relating to the Mereroni-Mbaruk Wetland Catchment Protection Order, 2024;
 - (e) Legal Notice No.144 of 2024 relating to the Siany Wetland Catchment Protection Order, 2024; and,
 - (f) Legal Notice No.145 of 2024 relating to the Kibirong' Wetland Catchment Protection Order, 2024.
2. Implementation Status of the Special Funds Accounts Committee Report for the Financial Years 2018/2019 – 2021/2022 from the National Treasury and Economic Planning.
3. Reports of the Auditor-General and Financial Statements of the National Government Constituencies Development Fund (NG-CDF) for the year ended 30th June 2023, and the certificates therein in respect of the following constituencies:
 - (a) Dagoretti South;
 - (b) Gatundu North;
 - (c) Kibra;
 - (d) Limuru;
 - (e) Roysambu; and,
 - (f) Starehe.

Thank you, Hon. Speaker. I beg to lay.

Hon. Speaker: Thank you, Hon. Owen. Papers under 1 are referred to the Committee on Delegated Legislation and the second Paper is referred to the Committee on Implementation. Chairperson, Select Committee on National Government Constituencies Development Fund (NG-CDF), Hon. Musa Sirma! Hon. Leader of the Majority Party, where is the Chairman of NG-CDF?

Hon. Owen Baya (Kilifi North, UDA): I thought I saw Hon. Musa sitting somewhere here. I must have seen him.

Hon. Speaker: Did you see him or you saw his likeness?

Hon. Owen Baya (Kilifi North, UDA): I saw his figure around.

Hon. Speaker: Yes, Hon. Clive.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Speaker, I am a member of that Committee. Hon. Sirma said he will be here shortly.

Hon. Speaker: Pardon?

Hon. Clive Gisairo (Kitutu Masaba, ODM): He is coming in one minute. I am a member of the Committee.

Hon. Speaker: Okay, let us go to the next Order. Hon. Members, as you may be aware, the NG-CDF was, once again, crucified for all the wrong reasons. The case we have been having in court had a judgement on Friday. I am sure you have all read the judgement. After putting questions at Orders No. 8 and 9, I have been requested by the leadership to allow you one hour to ventilate on the matter.

(Hon. Musa Sirma walked into the Chamber)

There he comes! In addition to that, there is a Committee of lawyers in the House comprising Senior Counsel, Hon. (Dr) Otiende Amollo, Hon. Murugara, Hon. Osoro, Hon. Makali, Hon. Mutuse, Hon. Wakili Muriu, Hon. Kaluma and Hon. Kajwang', who have been giving *pro bono* services to the House on this matter. I have invited them to a meeting tomorrow at 11.00 a.m. in the Speaker's Boardroom. I have also invited your leaders; that is, the Leader of the Majority Party and the Leader of the Minority Party to join in so that they can brainstorm and see what remedial actions to take.

Thereafter, sometime next week, I will make available to you a *kamukunji* so that you ventilate on the matter. I want to tell the gracious lady Members of county constituencies that *ukiona cha mwenzako chanyolewa, chako tia maji*. (Whenever you see them come for one of you, know that you are the next).

We will go back to Hon. Musa Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): Apologies, Hon. Speaker for my coming late. I was collecting the document.

Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on National Government Constituencies Development Fund on its consideration of the proposed budget ceiling for constituencies for the Financial Year 2024/2025.

Hon. Speaker: Thank you, for that.

Hon. Members: Arrears?

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, let me give some information to Members. Today, the 24th of September 2024, I and the Chairperson of the Departmental Committee on Education, visited our able Cabinet Secretary for National Treasury. He did a great job for us today. They released Ksh7.8 billion for the National Government Constituency Development Fund. The arrears are only Ksh5.7 billion. We know it is late but, of course, the situations are also very difficult. It is Ksh3.4 billion from the

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Ministry of Education, which had been allocated to NG-CDF. Together with a matching fund of Ksh3.4 billion, the total comes to Ksh7.8 billion. For the Members of Parliament from Nairobi County, Ksh1 billion has been released.

Thank you, Hon. Speaker.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENTS

Hon. Speaker: Hon. Oku Kaunya.

DELAYED DELIVERY OF MODERN TRAINING EQUIPMENT TO CHAMASIRI TECHNICAL AND VOCATIONAL COLLEGE

Hon. Oku Kaunya (Teso North, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education regarding the delayed delivery of modern training equipment to Chamasiri Technical and Vocational College.

Chamasiri Technical and Vocational College (TVC) was established in September 2019 with the aim of providing quality technical and vocational education. Currently, the institution has an enrolment of over 1,700 students, thus demonstrating its importance in the education sector. On 10th December 2021, the then Cabinet Secretary for Education, while on a visit to Chamasiri TVC, conveyed the Government's plan to provide modern training equipment that were funded by the African Development Bank. However, despite that promise, the equipment has never been delivered and reports indicate that it was re-directed to another technical institution.

This matter was raised again in November 2023 during a visit by the then Cabinet Secretary for Education, Hon. (Dr). Ezekiel Machogu, to the institution. He reassured the institution that the equipment would be delivered by March 2024. Indeed, the equipment arrived in the country in March this year. However, months later, it is yet to be delivered to Chamasiri Technical and Vocational College.

Hon. Speaker, the matter has persisted for three years and continues to pose significant challenges to the institution and its students. The continued lack of practical equipment has severely impacted the quality of education as students are forced to rely solely on theoretical instructions without the necessary tools for handling the learners. This situation has not only defeated the entire essence of technical and vocational colleges, but has also jeopardised the skills development and future prospects of the students.

It is against this background that I request for a statement from the Chairperson, Departmental Committee on Education on the following:

1. Reasons the equipment that were funded by African Development Bank, and which were initially intended for Chamasiri Technical and Vocational College, were diverted to another institution in another constituency.
2. Reasons for the delay in delivering the new equipment to Chamasiri Technical and Vocational College, despite them being received several months ago.
3. Specific timelines for delivery of this equipment to Chamasiri Technical and Vocational College, including measures to avert further delays in this matter.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, of the Departmental Committee on Education. Is Hon. Melly here? Is two weeks okay, Hon. Malulu Injendi?

Hon. Malulu Injendi (Malava, ANC): Yes, Hon. Speaker. We will invite the Cabinet Secretary to our Committee. I also want to alert the Member that we also invite Members when the Cabinet Secretary is making a presentation, so that they can directly get more information.

Hon. Speaker: Thank you. Hon. Owen Baya!

IMPLEMENTATION OF A NUCLEAR POWER PLANT AT UYOMBO
VILLAGE IN KILIFI NORTH CONSTITUENCY

Hon. Owen Baya (Kilifi North, UDA): Hon Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the chairpersons of the departmental committees on Energy and Environment and Forestry and Mining regarding the implementation of a nuclear power plant project in Uyombo Village, Matsangoni Ward within Kilifi North Constituency.

The Nuclear Power and Energy Agency (NuPEA) is a State Corporation established under the Energy Act 2019 with the mandate to promote and implement Kenya's nuclear power programmes, including carrying out research, development and capacity building in the energy sector. NuPEA recently initiated the process of implementing a nuclear power plant project in Uyombo, Matsangoni Ward, Kilifi North Constituency and put up a mast at the location.

The production of nuclear energy is a delicate and dangerous process that threatens the existence of people in its surroundings. Further, the people of Uyombo have rejected the implementation of a nuclear power plant project due to risks that would negatively affect their lives and generations to come. That project poses significant risks such as radioactive reactions and leaks, nuclear waste disposal, permanent destruction of the ecosystem and lack of capacity to handle accidents. Moreover, it will impact their fishing activities and the tourism industry at large.

Article 10 as read together with Article 69(d) of the Constitution prohibits the implementation of any public project without public participation. While NuPEA partially complied with that provision, concerns have been raised on the way the exercise was conducted. The public participation was marred by use of excessive force, discrimination against the people of Uyombo, harassment and unlawful arrests of locals who are apparently being coerced to accept the implementation of the project on their land.

Article 40(3) of the Constitution also entitles individuals whose land is compulsorily acquired by the Government to receive certain compensation. Notably, the nuclear power plant project is being implemented on land belonging to individual persons who possess legal ownership documents of the land and face the risk of being relocated from their land. Regrettably, the implementation of the project without compliance to the law and adherence to directives and guidelines has deprived the people of Uyombo of their rights in accordance to Article 42 as read together with Article 70 of the Constitution.

Although the project has been proposed to be implemented only in Uyombo, Matsangoni Ward, Kilifi North Constituency, there is a real existential threat to the whole country in the unfortunate event of a disaster. Many countries have discouraged nuclear energy production and refrained from it due to its dangerous impacts. African countries, including Kenya, have yet to demonstrate their ability to handle nuclear disasters thus making the Uyombo nuclear project a big risk.

Hon. Speaker, it is against this background that I seek a statement from the chairpersons of the Departmental Committee on Energy and Environment, Forestry and Mining on the following:

1. Could the committees, jointly, conduct an inquiry to establish whether there is a breach of constitutional provisions and if so, provide a detailed report with

recommendations on the implementation of the project to ensure proper processes are followed for the safety of the community?

2. Could they clarify whether public participation was conducted within the parameters of the law; considering that the majority views which rejected the implementation of such a project were ignored?
3. Could they provide the details of the environmental assessment report of the project?
4. Could they inquire into the arbitrary arrests and use of excessive force on the people of Uyombo in an apparent bid to force them to accept the project?
5. Could they clarify whether Kenya is prepared to handle a nuclear disaster and, if so, provide the policy measures that have been put in place to handle such disasters?

I thank you, Hon. Speaker.

Hon. Speaker: Where is the Chairperson of the Departmental Committee on Energy, Hon Kawayo? Any Member of the Committee? The request should be responded to in two weeks.

Hon. John Kiarie, the Member for Dagoretti South.

RENEWAL OF STANDARDISATION MARK FROM THE KENYA BUREAU OF STANDARDS

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, pursuant to the provisions of Standing Order No. 44 (2) (c), I wish to request for a statement from the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives regarding the renewal of the Standardisation Mark from the Kenya Bureau of Standards, also known as KEBS.

In 2023, KEBS revised the Standardisation Mark (SM) permit, extending the validity period from one year to two years. That change raised concern among businesses, particularly Small and Medium Enterprises (SMEs) as an annual renewal period aligns better with their financial planning, operational cycles and ensures product quality and safety in a rapidly evolving business environment.

Moreover, questions have arisen about the alignment of that two-year cycle to KEBS mandate of supporting fair competition in the country.

It is also deeply concerning that companies restarting their operations after COVID-19 related shutdowns are facing back-pay penalties by KEBS. Those penalties impose a significant financial burden on businesses already struggling to recover from economic hardships. Such measures hinder rather than support job creation and economic recovery which are crucial for the growth of the nation. Instructively, the regulatory environment should support businesses, especially SMEs, in their efforts to create jobs and to contribute to economic development.

Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives on the following:

1. The rationale behind extending the validity period of the standardisation mark and the impact of that on product quality and fair competition, especially for SMEs.
2. The justification for imposing back-pay penalties on businesses restarting after COVID-19 related shutdowns.
3. The measures that the Ministry of Investments, Trade and Industry is taking to ensure the regulatory environment supports SMEs in economic recovery, rather than penalising those businesses that are recovering from the COVID-19 shutdown.

I signed this request for statement on 13th of August 2024.

Hon. Speaker: Thank you, Hon K.J. Is the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives present? The Vice-chairperson?

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, you can give us three weeks.

Hon. Speaker: The standard procedure is two weeks. Why do you want three?

Hon. Marianne Kitany (Aldai, UDA): We are requesting for three weeks because we still have the Bill on co-operatives that we need to finish.

Hon. Speaker: Okay. You have three weeks. Next is the response to a statement requested by Hon. Adan Keynan. Hon. Tongoyo, are you ready to respond to the request for statement.

STATEMENT

DISAPPEARANCE OF HON. YUSSUF HUSSEIN

Hon. Gabriel Tongoyo, (Narok West, UDA): Yes, I am.

Hon. Speaker: Go ahead.

Hon. Gabriel Tongoyo, (Narok West, UDA): Hon. Speaker, the Member of Parliament for Eldas Constituency, Hon. Adan Keynan, requested for a statement regarding the disappearance of the Member of the County Assembly (MCA) for Della Ward, Hon. Yussuf Hussein. In particular, he sought to know the specific circumstances under which Hon. Hussein was abducted and the status of the investigation into his mysterious disappearance, which was reported at Makadara Police Station. He also sought to know the steps that the relevant Government security agencies have taken to ensure that the missing MCA is expeditiously traced and reunited with his people. Additionally, he sought to know the security measures that the Government has taken to guarantee the safety of all leaders in order to protect them from potential incidents of kidnapping and other forms of violence.

Hon. Speaker, on 13th September 2024, at around 21.40 p.m., Mr. Wambua Kioko reported, through a phone call, *vide* OB No 8613/09/2024, the abduction of his passenger. The caller is an Uber driver and a resident of Embakasi. He stated that while within South C, Amana Estate, he received an online request from the customer to be dropped off at Pangani Heights Estate. However, along Lusaka Road...

(Loud consultations)

Hon. Kassait Kamket (Tiaty, KANU): On a point of order.

Hon. Speaker: Hon. Kamket, what is out of order?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, the matter the Chairperson is responding to is serious as it involves an elected member. The consultations are too high for us to hear what the Chair is saying.

Hon. Speaker: Order Hon. Members! Consult in lower tones. *Mhe. Tongoyo, endelea.*

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. Allow me to pick from where I left.

On 13th September 2024, at around 21.40 p.m., Mr Wambua Kioko reported, through a phone call, *vide* OB No 8613/09/2024 the abduction of his passenger. The caller is an Uber driver and a resident of Embakasi. He stated that while within South C, Amana Estate, he received an online request from the customer to be dropped off at Pangani Heights Estate.

However, along Lusaka Road, past Lusaka Enterprise Roundabout, and near Ola Petrol Station, a black Prado motor vehicle whose registration number was not captured, blocked them. Three masked men alighted from the said Prado and opened the passenger door of the

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taxi where the passenger was seated. They grabbed and pulled him out of the car before dragging him to the Prado. The passenger dropped his mobile phone, an iPhone 13, inside the Uber during the commotion. The abductors further robbed the Uber driver of his mobile phone, a Samsung Galaxy A25, valued at around Ksh14,000, and a cash amount of Ksh250 before speeding off with the victim. The scene was visited by security agencies and it was established that the abductee was Hon. Yusuf Hussein Ahmed, the Member of the County Assembly (MCA) for Anole Dela Ward, Eldas Constituency in Wajir County. The case is still under investigation and the search is still ongoing at the time of writing this response.

On the third question, the following measures have been taken to ensure security:

1. The National Police Service has the mandate of providing security to all Kenyans in all parts of the country. Police officers are, therefore, continuously being sensitised on upholding the rule of law and constitutionalism. Any leader who is intimidated or harassed is encouraged to report to the nearest police station and investigations will commence without delay.
2. Creating awareness to all members of the public to report any suspicious characters within their locations and intensifying both mobile and foot patrol.
3. The adoption of a multi-agency approach in the collection of intelligence and the heightening of security surveillance.

Hon. Speaker, this matter was brought before you last week and we also share the concerns of Hon. Keynan and other members from that region. This is a very sensitive matter because it concerns an elected leader. The police are still looking for the MCA. We want to assure Kenyans and this House that the culprits will be brought to book. We will do everything humanly possible to find the missing MCA.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. You have heard that on 13th September, this month, an elected leader from one of the wards in my constituency was abducted. It is now 14 days since he was abducted. One of the platforms that the current regime campaigned on was that there would be no abductions, no illegal confinement and no extrajudicial killings. I know the Chairperson of the Committee is just a conveyor belt, but that Statement completely lacks substance. It does not allude to the circumstances surrounding the disappearance of the missing leader.

There are closed-circuit televisions (CCTVs) everywhere in Nairobi. There are so many CCTVs on Enterprise Road, which is just next to where the leader was abducted. Therefore, those who are in charge of this sector, by now, know the identities of the tormentors of the missing MCA. They know the details of the cars. They know everything.

Every Kenyan has a right to be heard and tried fairly. This era of illegal confinement and abduction was never anticipated in the current Constitution. Therefore, this response has not said anything. It has not shed any new light. It has only stated that the authorities are investigating. It has been 14 days since an elected leader was abducted. In as much as every Kenyan has the right to security, this is an elected Member who is still missing.

I also want to table a letter containing information that on 6th August 2024, that leader was summoned by the County Security and Intelligence Committee of the Wajir County Assembly. The letter was addressed to Hon. Yusuf Hussein, MCA, Anole Dela Ward, regarding a telephone meeting with the County Security and Intelligence Committee of the Wajir County Assembly. It states that he was requested to attend a meeting on Thursday, 8th August 2024, at the County Commissioner's Office (CCO), Wajir at 10.00 a.m. The County Security and Intelligence Committee...

Hon. Speaker: Order, Hon. Kenyan. You seem to be reading from a faded copy of a letter.

Hon. Adan Keynan (Eldas, JP): It is an official letter, Hon. Speaker. I will give it to you. I will hand it over. You can counter-check. It is official. I am too old to bring anything to this House that is not properly validated. The letter states that the County Security and Intelligence Committee wished to discuss with the MCA issues touching on the security within the Anole Dela Ward. I want to table this document.

Taking into account that this is a leaked document, it means that there must have been some issues between the MCA and the County Security and Intelligence Committee. If that has been escalated to the national level, why do they not produce him and take him to court? I am not saying that he has or has not committed a crime. I empathise with my good friend, Hon. Gabriel, but the Statement is not convincing. They are setting you up. This response has not said anything at all about the whereabouts of that leader.

Hon. Speaker: Pass the letter to him. You have made your point. Hon. Major Bashir! Give him the microphone. You have one minute.

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Speaker. I have listened to the response from the concerned Ministry through the Chairperson of the Committee. That response is very shallow. The abducted individual is an elected MCA. It is not a coincidence that he was summoned by the County Security and Intelligence Committee on 8th September, 2024. He disappeared on 13th September, 2024.

Unfortunately, we are still in the era of abductions. We call upon the Government, especially the security agencies, to immediately and urgently find the MCA. The family is in agony. They do not know what to say. The worst part is that the National Police Service has not even addressed this matter or talked to the concerned family to update them on what they are doing about it. We want them to do what they are supposed to, which is to protect the lives and properties of Kenyans. We want them to tell us where that elected MCA is. It has now been two weeks since his abduction. There are CCTV cameras in the entire country, especially in Nairobi. How come they are unable to know who abducted the MCA? The Uber driver who carried him has recorded a statement. They can see it. He knows. However, it is unfortunate that the CCTV cameras cannot be traced. That Statement is not...

Hon. Speaker: Thank you. Hon. Jehow.

Hon. Fatuma Jehow (Wajir County, ODM): Thank you, Hon. Speaker. I have listened to the response from the Chairperson of the Committee I belong to, and it is not sufficient. It is now 14 days since the MCA was abducted. It is very unfortunate. It is sad for the people who elected him. We are unable to stay in our homes and carry out our day-to-day activities because of that honourable Member who is missing. All indications point to the fact that he was taken by the people we suspect. We ask the security agencies to bring him back. We do not know how we will go back to our constituencies and counties if that MCA is not brought back to his people.

It is on that note that I inform my Committee Chairperson that it is a matter of urgency that we bring back our son and leader. If a Member can go missing, then anyone can go missing.

Thank you.

Hon. Speaker: Yes, Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, first of all, I indicated that I felt the frustration of the Members of the said County.

Hon. Speaker: Had you seen the letter whose copy Hon. Keynan has given you?

Hon. Gabriel Tongoyo (Narok West, UDA): I had not. It should be treated as an unverified document for now. The validity of the letter is in question. We need your guidance. We all know that such investigations can be complex. The Members are already alluding or suggesting that the MCA was abducted by security agencies, which cannot be substantiated. I prefer that we leave the matter open. The investigations are ongoing. We should not conclude that he was abducted by security agencies. That is an assumption.

Hon. Speaker: Hon. Tongoyo, that letter has a telephone number and on the face of it, the signatory is a County Commissioner (CC). Get the letter after the authentication by the Clerk and then get to your team at the Ministry of Interior and National Administration and bring back additional information on this matter on Thursday afternoon.

Hon. Adan Keynan (Eldas, JP): Thank you very much for that guidance, Hon. Speaker. I want to confirm beyond reasonable doubt that the letter comes from the County Security and Intelligence Committee. I also want to table an averment by a great Kenyan taxi driver called Wambua Kioko. It is an averment under oath. I also want to table it because the content is very clear so that, as the Chairperson responds to this...

Hon. Speaker: Hon. Keynan, the taxi driver's testimony has not been disputed. Hon. Tongoyo...

Hon. Adan Keynan (Eldas, JP): I want to give him all the details so that he also benefits from these documents.

Hon. Speaker, also allow me to say this: You have been around. You have risen up the ladder. You have almost served in all the three arms of Government. You know what it is...

Hon. Speaker: Not almost. I have.

Hon. Adan Keynan (Eldas, JP): You have served in the three arms of Government and you know what it takes. I want Hon. Tongoyo and the other groups to know that no amount of blackmail or intimidation will allow us to forget the existence of Hon. Yusuf Hussein. We will not allow those who are holding him to get away with that crime. Produce Hon. Yusuf in court. That is what due process demands. Deal with him in court. We will not allow you to hold him longer. That is not the modern-day Kenya that we want.

Hon. Speaker: Give the papers to the Clerks-at-the-Table.

(Hon. Adan Keynan laid the documents on the Table)

Hon. Members, allow me to acknowledge learners from the following schools, who are seated in the Gallery: Kalulini Comprehensive School from Kibwezi West, Makueni County; Oak Tree Primary School from Mavoko, Machakos County; Timau AIPCA Mother Council from Buuri, Meru; and, Kamuiru Boys Secondary School, Kirinyaga Central, Kirinyaga.

Hon. Kailemia, the Women Representative for Meru County, has asked me to acknowledge the Mother Council School from Timau. You can do so in one minute and welcome the rest of the schools on our behalf.

Hon. Elizabeth Kailemia (Meru County, UDA): Thank you, Hon. Speaker, for giving me this opportunity to welcome the Mother Council School from the African Independent Pentecostal Church of East Africa, of which I belong. They are from Timau in Buuri Constituency. I also wish to thank them for being forward-looking.

Hon. Speaker, as you can see, these are young ladies and I want to congratulate them for their effort in showing leadership. At times, we tend to think that the opposite gender is more forward looking but, as you can see, they are just ladies from Mother Council, which is the leadership of that church. I also wish to thank the students that are here with us and acknowledge them for showing interest in getting more knowledge regarding Parliament. You are all welcome.

Thank you once again, Hon. Speaker, for giving me the opportunity.

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker.

Hon. Speaker, on Thursday 19th September 2024, the Chairman of the Departmental Committee on Health, Hon. (Dr) Pukose, issued a Statement on behalf of the House Business

Committee which met on Tuesday, 17th September 2024, to prioritise business for consideration during the week.

Hon. Speaker, it was indicated to the House that the Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry would appear before the House to answer questions tomorrow, Wednesday, 25th September 2024. However, I am in receipt of a letter from the Cabinet Secretary stating that he is out of the country on official duties. He is accompanying His Excellency the President of the Republic of Kenya to the 79th Session of the United Nations General Assembly (UNGA 79) in New York.

Hon. Speaker, following further consultations, we have scheduled the Cabinet Secretary for the Ministry of Youth Affairs, Creative Economy and Sports to respond to questions that touch on the following thematic areas-

- (a) State of preparedness of key sporting facilities to host international events:
 - (i) appraise on the state of preparedness of the country in terms of infrastructure facilities and other logistics to successfully host international sporting events and, more specifically, the planned hosting of the Africa Nations Championship (CHAN) and Africa Cup of Nations (AFCON);
 - (ii) state the current condition of key sports facilities in the country, including their maintenance, modernization and suitability for hosting international events; and,
 - (iii) provide specific measures or strategies that have been put in place by the Ministry to accelerate the completion of the stalled or incomplete stadiums across the country.
- (b) Facilitation of national sports teams:
 - (i) state the measures in place to ensure timely preparation, coordination, management and facilitation of sport teams to represent the country in various sporting disciplines.
- (c) The mandate of Kenya Academy of Sports:
 - (i) appraise on the challenges facing the Kenya Academy of Sports in the development of grassroots talent in the country and the measures to address the challenges; and,
 - (ii) outline the number of sports academies that have been set up nationwide, including the details of their effectiveness at the grassroots level and whether there are strategies in place to ensure their continuity.

Thank you, Hon. Speaker.

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

BILL

Second Reading

THE MUNG BEANS BILL (Senate Bill No. 13 of 2022)

(Moved by Hon. Paul Nzengu on 14.8.2024 - Afternoon Sitting)

(Debate concluded on 19.9.2024)

(Several Members stood along the gangways)

Hon. Speaker: Order, Members. Members on their feet, please, take your seats. County Woman Representative for Busia, take your seat.

(Question put and negatived)

Next Order.

MOTIONS

ADOPTION OF REPORT ON ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, laid down on the Table of the House on Wednesday, 4th October 2023.

(Moved by Hon. Daniel Nanok on 8.8.2024)

(Debate concluded on 19.9.2024)

(Several Members stood along the gangways)

Hon. Speaker: Order, Hon. Members. Members on their feet, take your seats. Hon. Naisula and the Member for Bumula, take your seats. Hon. Ruku, take your seat.

(Question put and agreed to)

Hon. Members, I had promised that I will allow you one hour to ventilate on the High Court's Ruling on the National Government Constituencies Development Fund (NG-CDF). I will invite your leaders, starting with Leader of the Majority Party, followed by the Leader of the Minority Party. We can give them five minutes each, and then the rest of the Members can take two minutes each. Is that okay? If we say five minutes each, and we just have one hour, then very few Members will speak. So, let us do three minutes each. Hon. Kimani Ichung'wah and Hon. Junet, you can take five minutes. The rest of the Members will do three minutes each.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker, for giving me this opportunity. There has been a misconception that NG-CDF is a Fund that belongs to Members of Parliament. For those who have taken time, and I am sure many of us have read the judgement that was pronounced by the court, you will note that there is also that misconception that NG-CDF is a Fund as it were before 2015 where Members are still patrons, which is far from it. When I read that judgement, I could not help myself but clearly see that this was more of a political judgement than a legal one.

(Applause)

The politics in that judgement speaks volumes. I am not a lawyer but the interpretation of the law is just as simple as reading plain English. Hon. Speaker, I say this with all due respect to the lawyers in this House, including the seasoned ones like yourself, who has also sat on the Bench. When the judges pronounce themselves on matters touching on the NG-CDF and claim that there is duplication of functions between NG-CDF and the county governments, you will

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note that, that is the language that is being spoken by the Council of Governors. We should not lie to ourselves that the judges are simply saying what the Council of Governors has been saying. When we re-crafted the NG-CDF Act from the old CDF Act, we were very particular that it would only serve two particular functions. That is education, excluding the Early Childhood Education (ECDE). That is a function that belongs to counties... There is no single constituency where NG-CDF money is utilised either to construct or take care of ECDE classrooms in our primary schools.

The other function of NG-CDF touches on security. There is absolutely nothing in the county government architecture and the functions under Schedule 4 of our Constitution where they deal with matters security. It is NG-CDF that has helped areas with banditry and acts of terrorism like Lamu and parts of northern Kenya. It is through the NG-CDF intervention that we have established police posts and stations that have helped the National Government in dealing with insecurity matters. There is no single county government, even in those very dangerous areas of the North Rift and north-eastern Kenya, which is involved in security work.

I can see my time is up, but I would like to plead with our Judiciary that it has no reason to make itself popular with the governors. That judgment is just a popularity contest for the judges who pronounced themselves on the matter of NG-CDF. But it should be known to them that without NG-CDF, there are children in this country who will never access education. That is because they depend on the bursaries that they get from the kitty. Some years back, before the inception of NG-CDF, some children in this country learnt under trees due to lack of classrooms. With the recent floods, many of our schools had either their classrooms or...

Hon. Speaker: I add you one minute.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, as I was saying, with the recent floods, either classrooms or ablution blocks were swept away by floods. Without the intervention of NG-CDF, those children would not be in school today. We have another chance at the Court of Appeal all the way to the Supreme Court. We also have a chance to correct what we need to from this House because we are the law-making organ. If we have to re-craft another NG-CDF Act, let us do so. If we have to anchor NG-CDF in the Constitution, as we proposed under the National Dialogue Committee (NADCO) Bills, it is high time we did that. This is not for the sake of Members of Parliament, but for the people we represent, who have no voice if we do not speak for them. Those people whom judges cannot hear unless we speak for them. Our judges should drop the politics, leave NG-CDF alone and allow the children of Kenya to access education. The judges should also allow the people of the North Rift, who are terrorised by terrorists, to live in a secure country.

Hon. Speaker: Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I cannot agree more with the Leader of the Majority Party that, that is a political judgment. There is no Act of Parliament that has been subjected to litigation more than the NG-CDF Act. That is basically done by people who hate Members of Parliament. They are not doing it for anything else other than the hatred they have for Members of Parliament. When I read the judgment of the court, I was shocked because in 2013, the same Act was subjected to litigation. At that time, the issues were that Parliament was dividing the revenue into three: For the national Government, county governments and the NG-CDF. Subsequently, this House made an amendment and money was divided between the national Government and county governments. Additionally, NG-CDF was put under the national Government. There is no difference between a ministry that gets allocation from the national Government's budget and NG-CDF.

I was shocked to see in the judgment of the court that one of the reasons the Act is unconstitutional is because Parliament passes seven names of members of NG-CDF committees. How many names do we pass here? We even pass names of commissioners to various commissions, cabinet secretaries, principal secretaries and the Attorney-General. What

is the problem with passing names here? The other thing that has shocked me about this judgment is the assertion that the term of the fund manager is five years, which is equivalent to the five-year term of a member of parliament. There are fund managers who have been in office for the last 20 years. I do not know what the judges were reading. Did they read the submissions from our lawyers? I am very shocked because the judges have behaved as though they live in another country.

Hon. Speaker, there is something I must say here. Recently, in my constituency, there was a burial of a judge. The funeral was conducted in a primary school whose classrooms were built by NG-CDF. They were not built by county governments or anybody else. Every person in this country knows the way NG-CDF has changed the lives of Kenyans, including the judges. Do they not visit their homes? Do they not come from villages in this country? I would like to inform the judges that, in my constituency alone, there are over 4,000 students who are benefitting from bursaries. Those are orphans or children of single mothers. Where do they expect us to take those children if NG-CDF is scrapped? The best thing I can do is to put those children in a bus and take them to the homes of the judges so that they can give them school fees for them to go back to school. You cannot make the lives of Kenyans miserable by pronouncing a judgment that does not make any sense, according to me. We are allowed to critique judgments. They had their say and we must also have ours on the Floor of this House. I have been a supporter of the independence of the Judiciary but now, I have come to believe that the Judiciary lives in an ivory tower. They must come down from that tower.

The problem in this country is that among the three arms of Government, two of them, that is the Executive and the Legislature, are subjected to accountability through elections after every five years. Judges are never accountable to anyone but themselves and the Judicial Service Commission (JSC), where a majority of members are judges. They just wait until they reach 70 years and retire. They are not accountable to anybody. Why do you want to make the lives of Kenyans so miserable by saying that NG-CDF is not doing anything or is unconstitutional? This is a judgment that has been procured by the Council of Governors (CoG). It is out of ego.

(Applause)

The governors do not want any other money to go to the constituencies or villages. We all know what is happening under devolution. There is a lot of corruption, pilferage, lethargy and incompetence. The only money that has touched the lives of Kenyans in the last 20 years is NG-CDF.

Hon. Speaker: I will add you one minute.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, the name of the Fund is NG-CDF, where NG stands for 'National Government'. It is not a county government fund, Judiciary fund, parliamentary fund or anybody's fund. It is the national Government's allocation to the constituencies so that it can build schools, classes and police stations. There are concerns of duplication of functions. We do not do anything outside what the national Government does. Security and education are not devolved functions. Counties do not do that. Will education improve if NG-CDF is abolished? We will not only appeal this judgment, but will also do a constitutional amendment. We have powers to even amend the Constitution. The Judiciary does not have such powers. The Judiciary can declare the Act unconstitutional as many times as it likes, but we will make sure that NG-CDF remains in this country.

Hon. Speaker, I submit.

Hon. Speaker: Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. I was privileged to be a Member of Parliament before NG-CDF came into being. I was also privileged to see Eng.

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Muriuki Karue apply his creative mind and come up with this unique development initiative. I have seen what NG-CDF has done. I have represented two constituencies. The number of development projects that are initiated in my former constituency, Wajir West, and my current one, Eldas, through NG-CDF, are more than the combined development initiatives since we got Independence. In our place, we say NG-CDF is our government. Under Article 1 of the Constitution of Kenya, the framers equated sovereignty to representation. Who are those busy-bodies who want to disregard representation and rubbish the role of the elected Members of Parliament? I have one message for them: We have seen the actions, inactions, activities and innuendos of those busy-bodies, whoever they are. Can we stand firm as Members of Parliament? It is not about the usual complaining. No! We should stand firm and bring a constitutional amendment so that we entrench NG-CDF in the Constitution. We should remove it from the ambits of those gullible and vulnerable busy-bodies.

Hon. Speaker, how long shall we deny Kenyans the right to enjoy a piece of the national cake? I am shocked or dismayed to see such a ruling. Ideally, the roles of the three arms of Government are inter-dependent. They support each other for the good or well-being of Kenya. But when you have a targeted approach to rubbish one arm of Government, then it does not add value.

Finally, the framers of the current Constitution devolved some of the functions. After this, you will hear that the provincial administration is illegal because the National Government Constituencies Development Fund (NG-CDF) only covers education and national security. Are those two functions of the counties? They are not. They are functions of the National Government. Colleagues, I know NG-CDF is not in the ambit of the Members of Parliament because we have delinked it from us. It is a completely independent entity. But it is still being pushed to us. If you want to remain relevant and your constituencies to develop, stand firm, wake up tomorrow, put your heads together and entrench that entity in the Constitution, so that there is no room for any busybodies to challenge it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Charity Kathambi.

Hon. Charity Chepkwony (Njoro, UDA): Thank you very much, Hon. Speaker. Allow me to contribute like my colleagues. I wonder which Kenyan has not seen the changes which NG-CDF has brought in this country. I wish to remind people that I doubt if there is any other fund that does what NG-CDF does in this country. Consider the poor children we take to schools, the schools we change and the security and administration offices that we construct. I am so much worried that there are people who have not seen what is happening up to now.

I am serving my second term as the Member of Parliament for Njoro Constituency. What I did in my first term is what brought me back here. Therefore, I stand here to remind our colleagues to unite in this journey. This is war against development. It is high time we, as Members of Parliament, unite and even change the Constitution, so that we ensure the NG-CDF is well anchored in the Constitution. We get a lot of challenges every time. When we are doing our work as Members of Parliament from single constituencies, we are not at peace. Most of the time, we are distracted by so many cases in courts. As I stand here today, Kenyans are asking if they are safe. Will their children go to schools? Are they expecting more construction of schools, whilst they have recently seen the challenges in courts?

Let me confirm that Kenyans are worried because there is threat to the NG-CDF today. My colleagues, let us wake the 290 constituencies up, protect development, fight for our children and development in our constituencies through the NG-CDF. We should unite and say no to anyone who is against our development matters.

Thank you, Hon. Speaker.

Hon. Speaker: Chairman of the Select Committee on NG-CDF, I think you should be the last to speak on this issue. Listen to others first and then you will speak last. Hold your horses. I have been seeing you menacing me with gestures.

Hon. Naisula.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Speaker. I rise to contribute on the judgement on NG-CDF. We cannot over-emphasise the importance of the NG-CDF in our constituencies. There is this notion among many people that NG-CDF is pocket change for Members of Parliament. Without fear or favour, I wish to state that if there is a fund that has accountability, it is the NG-CDF. It goes to the constituencies with an Authority to Incur Expenditure (AIE), what it is supposed to do and the money follows that AIE. When auditors go to the ground, they see whether that classroom or police station has been built, or whether a child has got a bursary. That is the truth on the ground. If there is any person who is thinking that there is a Member of Parliament who is misusing those monies, we have investigative bodies which should follow up on it. We cannot be blanketly condemned to be corrupt, and that NG-CDF is our money when that is not the point.

We can also not be a House of lamentations. We are the ones who make the laws in this House. We will not wait for the National Dialogue Committee (NADCO) Report to entrench NG-CDF in the Constitution. We should extract NG-CDF from the NADCO Report so that we can bring it to this House as a stand-alone issue to be entrenched in the Constitution. That is because we might wait for the NADCO Report until the two years are over. The 13th Parliament should be remembered as the House that entrenched NG-CDF in the Constitution, so that it cannot be a ping-pong game depending on who is on the bench.

Secondly, the hate that Hon. Junet has talked about is true. People generally hate Members of Parliament. After NG-CDF is entrenched in the Constitution, I will not be surprised if the Judiciary says it is unconstitutional. This is because of the hate that people have towards the Members of Parliament.

In conclusion, now that I am on the Floor of the House, I would like to remind the Executive that there is one cabinet secretary position that has not been filled in this country.

Hon. Speaker: Your time is up. Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Order, Hon. KJ.

(Hon. Naisula Lesuuda spoke off the record)

Hon. Speaker: Give Hon. Naisula one minute.

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

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

Hon. Naisula Lesuuda (Samburu West, KANU): Give me one minute, please. There is a position of a cabinet secretary that has not been filled in this country. I wish to remind the Executive, just in case they have forgotten, that we do not have the Cabinet Secretary for Gender, Culture, the Arts and Heritage.

If it were another Ministry, I can assure you that by today, the replacement would have been done. We cannot continue with business when we do not have that cabinet secretary in this country. She should be appointed like yesterday, even if it is a man. We need that position to be filled in this country.

Thank you.

Hon. Dorice Donya (Kisii County, WDM): On a point of order, Hon. Deputy Speaker.

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

Hon. Dorice Donya (Kisii County, WDM): I am worried because Hon. Junet is insisting that the cabinet secretary for gender, culture, the arts and heritage should be a man. We have not refused to have a man, boy or girl. We want to have that cabinet secretary in office. We keep on talking about gender mainstreaming and helping our young girls and women. I know we are talking about NG-CDF but...

Hon. Deputy Speaker: Hon. KJ, you were on the Floor of the House. You may proceed.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Deputy Speaker. I acknowledge the change of guard. The courts had their day. Parliament has its day to remind them that they can err or make mistakes. When you read that judgement, you notice a fundamental fault in how they decided on this matter. They said that a constituency cannot be a unit of devolution. We all know that the NG-CDF is not a devolved fund. In fact, they should say that the national Government has decentralised the monies from the centre to the 290 constituencies. This is also to disabuse or a notion that by removing NG-CDF, that anybody can imagine they are punishing a member of parliament. In Dagoretti South Constituency, the NG-CDF does not benefit Hon. John Kiarie. It has been used to renovate all primary schools and built in excess of seven new schools in the constituency. Out of the 12 new schools in Nairobi, seven of them are in Dagoretti South Constituency. It has improved the working status of the National Government Administration Officers (NGAO) by making sure that our people are served in dignified places.

Hon. Deputy Speaker, I agree with all the Members who are saying that Articles 95 and 96 allow this House to make laws and no other entity can make laws. If that is the case, then we, as the 13th Parliament, must agree that we are the people who are going to entrench NG-CDF in the Constitution, so that it can continue bettering the lives of members of the public.

Finally, Hon. Deputy Speaker, we all agree that even if we have devolved units called counties, those units have devolved more of corruption than services to the people. Nairobi City County receives in excess of Ksh30 billion from the division of revenue and monies that they raise as own revenue. That means that every year in Dagoretti South Constituency, I should be feeling the impact of around Ksh2 billion from Nairobi City County coffers. Yet, if you go to my constituency, what you will find are projects that have been put up by this most visible, best managed, and most effective fund called the NG-CDF.

Hon. Deputy Speaker, let us do what is necessary by entrenching NG-CDF in the Constitution...

Hon. Deputy Speaker: Hon. Members, allow me to recognise the presence of Kiwanzani Academy from Kitui West Constituency, Kitui County, who are seated in the Public Gallery. On behalf of the Members of the National Assembly, we welcome them to *Bunge*. Thank you.

Hon. (Dr) Amollo Otiende.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Deputy Speaker.

First, let me recognise and thank the team of lawyers who did this matter *pro bono*; that is, Hon. Chepkong'a, Hon. Murugara, Hon. Kaluma, Hon. Mutuse, Hon. Muriu, Hon. Makali, Hon. Osoro, Hon. Mogaka and myself.

Hon. Deputy Speaker, we have no doubt as a team that the decision rendered by the High Court is wrong on very many fronts. It is wrong on the role of the Members of Parliament in NG-CDF; it is wrong on the role and term of the fund account managers who are not in any way connected to Members of Parliament and it is wrong on following the *obiter dictum* by the Supreme Court, when the Supreme Court rendered an opinion on an Act that had since been repealed and, therefore, is not binding. For the avoidance of doubt, we have already agreed that we will appeal that decision. The good thing is that after declaring the Act unconstitutional, the

court did a suspension of the declaration of invalidity for two years. That is enough time for us to prosecute a number of things. It is enough time for us to prosecute the appeal.

Hon. Deputy Speaker, you will remember that previously, the High Court declared the previous Act unconstitutional. The Court of Appeal did not agree and affirmed it and only the Supreme Court then agreed with the High Court. It is quite possible that we might follow a similar trajectory on this matter.

Secondly, and we have said this before, the ultimate solution to all this push and pull is the amendment of the Constitution. We have agreed in the Departmental Committee on Justice and Legal Affairs that we make it a stand-alone amendment away from the entire National Dialogue Committee (NADCO) Report. It is our view as the lawyers and at the Departmental Committee on Justice and Legal Affairs that we can execute that amendment without requiring a referendum. The beauty of it is that once we have entrenched the NG-CDF in the Constitution, the constitutional provision cannot be unconstitutional. It will be along the lines of having entrenched the Judiciary Fund and that should be a proper cushion. But once we do the amendment, we will then again have to re-do the Act itself by bringing a new Act which will be in line with the amendment.

Many people do not understand that before the Constituencies Development Fund (CDF), devolution and decentralisation, the situation was very bad. We had parts of this country that would not even get one cent. It is only the NG-CDF that goes to all the 290 constituencies in this country. It is only through devolution that...

Hon. Deputy Speaker: Give him one minute to finish his sentence.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Deputy Speaker, as I close, the real drivers of those cases are not even the two people who went to court. It is the governors, the Senate, and a Non-Governmental Organisation (NGO) called the Institute for Social Accountability that has kept bringing those cases on instigation of those others. We must tell them that even if that Fund is taken away, it will not go to the governors and it will not go to those who think that they will get it - not even the Senate. It will be re-centralised and they will not see that money.

Hon. Deputy Speaker, let us also demand that the balance of monies that should have been given in the last financial year, about Ksh50 million that is owed to each constituency, be now released so that we can do the projects that ought to have been done.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Wakili Robert Edwin Muriu.

Hon. Wakili Edward Muriu (Gatanga, UDA): Thank you Hon. Deputy Speaker for giving me an opportunity to ventilate on this very wrong judgement, which was passed against NG-CDF.

I was part of the legal team which represented the National Assembly on this matter. We were able to ventilate on a number of issues but, to our surprise, out of the nine key issues, the court was not able to appreciate any of them despite the fact that we were able to put in the proper legal position. The court came in biased. My worry and concern, because we know in any trial, we are able to get the things that are not being said... The Petitioners, whose names have been alluded to in this House - the Council of Governors and our Senate, have one key issue - which is sibling jealousy in the sense that a counsel could stand before the judges and say that Members of Parliament are using the money as pocket money to campaign. That tells us the kind of conversations that are made behind our backs. It is important that we put it very clearly that NG-CDF is under the national Government. The national Government can spend that money as provided by the Constitution.

I noted one of the key drivers of NG-CDF and its success level is that 90 per cent of the funds go to development and tangible things which benefit the common person. In the contrary, the Council of Governors know very well that they spend 90 per cent of their money doing

trips and other mundane things which have no benefit to our people. I am trying to urge Members of Parliament not to lament like people who have no hope. The National Assembly has power to ensure that we are able to cure the merit issues of litigation against NG-CDF once and for all.

Hon. Deputy Speaker, we are going to the Court of Appeal because we have a strong case that we know we will win. But the ultimate goal is to ensure we have entrenched the Fund in the Constitution in such a way that in the future, nobody can come back and claim that it is unconstitutional.

Hon. Deputy Speaker: Let me give Hon. Millie Odhiambo a chance, and then I will come to Hon. Osoro.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I just want to inform Senior Counsel Hon. Otiende Amolo that part of the reason why they are having problems is that the entire legal team was made up of men. There are no women and yet, there are brilliant women lawyers like me in this House. Next time, put us there and we will help you.

Second, in areas that have been predominantly in the Opposition, the only Fund you can rely on that is changing lives is NG-CDF.

Third, in my own constituency, I have seen us move from mud-walled, grass-thatched schools to permanent schools. I want to encourage the judges and people who live in cities to do an immersion in the villages, so that they can know the reality. Most of the people do not know the reality on the ground. The people who are posh in cities like the lawyers and the ones who are lofty should go to the ground and learn the reality.

In relation to the law, our judges, especially of the Supreme Court, have been very liberal and progressive in the interpretation of the Constitution. That is why they even interpreted the Constitution to include gay rights. But when it comes to development, they start telling us about *Montesquieu* and the separation of powers. I have no problem with separation of powers as espoused by *Montesquieu* many years back. But *Montesquieu* does not come from my village of Kolo in Rusinga Island. He does not know what people go through. That is a very good concept, but something good is finally coming out of Africa, which is the issue of NG-CDF.

I was just discussing with Hon. Otiende Amolo that we must be brave as lawyers. And if there is one legacy we must leave in this House, it is to entrench the fourth role of a Member of Parliament in this country, which is development. If it does not come through NG-CDF, it will come through my pocket. That is the reality. The Members that came before us were overwhelmed, and that is why they promoted this.

Right now, the role of Members of Parliament has totally been removed. But Members of Parliament are still being harassed. Put it and make Members of Parliament have a role. I have no excuse. Anybody can bash me the much they want. But as an intellectual and as a bright lawyer, this is one thing I am willing to defend to my grave. *Bora usiguse NG-CDF! Wengine wanasema bora usiguse Mulima. Mimi ni bora usiguse NG-CDF. Hapo tutapigana!*

(Laughter)

Hon. Deputy Speaker: Hon. Member for South Mugirango, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. I also want to associate myself with the sentiments that have been made by my colleagues. I want to delve so much on the judgement that was delivered last week because I have actually gone through it. I am against it because it does not meet jurisprudential authority in all aspects. I mean, the learned judges only focused on the school of thought in jurisprudence that we call positivism, where they are so keen on unnecessary positivism and ignore the

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element in a very social matter. They ignored the socialism jurisprudence and the natural law in all aspects. But I do not want to go in that direction.

But of importance for me, it is the character of the Council of Governors. The NG-CDF is 2.5 per cent of the national budget. Each constituency gets about Ksh130 million or thereabout when you do the tabulation. County governments get a minimum of 15 per cent. In fact, this House gave them in the last financial year about 25 or 26 per cent. When you do the tabulation, you realize that in the 2.5 per cent that constituencies get in terms of NG-CDF, each constituency gets about Ksh120 million or Ksh140 million at the highest. With the allocated amounts in the counties, some counties can get about Ksh11 billion in the shared revenue, and a budget of Ksh500 million for the office of the governor. But the NG-CDF, which is for the consumption of the common *mwananchi*, only gets 100 million. With Ksh11 billion in some counties - and even some of them getting up to Ksh15 billion - you will actually need a microscope - and I have said this several times - to see what governors do.

But they were the first people to go to court. They applied to be interested parties in this matter. They even wrote a letter to the Chief Justice, and in now a very common character, and the demeanour of current court, they have applied what we call judicial activism - populist rulings and judgments. They now get their jurisprudence from social media like Facebook, from the messages they receive and, sometimes, from some political leaders who are against very important...

Hon. Deputy Speaker: The Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Deputy Speaker. I also want to add my voice to this important debate. Without repeating what my colleagues have said, I will just raise three issues.

The first one is this: As a person who has a lot of experience in development matters, NG-CDF as a development model has been confirmed to be one of the best in the world. And that is the reason why a number of national assemblies in different countries have come here to benchmark on this model. I am surprised when I see our judges being so ignorant about this important model.

The second point is that, when you look at the way this model operates, only about 5 per cent goes to administrative expenses. There is no other development model in this world which uses only 5 percent in terms of administrative expenses. I think that is why my colleagues are saying that the governors and senators are getting concerned. They have an issue with it. If you go to the county governments, the current expenditure goes all the way up to 70 per cent.

I expect that our judges who live in this country have visited their rural settings and have seen the kind of development that has been done through NG-CDF. There is also the issue of bursaries that are given to the needy students. They can remove the Members of Parliament from the programme, but if the programme is good, I would recommend that we retain the programme and get a way of keeping the Members of Parliament out of it. Even now, we are only patrons. We are not implementers. So, what worries me most is a situation where, instead of our judges fixing what is not working, they want to destroy what is working. That is unfortunate, and we cannot allow that.

So, I want to urge Hon. Members to make sure that, that important Fund is entrenched in the Constitution, and this House has the power to do that. Hon. Members, the ball is in our court. Let us do that as soon as possible so that we bury this matter forever.

Hon. Deputy Speaker: The Hon. Member for Migori, Hon. Fatuma Mohamed.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker. The country is mourning and our children are very sad. NG-CDF is the reason why parents smile when they see us at home. It is because they depend on NG-CDF. The court should be aware that the Fund does not help a Member of Parliament at all. We have no

business with it. Our business is to give it back to the community where it belongs. It beats logic when the court says that it is unconstitutional.

In fact, this should be amongst the 10 commandments of God. It should be the 11th commandment for the human being because this is the reason why most vulnerable students and children are in school. Members of Parliament have always supported those children with their own money. Even the money given by NG-CDF is not enough. In Nyatike Sub-County where I come from, the only business we do there is gold mining. It cannot even support our children to go to school. They run to Members of Parliament to help their children with bursaries. The NG-CDF does not help rich families but poor ones. We want to appeal as Kenyans, and not as Members of Parliament, that this was a wrong move because it will deny children the opportunity to go to school. If you look at the scenario first, the NG-CDF is delayed all the time. Secondly, they said it is unconstitutional.

Hon. Deputy Speaker, the court needs to rethink its decision. I am not against the judges, but I think they should reconsider what they said about NG-CDF. They are not in contact with the people in the villages. Their job and responsibilities make them detached from *wananchi*. If only they went to the villages, sat with the locals and drank *uji* with them, they could understand what children from vulnerable families go through.

The NG-CDF is like devolution. Without Members, who will reach the Cabinet Secretary for Education and bring queries about what is happening in our schools? I beg that the court reconsiders its decision. Instead of telling us about two years, they should rather disband Parliament because we have no business being here. It is disappointing. I pray that they change their minds.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next is the Member for Mwingi West, Hon. Charles Ngusya. Press the intervention button.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Deputy Speaker. I want to join my colleagues in saying that the NG-CDF does not belong to Members of Parliament but to Kenyans.

We have testimonies from students who have benefitted - orphans who have become doctors, pilots and lawyers. I followed the ruling in court and it seems the three judges do not educate their children in this country. They are rich people who can afford to educate their children in London without depending on the NG-CDF. Disbanding the NG-CDF will be a travesty of justice because we have seen the development it has done in the villages across the constituencies and the country at large.

It is high time we educated the Judiciary that the NG-CDF is not for Members of Parliament. I want to ask my fellow colleagues that we move very fast to amend the Act and address anything that is contentious. We then entrench the NG-CDF in the Constitution. The NG-CDF is here to stay.

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

Hon. Deputy Speaker: Hon. Dido Raso, the Member for Saku.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I believe that judges and lawyers are the best people in town but, having listening to that judgement, I doubt if they are well informed. They do not understand the chemistry, history and character of this country.

Without the NG-CDF, the children of the Daasanach community, who live on the shores of Lake Turkana; and the children of the El Molo and Sakuye communities of Dabel, will not go to school. Those of us who come from pastoralist communities and marginalised areas feel that the NG-CDF really helps. How can three judges sit on a bench and say that the NG-CDF is unconstitutional? The NG-CDF is about the people of this country. If there are no people, there will be no Constitution.

As a House, one of our responsibilities is to make good laws for this country. We must ensure that the NG-CDF is entrenched in the Constitution so that those judges can see that this House has powers to do what is right for the people of this country. Through the NG-CDF, three-quarters of the children in Marsabit are going to school. Without it, there would not be enough schools in the pastoralist communities. Members of Parliament thought outside the box on how to use the NG-CDF to build school infrastructure. Education is the greatest equaliser. Without the NG-CDF, there will be inequality.

I agree with what the lawyers who represented us in court have said – that we should move with speed to entrench the NG-CDF in the Constitution.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for South Imenti, Hon. Shadrack Mwiti. He was the first to arrive this afternoon.

Hon (Dr) Shadrack Mwiti (South Imenti, JP): Thank you, Hon. Deputy Speaker. Firstly, education is a major pillar that is responsible for this country's prosperity. It is very important. Secondly, security is vital. Our people need protection. The NG-CDF is very vital in ensuring that there is security in the education sector. I concur with fellow Hon. Members that the NG-CDF should be entrenched in the Constitution.

There is the perception – especially from the county governments – that, Members of the National Assembly do not utilise the funds well. If you assess our constituencies, you will find that most projects are done by Members of the National Assembly, and not by the county governments. Interfering with the NG-CDF means crippling development in the constituencies and also bringing down the national Government. The NG-CDF is from the national Government. Therefore, I support that the Act should be entrenched in the Constitution to avoid interference in future. It is frustrating when the legal fraternity interferes with the NG-CDF, knowing very well that bright but disadvantaged children of this country are highly supported by it.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Member for Mbeere North and then Hon. Oundo.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Deputy Speaker. NG-CDF plays a very critical role when it comes to marginalised areas. Many constituencies in the Republic of Kenya are extremely marginalised. When I was in my constituency last week, I visited a school with mud-walled classrooms, to see how we can change its face. When I posted the photographs on social media, many Kenyans could not believe we have such schools in some constituencies.

Hon. Deputy Speaker, without the NG-CDF, many children who are going through the Competency Based Curriculum (CBC) will not be able to enjoy an environment that can nurture their talent as far as the curriculum is concerned. We do not only have such kinds of primary schools at the moment in our constituencies, especially in marginalised areas, but we need to change the face of such schools. If we do not have NG-CDF, most of our communities and most of the children who are very poor in marginalised areas will remain disadvantaged, will remain in big problems and will not achieve what they are supposed to. In most of those marginalised areas, we have very bright kids who can even go to Harvard University through scholarship, if they go through the schooling process most appropriately.

I want to rebuke the judgement that was made by the three judges. It is high time this House amended the Constitution to entrench the NG-CDF in the Constitution so that children of the very poor can also enjoy education, which kids of the rich people are enjoying. Education cannot be the preserve of children who go to academies, which have proper learning atmosphere. Even children of the very poor deserve a proper learning environment where their talents can be nurtured, so that they can work not only in our nation, but across the world.

I support what the Members have said. We need to act.

Hon. Deputy Speaker: Next is the Member for Funyula, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I sincerely thank our colleagues who have stood in for us during this long odious battle to save the lives of the people of Kenya. I attended the judgement session on that Friday. We left with heavy legs and hearts. I can see that my friend with whom I was at the court. I felt that the judgement was extremely unfair on the tone, the wording and even the way the three judges dispensed of the matter.

I want to tell the people of Kenya very candidly that the import of the judgement was that a constituency is not a service delivery centre. That means a person who votes in a constituency is simply a voting machine whose voice cannot be heard in the eyes of the judicial officers. They simply said that they only recognise the counties and not the constituencies. In their own words, a constituency is merely a centre of representation but not a centre of service delivery. Therefore, the people of Funyula Constituency, for example, cannot come together or go anywhere to demand development. They will be told that by virtue of that judgement, they have no *locus standi* to demand development, irrespective of whether they have a right to demand any development.

I want to take the judges through history. We used to have the District Focus for Rural Development Programme, which was intended to address the issue of inequitable distribution of resources in this country. Up to now, there are parts of this country which have never seen piped water. If it were not for the NG-CDF, many parts of this country would not even have a classroom. We want to appeal to the Judiciary not to live in an ivory tower. Come down and realise how bad things are. Come down and see the importance of the NG-CDF. Compare the development impact of the NG-CDF with that of county governments during the 12 years of devolution that we have had. Let us do a comparative analysis. It does not require anybody to do anything. You simply have to appreciate it. At times, judicial activism must be laced with public policy and public interest. I want to urge our colleagues that the time to lament is gone. We must save the people of Kenya from those busy bodies wherever they are.

Hon. Deputy Speaker: Member for Lamu East, Hon. Ruweida Obo.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante, Mhe. Naibu Spika kwa kunipa nafasi hii nami nipate kuzungumza kuhusu NG-CDF. Katika maeneo bunge mengi, pesa za NG-CDF ndizo pesa pekee tunazotarajia kufanyia maendeleo. Eneo Bunge la Lamu Mashariki na maeneo bunge mengine mengi yamebaguliwa kwenye mipango ya maendeleo. Kwa mfano, tukiangalia rekodi, tutaona kwamba kwenye Bajeti ya mwaka uliopita, Eneo Bunge la Lamu Mashariki lilipewa Ksh4 milioni, ilhali kuna eneo bunge lingine ambalo lilipewa Ksh450 milioni. Pesa za NG-CDF ndizo pesa pekee ambazo hazihusishwi na ubabe kwa sababu kila eneo bunge linapata mgao wake na linajipangia miradi yake kulingana na jinsi sheria inavyosema. Katika Serikali kuu, pesa inakwenda mbio huku maeneo bunge mengine yakielelea kubaki nyuma zaidi. Mbinu ya mambo yote ya Serikali inafaa iendelee kama ilivyo kupitia mpangilio wa NG-CDF. Niliupenda sana ule Mswada wa Fedha uliotupiliwa mbali kwa sababu ulikuwa unasema kila eneo bunge lipate Ksh50 milioni za kuwekeza kwenye miradi ya stima. Niliupenda Mswada huo kwa sababu angalau ulikuwa umetengea kila eneo bunge Ksh50 milioni. Pesa zilizobakia, kama walitaka kuzichezea msondo – ngoma inayochezwa kule kwetu – ni sawa tu! Wangezichezea. Angalau tulikuwa tumepata kitu cha kufuatilizia. Kupitia NG-CDF, angalau kila eneo bunge linaweza kupata pesa kiasi za kuanzishia miradi hata kama inabidi tufuatilie nyongeza kutoka kwa Serikali kuu. Ukiangalia kiasi cha fedha za Serikali kuu zinazoenda kwenye maeneo bunge yetu, utasikitika. Mfano mzuri ambao nimewapatia ni ule unaohusu nguvu za umeme. Angalieni rekodi muone jinsi pesa hizo zilivyokuwa zikigawanywa. Eneo Bunge la Lamu Mashariki halina hata inchi moja ya *national grid*. Mgao huo ukifuata mtindo wa NG-CDF, tuna uhakika kwamba kila mwaka tutapata Ksh50 milioni, na tungekuwa tumesonga mbele kidogo. Hivi sasa, tunasikitika, na inatuuma sana. Hatujui

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tunaelekezwa wapi. Ninavyozungumza, Rais ametusaidia. Kule kwetu, viwango vya elimu viko chini sana, na madhara kwetu yameonekana. Vijana wameonekana wakienda wanavyokwenda ikabidi tuwasomeshe. Tukapewa nafasi ya kuajiri walimu lakini miongoni mwa walioajiriwa, ni waalimu wawili peke yake kutoka katika Lamu Mashariki. Hazina ya NG-CDF ilikuwa inatuokoa...

Hon. Deputy Speaker: You have half a minute.

Hon. Ruweida Mohamed (Lamu East, JP): Hivi sasa, katika chuo cha Waislamu cha Mafunzo ya Ualimu, na kile cha Mafunzo ya Ualimu cha Shanzu, tunasomesha zaidi ya wanafunzi 100 kupitia usaidizi wa hazina ya NG-CDF. Hao wanaosoma wataenda wapi? Leo hii niko na msukumo mkubwa. Mkwe wake Nordin, ambaye ni Mwenyekti wa *Board*, amewafukuza wanafunzi hao kutoka chuoni kama njia moja ya kuniadhibu mimi kwa sababu sijakubali Ishakani na Dar-es-Salaam Point ziende Ijara. Hivi sasa, wanafunzi wamefukuzwa kutoka chuoni kwa sababu hatujalipa hiyo pesa. Hazina ya NG-CDF ikiondolewa, tutaenda wapi?

Hon. Deputy Speaker: Hon. Joseph Makilap, you are next.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Deputy Speaker. At the outset, I want to say that the ruling by the judges was an affront against the people of Kenya, who elected us to this House. Members of Parliament represent the interests of the people of Kenya. We are the lawmakers. The judges are the law interpreters. It is, again, time for Members of Parliament to let the judges know that we are the legislators. We will make the law clear for them to correctly interpret it in pursuit of justice for the people of Kenya.

Hon. Deputy Speaker, the NG-CDF eliminated the need for fundraising for Kenyans and lifted them out of poverty. Many people were doing many fundraisings. People were being robbed of their livestock to finance the construction of schools. They would sell animals to build schools. The same citizens who paid taxes would be required to fundraise to build schools. When the NG-CDF came into being, that problem was sorted out.

This is an affront against the people of Kenya. Our brothers who are judges do not live at the grassroots. They are urbanites. They live in towns. They enjoy life in the cities. They are not in the rural areas, where the rubber meets the road.

Over the weekend, through the NG-CDF, we delivered a bus to a school in one of the remotest places in my constituency. It is called Kuikui Secondary School, which has over 1,200 students who had never seen a school bus before. This is a serious matter that this House must prosecute immediately. Even children of brothers and sisters of judges living in urban areas benefit from the NG-CDF through bursaries.

Secondly, I want Kenyans to know that Members of Parliament are not managers of NG-CDF. Judges, wherever you are, Members of Parliament are not managers of the NG-CDF. Go and look at the gazetted NG-CDF fund managers. As Members of Parliament, we oversee the NG-CDF to ensure that planned projects are delivered on time.

Finally, let us lodge an appeal on this matter and ensure that within the two years that they have given us, we come up with a concrete law under the Constitution so that we restore order and tell judges...

Hon. Deputy Speaker: Member for Gichugu, Hon. Githinji.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I would like to start by thanking my colleagues who handled this matter on a *pro bono* basis. I commit that I will join them in the next phase, because we have very good grounds for appeal. In a nutshell, the courts cannot dictate how the national Government should use its money. They cannot dictate which units the national Government can use to deliver services to the people, especially on functions that have exclusively been left at the national level.

The Council of Governors is a party in this case. Does the Council of Governors hold any legal capacity? Where is it registered for it to have powers to sue or to be sued? Those are some of the issues that can also be raised. Some of those parties are busybodies who are against the public interest.

This is also the right time to utilise this opportunity. I remember that Hon. Mule from Matungulu and myself were the trailblazers in the campaign to entrench the NG-CDF in the Constitution. Along the line, the National Dialogue Committee (NADCO) came up and we agreed to bring everybody together so that we can discuss the issue. We now have a very good opportunity, as Members of Parliament, to entrench the NG-CDF in the Constitution. We have the support of everybody in this House to do so even as we appeal against the judgement.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Ugenya, Hon. David Ochieng’.

Hon. David Ochieng’ (Ugenya, MDG): Thank you very much, Hon. Deputy Speaker. I have a different view from that of the membership. It cannot be gainsaid that the NG-CDF is extremely important for the growth of this country. However, we have fallen short as Parliament. Every time we have had a chance to deal with this matter with finality, we move in a hurry with emotions, and we do not do what is supposed to be done. We have amended the ND-CDF Act so many times without getting it right. We can do it this time round with a level and cool head, and get it right. Let us entrench the constituency in the Constitution as a level of devolution. That is what the court is telling us to do. If a ward is a level of devolution, can we entrench the constituency as a level of devolution so that it works out?

Secondly, Members of Parliament represent constituencies. Stop going out there and saying that the NG-CDF is your fund. It is not your fund. Members of Parliament say: “My NG-CDF cannot be touched.” It is not yours! But you talk about it as if it is your fund. That is what the courts are saying. They do not want Members of Parliament to be putting their hands into the NG-CDF. They are right. Let us change the law to ensure that what the courts are saying is not right is made right. We cannot come here and start saying that the judges did this or that. They have played their role. Our role is to make laws. The role of judges is to interpret the law. We cannot keep on abusing judges every time they rule against us. That is not the way you run a country.

Let us move with speed and ensure that the amendments that we propose clinically deal with the NG-CDF, as Hon. Otiende has said. We should not include things like the senate oversight fund. Let me give you an example. There is a Bill that I brought to this House in the 11th Parliament. Almost every Member liked it. It was about moving the election date from August to December. However, on the voting day, we could not raise 233 Members. We only had 227 Members on the two occasions that we voted. If Members believe in the NG-CDF, let us put our heads together and get a good law. Let us not blame everyone else apart from ourselves. We are to blame as the lawmakers.

Hon. Deputy Speaker, I support the ruling. I hope we can soon do this to ensure that the NG-CDF is entrenched in the Constitution.

Hon. Deputy Speaker: I will give an opportunity to the Member for Masinga, Hon. Mwalyo, as the second-last Member to speak on this matter. The Speaker had added us another 10 minutes. So, I think we have to close now because we had one hour.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Deputy Speaker, for giving me this opportunity to speak about the NG-CDF. Since I was elected to Parliament in 2017, I have been a Member of the NG-CDF Committee and I have seen a lot. We move around conducting inspections in all the constituencies. I have visited almost 100 constituencies. You cannot believe what the NG-CDF has done. For example, we have been to *Mheshimiwa* Baya’s constituency, where a big four four-storey building has been built at a school using NG-CDF.

You would be excused to think that you are at Alliance High School when you go to that school. That has been done through the NG-CDF.

In Awendo, students would cross a big river to get to school. One day, 20 or 30 students were swept away by the raging water. The NG-CDF constructed a bridge, linking the school with the settlement on the other side for children to cross safely. Somebody who is dreaming that the NG-CDF can come to an end is just cheating himself. That is because it is a lifeline for all the needy students and residents in our constituencies.

In my constituency, 60 students had been called to university in September, but they could not be admitted because they did not have any school fees. We had to recall them from where they had been employed. About 10 of them had been employed as house-helpers. We had to pick them up from where they had been employed to pay the start-up fees for them to enter the university. Five of them had been employed to look after cattle. We had to pick them up and take them to the university. Who could have taken those students to school if there was no NG-CDF? I think those judges do not live in this country. They should be told to look around and see what the NG-CDF has accomplished in this country.

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

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

The Temporary Speaker (Hon. David Ochieng'): Hon. Sirma, you will have the last bite on this matter.

(Loud consultations)

Hon. Members, I do not have the luxury to give even one more person to contribute to this matter because of time constraints. This matter had been allocated one hour, and the Speaker added ten minutes. That time has lapsed.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. As the Chairman of the NG-CDF Committee, I wish to thank the Members who have contributed to this Motion. They have clearly shown that they care about Kenyans because Kenya is our country and we love it. I also thank the advocates in this House who offered *pro bono* services in this case.

Hon. Temporary Speaker, the judges who dealt with this matter have failed Kenyans. They should just have resigned today or go and face Kenyans so that they see the pain Kenyans are going through in the villages. That Fund is an equaliser as compared to all the other funds in this country.

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

The Temporary Speaker (Hon. David Ochieng'): Member for Marakwet West, what is out of order?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, Hon. Sirma has made a serious remark. He has said that the judges must resign today. Is it in order that Hon. Sirma makes a remark to the effect that the judges who made the ruling must resign, knowing too well the procedure for removal of judges from office, and knowing that the Judiciary is independent? That remark must be withdrawn and should not be on record.

The Temporary Speaker (Hon. David Ochieng'): Of course, Hon. Sirma, you must withdraw that remark if you, indeed, made it.

Hon. Musa Sirma (Eldama Ravine, UDA): I said that they have failed Kenyans, and if their conscience is right...

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(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Order. Hon. Sirma, did you say the judges must resign for making that judgement? Did you say they must or should?

Hon. Musa Sirma (Eldama Ravine, UDA): I said they should resign based on the consciousness of what they did against Kenyans.

The Temporary Speaker (Hon. David Ochieng’): Go ahead with your submission.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, the NG-CDF is an equaliser of development in this country. There are regions in this country that had been left behind, but the NG-CDF has enabled them to develop to the same level with other areas. The NG-CDF is audited by six institutions. Therefore, it is very wrong for one to say that there is theft. The judges said that the term of a NG-CDF account manager is based on the term of the Members of Parliament. They got it all wrong. That is because according to the NG-CDF Act, the fund managers are moved from one place to another based on their performance in various areas.

They also made a mistake by saying that we are dividing revenue based on the national cake of the country. We only take a small part of the money allocated to the national Government. It is wrong for the court to say so.

For the governors who have funded those cases against the NG-CDF, it is time for us to bite the bullet too. The House should also move a Motion and amend the Constitution to abolish the counties. This is because if there are people who are corrupt in this country, it is the governors. There is no governor who finishes his term without going through the courts as he goes home. They have stolen and are guilty. It is time that Kenyans thought about amending the Constitution to abolish the 47 counties and establish a few counties that are manageable with very few thieves.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Few thieves or no thieves?
Next Order.

MOTIONS

ADOPTION OF REPORT ON THE CONSOLIDATED FUND SERVICES EXPENDITURES FOR THE FIRST SUPPLEMENTARY ESTIMATES FOR FINANCIAL YEAR 2024/2025

THAT, this House adopts the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates I for FY 2024/2025, laid on the Table of the House on Wednesday, 24th July 2024.

(Moved by Hon. (Dr) Makali Mulu on 8.8.2024)

(Resumption of debate interrupted on 19.9.2024)

The Temporary Speaker (Hon. David Ochieng’): Hon. Makali Mulu, you are to reply to this Motion.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I would like to start by thanking all the Members who have contributed to this important Motion on expenditures on the Consolidated Fund Services (CFS).

I want to remind the Members because it has been a long time since we debated this Motion. In Supplementary Budget Estimates I, the only item that changed in the CFS expenditures was on pensions, where we had requested to get an additional Ksh23 billion to take care of the arrears and some amount that had not been factored in for civil servants who have retired. I appreciate the Members.

It is also worth noting that the CFS expenditures in totality have been increasing year-in, year-out, and that is restricting our fiscal space in terms of getting money to spend on other important activities in the country. So, even as I reply to this Motion, it is important that as Kenyans and more so, under the leadership of the National Treasury, we closely monitor what is happening with our CFS expenditures. The highest expenditure in this area is the public debt.

Public debt continues to be an issue of concern and national importance. As a House, we should also put our voice into this matter so that we can allow more fiscal space in terms of expenditure.

With those many remarks, I beg to reply and, once more, appreciate all the input from Members.

The Temporary Speaker (Hon. David Ochieng’): Hon. Makali Mulu, do you want to come back?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Yes, Hon. Temporary Speaker. I wanted to come back. I rise under Standing Order 53 (3) to request that we defer the putting of this Question to another day, if you allow.

Thank you very much.

The Temporary Speaker (Hon. David Ochieng’): Thank you so much. Hon. Members, the decision on this Motion is deferred to the next time the matter is listed on the Order Paper.

(Putting of the Question deferred)

Next Order.

ADOPTION OF REPORT ON FUNDS SPENT CONTRARY TO
PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.4 of 2022 regarding funds spent by the National Government contrary to the provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12th March 2024.

(Moved by Hon. Nimrod Mbai on 20.6.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 19.9.2024)

The Temporary Speaker (Hon. David Ochieng’): Hon. Mbai.

Hon. Nimrod Mbai (Kitui East, WDM): Thank you, Hon. Temporary Speaker. This evening, I stand to reply to the Motion which was occasioned by a Petition to the Public Petitions Committee regarding the expenditure of public funds under Section 223 of the Constitution. This was done. We listened to the Petitioner and several other witnesses. We also conducted our own investigations and brought the Report to the House. Consequently, we moved a Motion.

Hon. Temporary Speaker, allow me to appreciate all the Members who contributed to the Motion. Finally, they gave the Report a broader adoption. The country lost over Ksh400

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billion. The House adopted the Motion. The Committee has 15 Members whereas the House has over 300 Members. For Members to sit in the House, discuss and adopt the Report, this has given it wider strength. It will be forwarded to the Committee on Implementation.

As I wind up, I am grateful to the leadership of the House from both sides since they all contributed. They did very well.

I beg to reply.

[The Temporary Speaker (Hon. David Ochieng') spoke off record]

Thank you, Hon. Temporary Speaker. Pursuant to Standing Order 53(3), I beg that we defer the putting of the Question to another date.

The Temporary Speaker (Hon. David Ochieng'): Thank you so much, Hon. Mbai. Hon. Members, just like the previous Motion, the decision on this particular Motion will be made the next time the matter is listed on the Order Paper.

(Putting of the Question deferred)

Next Order.

BILL

Second Reading

THE COFFEE BILL (Senate Bill No.10 of 2023)

(Moved by (Dr) John Mutunga on 17.9.2024)

(Resumption of debate interrupted on 17.9.2024)

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, debate on this Bill had commenced. It had been moved and seconded. Hon. Mogaka was on his feet. I do not know whether he is in the House? This is a chance for those who work in the coffee sector to stand up.

Hon. Mary Emaase, do you want to speak to the Coffee Bill?

Hon. Mary Emaase (Teso South, UDA): I was queuing for a different one. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Ngusya.

(Hon. Charles Nguna spoke off record)

Hon. Gichimu, go ahead.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Coffee Bill. Coffee is a very important agricultural crop in this country.

(Hon. Julius Mawathe spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Order! Hon. Mawathe, who gave you the chance to speak? This chance is for Hon. Gichimu, Member for Gichugu. You did not even request for a chance.

Hon. Julius Mawathe (Embakasi South, WDM): Hon. Temporary Speaker, I did. I have been waiting.

The Temporary Speaker (Hon. David Ochieng’): Order! Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker, for confirming that this chance belongs to me. There is only one Hon. Gichimu, Member for Gichugu, in this Parliament. I was wondering!

This is a very important legislation for the people of Gichugu and Kirinyaga at large. I am a coffee farmer and I also represent very many coffee farmers in my constituency. It is one of the backbones and main economic activities in my constituency. That is why it is very important for me to contribute to this Bill.

Before I contribute, let me say that a Bill similar to this came before this House in the 12th Parliament, and this House deliberated on it. We ably passed the Bill with amendments, having gone through all the relevant stages of law-making. It was subsequently submitted to the Senate, where it died before the lapse of the last Parliament. It was revived in the Senate and it captures most of the issues that we deliberated on in the 12th Parliament. It is now a good opportunity that it has come early enough so that we can debate and pass it into law, so that coffee farmers in this country can benefit from this law after it has been signed as an Act of Parliament.

The establishment of the Board is a very important aspect of this Bill, which runs from clauses 4 to 22. While I agree with most of the provisions, I will be proposing an amendment to indicate that nominees of the Council of Governors ought to have knowledge in coffee matters and be farmers. It is not defined what knowledge in coffee matters is one supposed to have. I might have just read a book about coffee and that can make me a person who has knowledge in coffee matters. For farmers to have better representation from the unions and the Council of Governors, I believe those two nominees by the Council of Governors, on top of having knowledge in coffee matters, also ought to be coffee farmers.

Another area that I will be seeking an amendment to is to exempt farmers who are appointed by the largest union or organisation of farmers from the requirement of three years’ experience in management. That requirement will lock out so many farmers who may be qualified. Farmers experience is in farming and not management. I feel we need to exempt that class of people so that they are not locked out of the Board.

I am also delighted to see that part of the functions of the Board is market intelligence and promoting coffee in the international market. Going through MyGov.go.ke, I have seen an article where the Kenya Export Promotion and Branding Agency (KEPROBA) and the Agriculture and Food Authority (AFA) have already signed an agreement for export promotion and market intelligence in coffee matters. That is a reform in the right direction towards promoting and helping farmers in this country to command the already established market and create new markets so that our farmers can increase their earnings. One of the problems we have been facing is that we have over-relied on the traditional markets in the coffee sector. It is the right time we empower agencies in this country that spend taxpayers’ money like KEPROBA. It was born out of merging the Kenya Export Promotion Council and Brand Kenya to make it strong enough to market and promote Kenyan products abroad. It is high time that agency is well funded, so that it can take Kenya to the next level.

We have signed so many agreements in this country which includes Kenya and European Union Trade Agreement and Kenya and United Kingdom Trade Agreement.

However, who follows up on those agreements to make sure that we utilise the chance that we have through them, so that we can export as much as possible, build our forex and earn

more money for our farmers? This creates an opportunity for us to have a body in coffee matters. Much as the Board is also mandated in promotion and marketing of coffee, I will propose an amendment that the two per centum levy that will be paid by the buyers, at least, a slice of it ought to go to export promotion of coffee. This will help our farmers in solidifying the existing and emerging markets.

Hon. Temporary Speaker, I will also propose an amendment that we delete the clause that proposes that the Cabinet Secretary can also assign other functions to the Board. This leaves a very open cheque to him or her. We should have exhaustive functions that are given to the Board, but we cannot leave the Cabinet Secretary to assign other functions. We cannot delegate that function further. It is only Parliament which can do that. The Cabinet Secretary can only make regulations, but cannot be left to give the Board other functions.

There are many other areas that I will look into. I am also happy because the budget for co-operative societies has been capped up to 10 per cent, so that they do not exploit farmers. Some of them charge farmers up to even 25 per cent of the proceeds to go to the expenses. This is a reform towards the right direction, and a Bill worth supporting. There are many other amendments. Because it is a lengthy Bill, I will not cover every clause.

However, I will propose amendments that are pro-farmers that will help them to earn more out of their coffee sweat which has been invaded by cartels for many years. It is the right time. I am happy because the Capital Markets Authority has also taken its place to sanitise the coffee exchange space.

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

The Temporary Speaker (Hon. David Ochieng’): Member for Embakasi South.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important Coffee Bill. It is long-overdue for us to put Kenya back into the coffee market competition. Let us consult. The formation of the Coffee Board of Kenya gives our farmers an advantage of not only being able to get a place where they can hold their meeting, but also promote coffee and look for coffee market on behalf of the coffee farmers in the country.

There are some areas in this Bill that need amendments. Clause 23 of the Bill talks about the role of county governments. Clause 23(a) of the Bill says that a county government shall implement the national Government policy relating to coffee. How can it do that? That portion needs to be amended, as Hon. Gichimu has indicated a short while ago. There are also other two additional items. I believe the licensing of a coffee farmer is not a bad idea. However, the filing of returns on a monthly basis is too demanding. It will put too much pressure on the coffee farmers. Let us allow some of those policies to be generated by the Board. Let us not micromanage it.

Having said that, I thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute to this important Bill. God bless you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Luyai, Member for Saboti. Hon. Oundo, Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, thank you for giving me this opportunity to contribute.

Allow me to make my contribution from three points of view. The first one is that I am a consumer of coffee. I like drinking it. Secondly, I am a Kenyan. For many years, coffee was considered the black gold of Kenya. Thirdly, allow me to contribute on the strength of my membership in the Departmental Committee on Trade, Industry and Co-operatives, in which a big chunk of this Bill is going to be domiciled. Let me also take this opportunity to state that recent studies suggest that part of Funyula and Ugenya constituencies are suitable for coffee growing. Probably, even the coffee grown in those areas will be of much more value and higher quality compared to the one that is grown in Kirinyaga, where my good friend comes from.

It is long overdue to have a stand-alone Bill or an Act of Parliament to regulate the coffee sector. It has been on a downward spiral for many years. It is, indeed, important that this Bill comes through. I must also commend the Members from the Mount Kenya region, the *Murima*, for having spearheaded this agenda since the 12th Parliament. Therefore, I want to make a few comments in respect of the Bill.

Firstly, the Bill is essentially an Act of Parliament to provide for the establishment of the Coffee Board of Kenya and the Coffee Research Institute. More importantly, it will provide for the roles of the national Government and county governments, the regulation, development and promotion of the coffee industry, and for connected purposes.

The Bill has provisions that are going to be cumbersome. There are provisions in this Bill that are going to be onerous to the coffee farmers and any player in the coffee sector. It is good to regulate coffee. However, any form of over-regulation kills the spirit and intent of this business. It will be necessary to relax some of the provided provisions here to such an extent that we can make it an asset. Since it is already an established industry, let it grow. Cartels and malpractices are creations of human beings which can be cured by prayers to the almighty God.

First of all, we start with the problem of definitions under Clause 2. For example, coffee grower is defined as a person who cultivates coffee in Kenya and is linked to a licensed pulping station, and may be for purposes of licensing, include a co-operative society, coffee union, association or an estate. What happens if I grow coffee as an ornamental crop? Does it mean that then I will have to register? Or if I just grow it for purposes of my own consumption?

I also have issues with Clause 8 of the Bill, but I do not see the co-sponsor who was here. It concerns the composition of members of the Board. Clause 8(b)(2) talks about those elected under Clause 7(1)(e) and (f), that is, the two from smallholder coffee growers and in (f), one person nominated by the largest association of estate growers. They say that person is only required to have a certificate of secondary education. Yesterday, there was an article in the newspaper, I think in the *Daily Nation*, from the Kenya Institute for Public Policy Research and Analysis (KIPPRA), which bemoaned that the poor productivity in the agricultural sector is simply because the sector is dominated by persons of low academic qualifications or educational levels. We will not cure the malady, malice and the challenges in the coffee sector if we again entrench the stereotype, that it is only people of the lowest educational level who can participate in agriculture. We must open it up and probably enhance the level of education. Quite a number of Members of Parliament here are coffee growers and are fairly educated.

Clause 15 of the Bill talks about the recruitment of the chief executive officer. I would have imagined that, that should be the collective responsibility of the Board as a corporate body, instead of having that responsibility being undertaken by the boards of directors in their individual capacity or severally. Those are the areas that we need to move amendments on.

In Clause 21, in the absence of the chief executive officer, the documents of the company ought to be signed by the company secretary in the first instance or, in the absence of the company secretary, probably a person appointed by the board should sign.

On the roles of the county government, again, we are now in the constitutional moment as was stated in the NG-CDF Act, requiring a member in the county government to collaborate with law enforcement agencies to enhance security in the coffee growing area. That cannot work because a county executive committee (CEC) member, or an extension officer employed by a county government, cannot direct members of the National Police Service to undertake any service. Recently, we passed the County Government Licensing (Uniform Procedures) Bill here that has to go back to the Senate for mediation. It has very elaborate procedures on licensing of various businesses and activities at the county level, and also cuts across the entire country. I would imagine that any form of licensing should, therefore, follow the procedures that are set out in the Bill to avoid duplication and to avoid granting in some instances, like in Clause 25, discretion to a CEC member to issue or deny a licence.

Clause 30 of the Bill provides that the Board may license a laboratory. I am of the considered view that the Board has no capacity to license a laboratory. The body authorised to license or accredit a laboratory is the Kenya National Agricultural Services (KENAS). So, obviously, that has to be amended.

Going through the various clauses of the Bill, they provide that the grower and the seller will be submitting returns every month. This is cumbersome, unnecessary and too expensive. If you understand the coffee auction and processing process, requiring all actors to submit returns every month is cumbersome, it is not workable and you will have repetitive data that offers no value to statistics. We would, therefore, suggest in the Committee of the whole House, that they probably do it on quarterly basis or any other frequency that the Cabinet Secretary in consultation with the Council of Governors might decide or direct.

I am happy that there is a traceability component and I am happy that there is the issue that if there has to be any form of blending, then it must be very clearly stated. I have gone to very many places where coffee in those other countries do not taste as good as Kenya's coffee. Any form of blending that devalues or dilutes the taste of coffee must, therefore, be stopped completely.

Let me thank whoever is involved. We will propose amendments to make it far much better so that we have a better Bill with us.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. Farah Maalim): The Woman Representative for Nandi County.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this very important Bill that is on the Floor of this House today.

I must state that Nandi County has been a coffee growing area for a long time. If you ever happen to visit my home, I have one coffee tree that is used as a flower, but produces very good quality coffee when the time for harvesting comes. It is something that had ceased existing in some parts of Nandi that used to do very well in coffee because of the issues of unpredictability of prices and lack of structures in the co-operatives and the selling of the coffee previously. But being the Woman Representative for Nandi County, and being keen on development and empowerment of women, we have a vibrant programme called *Mama na Kahawa* where we distribute coffee seedlings. In the first phase, we distributed 100,000 coffee seedlings to women in Nandi County to plant them in small scale. We are very ambitious this year and we are already preparing 0.5 million coffee seedlings to be distributed for the planting season of May.

That brings me to the point that this particular Bill has come at a very good time. It is a very important Bill for coffee farmers. Coffee is called the black gold because, if you look at the earnings from coffee, you cannot compare to earnings from other crops. They are fairly okay, but the coffee earnings are very good. This Bill has come at the right time to enable us to sort out the teething problems that we have in the coffee sector, and ensure that coffee farmers in this country earn as much money as the coffee fetches out there.

The provisions in this Bill and, of course, with a few amendments, will help us to go ahead and strike a balance between the price of the cherry that the farmer gives to the co-operative societies during collection and the cost of the coffee in the cup. It is surprising that a single spoon of coffee costs us more than Ksh400 in the *cafes*, but the farmer who actually tills the land, procures the seedlings, tends to the crop, goes ahead and picks the cherry, and takes care of the cherry all the way to processing, earns 1 per cent of what one spoon of coffee costs.

When you look at this Bill and the provisions herein, it is clear that we will bridge the gap between the coffee cherry and the coffee in our cups. I am very happy about the direct settlement schemes that are properly anchored in this Bill. We have had a problem with our

farmers waiting for so long for their money after the coffee has been sold. I am happy that with this Bill, we are going to ensure that a farmer is paid immediately the coffee is sold. This is a move that will get our farmers out of the cycle of debts and loans. You always ask for loans to pay farmers but, when you get the money, you pay loans and the farmers wait even longer. I am pleased this Bill addresses that issue.

For a very long time, we have been witnessing issues of theft of coffee, either on the road or in the storage. I am happy that this particular Bill gives us a police unit that is able to guard coffee, whether it is in the store or the warehouse or when it is on transit to where it is going to be sold. This will help us to cut down the organised crime, so to say. When you follow the trail of the stolen coffee, it ends up in a place that happens to be people who deal with coffee. So, I am very pleased with that.

Lastly, I am happy about the introduction of a common structure which will help us manage the coffee sector properly, and make sure that we are able to run it smoothly. You are aware that the co-operative societies in this country that deal with coffee, even the one in my village, as small as they are, keep and handle a lot of money. But you find that, that particular co-operative society does not even have a proper accountant. There is a volunteer who just volunteers to do the maths using a book that they have just drawn some lines in between it. They also do not have auditors who should audit those accounts and protect and take care of the farmers when the money hits the accounts of the co-operatives. I am happy about that particular part.

In my county especially, we do not have a comprehensive record of the number of co-operatives that are handling coffee, and we have coffee being sold through those co-operatives. That tells you that we are also losing a lot of revenue because of that lack of data in that particular sector.

I am also happy about the quality of coffee enhancement, because we have provisions here that will see to it that, at least, some mixing of the coffee will be looked into, so that we have very high-quality coffee coming from our farms, and our people get value for their farming. So, I support this Bill, *albeit* with the amendments that we need to make. I note with concern that coffee evolves every other time. It is an industry that needs a lot of expertise. It is an industry that needs professionals to run it since they understand what happens.

I will also be supporting the amendment on the qualifications. That is because if we want to reap very good and very well from that sector, we must equally invest in it. Investing in it with our professionals will ensure that the people that we send to those boards are able to handle the issues of the coffee farmers, and are able to handle emerging issues in the coffee sector so that our coffee can fetch the best prices and our farmers can do better coffee farming going into the future. I support this Bill with the amendments that will be coming through.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Member for Saboti.

Hon. Caleb Amisi (Saboti, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Bill that has emanated from the Senate, which means it touches on the county governments. Coffee is one of those crops that have made agriculture the backbone of the Republic of Kenya in terms of the economy but, due to mismanagement, agriculture is now one of the poorest performing areas of our economy. The Coffee Board is one of those institutions that are supposed to help us revitalise that very important industry, so that we can come back to the global market.

From the functions that have been outlined in this Bill, the Board will regulate and promote the development of the coffee industry. There exists several of those institutions in this country. In fact, the other time, we did an amalgamation of all the boards into what we now call the Agricultural Food Authority (AFA), and we are thinking of going back to their respective boards.

We amalgamated coffee, sugar, tea, pyrethrum, cashew nuts, and what have you, into one body called AFA. But you can see their independent boards are also seeking their autonomy so that they can be regulated differently. We cannot amalgamate crops that make agriculture the backbone of our economy into one body that is susceptible to cartels and mismanagement, and eventually losing out on agriculture.

I come from a highly agricultural area of Trans Nzoia, and the farmers are becoming disillusioned every other day. I have a farmer friend who used to grow maize in his large tract of land. Later on, the maize was not performing well because of the cartelism. He tried to plant sugar-cane. Of course, there are also cartels in the sugar sector. He uprooted and started growing tea. He went to Napier grass, surprisingly. So, he has been shifting from one crop to another, of course, trying to make a kill out of farming unsuccessfully. He also tried coffee and found that there are also cartels there. So, there is cartelism in our agriculture across all the crops.

When I see such Bills that try to regularise, I see an iota of hope that Kenyans are waking up to the reality that we cannot compete globally. Kenya is no longer a global destination for some of those crops, and we have been overtaken by other countries. Why? Basically, because they have been able to regularise their industry. They have well-registered farmers, proper database, proper linkages, well-coordinated boards, proper surveillance with also compliance to the laws and relevant policies. This one basically gives the market out there a lot of confidence in the country. Of course, the market is looking for a better regulated industry.

When we look at what is happening across the borders, we see other countries are performing better in areas that we were number one. They have overtaken us. People have found new ways of farming. People are going into mechanised farming, and we are still into subsistence. It is high time we re-focused. Agriculture is still the backbone of the Republic. We cannot leave our agriculture to the global market forces because, eventually, we will be pushed out of the market in terms of agricultural products.

I support the regulations of the coffee, and even the linkages with the county governments. Coffee has been there and, of course, the boards have been there. But the county governments did not envisage agriculture will be devolved and, therefore, they will be part and parcel of the legislation at the county level. Therefore, it is important to provide linkages between the national level and the county level. Basically, county governments are in close touch with the farmers.

We see knee-jerk reactions to issues that affect farmers but, when we have a regularised board that is properly linked to the local structures of the county government, we will be putting some hope to the farmers. Where I come from, sugar has just become a political fodder. Every time you are home, or you want to be elected, you talk about sugar or else, you will go home because you have not talked about it. It has become political fodder and nothing much. In fact, leaders tend to leave it that way so that they can use it for politics. Coffee has been used for politics since time immemorial, and there is no solution in sight.

Hon. Temporary Speaker, I beg to support and encourage our colleagues to improve other crops and not just coffee. We have tea farmers under the Tea Board of Kenya, who are suffering across the country. Also, pyrethrum is a major crop in this country, but people do not know about it. There is also cashew nuts, sisal and maize at the coast. We are now a net importer of maize when we are supposed to be an exporter.

Brazil grows those crops very well. We should learn from South American countries like Brazil, Chile and Argentina. They are doing so well in the area of maize and coffee farming. Those are some of the crops which were sold during the slavery period. The Americans sold coffee and sugar to the Britons who, on the other hand, sold slaves to them. Coffee is one of the oldest crops that was sold in the trans-Atlantic slave trade era. "Trans'

means triangular and so, the Britons sold slaves to the Americans, who sold coffee and sugar to them, while the Africans were enslaved. As bad as it sounds, that is how it used to be. Coffee is an important crop that has been grown since time immemorial.

Thank you, Hon. Temporary Speaker. I beg to support,

The Temporary Speaker (Hon. Farah Maalim): Hon. Kaguchia John.

Hon. Kaguchia John (Mukurweini, UDA): Thank you very much, Hon. Temporary Speaker. I appreciate this opportunity. Coffee is important in the Republic of Kenya. As we all know, coffee is a major foreign exchange earner for this country. It helps us ensure a balance of trade and stabilise the dollar rate in our country because we earn foreign exchange.

One of the greatest problems that I appreciate that this Bill seeks to cure is the challenges that coffee farmers are facing in this country. The person who buys coffee from the factory disappears in a way no one can question. The moment it leaves the factory gate, at that point in time, farmers are 100 per cent separated from the coffee which they farmed. Their hope is a stranger whom they know nothing about and many times, their leaders are compromised. Farmers have despaired over the years and refused to farm coffee.

One problem is that once the coffee leaves the factory, the person who stores, mills, markets, grades and auctions is the same. When it is being auctioned, the same person buys it using a different name or company. We must cure that predicament that coffee farmers are facing. We must separate the duties at every stage so that the person who transports does not store, mill, market, auction or buy it. I am happy we have introduced the issue of regulation through the Capital Markets Authority (CMA) so that the Nairobi Coffee Exchange is properly regulated like other exchange markets in the country. That way, we will not have people short-circuiting the process.

This Bill is very important because it establishes the Coffee Board of Kenya to license players in the market in different levels or categories. So, they do not take up all the functions. There are situations where a person tastes and grades coffee the wrong way willingly and knowingly. While exporting it, they grade it correctly. That way, coffee farmers lose. That is why the licensing of different functions must be done so that the person exporting the coffee is not the same one who is grading it. That way, we will remove the conspiracies that have been going on.

We should look at this Bill together with the Co-operatives Bill, so that we can ensure transparency from the leaders at the factory level. Many of them treat coffee factories like their own personal property, and making decisions that do not favour the farmers. Many a times, we have heard about leaders of coffee co-operative societies borrowing money from commercial banks at very high interest rates. Then, they hoodwink or lie to farmers that the rates are good. The farmers end up paying a high interest rate on the loan.

I am happy we have the Coffee Cherry Advance Revolving Fund (CCARF). We must ban all coffee co-operative societies from borrowing money commercially or non-commercially. Every coffee co-operative society can operate without loans. Why do they need a loan? Coffee is delivered to their factories, and they can take care of overheads using proceeds from it. Why do they need commercial loans, which end up bringing huge losses to our farmers? Those coffee factories have big trucks of land which they should make use of. They should plant model farms, harvest, and use the proceeds of sales to take care of the overheads in the factories. This is possible, and we suggested the same to coffee factories in Nyeri County. I want to believe that the county government of Nyeri will take it seriously because these proceeds will support coffee factories.

This law will enable farmers to get the support of farm inputs and modernisation of coffee factory machinery. Fertiliser and coffee inputs should be taken directly to coffee factories and not to far-flung areas where farmers buy them expensively. The issue of transparent operations in every coffee factory must be put on the table. A lot of input has come

from very many farmers in Mukurweini. For example, Nickson Gumo wrote to me a very long message on what needs to be added to this law. Let us consider farmers' suggestions so that we can have a law that will allow transparency.

The leaders of coffee co-operative societies who are exposed for corruption, misuse and abuse of farmers money must be subjected to anti-corruption bodies like the Directorate of Criminal Investigations (DCI) and others that deal with integrity in this country. We need to ensure that our farmers reap from their sweat and benefit from the coffee that they are selling. It is possible to have the coffee that we are farming, earning our farmers sufficient money to ensure that they are self-employed, especially in a country where unemployment is a big problem and something that many people are not able to get. We must ensure that coffee farming is done fashionably so that even our young people can embrace it.

If we farm coffee in a well-organised and planned manner, one acre of coffee land will give us many resources, especially for young people who are seeking employment. They may not even need to go out of their villages because they are going to get sufficient resources from that coffee. I believe in coffee farming, and it is able to give us so many resources. If we support our farmers in the right manner, then we are going to get sufficient resources to sustain many families and improve the quality of life for our farmers.

Thank you for giving me the time.

The Temporary Speaker (Hon. Farah Maalim): The Member for Webuye West, Hon. Wanyama.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you, Hon. Temporary Speaker. This Coffee Bill gives hope to the coffee farmers who have been suffering at the hands of cartels. Where I come from, Bungoma County, in the olden days, it was one of the counties that gave some money to the colonial government because the coffee society was doing very well. However, we got it all wrong when we allowed the cartels to get into selling coffee.

This Bill, therefore, comes to give hope to very many farmers who had given up on life because the cartels have always taken the sweat of the farmers, instead of them reaping benefits from it. I stand to support this Bill because Kenya got it wrong when we failed to protect our farmers from those unscrupulous people. They organise crimes to steal coffee from societies, and it ends up in the hands of people who do not even have a stem of coffee. Therefore, this Bill gives much hope to many farmers, and it will activate the economy in terms of foreign exchange earnings. This is a crop that earns foreign exchange, and it will improve the economy of this country. We want to encourage farmers that with the passage of this Bill, all will be well. Farmers should come up and take care of their stems because things are now going to work out, and all the cartels will be brought to book, thereby giving farmers value for their money.

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

Hon. Joseph Munyoro (Kigumo, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Bill. I come from a constituency where all the wards have coffee farmers. The unfortunate bit about coffee is that the farmer has become enslaved because of the long chain of middlemen who have encroached on the coffee crop. This Bill is trying to remove that nuisance so that the farmer ultimately becomes the biggest beneficiary of coffee.

One of the challenges we have had is that people who act as brokers, marketers, buyers, and sellers are the same people who are setting the price and grading the coffee. That means that, as a farmer, you are unable to know what grade your coffee is. Ideally, this should be separated. This Bill is coming in to ensure that the licensing of brokers and buyers is done separately so that the Capital Markets Authority (CMA), the Board and also the county governments are able to play their roles in terms of licensing.

We are also happy because this Bill brings up the issue of direct selling. Previously, coffee was only sold through an auction. Direct selling means that you can go out and look for a buyer. If you get a buyer with better prices, then you can sell your coffee at the price that you think would be beneficial to you.

On the issue of having a fixed percentage of fees in terms of the 2 per cent that the Bill seeks to introduce, this will ensure that every farmer knows the amount of money that they will get. We are happy that this Bill proposes that coffee can only change hands once the farmer has the money in their account. In the current circumstances, after the farmers harvest the coffee, it is collected at the factory. Once they deliver it, that is it. They have to wait for millennia so that they can know whether their coffee was a good grade and how much it was sold. It changes hands without the farmers' input. This Bill is trying to cure that nuisance, and we support that.

Previously, the money that the farmer got was determined by the amount of money that the societies deducted. There has been no law that requires a society to give a farmer a specific amount of money. So, the farmer ends up receiving what remains after all the costs have been deducted, including those unplanned loans that societies take. This is very important because you cannot have societies that are unregulated. They decide the amount to charge the farmer, get loans without the farmer's contribution, and pay interest rates that are not agreed with the farmer. Then, the balance, or lack thereof, is what the farmer is supposed to get. This should be looked into.

Lastly, having a Coffee Research Institute will ensure that farmers and even young Kenyans are encouraged to plant coffee because it is a plant that they know will have a return. The foreign exchange that we earn through coffee sales will help this Government. It is also very important to have a better grade of the coffee tree so that each person can plant what is suitable for their region, and get better output for their coffee. Having that research institute will encourage more people to plant coffee because we are sure that the coffee output per crop will increase from the current 2 kgs to about 5 kgs. That is possible. The more returns the farmer gets, the more it will be encouraging to other farmers.

I support the Bill so that our Kenyan coffee farmers can get their rightful dues from their farming.

I thank you.

The Temporary Speaker (Hon. Farah Maalim): I do not see any other interest registered by a Member to this Bill. Under the circumstances, I call upon the Mover to reply. The Mover is the Leader of the Majority Party.

We will defer the reply to another appropriate date. Clerk-at-the-Table, put it in the Order Paper when the Leader of the Majority Party is around.

(Motion deferred)

Next Order.

BILL

Second Reading

THE TECHNOLIS BILL
(National Assembly Bill No.6 of 2024)

The Temporary Speaker (Hon. Farah Maalim): Hon. KJ, proceed. Did you want this Bill to be deferred to another date? Give the microphone to Hon. KJ, the hon. Member for Dagoretti South. There you go.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, understanding just how much Government business is pending, it will be in order for us to move the Bill. The Members can catch on as they join us.

The Temporary Speaker (Hon. Farah Maalim): Are you sure about that?

Hon. John Kiarie (Dagoretti South, UDA): I will consult with the Chair for a minute before I proceed.

(Hon. John Kiarie consulted the Temporary Speaker)

The Temporary Speaker (Hon. Farah Maalim): The Chair, Hon. Member of Parliament for Dagoretti South.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, this is a Bill that would have been moved by the Leader of the Majority Party. It was ably prosecuted by the Departmental Committee on Communication, Information and Innovation. We were in agreement that it could be moved at this time, and that is what I will do.

The Temporary Speaker (Hon. Farah Maalim): Proceed

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I beg to move:

THAT, the Technopolis Bill, (National Assembly Bill No. 6 of 2024), be now read a Second Time.

I want to take this time to commend the Departmental Committee on Communication, Information and Innovation, which applied itself fully in the processing of this Bill. It even took time to not only prosecute what was presented by the Ministry, but also its own input into the Bill. This Committee took its time to travel all the way to Konza to see the one existing Technopolis in the making, the Konza Technopolis, where the idea of this Bill stemmed from.

As you are aware, Vision 2030 was very intent on transitioning Kenya into a knowledge-based economy. To achieve that goal, it is crucial to establish a seamless flow of information and knowledge between academia, the enterprise and the corporate sectors. This Government recognises the need to take leadership in creating an environment that fosters knowledge. The Konza Technopolis is a Kenya Vision 2030 flagship project under an economic pillar whose goal is to improve the lives of all Kenyans by achieving an average of 10 per cent Gross Domestic Product (GDP) growth rate per annum and sustaining the same until the year 2030. The project aims to develop Konza Technopolis into a globally competitive smart city by creating an enabling environment through the utilisation of information, communication and technology for social and economic development.

This House may recall that there was a legal notice No.23 of 5th April 2012 that established the Konza Technopolis Development Authority, also known as KOTDA. It was tasked to coordinate the planning and development of the Konza Technopolis in a 5,000-acre piece of land at Konza. Konza sits right between the three counties of Kajiado, Machakos, and Makueni. It is on that 5,000-acre piece of land at Konza that Konza Technopolis sits. It is intended to integrate infrastructural facilities, administer and manage the Technopolis operations, regulate and approve investment activities, and lease land in the area.

The Konza Technopolis Development Authority, in its form as it was presented, went into headwinds when we realised that KOTDA had a life of 10 years. However, when it leases land, the land lease goes up to 90 years. That sets a problem for KOTDA in the form and manner in which it exists. As you are aware, the Government, through its Bottom-up Economic Transformation Agenda (BETA), recognises the crucial role that the digital economy plays in accelerating the country's economic transformation agenda. So, this Bill proposes the

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establishment of the Technopolis to energise a robust ICT-driven economy that is geared towards meeting the 21st century's needs and a Technopolis Development Authority that will drive this country towards achieving its economic development objectives as outlined in the Kenya Vision 2030.

Over and above the Kenya Vision 2030 and BETA, the Kenya Kwanza administration has also formulated the Kenya Digital Superhighway Programme. It is a project that is ongoing. This Bill shall, in a great way, support the implementation of this digital superhighway.

The Bill seeks to provide a comprehensive framework for the establishment of a Technopolis in Kenya and create a Technopolis Development Authority that will be responsible for the development, governance, planning, management, improvement and maintenance of every technopolis that is established.

As we speak today, there is only one Technopolis, the Konza Technopolis, which is under the Konza Technopolis Development Agency. However, with this Bill, nothing stops us from having a technopolis in Wajir, Mandera, Kisii, Tharaka and Dagoreti, if the land allows. So, this is a Bill that seeks to expand a good idea into a better idea.

This Bill, which I am moving this afternoon, has 65 clauses. It seeks to transition the former Konza Technopolis Development Authority to the new Technopolis Development Authority, which is tactful. The Bill proposes to remove the word "Konza" to allow for the establishment of other technopolis. It also seeks to revoke the State Corporation, which is the Konza Technopolis Development Authority Order of 2012.

Part I (Clause 3) of this Bill outlines the objectives of the legislation. They are:

To provide for the establishment, development and management of a technopolis in a designated geographical area; create a conducive environment to attract and retain world-class talent by providing state-of-the-art infrastructure; position a technopolis as a premier destination for technology-driven businesses, research institutions and innovation ecosystems; provide for adoption of sustainable environmental practices and technologies within a technopolis; offer incentives and other forms of Government support to encourage investments in a technopolis; and support the development of Kenya's knowledge-based economy.

I moved a Motion in this House seeking to institute a science museum in the Republic. That idea finds its place in such a Bill. When we establish that technopolis, it can also house some of those developments, up to and including a science museum.

Part II (Clauses 4-15) of the Bill establishes the Technopolis Development Authority, whose primary function will be to develop and manage technopolis in Kenya. This part also provides for the board of the authority, the qualifications for appointment as chief executive officer and his functions, and the office of the corporation secretary of the authority.

Part III of this Bill provides for the establishment of a technopolis by the cabinet secretary through a gazette notice and the development of a high-technology innovation system at a technopolis by the authority.

Clause 17 seeks to provide features of a technopolis that are globally acceptable norms and standards that distinguish a technopolis smart city from other areas and cities. This part of the Bill allows us to define distinctly what a technopolis is and what differentiates it from the five cities in the country. A technopolis is worlds apart from what we have established or from what has developed from municipalities, localities and so on. It is designed specifically to undertake the responsibilities and roles as prescribed in this Bill.

Clause 18 of this Bill provides for a buffer zone of a technopolis, and it outlines the development control measure to prevent urban sprawl and to ensure seamless integration into a technopolis. The clause allows the expansion of a technopolis to accommodate auxiliary services that are not provided for within a technopolis. This is critical. We are seeing the problems that we are running into with cities like Nairobi, where a city that was placed in a

most unlikely place finds itself in problems when it has to expand. Nairobi City found itself in a swamp that developed at the time of La Nina.

When El Nino came very early on, as the city was being established, the people who established Nairobi City realised that they were in problems. The problems that were observed right at the onset when Nairobi City was being instituted exists up to date. We have a city that sits on an un-drainable swamp. A City that if El Nino happens, we all know what happens. We are not even able to drain this City. More importantly, the question still begs: If you wanted to expand Nairobi in a way that provides for underground public transport, for example, would the water table allow for that? This is the point that is informing Clause 18 when we talk about having a buffer zone around the technopolis, which will not only allow for proper expansion, but will also prevent unwanted urban sprawl when other areas around the technopolis are developing.

Clause 19 of this Bill allows the authority to develop a high-technology ecosystem to create synergies for co-creation, collaboration and innovation within a technopolis, and achieve the objectives of a technopolis. The Departmental Committee on Communication, Information, and Innovation has, on its motion, visited Konza Technopolis.

I can report to this House that beyond the horizontal infrastructure that is now almost complete, vertical infrastructure is happening in the City. The development is at a very advanced stage. But even more importantly, the technology that is being used at Konza Technopolis to manage traffic, to bring in water, to manage that water in the offices and the homes within Konza, and to put out grey and dirty water out of homes is all smart systems. So, Clause 19 allows the authority to develop high-technology ecosystems that are not only physical, but also driven by the people who shall be residents in this City so that they are able to co-create, collaborate and innovate within that technopolis.

Clause 20 of the Bill provides for a one-stop shop for facilities that ease the doing of business in a technopolis by ensuring the administration of Government services and regulatory essentials under one roof. Clause 21 of this Bill allows the authority to establish a technopolis small enterprise support centre, which shall support the incubation and growth of small enterprises, utilising high-tech and emerging technologies that are drawn from the innovation ecosystem. It might be worth noting that this is not Kenya dreaming or Kenya building castles in the air. Those things do exist elsewhere. If you take the example of Silicon Valley in the US, you can see what it is that Kenya is envisioning to do. As earlier reported, what we are talking about is already in the offing at Konza. I advise any Member of this House to visit Konza and see what is happening in that very beautiful technological corner of this country.

Part IV of the Bill, that is, Clauses 22 to 27, contains provisions for development control in a technopolis, and the application, approval and revocation of a development permit. It is in this part that the Bill gives the authority power to approve development plans that are submitted by investors in compliance with the master plan to ensure a technopolis is planned, zoned and developed as per the globally accepted standards. This part also seeks to provide for a review and appeal mechanism for grievances resulting from the decisions made by the authority in regard to development permits.

Clause 27 of this Bill creates an offence for non-compliance. It specifies sanctions and legal consequences that are imposed on a person for non-compliance with development permit requirements in a technopolis. This becomes very important. I am glad that I see engineers in the House this evening. Engineers will tell you that if you do not provide for the management of the growth of cities, you might end up running into the problems that we are having in a City like Nairobi, where you are not sure what plans can be approved and what plans cannot be approved. So, you shall find an early childhood development school next to a maternity wing, a cemetery, a hospital and so on. So, Part IV of this Bill provides for orderly management in the development of a technopolis.

Part V of the Bill contains the licensing provisions. Clause 28 of the Bill outlines the requirements for a person intending to apply for a licence to operate or carry out business activities in a technopolis. It gives the authority power to grant an exemption. Under clause 29 of this Bill, the authority is allowed to issue different classes of licences to ensure alignment to different strategic focus areas and the master plans of a technopolis. This Bill also gives the authority the discretion to issue licences and provide for renewal of a licence before the expiry of the validity period under clause 30. The Bill provides for the suspension or revocation of a licence where a person has, among other things, contravened any of the conditions of the licence.

Part VI of the Bill contains the enforcement provisions, including sanctions for non-compliance with the Act. Clause 37 of this Bill gives the authority the power to undertake inspections in a technopolis to ensure compliance with the development control and licensing requirements. The Bill also outlines the enforcement sanctions for breach of any provision of the Bill and requires the authority to comply with the provisions of the Fair Administration Act, 2015, under Clauses 38 and 39, which I know would be of import to you, Hon. Deputy Speaker, as a lawyer, knowing the need for fair administrative actions.

Part VIII of the Bill contains the financial provisions, including the sources of money for the authority, the annual estimates, and financial reporting mechanisms. Part IX of this Bill contains provisions relating to the technopolis dispute resolution tribunal, which shall be established to determine appeals from decisions of the authority on licensing, development, control and any enforcement decision. This part allows appeals to be made on decisions of the tribunal to the high court within 30 days. Clause 51 of the Bill mandates the Judicial Service Commission to appoint staff at the tribunal as appropriate. Clause 52 of the Bill allows the expenses of the tribunal to be paid out of the Judiciary Fund. Clause 57 of this Bill obligates the tribunal to formulate its procedure for the determination of appeals that are placed before it for determination.

Hon. Temporary Speaker, Clause 58 of the Bill outlines the powers of the tribunal that are necessary for it to adjudicate matters. In decision-making, the Bill allows the tribunal, under Clause 59 of the Bill, to confirm or set aside the order or decision of the authority in question or make such other order as it may deem just. Clause 60 of the Bill provides for the right to appeal a decision by the tribunal at the High Court within 30 days of the decision. Clause 61 of the Bill empowers the Chief Justice to make rules governing the practice and procedure of the tribunal.

Hon. Temporary Speaker, the final clause in Part X, Clause 65 of the Bill, contains the general provisions, which include provisions relating to the power of the cabinet secretary. He or she will make regulations to operationalise the provisions of the Act, incentives applicable to a technopolis, and all that encompass the provisions relating to the powers of the cabinet secretary.

In clause 63 of the Bill, a person who commits an offence under this law shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or both. Clause 64 of the Bill also provides for general penalties for offenses of non-compliance and carrying out a business activity within a technopolis without a license or exemption, where on conviction, the person is liable to a fine not exceeding five million shillings or to imprisonment to a term not exceeding five years or both.

Part XI of the Bill contains the transitional and saving provisions. It is important to realise that an authority called Konza Technopolis Development Authority (KODTA) exists. We need to provide for the transition to the new Technopolis Development Authority so that we safeguard the gains that have been made by KOTDA and also ensure the expertise and regulatory aspects that have been made are seamlessly transitioned. Through the transition clauses, the Bill preserves the existing rights and obligations, including the contracts, the staff,

the Chief Executive Officer and the Board of Directors. It also ensures that the members of staff and the Board of the former Authority that is in office continues to be members of staff and the board of the new authority.

Clause 67 of the Bill revokes the State Corporation, which is the KOTDA Order of 2012. These clauses are important to give confidence and assurance not only to the public, but also to the people who are already serving under KOTDA. This will ensure they know that the establishment of the Technopolis Bill will not render them obsolete or jobless. However, more importantly, Konza's ongoing operations do not stall or cause transitional issues.

In conclusion, I urge Hon. Members to support this Bill so that we can have a comprehensive legal framework for the establishment of a technopolis in Kenya. This will enable us to accelerate the knowledge economy and innovation, as well as advanced science, technology, and innovation through technological hubs, thus positioning Kenya as a global technological hub. This Bill also creates a technopolis development authority, which will be responsible for the development, governance, planning, management, improvement and maintenance of every technopolis that shall be established.

For the benefit of Hon. Members like Hon. Raphael Wanjala, whom I know are very keen to know where the world is heading to, I will report to this House. As we speak, we are already in what is being referred to as the Fourth Industrial Revolution (4IR). This means that three industrial revolutions came before it. But where was Africa when we were mechanising in the First Industrial Revolution? Where was Africa when electricity became a driver for the Second Industrial Revolution? Where was Africa when computers were taking over in the dot-com revolution that we call the Third Industrial Revolution? When we are coming into this 4th Industrial Revolution, Africa ought to take its rightful place. This Bill can midwife this country to a place where Kenya takes a pole position in this new race that shall be driven by data.

As we speak today, data representation is a great concern. I can see people utilising artificial intelligence technology, like ChatGPT, in their hands. Which data is in those gadgets that we are using? It totally misrepresents Africa because we have not fed data into those language models and data sets that are driving the revolution. The Continent might find itself in a very dangerous place. Africa may be totally wiped out of the data representation race if we do not take steps like the one we are taking with the establishment of a technopolis.

Most importantly, in a technopolis, we should give the opportunity to the people in this country, especially the young and innovative Kenyans, to be a part of developing, collecting, collating and organising data that will drive and fuel the 4IR. We will be giving opportunities to our young people. More importantly, we will be onboarding our data onto the world platforms in the formation of language models that will inform the 4IR.

Hon. Temporary Speaker, we do not want a situation where our young people are condemned to what I call digital plantations. Africa suffered. Africans in the diaspora suffered when there was colonisation and the slave trade. Our people were condemned to cotton plantations. We were just discussing the Coffee Bill. When the white man came to Kenya, our people were condemned to coffee plantations. In this digital race, we ought to mitigate a situation where our people are just consumers of technology at the tail-end, but are not involved in its development. We do not want our young people to be left with just data entry and annotation jobs in the digital world. We want our young people to play a critical part in the development of the technologies that shall inform the future.

They should be the ones who are creating the applications that will be used, even by this Parliament. Recently, we were discussing how this Parliament ought to onboard itself to new technologies to enable us to communicate better. However, we are all depending on technologies that are developed outside this country. However, we know our people are well placed, well informed and knowledgeable to be part of the development of not only the technology, but also driving the data, data sets, and language models that shall inform the 4IR.

With those remarks, Hon. Temporary Speaker, I call upon...

The Temporary Speaker (Hon. Farah Maalim): Move the Bill.

Hon. John Kiarie (Dagoretti South, UDA): I can see a member of the Departmental Committee on Communication, Information and Innovation. I beg Hon. Irene Nyakerario Mayaka to second the Bill.

The Temporary Speaker (Hon. Farah Maalim): Move the Bill first.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I beg to move the Bill and ask Hon. Irene Nyakerario Mayaka - a member of the Departmental Committee on Communication, Information, and Innovation - to second.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I beg to second the Motion.

Let me give a few additional points. First of all, of course, I thank the Chairman and our Committee because we went through this Bill. We all saw the importance of enabling the technopolis to be advanced beyond the Konza Technopolis.

As I begin, I just want to lay the base on why this is very important. The Chairman has spoken about the Fourth Industrial Revolution, but the one thing that most people do not understand is where we come from as the world. The First Industrial Revolution was called the Coal Revolution and that was in the 18th Century. We then went to the gas revolution which was the Second Industrial Revolution in the 19th Century and then we moved to the electronic and nuclear in the 20th Century. Now, in the 21st Century, we are talking about the Fourth Industrial Revolution which is concerned with the Internet, Artificial Intelligence (AI), and the Internet of things. It is very important for us to expand the technopolis beyond just Nairobi because we do not want, as a country, to keep playing catch-up. We are a country that is very innovation-driven. Many of our young people operate in that innovation space. This is going to enable them to have access to what we call an innovation ecosystem. This is what the Bill intends to do.

The Bill, as the Chairman has said, has a total of 67 clauses. The beauty about this Bill is that it lays a base for us to have a legal framework to create, manage and develop technopolis in Kenya that address urban challenges that we have so that we do not have a situation where everyone wants to come to Konza, but that they can get the technopolis in other areas in this country.

We have defined, in this Bill, the licensing process, the process of creating the technopolis authority, the process of how that authority will be managed and how people will benefit from it.

The other very important thing is also the financial aspects of the technopolis and how that is going to be managed. Most of the time, we have situations where we have very good policy papers in our country; we have very good frameworks, but the implementation lacks.

For me, what I would just like to ensure that we do is that, because we already have the Konza Technopolis in place, we mirror what is there and transfer it to other places. Just as the Chairman has invited Hon. Members to visit Konza, I would also love to see our Hon. Members visit it. We want to get to a space in this country where we also have smart cities so that we are in line with what the rest of the world is doing. At Konza right now, they are even coming up with systems that will enable even our local police to use innovation and technology to do their job. That, for us, is very progressive.

We have a university in Konza called the Kenya Advanced Institute of Science and Technology (KAIST) that seeks to educate our young people on the internet space, computer engineering and everything that is within that space. That will help us expand our knowledge and ensure that we are not only learning about the other industries that are currently in this

country and the rest of the world, but that we are also playing catch-up with the rest of the world in terms of what more can we do in the internet space.

One of the things that I have always grappled with and wish that we could do as a country is this: We do have many of us who are consumers of Artificial Intelligence products within our spaces. It can be on Facebook, X or any other social media. Most of us use things like ChatGPT and most of those things are revenue generating streams. But that revenue is getting out of our country. What if we had a situation where our young people could come up with some of those applications and make Artificial Intelligence-generated applications so that they can also generate revenue within our country so that we do not have to spill out our revenue to other countries? For me, what this Bill seeks to do is to ensure that we give our young people a space where they can have innovative ideas and be taught about this.

In terms of what we now call a knowledge-based economy, that is the other thing that is going to be supported by the Technopolis Bill. Start-ups as well will also be supported. Most people right now are doing start-ups, and others have gone into the gig economy. We have not yet ventured into that space as a country. The gig economy would enable most people to work at flexible hours. For example, I can decide I want to sleep during the day and work at night.

But, at some point, we also need to have laws in place that enable such environments to operate with people who are being protected within the law. When we have those technopolis expanding to other areas, we will also be forced to go back to the drawing board and think of how else we can improve our labour laws and our employment laws so that they can also have the flexibility that is within the innovative space. In the innovative space, we do not have to work from 8.00 a.m. to 5.00 p.m. One can choose to work at night or three days a week and do other things for the rest of the days, but you are still able to be protected within a legal framework. In my thinking, I just want to believe that we will go in that direction.

As I conclude, I just want to give a few other advantages that we will see with technopolis. One, of course, as has been said by the Chairman, and I just want to emphasise it, is the designated geographical area. As we said, we do not want a situation where we are only confined to one particular space and so, this Bill also seeks to revoke the current Konza Technopolis Development Authority so that we can have a Bill that covers all the technopolis.

Also, it will enable us to attract and retain world-class talent within our country because we do have a lot of that. We have young people who do a lot of international and global jobs, but they do those for other companies. We want to enhance that resource within our space as well so that, as a country, we can also attract people from other countries to come and do world-class jobs for us.

The other thing that the Bill seeks to assist is premium destinations for technology-driven businesses, research institutions and, as I said earlier, innovation ecosystem. This will also help us in the adaptation of a sustainable environment practice, and also the fact that right now, there are many conversations that are going on about climate change. There are many conversations that are going on about going green. The technopolis will be able to give us advanced knowledge on how we can enhance and ensure that we become a green country.

As I finish, the Bill also offers incentives and other forms of Government support, and encourages investors as well.

I urge Hon. Members that this Bill is one of those that we say is a differentiator for us. It will take us to the next level, and I just like to invite them to support this Bill, so that it can sail through, and we can begin to get into the implementation stage.

With those few remarks. I second. Thank you.

(Question proposed)

The Temporary Speaker (Hon. Farah Maalim): Hon. Mogaka, as you proceed, and this is for the attention of the Chairman, there is a little bit of observation. The object, ideally, is to have many technopolis. But when you look at the object at the back, it does not consider a plural aspect. At the same time, when you also look at all the material here, it refers to it in the singular. Somehow, at the Committee of the whole House stage, you have to change that either to technopolises or technopolies, which means plural. I mean technopolis has two words that are both plural. I have made that observation and I hope that the Chairman and the Committee Members at the Committee of the whole House stage are going to correct that so that you do not end up with a piece of legislation that essentially does not advance, in both word and spirit, the object of the Bill.

Proceed Hon. Mogaka.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute. At the outset, I support this Bill. I also commend this Committee for a stellar performance in originating a Bill that will put Africa in its place in the development of the globe. In particular, I celebrate the idea that, as a country, we are now standing up to the occasion that technology is the answer to development solutions. I would like to celebrate the idea that our young persons who have been looking for physical jobs, where they report and work personally in offices, do not have to do so. That is not the way to go, going forward. I agree with the Committee's recommendation that we must align Kenyan laws to allow people to work from home or wherever they are. The office will move from the physical places that we know offices to be, to the telephone, laptop or computer.

In particular, I encourage that whereas we are creating that authority, it must respect the Constitution. It must also have a devolved mechanism so that we do not only hear about Konza Technopolis. We would like to hear very many other techno cities in the Republic. This will ensure that we can support our youth all over the country to tool themselves to deal with the modern age technology and the demands of the work environment that is emerging. It is true that more money is made online than conventionally. Therefore, it is imperative that our children get properly tooled to participate in the new and emerging software economy where they work from wherever they are and dollars roll into their bank accounts.

I will propose some amendments to the Bill. This is because since Konza Technopolis has had the benefit of the investment by the country's resources so far, it is, perhaps, time that it got a baby by way of having a branch or being devolved to other regions of the Republic. In this way, we can capture a bigger catchment area to ensure that we on-board all the youth who are keen to be on the first lane.

I would also like to associate myself with the comments made by one of my constituents, Hon. Irene Mayaka. As we can recall, we are putting up an industrial park at Sironga Grounds in West Mugirango Constituency. I would like to offer that, as an extension of the tour of that industrial park, we can have a techno sub-city, by whatever name, extended to cover the western region. This will help cover the innovative population in that area. Among the leading brains in Information Communication Technology (ICT), innovation and software development, particularly in the United States of America (USA), majority of those children hail from my village and its environs. I can say that with tremendous respect. Therefore, it would be very welcome if this Committee agreed that we invite those gurus to come over, partner and do their Corporate Social Responsibility (CSR) back home to help develop sub-cities to the technopolis that we are talking about.

I want to encourage this Committee, that the 13th Parliament will be counted for having taken Kenya to the next level of being a leader in technology use. I urge the young men in this Republic, to rise to the occasion and put their best foot forward, be the best not only in Kenya, but also conquer the globe technologically.

Hon. Temporary Speaker, with that, I beg to support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda. Nasimama kuunga mkono ndugu yangu Mhe. John Kiarie kwa kuleta Mswada huu hapa Bungeni.

Sisi sote tunajua ya kwamba teknolojia inatumika dunia nzima. Mpaka sasa, Wakenya tunalia ya kwamba vijana wetu wamekosa ajira. Lakini, tukitumia mbinu hii ambayo ndugu yangu ameleta, tutatoa hii *technopolis* kutoka Konza, iweze kuingia sehemu zote za taifa letu. Hii itawapatia watoto wetu mwanya wa kupata ajira. Mara mingi, tunawapata kwa simu na *computers*. Lakini, sasa wataweza kuingia kwa hizo *hubs* kujitafutia kazi, kufanya vitu vyao humo na kuingiza ajira.

Wakati mwingi, utawapata vijana wakitumia *WhatsApp* na *Facebook* kufanya mambo ya kipuzipuzi. Lakini, tukiwapatia mwanya wa kufanya *innovation*, biashara, uchunguzi ama *research*, watasaidia taifa hili kwa mambo mengi sana, huku wakiingiza senti. Nikiangalia Kaunti ya Mombasa, naona vile vijana wameharibika. Ukiingia kwenye mitandao, unapata matusi tu na mambo mabaya. Kwa mfano, wanawatusi Waheshimiwa. Baadaye, mambo yanatokea ya kuharibu jamii na kukosanisha viongozi.

Hiyo *technopolis* ikitolewa Konza na kuenea tupate *hubs* Mombasa, kwa Mhe. Irene Mayaka, ndugu yangu Kiarie na wengine, hao vijana wataitumia vizuri kutengeneza pesa na kufanya maendeleo. Hivi, watafungua uchumi wa Kenya ambao kwa wakati huu ni mbaya sana.

Wakorea wakiangalia nchi yetu, wanaona *technopolis* iko Konza peke yake. Huu mwanya utafanya *technopolis* ziweze kuenea Kenya nzima na kusaidia vijana wote. Kwa ufupi, nauunga mkono Mswada huu ambao ni mzuri. Vijana wetu ambao wamekaa huku na huko, wataweza kufanya biashara, *research* na pia *innovation ecosystems* ili kutengeza vitu vizuri. Wao ni wasomi ila hawajapata mahali pa kutumia akili zao.

Nataka kusema ahsante sana kwa ndugu yangu John Kiarie kwa kuwakumbuka vijana. Anajua vile akili zao zinaenda mbio. Wanahitaji mahali ambapo wataziweka, ili kuingiza senti na kuwacha kuwasumbua wazazi wao kule nyumbani. Hao vijana ndio wazazi wa kesho. Ukiwapatia hizo *hubs*, zitawasaidia sana.

I support the Bill. Nataka *technopolis* zikuje Kaunti ya Mombasa. Tunaweza kuondoa sheria ngumu, tubadilishe na sheria nyepesi ambayo itatoa mwanya wa kuwezesha *technopolis* ziende sehemu zingine. Ahsante sana.

The Temporary Speaker (Hon. Farah Maalim): Member for Marsabit County.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my contribution to this very important Bill that has been moved and is being debated now. I want to also congratulate the Chairperson for moving this ably and the Members for showing all the willingness to support it.

Hon. Temporary Speaker, the Technopolis (National Assembly No. 6 of 2024) Bill, seeks to establish technopolis across the country. It is envisioned to have hubs in almost all the counties. This will enhance communication, innovation and entrepreneurship. That will support our young people. As we know, today we have a big number of young people who are well educated with their certificates, but are not employed. Since we know that Kenyans are very innovative, this will give our young people a chance to get connected to the entire world and earn a living.

After going through the Bill, I have seen that it provides a comprehensive legal framework for the creation, management and development of technopolis in Kenya to address the urban challenges through digital innovation. Once we have a legal framework, we know very well that all Kenyans are well guided. Everyone will just refer to that and put all the necessary measures in place so that, as we begin this, it will be of great help to Kenyans. When we talk of the entire country and all the counties, it means that even the places that some of us

come from, the most remote areas, will be covered by this. It does not mean that if we come from the remotest part of this country, that the people there are not educated.

Today in our country, even those who are not well educated are creative enough. They can be given the opportunity to do this and earn a living. I support this as the Bill emphasises on creation of a conducive environment. That conducive environment is something that our Government can invest in, so that we can give an equal opportunity to all our young people in the entire country. Through that, we will see the creativity, knowledge and skills that can put this country at another level. We know very well that Mpesa is our own invention and a Kenyan brand that has now moved globally. Given an opportunity in a conducive environment, I am sure our young people and those who are gifted and have knowledge in information, communication and technology (ICT) can grow in this.

This will also help us to attract and retain world class talent. Some of our people are poor today due to lack of opportunity. Given a chance, we can open opportunities that are there and the potentials in different places with different people. I support this Bill, so that we can attract and retain that world class talent in order to compete with others. I am sure Hon. Temporary Speaker, once we do this, after some years, Kenyans will be happy and they will appreciate those who participated in passing this Bill. It will be very transformative to our country as it will give the young people the opportunity to participate.

Again, the Bill provides for the adoption of sustainable environmental practices and technologies within the technopolis. That is all we need, and that is why I support the Bill.

Finally, during the public participation, which was done pursuant to Article 118(1) of the Constitution and Standing Order 127(3), the Committee gave this Bill a lot of attention, received memoranda, sat with different stakeholders, and collected views from the people. The information and views they collected is what guided them.

With those few remarks, I support this Bill and congratulate the Committee for a job well done.

The Temporary Speaker (Hon. Farah Maalim): Hon. Gitonga Murugara, Member for Tharaka.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to rise and support this very important Bill. I must commend the Chairperson of the Departmental Committee on Communication, Information and Innovation, Hon. John Kiarie. They have done a fantastic job as a Committee. He has ably presented this Bill in the best manner he could, eloquently and convincingly. He was supported by the Seconder, Hon. Irene Mayaka. She has also done very well. Therefore, we are obliged to support the Bill, especially when we rejected the Mung Beans Bill in Order No.8, a Bill that was not particularly well done. I have heard Members quipping that they do not have time to waste on such badly done Bills from the Senate, which are not well presented. The Technopolis Bill is an example of what good work Parliament can do.

With those remarks, I wish to support the Bill. First and foremost, it is important to point out that the source of this Bill is the Konza Technopolis Development Authority Order, which was made in 2012, establishing the Konza Technopolis as a technological city at Konza. We have heard about it for a while now and we may not have made a lot of progress regarding the establishment of the City, but we found that the little we have done is the route to go.

Therefore, it has been introduced in this House today as a Bill, which will be an Act of Parliament, establishing a technopolis in the country. It will not just be one technopolis, but several will be established from time to time, as will be determined by the law.

It is important because a technopolis is a technological city where young people – although they will soon also be old people – will be highly learned in technology and international investors will come in. Konza City will not accommodate that technopolis alone. They may have to come to Marimanti in Tharaka Constituency or Runyenjes Constituency of

Hon. Muchangi Karemba. They may have to go to West Mugirango in Nyamira where Hon. Mogaka comes from or Marsabit, which is a fast-growing town. It will soon be a city. We need all that. Therefore, this is a very important piece of legislation, which this House must do justice to.

So, after the definitions in the Bill, which we have no quarrel with, we will go to the establishment of the authority. This is the authority that will have several roles to play in terms of what they are able to do as legal persons in law. They will be *sue juris*, that is, they are capable of suing and being sued. They will be able to enter into contracts as legal personalities and do everything else that appertains to the Act.

As regards exactly what their functions will be, this is clearly set out in Section 5, and the most important is to plan, develop and manage technopolis. We will be removing that but even if it is defined as a technopolis, it does not matter because now we have removed the name Konza City. It can be established in any part of the country with regard to this particular law.

I have also picked out the procedure of establishing a technopolis in Clause 16 and this will be determined by several factors, including the geographical area and the buffer zone of that particular technopolis as will be determined. Then the authority will have power to control how that technopolis would be developed. This is important because we do not want haphazard development of cities, especially technological cities. That may have its own repercussions if we do not do it properly. We have heard about how Nairobi developed as an old town, beginning somewhere around 1900 and today, which is 124 years, we are complaining that we did not think through Nairobi properly and that, today, we may have difficulties in expansion and development. But this is the City and we just have to live with it. The answer to that problem is that we must plan properly and, once we plan, we are able to get a city similar to what we are getting in the developed world like the Silicon Valley in America and elsewhere.

Of course, we have the licensing provisions which are set out in Clause 28 regarding persons who will be carrying out business in those particular cities, and how they are to be licensed by the authority. The same authority has enforcement provisions so that nobody breaches the law when it comes to setting out the business in that technopolis and that we do not have illegal activities being carried out. Most important is that, if you do not plan properly, remember technology today is the alternative brain of a human being. If you do not do it properly, it is actually going to be used against you and what you have is what we have been hearing from time to time. There is hacking of equipment, a result which individuals, including governments, have lost huge sums of money.

We have the dispute resolution process where a tribunal is being established. This is very important. As usual, this is going to be part of the Judiciary because they are now saying that all tribunals should be condensed under the Judiciary. This House has not agreed to that proposal 100 per cent and we will have to look at that to see whether from this Act, it is a tribunal that is going to be established for a specific purpose, apart from just dispute resolution. The Committee will consider making it a special tribunal so that it is able to escape the grip of the Judiciary. Otherwise, it will have to be controlled and run from the Judiciary.

From there, we have the section on general provisions, transitional and saving provisions, and delegated powers. This is only subsidiary legislation which is extremely important. In fact, without regulations which are going to flow from this Act, we may have difficulties in enforcing this particular law. This is a very important piece of legislation. I want to see a technopolis somewhere in Tharaka Constituency or Tharaka Nithi County so that, as we talk about Konza City, we also talk about other cities that are established nearer to the people - whether in Isiolo, Kitui or anywhere else - so that we can do technology-driven businesses as other parts of the country.

Thank you, Hon. Temporary Speaker. With those remarks, I beg to support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Eric Muchangi, Member for Runyenjes, followed by Hon. Julius Mawathe, Member for Embakasi South.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): If you are generous enough, you can donate some minutes. This is because we only have ten minutes left before we adjourn.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. This is well noted. I wish to start by thanking Hon. K.J. for a job well done. This Bill is creating an authority that will oversee the establishment of technopolis zones in this country.

Recently, I had an opportunity of seeing what is happening at Konza City. I did not believe my eyes because a lot has been done. I saw the horizontal development and type of infrastructure that has been set up in that place. As a House, the best we can do is to support this legislation so that what is happening at Konza City can be replicated across the country. This will project our country as one of the best investment destinations.

Going by the kind of education and training our young people are going through, we can clearly see the future. We can also quickly predict that in the coming years, they will be greatly enabled by technology to undertake responsibilities and work. As a House, the best we can do is to legislate not for ourselves, but for future generations. So, they will find a legal framework that will facilitate investment from local and foreign investors.

I wish to mention Tatu City which is located near Thika Road. It is an investment similar to Konza City although, maybe, they are not at the same level. I usually pass near that city and see the thousands of young people and innovation hubs. They work day and night at the Call Centre International (CCI). If such organisations are established in other places in the country, our growing population of young people who are well educated but still jobless will find work to do and be proud of this country. I believe where I come from, that is Runyenjes Constituency in Embu County and the wider Mbeere part of this country which is very expansive, will benefit from the establishment of technopolis zones.

Hon. Temporary Speaker, you had indicated that I should be generous to my colleague from the county that hosts Konza City. I want to keep my word and rest my case there. I support. Thank you.

The Temporary Speaker (Hon. Farah Maalim): He is from Nairobi, not unless you want to insinuate his ethnic background. Proceed, Hon. Mawathe.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this very important Bill.

First, I want to congratulate my brother, Hon. K.J. for the wonderful job he has done with this Bill. This Bill is long overdue. I have an IT background, and I understand that in other parts of the world, there is what they call a technopolis. It is time we have an authority to guide and give us direction as we continue to expand technology-wise.

As you said, there is KONZA Technopolis and then the one at Tatu City. However, we need to grow a few more in the country. We can create one in each county or even constituency. Let that authority assist us with the setting up of the ICT hubs so that we can engage our youth who are idle in the constituencies.

For starters, in the next Financial Year, 2024/2025, we are putting up three ICT hubs in my constituency, Embakasi South, so that our youth can be able to benefit from them. We tend to think that we are ahead technology-wise, but we are not supporting the infrastructure, authority or policies to be fully realised in IT in Eastern and Central Africa or in Africa.

Artificial Intelligence (AI) is coming up and it is very strong, and such an authority will be able to give guidance and direction on what should or should not happen.

With that, I support and look forward to...

Hon. John Kiarie (Dagoretti South, UDA): On a point of information Hon. Temporary Speaker. I am very hesitant to interrupt my colleague when he is debating. I just want, with his permission, to inform him even as he debates.

The Temporary Speaker (Hon. Farah Maalim): Member for Embakasi South, do you wish to be informed by Hon. KJ?

Hon. Julius Mawathe (Embakasi South, WDM): Yes.

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

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, the information I wish to give to the Member for Embakasi South has to do with the scale of a technopolis. The technopolis in itself is a city, and that is why I am so keen on inviting Members to visit Konza Technopolis to see the scale of a technopolis. In its grandeur, a technopolis cannot fit in a constituency. We can have digital innovation hubs in the constituencies, and economic zones in counties. We can even have innovation hubs, like the one we have in Tatu City. However, by its definition, a technopolis is actually a city.

Hon. Temporary Speaker, I thought it would help him with his debating.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you. Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): Order. Now, for the interest of the Temporary Speaker, the Bill here says 'establishment of technopolises', and so, it means cities.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, you...

The Temporary Speaker (Hon. Farah Maalim): If you say a constituency is too small to have that city itself, then where would you have those cities in addition to Konza?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, that is why I was trying to draw the mental picture for individuals to see that we are not talking about a development that would fit in a geographical area as small as a constituency. We are talking about expansive developments that would even cover what geographically would be several constituencies. I just wanted to point out.

The Temporary Speaker (Hon. Farah Maalim): You are looking at counties or something close to that. Is that so?

Hon. John Kiarie (Dagoretti South, UDA): Yes. It can sit in a county, but...

The Temporary Speaker (Hon. Farah Maalim): Or cities because we have five cities in the country?

Hon. John Kiarie (Dagoretti South, UDA): Yes. We have five cities in the country and a City like Nairobi might not even be able to accommodate a technopolis in the state that it is now because it is over-populated.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Mawathe. Can you, please, switch off that microphone?

Hon. Julius Mawathe (Embakasi South, WDM): Thank you. I now have the microphone. I think my brother totally misunderstood me. I talked about the ICT hubs. We have three of them in my constituency. I have been to Konza Technopolis about six to eight times and so, I am aware of the scale and the horizontal development that is there. In addition to hosting Boeing Company and many other big companies, IBM are also looking at coming on board. I am fully aware and it is a good idea. We need to have more cities like Konza Technopolis City, which cannot fit in my constituency.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. We have come to the end. The time being 7.00 p.m., this House stands adjourned until Wednesday, 25th September 2024, at 9.30 a.m.

The House rose at 7.00 p.m.

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