MARCH 2016 KEWOPA MEMBERS HANSARD [NATIONAL ASSEMBLY]

CHAIRS
Date 2\textsuperscript{nd} March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 3\textsuperscript{rd} March 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 3\textsuperscript{rd} March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 8\textsuperscript{th} March 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 9\textsuperscript{th} March 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 9\textsuperscript{th} March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 10\textsuperscript{th} March 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 16\textsuperscript{th} March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 17\textsuperscript{th} March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)
Date 22nd March 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 23rd March 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 23rd March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Deputy Speaker)

Date 24th March 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 29th March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 30th March 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 30th March 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

COMMITTEE OF THE WHOLE HOUSE

Date 2nd March 2016
Member of Parliament: Hon. Regina Nyeris
Contribution she made on: The Agriculture, Fisheries and Food Authority (Amendment) Bill
‘Thank you, Hon. Temporary Deputy Chairman. Before I say whether I support this amendment or not, I need some clarification. If the kilogrammes are going to be reduced to 50, what about the prices? For example, maize is packed in 90-kilogramme bags. If the price is going to be the same, then I support.’

Date 3rd March 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: The Legal Aid Bill
(Clause 6)
‘Hon. Chairlady, the Committee would not oppose that particular amendment, but will seek to further amend it, so that instead of having the word “shall” we have the word “may” to read “The headquarters of the Service shall be in the capital city, but the Service may establish branches in every county in Kenya to ensure reasonable access to its services.”

Hon. Chairlady, you know that in this country, because of the resources that we have in the justice system, it may not be possible at this particular point in time to establish all the branches at the same time. Using the word “may” allows us to progressively establish branches in the counties. The word “may” is ideal. If the Member insists on the word “shall”, the Committee will be forced to oppose the particular amendment because this is a new body with no sufficient resources. An amendment requiring commitment for establishment of branches across all the counties will need to go to the Budget and Appropriations Committee for the purposes of finding out whether the resources are available. If the Member is minded to use the word “may”, we would be okay.’

(Question, that the word to be left out be left out, put and agreed to)
(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 9)
‘Hon. Chairlady, I just wanted to add as you make your decision on this matter that this Clause 9 is the one that covers the establishment and Constitution of the Legal Aid Board. So, the Committee has taken time in deciding the relevant persons to put into that Committee and who are covered in Clause 9. So, I would be on the same line with Hon. Gikaria that the Committee first prosecutes the matter of membership before another Member seeks to amend either to remove somebody or add another person. The proposals by Hon. Okoth is changing the original membership and the Committee spent a lot of time
worrying about this question. This is the heart of the Legal Aid Service Board. So, I would prefer and I would urge that the Committee first prosecutes its own views and if any other Member has a different view, they can do so later.’

‘Thank you, Hon. Chairlady. In view of the proposals raised by the Member and looking at the amount of time that the Committee spent on this matter, I would urge that the Member considers dropping the amendment. He never appeared before the Committee and never had any deliberations with the Committee. We are at pains, as a Committee, to ask the House to defeat the Member’s deletions. That particular body has already been amended sufficiently by the Committee and might carry some of his concerns.

Kindly, Members, help us to oppose the amendments proposed because the Committee has already looked at that matter.’

‘Hon. Chairlady, I beg to move:-

THAT, Clause 9 of the Bill be amended—

(a) in sub-clause (1)—

(i) in paragraph (a) by inserting the words “from among persons qualified to be appointed as a judge of the High Court” immediately after the word “President”;
(ii) in paragraph (c) by deleting the words “legal aid” appearing immediately after the words “relating to” and substituting therefor the word “justice”;
(iii) by deleting paragraph (f);
(iv) in paragraph (j) by deleting the words “public universities that have established legal aid clinics” appearing immediately after the words “nominated by the” and substituting therefor the words “Council for Legal Education”;
(v) by deleting paragraph (l);
(vi) by deleting paragraph (n);
(b) by deleting subclause (2);
(c) In subclause (3) by deleting the expression “1(f)” appearing immediately after the word “sub-section” and substituting therefor the expression “(1) (h)”.

Hon. Temporary Deputy Chairman, the proposal seeks to require higher qualifications for the person who would be appointed as a chairperson because legal aid matters sometimes need a judicial mind.

In Clause 9(c), the Committee seeks to substitute the words “matters relating to legal aid” with “matters relating to justice”. At any point in time, in the organisation of Government, there is a Principal Secretary or Accounting Officer for matters relating to justice. The Legal Aid Bill and legal aid issues are going to fall in matters relating to justice.
We also have amendments relating to public universities that have legal aid clinics. We are looking to have the Council for Legal Education also playing a role in this legal aid board. A lot of the legal aid schools and public universities that have law schools provide legal aid services. It would be good if the Council for Legal Education nominates a member to sit on this board.

I urge the House to agree with the Committee in improving the constitution of the board as established in Clause 9.’

(Question of the amendment proposed)

Date 3rd March 2016
Member of Parliament: Hon. Tiyah Galgallo
Contribution she made on: The Legal Aid Bill
‘Hon. Temporary Deputy Chairman, I stand to support the amendment on Clause 9 especially on (a)(ii) on legal aid.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Date 3rd March 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: The Legal Aid Bill
‘Thank you, Hon. Temporary Deputy Chairman. After voting, the proposals remaining to be considered for Hon. Okoth was Clause (k), which he has properly prosecuted. I want to bring to his attention the difficulty in a clause like this. The Public Benefits Organisations that offer legal aid do not have a joint forum at all. They would have networking sessions among themselves, but not a joint forum identified by law and not one that the law can work with.

Let me speak as somebody with experience because I was the Executive Director at Kituo Cha Sheria, which is a legal aid organization. In the National Legal Aid and Awareness Programme (NALEAP) which was the precursor to this Bill, we had a similar clause that three persons would be nominated by a joint forum. For the three years that the programme ran, we were never able to get this joint forum to nominate three persons.

We have then thought that we need to propose a further amendment to his amendment, that in paragraph (k), we have one person elected by a joint forum of Public Benefit
Organisations offering legal aid to the public including women, youth and children. That they elect the person as opposed to nominating a person. They should only elect one person among themselves, so that the Attorney-General or the relevant office would call them into a forum and they would elect one among themselves to represent them on the board. The nomination of three in an unregulated environment would be a bit difficult. So, I will probably be moving the amendment. On Sub-clause (4), we do not oppose it.’

‘Hon. Temporary Deputy Chairman, the proposal that now remains on the table for Hon. Okoth is Sub-clause 4, which allows the two-thirds gender rule to be applied. Naturally, I would never oppose that one. I support it and we should carry it on board.

There are other couple of proposals on the qualifications of members; that they possess a university degree from a recognised university; that they have knowledge of not more than seven years and they are persons of good professional standing in the society. Because we are dealing with a small board, I would also be inclined to support those further amendments and to allow that we increase the qualifications that are required for persons who will serve on that board.

On the last Sub-clause (5) on the proposal by Hon. Okoth to delete (5)(a); that a person will not be qualified for appointment as a member of the board if such a person is a member of a governing body of a political party or an employee of a political party, I will be opposing that particular amendment for the reason that when we come to the public service, we want members who are non-partisan and members whose political affiliation is not known, so that they can serve all Kenyans. So, allowing members of governing bodies of political parties or employees of political parties to be members of the Legal Aid Board would not be ideal. This qualification is usually not just in the Legal Aid Board, but in many other public service matters. If you are going to serve in the public service in a country as ethnically divided as our own, we would prefer that persons who come to serve are non-partisan. There is nobody in this country that carries or embodies partisanship than members of governing bodies and members who are employees of political parties. So, I urge Hon. Okoth to drop that particular amendment. If he does not drop it, as a Committee, we will be inclined to oppose it. Thank you, Hon. Temporary Deputy Chairman.’

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 12 of the Bill be amended in Sub-clause (2) by deleting the expression “(f)” appearing immediately after the expression “9 (1) (c), (d), (e)”.'
The Committee is of the view that this proposed deletion cleans up that section. So, it is really a matter of clean up on Clause 12. I urge the House to support that.’

(Question of the amendment proposed)

Question, that the word to be left out be left out,

put and agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I oppose the deletion of Clause 14 because it gives validity to decisions of the board in the event that there is a vacancy. There are many things that happen to some of these boards. For one reason or the other, there could be a vacancy in the membership of the board. So, it is always good legal mechanism to protect the decisions that are made by such a board when it has such a vacancy.

On the other proposals around the quorum and the board inviting experts and other persons who might add value, these are matters that usually go into regulations as opposed to being in the body of the legislation. They are useful additions but they should not be in the body of the legislation. These are matters that should go to regulations. Experts should be invited when the need arises. I oppose the additions.’

(Question, that the words to be left out be left out,

put and negatived)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 22 of the Bill be amended by deleting the expression “15” appearing immediately after the word “section” and substituting therefor the expression “21”.

On Clause 22, the amendment by the Committee is a correction of a cross-referencing. We are cross-referencing with Section 21 and not Section 15. It is an editorial amendment to clean up the Bill and the cross-referencing.’

(Question of the amendment proposed)

(Question, that the word to be left out be left out,

put and agreed to)

(Question, that the word to be inserted in place thereof be inserted,

put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 24 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “and appointed by the Cabinet Secretary” appearing immediately after the word “Board”.

(b) in sub-clause (3)—
(i) in paragraph (b) by deleting the words “and has experience in matters relating to legal aid” appearing immediately after the word “years”;  
(ii) by deleting paragraph (c);  
(c) by deleting sub-clause (6) and substituting therefor the following sub-clause—

“(6) The Director shall hold office for a term of three years, but shall be eligible for reappointment for one further term.”

The justification relates to making the director directly answerable to the board and reducing the qualifications applicable for the appointment of a director of the service and reducing the term of service for the director from five to three years. This is meant to ensure efficiency and ensure that they work in terms of performance contracting, which is the new way of delivering in Government. So, the proposals are as contained in the Order Paper towards making the director a lot more accountable.

Thank you.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out,  
put and agreed to)

(Question, that the words to be inserted in place thereof be inserted,  
put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 25 of the Bill be amended—

(a) in sub clause (1)—

(i) in paragraph (a) by deleting the word “director” appearing immediately after the words “office of” and substituting therefor the word “Director”;  
(ii) in paragraph (b) by deleting the words “or misbehaviour”;  
(iii) by deleting paragraph (e);  
(b) in sub clause (2) by deleting the words “principle of fair administrative action prescribed under Article 47 of the Constitution” appearing immediately after the words “with the” and substituting therefor the words “provisions of the Fair Administrative Action Act, 2015”.

The first deletion relates to grammatical errors of capitalising the word “director”. So, it is editorial. We are removing arbitrary grounds for the removal of the director of the service.

We are also underlining the cross-reference to Fair Administration Act which was enacted by this House to codify the right to fair administrative action under Article 47 of the Constitution. The changes that we seek in Clause 25 are to achieve these objectives. It is just capitalising or correcting the grammatical errors.
Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 25 of the Bill be amended—

(a) in sub clause (1)—

(i) in paragraph (a) by deleting the word “director” appearing immediately after the words “office of” and substituting therefor the word “Director”;

(ii) in paragraph (b) by deleting the words “or misbehaviour”;

(iii) by deleting paragraph (e);

(b) in sub clause (2) by deleting the words “principle of fair administrative action prescribed under Article 47 of the Constitution” appearing immediately after the words “with the” and substituting therefor the words “provisions of the Fair Administrative Action Act, 2015”.

The first deletion relates to grammatical errors of capitalising the word “director”. So, it is editorial. We are removing arbitrary grounds for the removal of the director of the service. We are also underlining the cross-reference to Fair Administration Act which was enacted by this House to codify the right to fair administrative action under Article 47 of the Constitution. The changes that we seek in Clause 25 are to achieve these objectives. It is just capitalising or correcting the grammatical errors.’

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 35 of the Bill be amended in sub-clause (2) by inserting the following paragraph immediately after paragraph (b)—

“(ba) children matters;”.

Children matters are among the services that shall be provided in the legal aid service. There are many issues which affect our children in this country. Sometimes, they need lawyers. The state should be compelled to provide lawyers to children who may need them. As a Committee, children matters would be our introduction.
Thank you, Hon. Temporary Deputy Chairman.’

(Question of the amendment proposed)

Question, that the words to be inserted be inserted, put and agreed to)

(Clause 35 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 36 of the Bill be amended—
(a) in sub-clause (1) by—
(i) deleting paragraph (c);
(ii) deleting paragraph (d);
(iii) deleting paragraph (f);
(b) in sub-clause (2) by deleting the words “the prescribed manner” appearing immediately after the words “Service in” and substituting therefor the word “writing”;
(c) sub-clause (4) by—
(i) deleting paragraph (e);
(ii) deleting paragraph (f);
(iii) deleting paragraph (g);
(iv) deleting paragraph (h);
(v) deleting paragraph (i);
(vi) deleting paragraph (j);
(vii) deleting paragraph (k).

The Committee looked at this clause and the persons eligible to receive legal aid and services. Those persons must be indigent in our society. They must also be residents in Kenya. In cleaning up the particular section so that the limited resources can go to those who need them, the Committee looked at the groups which are eligible to legal aid and services. It has proposed deletions of some of the persons who are covered because resources might not be sufficient to extend the service to certain categories, including refugees. The legal aid service scheme is limited to indigenous persons who are resident in Kenya. The justification is to limit the categories of persons who should get legal aid service and give it to children, internally displaced persons and indigenous citizens.

The law also seeks to provide that they apply in writing and remove unnecessary pre-conditions for granting of legal aid to eligible persons. Once the categories covered are identified, there are no conditions to their getting legal aid services. So, those are the
proposals that the Committee has in Clause 36. Thank you, Hon. Temporary Deputy Chairman.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

‘Thank you Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 37 of the Bill be amended by—

(a) deleting paragraph (c);
(b) deleting paragraph (g).

On Clause 37, the Committee proposes to delete paragraph (c) which relates to non-justifiable matters and (g) relates to recovery of debts.

The Committee’s view is that we should not have unnecessary or discriminatory exceptions to the grant of legal aid. By deleting those two, we remove unnecessary and discriminatory exceptions to the grant of legal aid. We urge the House to agree with the Committee that the two grounds in (c) and (g) were bringing in heavy obligations on the part of the person needing to get legal aid. So, by deleting the two, the grant of legal aid to persons who are qualified becomes easier. Thank you.

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Clause 37 as amended agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 38 of the Bill be amended by deleting Sub-clause (2).

The justification for the deletion by the Committee is to remove the unnecessary and discriminatory exceptions to the granting of legal aid.’

(Question of the amendment proposed)

(Clause 39)

‘Thank you, Hon. Temporary Deputy Chairman. This particular proposal covers a person or an institution with expertise in the area of alternative dispute resolution (ADR) engaged by the service to specifically conduct an ADR. What Hon. Okoth may not know is that we have accredited ADR system in this country, be they arbitrators, mediators or members of the chartered institute of arbitration. Those are the persons who are intended by this provision as opposed to legal service aid providers. The legal aid service providers would be Non-Governmental Organizations (NGOs). On matters of arbitration and alternative dispute resolution, we have other persons in the legal profession who are allowed to serve as
arbitrators and mediators. Those are the ones who are intended by this particular section. The amendment by Hon. Okoth will, therefore, not be adding value to what was envisaged by the Bill – which was to bring in the ADR experts. The country has increasingly had very qualified arbitrators, mediators and conciliators. I would urge Hon. Okoth to drop the amendment. If he does not drop it, the Committee will be opposing it because legal aid service providers already have many other roles provided for them in this law.

I would also wish to quickly alert Hon. Okoth that, sometimes, alternative dispute resolution is much cheaper and gives you a resolution faster than going through the entire court process with the legal aid service provider who would be the NGO. Thank you.’

(Question, that the words to be left out be left out, put and negatived)

(Clause 39 agreed to)

’Hon. Temporary Deputy Chairperson, I beg to move:-

THAT, clause 40 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “the prescribed manner” appearing immediately after the words “Service in” and substituting therefor the word “writing”;

(b) in sub-clause (3) by deleting the words “the prescribed procedures” appearing immediately after the words “accordance with” and substituting therefor the words “this Act”;

(c) by deleting sub-clause (4).

I would just like to point out that Hon. Aghostino Neto is a Member of the Justice and Legal Affairs Committee. Most of his amendments should have been processed during the Committee proceedings.

Clause 40 proposes some amendments, some in sub-clause (a) deleting the words “the prescribed manner” and one in sub-clause (3) by deleting the prescribed procedures and in sub-clause (4) as well.

The justification by the Committee is to provide for an application for legal aid to be done in writing and to remove penal consequences for submission of an inaccurate application. The legal aid persons would already have too many obligations around their lives. The Committee is of the view that putting penal consequences for submission of inaccurate application would be too much for the lower ones. We, therefore, propose the deletions to allow for applications in writing and to remove the penal consequences in Clause 40.

Thank you, Hon. Temporary Deputy Chairperson.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)
Hon. Temporary Deputy Chairperson, I beg to move:-

THAT, clause 41 of the Bill be amended—
(a) in paragraph (b) by inserting the words “in writing” immediately after the word “applicant”;
(b) in paragraph (c) (i) by inserting the words “in writing” immediately after the word “applicant”;
(c) in paragraph (c) (ii) by inserting the words “due to physical or mental incapacity” immediately after the word “obtained”.

The amendments by the Committee are minimal to the extent of requiring that the applications for legal aid be made in writing and to allow other persons who, sometimes, may not be affected to apply for legal aid on behalf of the person who is unable to do so, either because of physical or mental incapacity. This is a new introduction by the Constitution. A person who may not be in need of legal aid may apply to support a person who may be in need of legal aid. In the past, the law has been so strict that only the affected person could apply. But since the introduction of the current Constitution, a person in close proximity with an affected person can also apply on their behalf. Legal aid is going to be no exception. A person can apply for legal aid on behalf of another person who may not be able to do so because of physical or mental incapacity. Those are the amendments that we seek to introduce and ask the House to agree with the Committee. Thank you.'

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 41 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 42 of the Bill be amended—
(a) in sub-clause (1)—
(i) in the prefatory statement by inserting the words “remand homes for children” immediately after the word “station”;
(ii) by deleting paragraph (c);
(iii) in paragraph (d) by deleting the words “properly completed” appearing immediately after the words “form is” and substituting therefor the word “made”;
(b) in sub-clause (2) by deleting the words “making an application” appearing immediately after the words “custody from” and substituting therefor the word “applying”. The
amendment sought in Clause 42 is covered in the Order Paper. The Committee is of the view that it requires persons in charge of remand homes to inform children that they have a right to legal aid. When children are incarcerated in remand homes, the officers in charge of the remand homes should inform the children that they are entitled to legal aid, as we have already covered children matters in the previous amendment.

The proposals for amendment here also remove the requirement for a standard form for applying for legal aid as long as the application is made in writing. We see that as covering that particular aspect. We are guided by the difficulties that people sometimes encounter when they try to get official papers like the P3 Form from the police in some of our rural areas. As long as the application is made in writing, that should suffice.

Lastly, it is just to correct the grammatical errors contained therein. Those are the amendments proposed on Clause 42. We urge the House to agree with the Committee.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 42 as amended agreed to)

(Clause 43)

'Thank you, Hon. Temporary Deputy Chairman. The only issue is that it is, indeed, true that the country does not have sufficient resources. One of the other things the law avoids to do is to give promises it cannot fulfil. That is why the word used is “may”, so that in an appropriate case, as far as the resources go and as far as a magistrate can make such an order, the magistrate would then require that the child is represented.

In some particular instances, despite the best wishes of law of the country and of the court, it may not be possible. So, using the word “shall” is going to introduce a fairly onerous standard that the country may not be able to meet. I urge that the House retains the word “may” as we continue to look for resources and ask the country to move to some of these instances. We will be opposing the amendment by Hon. Okoth. Thank you.’

(Question, that the word to be left out be left out, put and negatived)

Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 43 of the Bill be amended by inserting the following sub-clause immediately after sub-clause (5)—
“(6) Despite the provisions of this section, lack of legal representation shall not be a bar to the continuation of proceedings against a person.”

Even in instances where the country, the board and the Service may not be able to provide you with legal services or a lawyer, the proceedings will continue, nonetheless. This is based on looking at the thousands of criminal trials that we have in this country, for example. Sometimes, it may not be possible to assign a lawyer to each and every one of those trials. Those trials would commence nonetheless. I am just adding the rider that as far as possible, this House will do its best to provide the funding and necessary resources. But where those resources do not cover all the trials, the trials will proceed and they are not nullified just by the fact that legal representation was not available.

We urge the House to agree with the Committee on this proposal.

Thank you, Hon. Temporary Deputy Chairman.’

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 43 as amended agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:—

THAT, Clause 44 of the Bill be amended—

(a) in sub-clause (3) by deleting the words “fourteen days” appearing immediately after the words “not later than” and substituting therefor the words “forty-eight hours”;

(b) by deleting sub-clause (5);

(c) by deleting sub-clause (6).

The Committee is of the view that we need to reduce the period within which the Service can make a decision on an application for legal aid - from 14 days to 48 hours. This is because some of these cases are fairly urgent. We do not see the reason the Service should take 14 days to make a decision. Forty-eight hours from when the application is lodged are enough.

In the second proposed deletion, we are deleting to remove duplication because Clause 44(5) is similar to Clause 44(2)(c) and Clause 44(6) is also similar to Clause 44(3). That is meant to clean up the clause.

We urge the House to agree with the Committee. Thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
Hon. Temporary Deputy Chairman, I beg to move that:

THAT, Clause 48 of the Bill be amended in sub-clause (2) by deleting the word “thirty” appearing immediately after the words “person within” and substituting therefor the word “fifteen”.

The Committee is of the view that we reduce the period within which the Service can make a decision or vary its earlier decision on legal aid from 30 days to 15 days. Thirty days is too long. We think that 15 days are sufficient for this particular role in Clause 48. Thank you.’

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 49 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 52 of the Bill be amended in sub-clause (4) by deleting the words “immediately notify the aided person and the legal provider” appearing immediately after the words “Service shall” and substituting therefor the words “within seven days notify the aided person, the legal aid provider and the Court.”

This is about withdrawal of legal aid which can happen and the reasons where legal aid can be withdrawn are given. Sometimes, it is good to point out that there are people who present themselves as poor in the first instance. So, they qualify for legal aid but when circumstances are checked, it is found out that they can afford the services of lawyers or legal services. There could be other reasons that necessitate the withdrawal of legal aid in a service like this one. Should that happen, the Committee proposes that there should be a specific period within which to give the notice of withdrawal for any of the legal aid services. The Committee in Clause 52 proposes that the person will be notified immediately, but within seven days if any of the legal aid services are going to be withdrawn.

It is important to note that people, sometimes, misrepresent themselves. Somebody can misrepresent himself sometimes even as a child and it is discovered that he or she is not below 18 years, but actually above 18 years. If any of those circumstances come to the attention of the Legal Aid Board, then the withdrawal of services can happen. The only protection the Committee proposes is that there is a notice within seven days so that they can be aware that the services are going to be withdrawn.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
‘Thank you, Hon. Temporary Deputy Chairman. Sometimes, the reasons for the withdrawal of legal aid are caused by the applicants themselves. So, if they are going to suffer any prejudice, then it is prejudice which they have visited on themselves.

Let us take the example of a criminal trial. If you misrepresent yourself as a poor person and it is discovered that you are not a poor person, then the service would have to be withdrawn. If you are going to suffer consequences, it is because of your original reasons that have caused the withdrawal. The Committee would be hard-pressed to support this because if there is any prejudice that results from withdrawal, there would definitely be prejudice resulting from the withdrawal of the legal aid services. But if the legal aid services withdrawal is justified in the section as covered in Clause 52, then that would just be as it is.

I urge Hon. Okoth to drop this amendment and agree that where the Service needs to withdraw the legal aid, a sufficient seven-day notice is given for that purpose. The Committee will not support this particular proposal.’

**Date 3rd March 2016**

**Member of Parliament: Hon. Janet Nangabo**

**Contribution she made on: The Legal Aid Bill**

‘Thank you, Hon. Temporary Deputy Chairman. I support the Chairperson of the Committee because of the seven-day notice. I urge my brother from Kibra to support the Committee.’

**Date 3rd March 2016**

**Member of Parliament: Hon. Priscilla Nyokabi**

**Contribution she made on: The Legal Aid Bill**

‘Hon. Temporary Deputy Chairman, I beg to move:—

THAT, Clause 53 of the Bill be amended by inserting the following sub-clause immediately after sub-clause (3)—

“(4) Upon the withdrawal of legal aid, a legal aid provider shall apply for leave of court to cease providing legal aid services in the relevant case.”

This is a consequence of what happens when legal aid services are withdrawn. One has to apply to the court to withdraw legal services or to be allowed not to provide legal services anymore. That should cushion Hon. Okoth’s earlier amendment that it is upon leave of the court. If the court feels that there would be prejudice against somebody, the court can make any other decision. However, for the purpose of this clause, a legal aid service provider should be allowed to apply, with leave of the court, to be allowed to withdraw legal aid services.’
Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 53 of the Bill be amended in sub-clause (4) by deleting the words “principles of fair administrative action set out in Article 47 of the Constitution” appearing immediately after the words “by the” and substituting therefor the words “Fair Administrative Action Act, 2015”. This is largely to align this Bill to the Fair Administrative Action Act of 2015, which was enacted by the House to codify the right to fair administrative action in Article 47 of the Constitution. Sometimes there is a very close nexus between legal aid and the need for administration services. Sometimes the problems that arise require poor people to be assisted in the administration sections. The Fair Administrative Action Act covers those particular matters. We urge the House to agree with the Committee on the amendments proposed.”

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 54 of the Bill be amended in sub-clause (4) by deleting the words “principles of fair administrative action set out in Article 47 of the Constitution” appearing immediately after the words “by the” and substituting therefor the words “Fair Administrative Action Act, 2015”. This is largely to align this Bill to the Fair Administrative Action Act of 2015, which was enacted by the House to codify the right to fair administrative action in Article 47 of the Constitution. Sometimes there is a very close nexus between legal aid and the need for administration services. Sometimes the problems that arise require poor people to be assisted in the administration sections. The Fair Administrative Action Act covers those particular matters. We urge the House to agree with the Committee on the amendments proposed.”

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 57 be amended—

(a) by deleting sub-clause (1) and substituting therefor the following sub-clause—

“(1) The Service shall, through regulation, develop and adopt criteria for accreditation of persons and institutions to provide legal aid services.”

(b) in sub-clause (2) by deleting the words “the Cabinet Secretary, the Director of Public Prosecutions, public benefit organizations, faith based organizations” appearing immediately after the words “Attorney General” and substituting therefor the words “the Director of Public Prosecutions, public benefit organizations,”

The Committee’s justification is that we require the Service to develop a criterion for accreditation of legal aid providers and to codify them in the regulations. We want to remove and reduce persons and bodies required to be consulted in the development of an accreditation criteria, in light of the proposed amendments to Clause 9. But we feel very strongly that there needs to be an accreditation process and procedure for legal aid providers to be provided for in the regulations.
I urge the House to support the amendments that the Committee seeks in Clause 57.

(Question of the amendment proposed)

(Question, that the words to be left be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 57 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 59 of the Bill be amended by deleting sub-clause (2).

The justification is that we do not want to allow the Service to charge for accreditation and monitoring of accreditation services. We do not want a charge to be applied to that Service. So, we propose the deletion in Clause 59(2).

(Question, that the words to be left out be left out, put and agreed to)

(Clause 59 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 60 of the Bill be amended in sub-clause (2) by deleting paragraph (c).

Hon. Temporary Deputy Chairman, the idea is to avoid repetition. The contents of sub-clause (2)(c) are covered under sub-clause (2)(a). This is a clarification and making the law neater.

(Question of the amendment proposed)

'Hon. Temporary Deputy Chairman, this is again a consequence of us having not interacted with Hon. Okoth. I wish some of these Members would come to the Committee. If you look at sub-clause (2)(c), you will find that it publicise such places as the Service shall determine and sub-clause (2)(a) is publicised, placed or posted and made available for inspection at no charge by members of the public at police stations, courts, prisons and any other public place as maybe determined by the service. Sub-clause (a) is clearer than sub-clause (c) as it identifies the places where this can be put and allows the Service to do so. That is why we think it is a repetition of the same principle. We propose that sub-clause (c) be deleted for order.’

(Question, that the words to be left out be left out, put and agreed to)

(Clause 60 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 63 of the Bill be amended by deleting the word “but” appearing immediately after the words “been granted” and substituting therefor the word “and”.

(Question of the amendment proposed)

(Question, that the words to be left be left out, put and agreed to)}
Hon. Temporary Deputy Chairman, this is a grammatical error. We are changing the words there so that the grammar is better.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 63 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 66 of the Bill be amended in sub-clause (1) by deleting paragraph (a).

The amendment identified there is to delete an unnecessary provision as the contents of sub-clause (1) are adequately covered under the rest of the paragraphs in the sub-clause. So, we do not see the need for the repetition.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 66 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 68 of the Bill be amended in sub-clause (1) by inserting the words “supervised by” immediately after the words “Service, or”.

The justification is to allow paralegals to be supervised by accredited bodies to provide legal aid and assistance. The paralegals in legal aid service scheme will be very important because we may not have sufficient number of lawyers across the whole country to provide the service. Where paralegals offer these services, they must be accredited and get legal advice and assistance where necessary. The legal profession in this law is being pushed towards what we have in medicine where paramedics and other persons support doctors in the provision of medical services. Thank you, Hon. Temporary Deputy Chairman.’

(Question of the amendment proposed)

Date 3rd March 2016

Member of Parliament: Hon. Racheal Nyamai

Contribution she made on: The Legal Aid Bill

‘Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment by the Committee to have paralegals supervised properly to ensure provision of quality services that are required.’

(Question, that the words to be inserted be inserted, put and agreed to)
Date 3rd March 2016

Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: The Legal Aid Bill

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, the Bill be amended by deleting clause 69.

The Committee proposes to delete this particular clause. Having allowed the Legal Aid Service to proceed and having allowed other persons who may not be affected apply for legal aid on behalf of the person affected, we do not see the need now for a person called an intermediary. It is going to be very onerous to start discovering who this intermediary is going to be. So, the Committee proposes that this particular clause is deleted. That the Service is established to ensure that the scenario contemplated under the clause does not arise. The Service has been established to ensure that there is provision of legal aid services throughout the country. So, there is really no need for this intermediary. We propose that the same be deleted. We have already allowed paralegals to also work. So, it is difficult to envisage any other intermediaries in a legal aid service or in justice matters.

(Question of the amendment proposed)

Date 3rd March 2016

Member of Parliament: Hon. Racheal Nyamai

Contribution she made on: The Legal Aid Bill

‘Thank you, Hon. Temporary Deputy Chairman. I rise to support the Committee. After going through the Bill, they found it necessary that instead of having these intermediaries who are not known and whose qualifications are not clear, they have decided to have paralegals who are known and who will be supervised. I would like to support the Committee.

(Question, that the words to be left out be left out, put and agreed to)

Date 3rd March 2016

Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: The Legal Aid Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 74 of the Bill be amended by deleting the word “a” appearing immediately after the words “specifying that” and substituting therefor the word “an”. This is a grammatical correction. Thank you.’

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)
Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 74 of the Bill be amended in sub-clause (2) by deleting the words "for security of" appearing immediately after the words "An order" and substituting therefor the words "of security for". This is a grammatical correction.

(Question of the amendment proposed)

(Clause 74 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 75 of the Bill be amended in sub-clause (2) by deleting the words "for security of" appearing immediately after the words "An order" and substituting therefor the words "of security for". This is a grammatical correction.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 75 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 76 of the Bill be amended—

(a) in sub-clause (2) by inserting the following paragraph immediately after paragraph (c)—

"(d) extending the Service to as many beneficiaries as possible."

(b) by inserting the following sub-clause immediately after sub-clause (3)—

"(4) the scale fees determined by the Service shall be less than the legal fee applicable to persons not aided by the Service."

The justification for this amendment is to ensure that the service is extended to as many beneficiaries as possible and also to ensure that the scale of fees applicable to legal aid service is less than that applicable in the ordinary legal cases. This amendment will ensure that the scheme is not in the normal remuneration order but rather that the fees charged are on a lower scale because this is a legal aid service. We urge the House to agree with the Committee on those amendments.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 76 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 83 of the Bill be amended by inserting the word "personal" immediately after the words "disclose any".

The justification is to further specify that the information that should not be disclosed must be of a personal nature to the aided person in order to maintain confidentiality.

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)
‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 85 of the Bill be amended in the preface statement by deleting the word “two” appearing immediately after the words “in every” and substituting therefor the word “three”.

The justification is to increase the period which the Service is to publish a legal aid guide from two to three years. They might need a little bit more time to publish the legal aid guide.’

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clauses 83 and 85 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 87 of the Bill be amended—

(a) in sub-clause (2) by deleting paragraph (b);

(b) by inserting the following sub-clause immediately after sub-clause (2)—

“(3) For the purposes of Article 94 (6) of the Constitution—

(a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the Service to discharge its functions effectively;

(b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;

(c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.”

The justification is to align the clauses to the proposed deletion of Clause 69 and to align the clause to the requirements of Article 94(6) of the Constitution, which requires that all legislation must specify the purpose and limits of any delegated legislative powers. We want to clarify the extent of delegated powers that the House is giving in this Bill.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clauses 83 and 87 as amended agreed to)
‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 2 of the Bill be amended—
(a) in the definition of “accredited paralegal” by inserting the words “or an accredited legal aid provider” immediately after the word “advocate”;
(b) in the definition of “Cabinet Secretary” by deleting the words “legal aid” appearing immediately after the words “relating to” and substituting therefor the word “justice”;
(c) in the definition of “legal aid clinic” by inserting the words “or offered by an accredited legal aid provider” immediately after the word “Service”.

The justification for the Committee’s proposals is to, one, allow accredited legal aid providers to supervise paralegals and, two, to specify the functions of the Cabinet Secretary referred to offer legal aid clinics. We think that this particular amendment will bring proper order to the provision of legal aid services. The Committee is particularly interested in allowing paralegals to play a role.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

‘Hon. Deputy Speaker, I beg to second the Motion that the Bill be read the Third Time.

The country is on its way towards getting a legal aid service scheme that will enable people who are indigent or poor to have legal aid services. This is a day that has been long in coming. I support this law and the legislative process. I also support the many amendments that have helped clarify and clean up the law and take it to the Executive as an implementation step thereafter.’

Date 8th March 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Natural Resources (Classes Of Transactions Subject To Ratification) Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 4 of the Bill be amended in sub-clause (2) by inserting the words “Notwithstanding subsection (1)” immediately before the words “The following classes”. The import of that amendment is for transactions that are exempted to be allowed under sub-clause (2).

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 4 as amended agreed to)
'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) The Cabinet Secretary shall establish and maintain a central register of agreements relating to natural resources and other transactions which have been ratified as provided under this Act.”

The current Clause 11(1) asks for all ministries that have different transactions to have a depository of their own. Our amendment proposes that the Cabinet Secretary for Environment and Natural Resources be the central registry of all these transactions.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 11 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 12 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

"(2) Where the request for confidentiality is granted, the Cabinet Secretary responsible for the natural resource that is subject of the transaction shall submit the agreement to Parliament which shall conduct the process of ratification in camera without disclosing any confidential material, but a summary of the agreement shall be made available to the public.”

Hon. Temporary Deputy Chairman, Clause 12, as it is currently in the Bill, gives the Cabinet Secretary a blank cheque to decide what can be publicly disclosed or for purposes of commercial confidentiality, national security or other public interest and asking Parliament to approve such an agreement without it knowing what is contained therein. We are suggesting that such a grant of confidentiality should be submitted to Parliament under a process in camera to let Members know what exactly is in it to be undertaken so that we are not ratifying things in blindness.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 12 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 13 of the Bill be amended—

(a) in sub-clause (2) by —
(i) deleting paragraph (a) and substituting therefor the following new paragraph—
(a) prescribe the particular classes of transactions, entered into between the effective date and the commencement date which should be audited, the modalities for conducting such audits and the use for which such findings may be put;
(ii) inserting the words “under section 5” immediately after the words “the agreement” appearing in paragraph (c); and
(b) by inserting the following new sub-clause immediately after sub-clause (2) —
(3) The regulations to be prescribed under subsection 2(a) shall be made within two years of the commencement of this Act.

Hon. Temporary Deputy Chairman, there are three sets of amendments under Clause 13. This is an important amendment because this Bill was supposed to be in place by 15th August, 2015. This amendment protects the natural resources transactions that took place between 15th August, 2015 and the date this Bill will commence. The Constitution only covered the transactions between 15th August, 2010 and 15th August, 2015. This small lacuna in the middle needs to be taken care of so that we do not get into court cases.
The second amendment is a cleaning exercise under (ii) to insert the words “under section 5”.
The third amendment is to provide for the timeline under which the regulations under this section need to be done and that is “within two years of the commencement of this Act”.

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Question, that the words to be inserted be inserted, put and agreed to)
(Clause 13 as amended agreed to)

(On a Point of Order)
Hon. Temporary Deputy Chairman, I do not know whether the matter has been overtaken by events but I would like to be on record as having opposed the amendment proposed by the Leader of the Majority Party through the Whip. That amendment throws the Constitution into confusion and the justification he has given is very inconsequential because it means the entire Bill does not hold water. As I was moving this Bill, I mentioned that transactions of natural resources have been covered by other legislations, and that this Bill should not exist because it is already covered. I talked to you at length about the difference between “approval” and “ratification”. Hon. Temporary Deputy Chairman, the reason I was asking to say what I have to say is because the move has been made by the Mover of the Bill. Since
they are Government they should know better than what they are doing. Mine was only to record the fact that we are going against the Constitution. The spirit of the Constitution wanted a control system especially for the extractive sector; that is mining, oil and gas. I would not bother to do a recommittal because that is the responsibility of the Government. If the Chief Whip of the Majority Party wishes to move an amendment that is draconian, let them live with it.’

‘This is where the problem lies. It lies in the wording of “following approval of the development plan”. Let me explain the spirit behind the Constitution under Article 71. It requires that deals made between proponents of projects and the Government that are large and with many consequences—Sometimes those deals commit the country into tax waivers and the details or the nitty-gritty are brought to the House so that we avoid opaqueness and promote transparency. The problems with contracts in the oil, gas and mining sectors are the reason behind this Article in the Constitution, that you avoid opaqueness. We are not talking about when it is at the exploratory stage or before the nitty-gritty and even the royalties because the Mining Bill also has the same provisions that he is speaking about. We are talking about company “X” developing an oil field at a point where they are asking to get duty waivers on machines or on income waivers; issues that will jeopardise the country if it is left at a negotiation level. I have problems with bringing a detailed transaction between a proponent and the Government to the House especially when they are at a very small-scale. This is why in the mining sector we said that we want the very large ones to be brought to the House so that we embroil the spirit of the Constitution.

So, what he is talking about has a relation to the words “after the crude oil”. My problem is removing “crude oil and gas” completely without specifying at what stage this is going against the spirit of the Constitution. It was exactly to deal with mining, oil, gas and forest concessions.’

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Schedule to the Bill be amended by inserting the following new item in the proper alphabetical sequence Excision or change of boundaries of gazetted public forests or nature reserves. This is so that we include the concession of forests under the Schedule. That was left out and yet the proposed Forests Bill and the Wildlife Conservation Act require that changes of boundaries of gazetted public forests or natural reserves be done after parliamentary approval. Just to emphasize the point, everything under this Schedule has been covered by a different Act of Parliament. So, the fact that the next Order is dealing
with petroleum does not hold water because both mining and wildlife conservation cover parliamentary ratification and processes of how that should go on. They are all there.’

(Question of the amendment proposed)

*Question, that the words to be inserted be inserted, put and agreed to*

(Schedule as amended agreed to)

**Date 8th March 2016**

**Member of Parliament: Hon. Amina Abdalla**

**Contribution she made on: The Natural Resources (Classes Of Transactions Subject To Ratification) Bill**

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Schedule be amended by deleting the words, “following the approval of the development plan” after the word “natural gas” and putting a full stop after the words “natural gas”’

‘Thank you, Hon. Temporary Deputy Speaker. I want to support the passing of this Bill and note that, as a country, we seem to be shying away from saying that we do not need omnibus Bills. This Bill is covering matters that are already covered in all those other Natural Resources Acts. Sometimes, I think that the Attorney-General’s Office should advise the Executive that we do not really need some of these omnibus Bills that are covering a wide range of things that are already covered in the mother Acts. The question of benefit sharing and the issue of transactions that require parliamentary approval are covered in all our Acts. Some of our decision-makers are not bold enough to say they are sorry despite the five year term limit that they have to put this Bill in place. It is covered in all the Natural Resources Acts that have the same timeline. You should also go through it. Having gone through it, I am happy that we have an agreed Bill that covers all the natural resources and areas that needed to have been covered.’

**Date 9th March 2016**

**Member of Parliament: Hon. Millie Odhiambo**

**Contribution she made on: During debate on The Political Parties (Amendment) Bill**

‘Thank you, Hon. Temporary Deputy Chairman. At some point, I would encourage that we do a physical inspection of the Member for Homa Bay Town. I would want to speak to the issue of the bag that the Member is carrying. The Standing Orders say that women Members may carry bags of reasonable sizes. What that presupposes is a bag of the nature that I
have and classy handbags that we have like the Michael Kors and other bags. Not the kind that Hon. Kaluma is carrying. The kind Hon. Kaluma is carrying is the one that women Members of Parliament, otherwise known as Kenya Women Parliamentary Association (KEWOPA), are issuing in recognition of the International Women’s Day to our male Members for the pre-emptive support that they will give us on the two-third gender rule as we bring that Bill. We know that they are very supportive including Hon. Jakoyo Midiwo and the Chairman of the ODM party. Therefore, we are encouraging them to go and get their bags outside. The kind of bag that Hon. Kaluma is carrying is a sort of bag that even male Members can carry so long as they are inspected. It is a bag that you can carry your printer or laptop in.’

Date 9th March 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Political Parties (Amendment) Bill
(On a Point of Order)
‘Hon. Temporary Deputy Chairman, since morning, we have witnessed diversion of what is on the Floor to issues of Malindi and Kericho by-elections. We are in the Committee of the whole House to consider issues of political parties. We have again digressed to the issue of Malindi and Kericho by-elections. I am asking if, according to the Standing Orders and the rules of the House, we can disengage from the issue and go the opposite direction and be allowed to continue without bringing a substantive Motion. We are ready to discuss this issue. If ODM feels that they need to discuss the elections in Malindi and Kericho, we are up to the task, but let them bring a substantive Motion and we will discuss it. They won Malindi and we won Kericho, what is the big deal? Please, rule on this matter because from morning, this has been the trend and we cannot allow it to continue.’

Date 9th March 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The In-Vitro Fertilisation Bill
(Clause 28)
‘Hon. Temporary Deputy Chairman, we have substantively agreed with Hon. (Prof.) Nyikal. Because he is basically moving this clause to the interpretation section, his amendment has taken into account my concerns. We have agreed in principle. So, I support.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona withdrawn)

‘Hon. Temporary Deputy Chairman. I beg to move:-
THAT, the Bill be amended in Clause 29-
(a) in paragraph (a) by deleting the words “the insemination” and substituting therefor the words “assisted reproductive process”

(Question of the further amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

‘Hon. Temporary Deputy Chairman, I withdraw my proposed amendment to Clause 29(b).’

(Proposed amendment to Clause 29(b) by Hon. (Ms.) Odhiambo-Mabona withdrawn)

‘Hon. Temporary Deputy Chairman, I beg to move:–

THAT, the Bill be amended in Clause 30–

(a) by deleting paragraph (c); and

The essence of my amendment is to delete sub-clause (c) which talks of marriage by cohabitation. Sub-clause (a) already introduces marriage under any system recognized by law in Kenya, and cohabitation would then be such a marriage.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:–

THAT, the Bill be amended in Clause 30–

(b) in paragraph (d) by deleting the words “at the time of the placing in the woman an embryo or sperm and eggs or her artificial insemination” and substituting therefor the words “at the time of the assisted reproductive process”. What is currently provided for is limiting, but when you use the words “assisted reproductive process” it covers all sorts of reproductive processes, including in-vitro fertilization, insemination, amongst others. So, the amendment is just about using inclusive language.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 30 as amended agreed to)

Date 9th March 2016

Member of Parliament: Hon. Joyce Emanikor

Contribution she made on: The In-Vitro Fertilisation Bill

(Clause 31)
‘Thank you, Hon. Temporary Deputy Chairman. I am seeking clarification. When we delete the specification of male and female and substitute it with “parties to a marriage”, are we giving room to same-sex marriages?’

**Date 9th March 2016**

**Member of Parliament: Hon. Millie Odhiambo**

**Contribution she made on: The In-Vitro Fertilisation Bill**

(Clause 31)

‘Hon. Temporary Deputy Chairman, the argument on the issue of age is very persuasive. Because of desperation, sometimes, people may agree to be surrogate mothers because of the monetary aspect. Even though we are proposing to outlaw it in the Bill, we know that, sometimes, people tend to disobey the law when they are desperate. I urge my good friend Dr. Nyikal to propose a further amendment to increase it to 25 years.

At the same time, my further amendment is on what the Member for Likuyani is suggesting; that we use the term “assisted reproductive process” as opposed to all those medical terminologies.’

‘Hon. Temporary Deputy Chairman, I beg to move:-

**THAT,** Clause 32 (1) be further amended by deleting the word “eighteen” and substituting therefor with the word “twenty-five”.

(Question of the further amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

**THAT,** the Bill be amended in Clause 32 –

(a) in sub-clause (1) by deleting the words “any two persons, male and female, have an embryo or sperm and eggs of the two persons, male and female placed or artificially inseminated in her for purposes of surrogate motherhood” and substituting therefor the words “parties to a marriage, undergo a process of assisted reproduction as a surrogate mother”, and, Clause 32 (1) will then read “A woman of eighteen years or more may, at the request of a couple, consent to a process of assisted reproduction for purposes of surrogate motherhood”.

(Question of the further amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in Clause 32-

(b) in sub-section (2) by deleting the words "on behalf of the two persons" and substituting therefor the words "on behalf of the parties to a marriage".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 32 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended by deleting Clause 33 and substituting thereof the following new clause-

33. (1) Parties to a marriage wishing to enter into a surrogacy agreement with any woman must sign a surrogacy agreement in a prescribed form before the process is undertaken.

(2) The form shall indicate the names of the parties to the marriage as the parents of the child to be born through assisted reproductive process.

(3) The entry in the form shall be conclusive proof of parentage of the child and shall be used for purposes of registration of birth and any other legal processes.

(4) Where there is a dispute as to the parentage of a child born out of assisted reproductive process, the aggrieved party may apply to court within sixty days of the birth of the child for determination of parentage of the child.

(5) The parties to a marriage shall not give any monetary or other benefits to the surrogate mother other than for the expenses reasonably incurred in the process of surrogacy.

Hon. Temporary Deputy Chairman, we agreed with Hon. (Prof.) Nyikal that he drops his proposed amendments. The proposed amendment provides that after a child is born of assisted reproductive process, you have to go to the High Court which is an onerous task on the parents.

Hon. (Ms.) Lay explained to the House - as we were going through the Second Reading - how it took her years to adopt her own child that somebody else carried for her. One of the Members was asking me if we are trying to help in situations like the one that happened at MP Shah Hospital, where couples that cannot have children have had somebody else carry the child for them and upon birth, the person suddenly sees that the child is very beautiful and does not want to let go. We are making it clear that they must get into an agreement and upon birth, that child goes to the parent and not the surrogate mother. We had a court decision that was urging Parliament to make such a law to deal with ambiguities as the
courts are dealing with many of such issues where people fight over parentage. When a woman has carried a child for nine months, they start bonding. But they should know that when you are carrying for a couple that cannot have children; it is not your child but theirs.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in Clause 34-

(a) in paragraph (a) by deleting the words “in vitro fertilization” and substituting therefor the words “assisted reproductive”

(b) in paragraph (c) by deleting the words “in vitro fertilization” and substituting thereof the words “assisted production process”; and,

(c) in paragraph (e) be amended by deleting the words “in vitro fertilization” and substituting therefor the words “assisted reproduction”.

What we are doing as advised by the medical fraternity is: Instead of using “in vitro-fertilization” which is limiting, we use “assisted reproduction” which is wider. That is all it seeks to do.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 34 as amended agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, the Bill be amended-

(b) in sub-section (2)(a) by deleting the words “in vitro fertilization” and substituting thereof the words “assisted reproductive”

(Question of the amendment proposed)

‘Hon. Temporary Deputy Chairman, we are actually moving well. Let me clarify. We are moving well legally. There is the grammatical, the legal and the medical aspects. I would like to say that if we are looking at the legal aspect, the essence of the medical is retained. The essence of the medical is “assisted reproduction”. Within the context of every clause we may use--- It would have been better if we were able to use consistent language but there are times that we may use different terminology. If I use this one as an example, if we say born in consequence of assisted--- That is why I was using “reproductive” until I was
persuaded to use “reproduction”. If it is a treatment, it becomes “reproductive” not “reproduction” but, I was being persuaded to be consistent. Sometimes, consistency may not work. As long as the essence of the medical terminology is retained, there are some that will be cleaned by miscellaneous amendments. These are the things that a miscellaneous amendment Bill is supposed to do. Some do not come here as long as they do not touch on the substance of the Bill.

My proposal is that we are progressing well. The problematic part is “assisted reproduction” and “in-vitro fertilisation”. “In-vitro fertilisation” is one aspect of “assisted reproduction” as I have since been taught by the able doctors. I am only a lawyer. For me if we can retain the substance it would be fine.’

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in Clause 38(3) by deleting paragraph (f).

This was giving room for certain information to be available to the public. However, because of the nature of the issues that we are dealing with, I do not think there is any circumstance under which we should give any information of this nature to the public. So, I propose a deletion of sub-clause (f).’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Clause 38 as amended agreed to)

Date 9th March 2016
Member of Parliament: Hon. Zuleikha Hassan
Contribution she made on: The In-Vitro Fertilisation Bill
(Clause 43)
‘That is straightforward. According to Islamic religion, creation is by God.’

Date 9th March 2016
Member of Parliament: Hon. Rose Museo
Contribution she made on: The In-Vitro Fertilisation Bill
‘Thank you. We have only one creator who is God and creation cannot be scientific. It is God who is the creator.’

Date 9th March 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The In-Vitro Fertilisation Bill
I wish to withdraw my amendments on Clause 43 as they have been taken care of.

(Proposed amendments by Hon. (Ms.) Odhiambo-Mabona withdrawn)
(Clause 43 as amended agreed to)

Date 9th March 2016
Member of Parliament: Hon. Joyce Lay
Contribution she made on: The In-Vitro Fertilisation Bill
(Clause 44)
'Thank you, Hon. Temporary Deputy Chairman. I agree with the limit of time for storage. It also depends on the couple because storage has some expenses; it is not for free. The longer you store, the more money you pay. So, if it is put at 10 years, I do not think there is a problem with that.'

Date 9th March 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The In-Vitro Fertilisation Bill
'Thon. Temporary Deputy Chairman, now that he has dropped his amendment, I beg to move:-

THAT, the Bill be amended in Clause 58(2) by deleting the word "subsection Shall" and substituting therefore the words "subsection (1) shall."

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 58 agreed to)

'Thon. Temporary Deputy Chairman, I beg to move:-

THAT the Bill be amended in Clause 60
(a) In paragraph (d) by deleting the words "in vitro fertilization a procedure" and substituting therefor the words "assisted reproductive services";
(b) In paragraph (e) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproduction";
(c) In paragraph (h) by deleting the words "an in vitro embryo" and substituting therefor the words "an embryo from assisted reproductive process";
(d) In paragraph (n) by deleting the words "in vitro embryos" and substituting therefor the words "embryos from assisted reproductive process";
(e) In paragraph (o) by deleting the words "in vitro fertilization" and substituting therefore the words "assisted reproduction processes."

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 60 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in the SCHEDULE-

(a) in subsection (1)(b) by deleting the words "written permission of the chairperson notified to the Board" and inserting the words "without justifiable reason" at the end of the sentence.'

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in the SCHEDULE-

(a) in subsection (8) by inserting the words "The minutes of the Board shall" immediately before the words "be kept in such a manner".

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in the SCHEDULE-

(b) in subsection (11) by deleting the words "in vitro fertilisation" and substituting thereof the words "assisted reproduction".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in Clause 2 by inserting the following new definitions –

"Court" means the High Court of Kenya; and

"Parties to a marriage" means a man and woman married to subsisting laws of marriage in Kenya. I would like to drop my definition of "court" in Clause 2.
Hon. Temporary Deputy Chairman, I am sorry for creating confusion. I have noticed that Hon. (Prof.) Nyikal has also defined “parties to a marriage” and my amendment was doing the same. I, therefore, drop my proposed amendments.’

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

(Clause 2 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the In-Vitro Fertilization Bill (National Assembly Bill No.36 of 2014) and its approval thereof with amendment.’

(Question proposed)

(Question put and agreed to)

Date 15th March 2016
Member of Parliament: Hon. Sunjeev Birdi
Contribution she made on: Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill
(Clause 5)

‘Thank you, Hon. Temporary Deputy Chairman. Considering Clause 5, I oppose the deletion of the words “and conservation.” In my opinion, it is very important for culture to be conserved in the long term. Promotion goes along with conservation. It is very important that culture and tradition is conserved. I oppose the deletion of the words “and conservation.”’

Date 15th March 2016
Member of Parliament: Hon. Rachel Ameso
Contribution she made on: Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill
(Clause 5)

‘Thank you, Hon. Temporary Deputy Chairman. I stand to oppose the deletion of paragraph (d) because we have not been given any justification for deleting it. It is very important for us to know why we should remove paragraph (d). As it is, I support it. I oppose the deletion of paragraph (d).’

Date 15th March 2016
Member of Parliament: Hon. Millie Odhiambo
(On a Point of Order)

'On a point of order, Hon. Temporary Deputy Chairman. I feel like a Johnny-come-lately, in relation to this Bill. I had hoped to contribute when we were doing the Second Reading. I think we are doing a lot of disservice to this Bill. We do not even understand its contents. I am saying that very respectfully. I oppose the deletion of the word “conservation”. If you look at the Bill, the issue of conservation is at the heart of it. The issue of culture is a very minor aspect.

I am speaking as one of the drafters of this Constitution and, coincidentally, my thesis was on this issue. What we are speaking to here--- I know when we were doing the Second Reading, the House did not have time. So, I was not able to speak to it. What we are trying to conserve is knowledge on, for instance, medicinal values on our plants. That is a role of the national Government. If, for instance, an international pharmaceutical company comes to this country and takes *Mwarubaini* and patents it outside the country and then they come back and sell it to Kenya, the country cannot be told that, that is something to leave with a villager. That is a resource which is as important as gold. It is like telling Kenyans that gold will be preserved. As an intellectual property. That cannot be a preserve of ordinary folk in the village. I am sure - and I must say this with a lot of respect - that I highly suspect we will have to relook at many Bills that we have done. This is one of the Bills we have done a lot of disservice. Having said that, I oppose.’

**Date 15th March 2016**

**Member of Parliament: Hon. Rachel Nyamai**

Contribution she made on: Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill

‘Thank you, Hon. Temporary Deputy Chairman. I support the amendment by the Chairperson that there should be consultations with the relevant county governments. I oppose the insertion of a new word because this may create more barriers in the implementation of the law. I support the Chair’s amendment.’

**Date 15th March 2016**

**Member of Parliament: Hon. Rachel Ameso**

Contribution she made on: Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill
Hon. Temporary Deputy Chairman, I support the amendment proposed by the Chairman of the Departmental Committee on Justice and Legal Affairs.’

Date 15th March 2016
Member of Parliament: Hon. Sunjeev Birdi
Contribution she made on: Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (Clause 2)

‘Hon. Temporary Deputy Chairman, I do not support the deletion. The Chairman of the Departmental Committee on Justice and Legal Affairs has proposed that the definition of the term “artistic works” should be deleted because it is unconstitutional. But in my opinion, artistic works bring in a modern element into this Bill. If we keep the modern artistic values into this Bill, then it will look into the modern aspects which are important for the future. I oppose the amendment.’

Date 15th March 2016
Member of Parliament: Hon. Nyiva Mwendwa
Contribution she made on: Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (Clause 2)

‘I support the amendment based on the justification that has been given by the Committee Chair that the words “artistic works” do not feature in the Bill. So, that means that they should be deleted.’

Date 16th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Records And Information Managers Bill

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-
THAT, Clause 5 of the Bill be amended—
(a) by renumbering the existing Clause 5 as Clause “5(1)’’
(b) in sub clause (1) by inserting the words “in consultation with the Cabinet Secretary to” immediately before the words “enter into agreement” appearing in paragraph d)
(c)by deleting sub-clause (3) and substituting therefor the following new subclause—
“(3) The terms and conditions of service of the members of the Board shall be determined by the Board in consultation with the Cabinet Secretary and upon the advice of the Salaries and Remuneration Commission.”

This is to correct a typographical error. The justification for that amendment in part (b) is to give power to the Board and to ensure that there is consultation with the Cabinet Secretary. For part (c), the justification is to ensure that any fees, allowances and remunerations should be paid to the staff as per the Salaries and Remunerations Commission (SRC) for it to be constitutional.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 5 as amended agreed to)

‘Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 6 of the Bill be amended—

(a) by inserting the following new sub clauses immediately after sub clause (2) —

“(3) The Board shall meet at least four times and not more than twelve times in every financial year.

(4) The chairperson may at any time convene a special meeting of the Board and shall upon a written request signed by at least four members, convene a special meeting within fifteen days of such a request.

This is for regularization.’

(Question of the amendment proposed)
(Question, that the words to be inserted be inserted, put and agreed to)
(Clause 6 as amended agreed to)

‘I beg to move:-

THAT, Clause 7 of the Bill be amended—

(a) by renumbering the existing provision as sub clause (1);

(b) in sub clause (1) by—

(i) deleting paragraph (c);

(ii) deleting paragraph (h) and substituting therefor the following new paragraph —

“(h) two Managers, one in public practise and the other in the private practise appointed by the Cabinet Secretary.”

(iii) deleting the words “two other members” appearing in paragraph (i) and substituting therefor the words “one other member.”
(c) by inserting the following new sub clauses immediately after sub clause (1) —

“(2) The Registrar who shall be a registered Manager, shall be the Secretary to the Board.”
“(3) The Board may appoint functional committees on finance, standards and education, registration and licensing, human resource, discipline and ethics for the effective performance of its functions.”

The justification for those amendments is to correct typographical errors. On part (b), it is to ensure that the Registrar is the secretary to the Board. The rest is per the Order Paper.’

(Question of amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

‘Hon. Temporary Deputy Chairman, before I move this Clause, I would like to say that I will go by your guidance. The matters that we are raising, for example, in Clause 9 are matters of clarity and correction of syntax error. So, I will go by your guidance.

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 9 and inserting the following new clause —

“9.(1) The Board shall elect from among its members a chairperson and vice-chairperson who shall serve for a term of three years.”

(2) The vice chairperson shall in the absence of the chairperson discharge the duties of the chairperson.

(3) In the absence of both the chairperson and the vice chairperson, the members present shall elect a member to preside at the meeting.

(4) Where a chairperson or vice chairperson for any reason vacates office before the term expires, a new chairperson shall be elected in the manner specified in sub section (1) in a meeting first scheduled immediately after the vacation of the office holder.

(5) notwithstanding the provisions of this subsection, the Cabinet Secretary may, if at any time it appears to him that the Board has failed to carry out any of its functions under this Act in the national interest, revoke or annul the appointment, nomination or election of any member of the Board and may himself nominate a new member in the place of that member for the of the period of office of that member.”

The justification for those amendments is all for clarity and for correction of syntax.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 10 of the Bill be amended by deleting the expression “3” and substituting therefor the word “three”. This is for clarity.

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Rachel Ameso
Contribution she made on: The Health Records And Information Managers Bill

‘Thank you, Hon. Temporary Deputy Chairman. I stand to support the amendment made by the Chairperson. This is straightforward. It is deleting the number “3” and replacing it with the word “three”. I support. Thank you.’

(Question, that the word to be left out be left out, put and agreed to)
(Question, that the word to be inserted in place thereof be inserted, put and agreed to)
(Clause 10 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Records And Information Managers Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 13 of the Bill be amended—

(a) by deleting the word “rolls” appearing in sub clause (3).
(b) by deleting sub clause (4).

The justification is that the word “rolls” is seen to be archaic and is no longer used in this context. Thank you.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Clause 13 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 14 of the Bill be amended by deleting paragraph (b).

It is a deletion.’

(Question of the amendment proposed)
Hon. Temporary Deputy Chairman, we have consulted with the Vice-Chair and looked at the document on the qualifications that have been prescribed here to see if they appear anywhere else in the Bill. Since we have not seen them, we have dropped that amendment.’

(Proposed amendment by Hon. (Ms.) R.K. Nyamai dropped)

(Clause 14 agreed to)

‘Temporary Deputy Chairman, I beg to move:-

THAT, Clause 15 of the Bill be amended—

(a) in sub clause (1) by deleting the word “Registrar” and substituting therefor the word “Board.”

(b) in sub clause (3) by inserting the words “Upon the recommendation of the Board” immediately after the words “The Registrar shall”

(c) by inserting the following new sub clause immediately after sub clause (4) —

“(5) A fee to be known as a retention fee, may be prescribed for payment annually or at such intervals as the Board may deem appropriate by any person whose name appears on a register as a condition of maintaining the name thereon.”

By deleting the word “Registrar” and substituting with the word “Board” and in part (b) where we are inserting the words “upon the recommendation of the Board”, it is just giving more powers to the Board. Clause 15(5) provides that a fee to be known as retention fee may be prescribed for payment annually or at such intervals as the Board may deem necessary. All these are to give more powers to the Board and to provide for means of cleaning up the register regularly.’

(Question of the amendment proposed)

Date 16th March 2016

Member of Parliament: Hon. Alice Chae

Contribution she made on: The Health Records And Information Managers Bill

‘Hon. Temporary Deputy Chairman, I also support the amendment as proposed by the Chair. It is giving the Board the energy to do its work properly.’

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 15 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Records And Information Managers Bill

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 18 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub clause—

“(1) A person, being in charge of a training institution in Kenya shall not —
(a) admit persons for training for the purpose of qualifying for registration under this Act;
(b) conduct a course of training or administer the examination prescribed for the purposes of registration under this Act; or
(c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration; unless the training is to be conducted by the Kenya Medical Training College or an institution approved and accredited by the Kenya Medical Training College or is established or accredited under the Universities Act 2012”

The purpose of this amendment is to ensure that there is no conflict of interest between the existing institutions, especially the training institutions, and the legal entities that already exist within the country. It is also to ensure that there is no harassment by the Board.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 18 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 19 of the Bill be amended in sub clause (5) by deleting the words “shall be liable to” and substituting therefor the words “shall be liable on.”

This is for correction of syntax.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 23 of the Bill be amended by deleting the word “enrolled” wherever it appears. Given that we removed the word “role”, the word “enrolled” does not apply.’

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)
(Clause 23 as amended agreed to)

"Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 24 of the Bill be amended by deleting the word “enrolled” wherever it appears. This is for the same reasons as Clause 23.”

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Clause 24 as amended agreed to)

"Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 26 of the Bill be amended in sub-clause (1) by —

(a) deleting paragraph (c) and substituting therefor the following new paragraphs —

“(c) a representative of the Attorney-General.”

(b) by deleting (d) and substituting the following paragraph after paragraph —

“(d) a representative appointed by the Institute of Certified Public Secretaries.”

(c) By inserting the following new paragraph immediately after paragraph (e) —

“(f) the Registrar who shall be an ex-officio member of the Committee.”

The justification is that one representative of the Attorney-General is sufficient.”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 26 as amended agreed to)

"Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 29 of the Bill be amended in sub clause (6) by deleting the words “of the” appearing immediately before the words “appeal to the High Court.”

This is for correction of syntax error.”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 29 as amended agreed to)

"Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 32 of the Bill be amended by—

(a) deleting Sub clause (1).

(b) in Sub clause (2) by—

(i) inserting the word “granted” immediately after the word “been”
(ii) deleting the words “may either on its own motion or” appearing in Sub clause (2).
Regarding part (a), the purpose is to ensure that there is no conflict with provisions in Clause 32(2) and for part (b) we are correcting a syntax error where we are making an insertion and a deletion.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Rachel Ameso
Contribution she made on: The Health Records And Information Managers Bill
‘Hon. Temporary Deputy Chairman, I support the proposed amendment by the Chairlady.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the word to be inserted be inserted, put and agreed to)
(Clause 32 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Records And Information Managers Bill
‘Hon. Temporary Deputy Chairman, I beg to move:—
THAT, Clause 33 of the Bill be amended by deleting paragraph (i) and substituting therefor the following new paragraph—
“(i) is convicted of a crime under any other law.”
Hon. Temporary Deputy Chairman, the justification for this is to ensure that we look at other laws and not only focusing on corruption-related convictions.

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Esther Murugi
Contribution she made on: The Health Records And Information Managers Bill
‘Hon. Temporary Deputy Chairman, I want to support because it makes it more holistic by covering all the crimes and not just one.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 33 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Records And Information Managers Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 36 of the Bill be amended in Sub clause (2) by deleting the words “those members of the Board who require to be elected” appearing in paragraph (j) and substituting therefor the words “the chairperson and the vice chairperson.”

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Alice Chae

Contribution she made on: The Health Records And Information Managers Bill

‘Hon. Temporary Deputy Chairman, I support the proposed amendment by the Chairlady because the only people who can be elected to the Board are the chairperson and the vice chairperson to guide proceedings.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 36 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Records And Information Managers Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in Part III by inserting the following new clause immediately after Clause 14—

"14A. (1) A person shall be eligible for registration under this Act as a health records and information manager if the person—

(a) is the holder of at least a diploma or a degree in health records and information management which is recognised by the Board;

(b) after obtaining that qualification, has engaged in training employment under the supervision of a registered health records and information manager for such period, being not less than six months, as the Board may approve;

(c) the Board shall approve the suitability for registration of a person under paragraphs (a) and (b) through such examinations as may be administered by the Board from time to time.

The purpose of this clause is to set up the criteria for eligibility and registration under this Act as a health records and information manager. This is to ensure that we have clear criteria for eligibility.’

(Question of the new clause proposed)
(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

‘Hon. Temporary Deputy Chairman, I propose an amendment on New Clause 14A by deleting the words “or a degree.”’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical sequence—‘public practice’ means the practice of health records and information management in a public health facility.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

‘Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Health Records and Information Managers Bill (National Assembly Bill No.24 of 2015) and approved the same with amendments.’

Date 16th March 2016

Member of Parliament: Hon. Rachel Ameso

Contribution she made on: The Health Records And Information Managers Bill

‘Thank you, Hon. Temporary Deputy Speaker. I second the Health Records and Information Managers Bill (National Assembly Bill No. 24 of 2015).’

(Question put and agreed)

(The Bill was accordingly read the Third Time and passed)

Date 16th March 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 4 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)---
“(e) protection of indigenous knowledge and intellectual property rights of forests resources; and,
(f) international best practices in management and conservation of forests.”

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 4 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended—

(a) by deleting the words “Management Guidelines” appearing in the marginal note and substituting therefor the word “Policy”;
(b) in Sub-clause (1) by deleting the word “management”; and
(c) in Sub-clause (2) by deleting the word “management”.

Hon. Temporary Deputy Chairlady, we have a forest policy and not a forest management guideline. We are replacing the words “Management Guidelines” with the word “Policy” so that this clause is in line with the Draft Forest Policy.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “which shall be the successor to the Kenya Forest Service established under the Forests Act, 2005”; and,
(b) in sub-clause (2) by deleting the word “shall” appearing immediately after the words “corporate name”.

It is a cleanup exercise on the issue of public forest. The first amendment on sub-clause (1) talks about the Kenya Forest Service (KFS) being the successor of the Forest Act, 2005. The amendment on sub-clause (2) makes it mandatory by deleting the word “shall” and replacing it with the words “corporate name”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 6 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:-
THAT, the Bill be amended by deleting Clause 7 and substituting therefor with the following new clause—

7. The functions of the Service shall be to —

(a) conserve, protect and manage all public forests in accordance with the provisions of this Act;
(b) prepare and implement management plans for all public forests and, where requested, assist in preparation of management plans for community forests or private forests in consultation with the relevant owners;
(c) receive and consider applications for licenses or permits in relation to forest resources or management of forests or any other relevant matter in accordance with this Act;
(d) establish and implement benefit sharing arrangements in accordance with the provisions of this Act;
(e) assist county governments to build capacity in forestry and forest management in the counties;
(f) in consultation with relevant stakeholders, develop programmes for tourism and for recreational and ceremonial use of national forests;
(g) promote forestry education and training;
(h) register and maintain a register of all forest management plans prepared for public forests;
(i) collaborate with relevant persons in identifying research needs and applying research findings in relation to forests and forestry;
(j) manage water catchment areas in relation to soil and water conservation, carbon sequestration and other environmental services in collaboration with relevant stakeholders;
(k) prepare-

(i) a Forest Status Report for the Cabinet Secretary once in every two years;

(ii) a Resource Assessment Report for the Cabinet Secretary once in every five years;

(l) consider and recommend to the Cabinet Secretary the establishment of public forests on un-alienated public land or any other public land;

(m) consider and recommend to the Cabinet Secretary the determination and alteration of boundaries of public forests;

(n) establish forest conservancy areas for purposes of conservation and management;

(o) approve the provision of credit facilities and technical training for community-based forest industries, and the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products;
(p) implement and enforce rules and regulations governing importation, exportation and trade in forest produce; and
(q) develop, maintain and regularly update a geographic information system database of all forests in Kenya.

There were many issues to be corrected, including numbering of the same, but the most important one was the fact that there are no longer county forests. Both county and national forests are public forests. It was a cleanup exercise and that is why we deleted the entire clause and substituted it with a new clause.

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 7 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 8 of the Bill be amended—

(a) in sub clause (1)—
(i) by deleting the words “from among the members of the Board” appearing in paragraph (a);
(ii) by inserting the following new paragraphs immediately after paragraph (c)—
"(ca) the Inspector-General of the National Police Service or a designated representative;
(cb) the Director of the Kenya Forestry Research Institute or a designated representative; and,
(b) by inserting the following new sub-clause immediately after sub-clause (1)—
"(1A) A person shall be qualified for appointment as chairperson to the Board if such person—
(a) holds a minimum of a bachelors degree from a university recognized in Kenya;
(b) has knowledge and experience of, at least, ten years in matters relating to any of the following—
(i) management of natural resources;
(ii) forest conservation and management; or,
(iii) public administration and planning.
(c) satisfies the requirements of Chapter six of the Constitution.”

We have several amendments on Clause 8. The first one was to clean up the fact that the Chair would be independently appointed by the President and not from among the members. The second one is that we are adding the Inspector-General of the National Police
Service or his designated representative and the Director of the Kenya Forest Research Institute (KEFRI), or their designated representatives into the Board of KFS.

The reason why we are adding these two persons is that the KFS has an arms wing that would do well if they are coordinated by the Inspector-General of Police. Most importantly, we have added the Director of KEFRI because there is a lot of forest research that has been carried out by that institution that is not being replicated in our plantation forests or as extension activities. Just as an example, the KFS has done a lot on bamboo and value addition on the same, but that has not been translated at KFS. So, we believe that the presence of their Director in the KFS Board will assist.

The final amendment is that the Bill did not have a qualification for a Chair. In this day of meritocracy, we need to give some qualifications.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 8 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 16 of the Bill be amended by deleting sub clause (4) and substituting therefor the following new sub clause—

“(4) The Board shall formulate policies for the administration and management of the College.”

The amendment is an additional subclause to Clause16 that gives powers to the Board of the Kenya Forest College to formulate policies for administration and management of the college.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 16 as amended agreed to)

‘Thank you, Hon. Temporary Deputy Chairlady. I beg to move:-

THAT, Clause 17 of the Bill be amended in sub clause (2) by —

(a) deleting paragraph (d);
(b) deleting paragraph (e); and
(c) deleting paragraph (f).
This is regarding the functions of an honorary forester. It is our view that sub-clauses (d), (e) and (f) are an oversubscription and the matters being proposed should be dealt with in a regulation.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 17 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by deleting Clause 20 and substituting therefor with the following new clause—

20. (1) Each County Government—
(a) shall implement national policies on forest management and conservation;
(b) shall manage all forests on public land defined under Article 62(2) of the Constitution;
(c) shall prepare an annual report, with the approval of the County Assembly, for the Service on the activities of the county government in relation to this Act and any national policies on forest management and conservation;
(d) shall promote afforestation activities in the county;
(e) shall advise and assist communities and individuals in the management of community forests or private forests; and
(f) may enter into joint management agreements with communities or individuals for the management of community forests or private forests.

(2) A county assembly may enact legislation for the better carrying into effect of the provisions of this section.

(3) The Service may, if requested, collaborate, partner or offer assistance to the County Government for

This is a very important amendment because the draft Bill was creating an amorphous reporting relationship between the County Executive Committee (CEC) responsible for environment and the Cabinet Secretary.

We are proposing that the functions be of the county government under this Bill rather than creating amorphous relationships. This is an amendment I am very proud of.

(Question of amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 20 as amended agreed to)
Hon. Temporary Deputy Chairlady. I beg to move:-

THAT, clause 24 of the Bill be amended in sub clause (2) by —
(a) deleting the word “national” appearing in paragraph (a) and substituting therefor the word “public”; and
(b) deleting the word “national” appearing in paragraph (b) and substituting therefor the word “public”.
Both national and county forests are public forests. So, we are replacing the word “national” with “public forest” to include both national and county forests.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 24 as amended agreed to)

Thank you, Hon Temporary Deputy Chairlady. I beg to move:-

THAT, Clause 25 of the Bill be amended in sub clause (3) by deleting the words “Public Audit Act, 2003” and substituting therefor the words “law relating to public audit.”
The justification is that it makes this law relevant even if the Public Audit Act, 2003 is repealed.

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Beatrice Nyaga
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Thank you, Hon. Temporary Deputy Chairlady for giving me the opportunity. I also support the amendment because the Public Audit Act, 2003 was repealed. So, it has to read: ”law relating to public audit”.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 25 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Thank you, Hon Temporary Deputy Chairlady. I beg to move:-
THAT, Clause 26 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clauses —

"(2) The objects of the Trust Fund shall be to nurture, promote and support innovations and best practices in forest conservation and development including the support of—
(a) community forestry programmes;
(b) reforestation and afforestation programmes;
(c) forestry extension programmes;
(d) apprenticeships and vocational training; and
(e) programmes for payment for ecosystem services,
(3) The Cabinet Secretary shall make rules for the management of the Trust Fund.

We are adding a new Sub-clause 2 that is intended to broaden the utilisation of the Forest Trust Fund.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Alice Chae
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
‘I stand to support the amendment as proposed by the Chair. The objectives of the Trust Fund are to ensure enhanced planting of trees in the community. Then, we will not be talking about afforestation. I support’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question 26 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 27 of the Bill be amended by inserting the words “and the Kenya Forest Service Board” immediately after the words “Board of Trustees” appearing in paragraph (b). The Kenya Forest Service Board levies charges on forest product use. So, it is important that they be consulted in that matter. This will remove conflicts and overlap between the Trust Fund and the Kenya Forest Service Board.’

(Question of the amendment proposed)
‘Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 28 of the Bill be amended by —
(a) deleting sub clause (2) and substituting therefor the following new sub clause—
(2) The Board of Trustees shall comprise of—
(a) a chairperson and four other members appointed by the Cabinet Secretary in an open and competitive process;
(b) the Director General or a designated representative, who shall be an ex-officio member of the Board;
(c) the principal Secretary responsible for forestry who shall be an ex-officio member of the Board; and
(b) inserting the following new sub clause immediately after sub clause (3)—
“(4) The Cabinet Secretary shall make regulations for the management and administration of the Fund.”
The biggest input there is to have the Director-General of the Kenya Forest Service Board as a member of the Board of the Trust Fund to create linkage and synergy between the two institutions.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Beatrice Nyaga
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
‘Hon. Temporary Deputy Chairlady, I support the amendment by the Chair.’

Date 16th March 2016
Member of Parliament: Hon. Sunjeev Birdi
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
‘Thank you, Hon. Temporary Deputy Chairlady. I support the amendment mainly because proper management of the Trust Fund is important. From the outset, I am very pleased to see many Members of Parliament present during the amendment of this very important Bill.

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 28 as amended agreed to)

Date 16\textsuperscript{th} March 2016  
Member of Parliament: Hon. Amina Abdalla  

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)  

‘Hon. Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 29 of the Bill be amended by renumbering sub clause (5) as sub clause (4).  
This is a clean-up exercise. There is no sub clause 5. The current sub clause 4 is being called sub clause 5. So, we are just asking that it be named correctly.’  

(Question of the amendment proposed)  
(Question, that the words to be left out be left out, put and agreed to)  
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)  
(Clause 29 as amended agreed to)

Date 16\textsuperscript{th} March 2016  
Member of Parliament: Hon. Regina Nyeris  

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)  

‘Thank you, Hon. Temporary Deputy Chairlady. First of all, I want to congratulate the Chair and the Committee. This is a straightforward amendment. I, therefore, support it.’  

(Question of the amendment proposed)  
(Question, that the words to be inserted be inserted, put and agreed to)  
(Clause 30 as amended agreed to)

Date 16\textsuperscript{th} March 2016  
Member of Parliament: Hon. Amina Abdalla  

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 31 of the Bill be amended in sub-clause (4) by deleting the words “to the county government for” appearing immediately after the words “the community may apply”. This is to remove repetition.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 31 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 32 of the Bill be amended in sub-clause (4) by inserting the words “of the land on which the forest is established” immediately after the words “levied in respect”. The amendment makes the clause complete and gives it meaning.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 32 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Halima Ware

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

(Clause 33)

‘Hon. Temporary Deputy Chairlady, mine is just a comment. It is only wild animals that live in forests. In Tana River County, Bangali and Mbalambala are in the forest. There are trading centres, grazing land, Administration Police (AP) posts, hospitals and schools. Can we change the names “Bangali” and “Mbalambala” if they are forests? That is a good amendment. People live there, but they are now turning the whole area into forests. If the Government cannot degazette these two areas, we cannot live in the forest because we are not wild animals.’

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 43 of the Bill be amended —
(a) in the marginal note by deleting the words “national and county” and substituting therefor the word “public”;  
(b) in Sub clause (4) by deleting the word “licence” and substituting therefor the word “concession”; and  
(c) by inserting the following new Sub clause immediately after Sub clause (7)—

“(7) A grantee of a concession shall provide a bond or some other form of financial security in this section referred to as “an Environmental Protection Bond”.

(8) An Environmental Protection Bond shall be of an amount sufficient to cover the costs associated with the implementation of the environmental obligations of the holder under this Act.

(9) An Environmental Protection Bond shall be in a form and for an amount as maybe determined by the Cabinet Secretary having regard to the particular characteristics of the concession.”

This amendment helps in reflecting the land tenure system that is defined in the Constitution. It also deals with the fact that concessions are not done through a licence as implied.’

(Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 43 as amended agreed to)

(Clause 44)

‘Hon. Temporary Deputy Chairlady, I would really love Hon. Lentoimaga to give us the mischief he is trying to cure. Part of Clause 44 is dealing with gazetted forest. For example, this component provides that if you go to Karura Forest and want to do an activity there, you would have to do a management plan. So, I am wondering what mischief he is trying to solve.

I am not opposing, but I am not getting clearly what mischief he wants to resolve by this amendment. This is generally a management plan. If you are looking for something which is for customary use, then it would be part of the plan. I would love to know what he is trying to solve.’

‘Hon. Temporary Deputy Chairlady, I wish to oppose that amendment by Hon. Lentoimaga on the following grounds: The rationale behind this clause is to deal with concessioneering of public forests for purposes of increasing the revenues we are generating from those forests.
Secondly, the issue of customary use is already allowed under all public forests. So, in this case what we are dealing with is that we are going to a plantation forest, for instance, and you say that the KFS has only been generating Kshs4 billion from this forest. There is a private concessioneer who gives you a proposal that they are going to generate Kshs9 billion. We are not talking about indigenous forests. If you are an applicant, you are any person. If you decide that you are going to use it customarily and provide higher royalties than commercial use of that forest, then you are okay. So, in this one Hon. Lentoimaga, your problem is not in this clause. Your problem is what Hon. Wario and many of the pastoralists and dry land forest people are suffering from, that your areas have been gazetted while you are inhabitants and your activities are curtailed. This is not the clause that is going to deal with that. So, I beg Hon. Lentoimaga that this is a clause that is dealing with generating more resources from our forest products and not minor activities such as those related to our customs. For example, you will never have anybody wanting to get a concessioneer on the Kayas, because they are not planting fast growing trees. That is a natural indigenous forest. So, it is a different issue. I beg Hon. Lentoimaga to accept.'

(Question, that the words to be inserted be inserted, put and negatived)

(Clause 44 agreed to)

Hon. Temporary Deputy Chairlady. I beg to move:-

THAT, Clause 48 of the Bill be amended—

(a) in sub clause (1) by inserting the word "Service" immediately after the words "inform the" appearing in paragraph (f); and

(b) by deleting sub clause (2) and substituting therefor the following new sub clause—

"(2) The management agreement between the Service and the community forest association shall confer on the association all or any of the following forest user rights—

(a) collection of medicinal herbs;

(b) harvesting of honey;

(c) harvesting of timber or fuel wood;

(d) grass harvesting and grazing;

(e) collection of forest produce for community based industries;

(f) ecotourism and recreational activities;

(g) scientific and education activities;

(h) plantation establishment through non-resident cultivation;

(i) contracts to assist in carrying out specified forestry operations;

(j) development of community wood and non-wood forest based industries; and
(k) other benefits which may from time to time be agreed upon between an association and the Service.

(3) Subject to sub section (1) –
(a) none of the activities specified in this section shall be carried out so as to conflict with the conservation of biodiversity; and
(b) the Director-General may, in consultation with the association, prescribe rules for the conduct of the activities specified in this section.

This is the management agreement between the Kenya Forest Service and the Community Forest Association and has the list of uses that is allowed. This is also an opportunity for Hon. Lentoimaga, if there is any activity of customary nature that has been left out. This is where we should put it.’

(Question of the amendment proposed)
(Question, that the words to be inserted be inserted, put and agreed to)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 48 as amended agreed to)

’Hon. Temporary Deputy Chairlady, I beg to move:-
THAT, Clause 49 of the Bill be amended in sub clause (1) by inserting the word “association” immediately after the words “community forest”.

The Bill had left out the word “association”. Its user rights are given to Community Forest Association and not to community forests.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Winnie Njuguna

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
‘I support the amendment.’

(Question, that the word to be inserted be inserted, put and agreed to)
(Clause 49 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 52 of the Bill be amended by inserting the words “, and in accordance with rules made under this act or other relevant laws” immediately after the words “social amenities”. This is calling for rules made under this Act and other relevant roles on corporate social responsibility by investors in this sector.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Joyce Emanikor
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Thank you, Hon. Temporary Deputy Chairlady. I want to support this amendment to this clause. Generally, it is on incentives and benefits sharing.’

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 52 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 53 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) The Cabinet Secretary for the National Treasury, may on the recommendation by the Cabinet Secretary, propose tax and other fiscal incentives to increase investments in forest land use and forest resource utilization in order to promote forest conservation and management, and to prevent or abate forest degradation.”

Currently, Clause 53(1) talks about the Cabinet Secretary (CS), National Treasury consulting with the counties. That will not be possible. So, we have deleted the same and proposed the change. This provides clarity so that the issue of tax payable is actionable by the CS, National Treasury because county governments are not responsible for proposing taxes on anything.

(Question of the amendment proposed)
'Hon. Temporary Deputy Chairlady, Hon. Serut is very attentive and I need to acknowledge that. In this Bill, the definition of the word “Cabinet Secretary” under the preliminaries means the Cabinet Secretary responsible for matters relating to forestry. When you say Cabinet Secretary and you do not qualify it, it is automatic. That is what is defined under the preliminaries. However, I am very happy that you are that alert.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clauses 53 as amended agreed to)

'Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 56 of the Bill be amended in sub clause (3) by deleting the words “provisions of the Public Procurement and Asset Disposal Act, 2005” and substituting therefor the words “public procurement and asset disposal laws”.
This is a clean-up exercise so that the law remains relevant even if the Public Procurement and Asset Disposal Act, 2005 is repealed.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clauses 56 as amended agreed to)

'Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 59 of the Bill be amended in sub clause (2) by deleting the word “may” and substituting therefor the word “shall”.
This amendment makes it mandatory for the Cabinet Secretary to gazette regulations regarding export and import of forest products.

(Question of the amendment proposed)
(Question, that the word to be left out be left out, put and agreed to)
(Question, that the word to be inserted in place thereof be inserted, put and agreed to)
(Clauses 59 as amended agreed to)

'Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 62 of the Bill be amended in sub clause (2) by inserting the words “uniformed and disciplined” immediately after the word “Any”.
This ensures that only uniformed and disciplined officers of the Kenya Forest Service are allowed to use firearms.’

(Question of the amendment proposed)
'Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 63 of the Bill be amended in sub-clause (1) -

(a) by deleting the words “national, county” and substituting therefor the word “public”; and
(b) by deleting the words “or is in occupation of a building authorised by the Director General or the County public officer responsible for forestry,” appearing in paragraph (b).

This is a clean-up exercise to ensure that the whole Bill conforms to the land tenure classifications in the Constitution.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Thank you, Hon. Temporary Deputy Chairlady. I support the Chair of the Committee on the clause aligning the land tenure systems to what we have in the Constitution.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 63 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 65 of the Bill be amended by deleting the words “two hundred thousand shillings or to imprisonment for a term not exceeding one year” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding two years”.

We are enhancing the penalties for persons doing illegal quarrying in forest areas from Kshs200,000 to Kshs1 million.’

(Question of the amendment proposed)

‘Hon. Temporary Deputy Chairlady, I will use an example of my friend. In his forest, there is marble which generates a lot of money. If somebody does illegal marble quarrying in his
forest, charging him Kshs200, 000 will be too little given that he can get that amount in one lorry. We want to enhance it so that it can be punitive for people to do illegal quarrying.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 65 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 66 of the Bill be amended—

(a) in Sub clause (2) by deleting the words “national, provisional, county” and substituting therefor the words “public, provisional”;

(b) in Sub clause (8) —

(i) by deleting the words “Service or County Department responsible forestry” appearing in paragraph (a) and substituting therefor the words “forest manager”; and

(ii) by deleting the words “Service or County Department responsible forestry” appearing in paragraph (b) and substituting therefor the words “forest manager”.

The first amendment is on the general problem we have that all forests are public forests. The second one is to deal with the fact that forest managers, as defined for public community and private forests take care of all categories of forest. So, we do not have to repeat ourselves by mentioning service or county departments because it is already defined.’

(Question of the amendment proposed)

Date 16th March 2016
Member of Parliament: Hon. Joyce Emanikor

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I want to support the proposed amendment by the Chairlady of the Departmental Committee on Environment and Natural Resources.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 66 as amended agreed to)

Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Chairlady, I beg to move:-
THAT, Clause 70 of the Bill be amended in Sub clause (2) by deleting the words “national forests, county forests” appearing in Paragraph (c) and substituting therefor the words “public forests”. This is to conform to the land tenure classification in the Constitution.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 70 as amended agreed to)

(Clause 76)

‘Hon. Temporary Deputy Chairlady, I see what Hon. Wario is trying to do with Clause 76. However, I think if he succeeds on the Schedule, he will have achieved his intention. It will be superfluous to add “and subject to any variations” because variations would happen any time Clause 33 is invoked if this Bill is passed. So, I urge Hon. Wario to reserve his energy for the Third Schedule and let Clause 76 remain as it is because variations are going to be there anyway and so adding it will not solve his problem. His problem is with the Third Schedule. I beg he withdraws’

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 76 of the Bill of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) any land which immediately before the commencement of this Act, was gazetted or registered as a forest reserve as set out in the Third Schedule to this Act, or under any other relevant law shall be deemed to be a public forest under this Act; and

Whereas the Third Schedule covers what was in the Forest Act with the variations that would be undertaken, there are other laws that have forest areas that will not be covered. So, what we are trying to do is we want to give protection to other forest reserves that have been put under the Water Act and the Antiquities and Monuments Act. Some of these forests are like those at the Coast region. So, the new wording will protect those as well.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Date 16th March 2016

Member of Parliament: Hon. Zuleikha Hassan

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)
'Mheshimiwa Naibu Mwenyekiti wa Muda, ninayapinga vikali mabadiliko yanayoletwa kwenye sheria hii. Waziri wa Afya na Waziri wa Ardhi wanapewa nguvu ambazo haziko katika Katiba. Ibara ya 67(2) (a) ya Katiba inaeleza kazi ya National Land Commission (NLC). Inasema kuwa NLC inatakikana kusimamia ardhi za umma kwa niaba ya Serikali ya kitaifa na serikali za kaunti.

Pia, Ibara ya 67(2)(c) ya Katiba inasema kwamba NLC inatakikana kuishauri Serikali ya kitaifa kuhusu masuala ya kuandikisha ardhi. Kwa hivyo, mabadi liko yanayoletwa kwenye sheria hii yanampatia Waziri wa Ardhi nguvu ambazo haziko kwenye Katiba ya nchi yetu. Kwa hivyo, ninayapinga vikali mabadiliko haya.’

Date 16th March 2016  
Member of Parliament: Hon. Amina Abdalla  
Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

'Hon. Temporary Deputy Chairlady, I beg to move:- THAT, the Bill be amended by inserting the following new clause immediately after clause 5—

5A. (1) The Cabinet Secretary shall, within one year of the commencement of this Act and every five years thereafter, following public participation, formulate a national forest strategy.

(2) The object of the Forest Strategy shall be to provide the Government’s plans and programs for the protection, conservation and management of forests and forest resources.

(3) The Forest Strategy shall contain, among other things, details of—

(a) existing forests and forest resources;

(i) measures for the protection, conservation, and management of forests and forest resources;

(ii) minimum forest reserve areas at national and county levels;

(iii) programmes for achievement and maintenance of tree cover of at least ten per cent of the land area of Kenya;

(iv) institutional capacity for forest research and technological development;

(v) functional responsibility for national and county governments in relation to forest resources management and

(vi) any other matters the Cabinet Secretary considers necessary.

(4) The Cabinet Secretary shall—

(a) prepare and issue an annual report on the state of forests and forest resource strategies in Kenya; and
(b) may direct any lead agency to prepare and submit to it, a report on the state of forests and forest resources under the administration of that lead agency.

(5) The Cabinet Secretary shall review the Forest Strategy every three years.

Hon. Temporary Deputy Chairlady, it is the role of a Cabinet Secretary to produce policies, strategies and mechanisms as to how they are going to meet their objectives. The New Clause 5A gives what those strategies and policies should have and when they should be revised. We are proposing the timelines within which they should have a national strategy on forestry and how often that strategy will be reviewed. That is the import of this New Clause 5A.’

(Question of the new clause proposed)
(New clause read the First Time)
(Question, that the new clause be read a Second Time, proposed)
(Question, that the new be read a Second Time, put and agreed to)
(The new clause was read a Second Time)
(Question, that the new clause be added to the Bill, put and agreed to)

Hon. Temporary Deputy Chairlady I beg to move:

THAT, the Third Schedule of the Bill be amended by—

(a) deleting the title “GAZETTED NATIONAL FOREST RESERVES” and substituting therefor the word “GAZETTED PUBLIC FORESTS”; and

(b) deleting the expression “(s.30)” and substituting therefor the expression “(s.76(a))”;

It is dealing with the right classification that there are no national and county forests but public forests. The second bit is deleting the expression “s.30” because this Schedule is referring to “s.76”.

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Date 16th March 2016

Member of Parliament: Hon. Jessica Mbalu

Contribution she made on: Report on the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

‘Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015) and approved the same with amendments and seek leave to sit again.’
Date 16th March 2016
Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Report on the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

She seconded the report.

Date 17th March 2016
Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

(Third Schedule)

‘Thank you, Hon. Temporary Deputy Chairlady. I plead with Hon. Pukose and all other Members who are proposing amendments to the Third Schedule to appreciate that it is true that the Government degazetted these public forests. However, the process of variance has been made easier by an amendment to Clause 33. Let them go through the right process of varying the boundaries of this forest rather than using a short-cut to degazette public forests.

The same Government that he claims degazetted the land had the power to omit it from this Schedule. The process will be made easier if this Bill sees the light of day. We should use the process under Clause 33 that is time-bound to deal with a formal process of varying boundaries or degazetting public forests. Doing it this way is tantamount to using our powers to degazette a forest illegally. Let us use the process that is set out.’

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 2 of the Bill be amended by—
(a) deleting the definition of the word “forest” and substituting therefor with the following new definition—
“forest” means land which is declared or registered as a forest, or woody vegetation growing in close proximity in an area of over 0.5 of a hectares including a forest in the process of establishment, woodlands, thickets”;
(b) deleting the definition of the word “forest manager” and substituting therefor with the following new definition—
“forest manager” means a person responsible for the management of a forest under his or her charge and implementation of this Act including—
(i) in the case of a public forest, the Kenya Forest Service or the County Government as the case may be;
(ii) in the case of a community forest the person responsible for the management of
community land under the relevant law; and

(iii) in the case of a private forest, the owner of the private forest;

(c) deleting the definition of the word “public forest” and substituting therefor with the
following new definition—

“public forest” means forests as classified under 29(2) and (3); and

(d) inserting the following new definitions in the proper alphabetical sequence—

“forest produce” includes bark, animal droppings, beeswax, canes, charcoal, creepers, earth,
fibre, firewood, frankincense, fruit, galls, grass, gum, honey, leaves, flowers, limestone,
moss, murram, soil, myrrh, peat, plants, reeds, resin, rushes, rubber, sap, soil, seeds,
spices, stones, timber, trees, water, wax, withies, and such other things as may be declared
by the Cabinet Secretary to be forest produce for the purpose of this Act; and

“livestock” means domesticated animals such as cattle, goats, sheep, asses, poultry, horses,
camels and pigs and includes their young thereof.”

Hon. Temporary Deputy Chairlady, the amendments are generally to clean up definitions,
which is important for the application of the law.

(Question of the amendment proposed)

(Question, that the words to be left out be left, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

(Long Title)

Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by deleting the long title and substituting therefor the following
new long title—

“AN ACT of Parliament to give effect to Article 69 of the Constitution with regard to forest
resources; to provide for the development and sustainable management, including
conservation and rational utilization of all forest resources for the socio-economic
development of the country and for connected purposes.”

This amendment takes into account other provisions of the Constitution that give the KFS a
broader mandate.

(Question of the amendment proposed)

Hon. Temporary Deputy Chairlady, I wanted to inform Hon. Makali Mulu that there is a
short title. We are amending the Long Title because it is referring only to Article 69 of the
Constitution as the reason for this Bill. This Bill deals with incentives and concessions, which
are issues dealt with in other Articles of the Constitution. We thought that it would be erroneous for the Long Title to refer only to Article 69 of the Constitution.’

(Question, that the words to be left out be left, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Long Title as amended agreed to)

‘Hon. Temporary Deputy Chairlady, on behalf of the Mover of this Bill, the Leader of the Majority Party, I beg to move that the Committee doth report to the House its consideration of the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Date 17th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: The Community Land Bill

‘Hon. Temporary Deputy Chairlady. I beg to move:-
THAT, clause 5 of the Bill be amended—
(a) by deleting sub-clause (1); and,
(b) in sub-clause (4) by deleting the words “person or persons” appearing immediately after the words “just compensation to the” and substituting therefor the words “community”.

I am proposing that amendment because we know that land is owned by communities and not persons. In the arid and semi-arid areas, we have trust lands and it is communities who live there. Thank you.’

Date 17th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 4 of the Bill be amended by inserting the word “palliative” immediately after the word “curative” appearing in sub clause (d).

The purpose of inserting this word is to ensure that it is one of the packages within our health system.’

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)
"Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 5 of the Bill be amended by inserting the word “palliative” immediately after the word “curative”.

It is for the same reason that we would like palliative care to be an integral part of our health care system.’

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)

(Clause 5 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 6 of the Bill be amended—

(a) in sub clause (1) by deleting the words “except elective abortions.” appearing in paragraph (a);

(b) in sub clause (2) by deleting the words ‘uncomplicated abortion and post-abortion care and in the identification, management and referral of abortion’ and substituting therefor the words “manage pregnancy-related complications in women”

As a Committee, we find this superfluous because the expression does not add any value. Any abortion whether it is elective or not, has to be managed by medical officers.’

(Question of the amendment proposed)

Date 17\textsuperscript{th} March 2016

Member of Parliament: Hon. Regina Nyeris

Contribution she made on: The Health Bill

‘Thank you, Hon Temporary Deputy Chairman for giving me this chance. I support the amendment. It is a straightforward issue, but we need more clarification on the abortion issue.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 6 as amended agreed to)

Date 17\textsuperscript{th} March 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 7 of the Bill be amended, by inserting the following new sub clause immediately after sub clause (2) —

“(2A) A health care provider shall not be liable under this section, until the provisions of subsection (2) have been implemented.”

The purpose of this amendment is to protect health care service providers from incurring liability. They are being encouraged to provide emergency care. They should also be protected.’

(Question of the amendment proposed)

‘Thank you, Hon. Temporary Deputy Chairman for giving me an opportunity to give an explanation to what this means. We are asking our health providers to provide emergency health care. Part (2A) says that the health provider shall not be liable under this section. The provisions of subsection 2 have been implemented and this is where we are saying that there should be a Fund that will compensate health providers.

We are protecting health providers, so that they are not told they do not provide emergency treatment. We are coming up with a Fund which can facilitate emergency treatment in hospitals. At the same time, we also want to protect health care providers, so that they are compensated. Otherwise, it will not be possible to implement this provision.’

‘Hon. Members, the import of this clause is that we would like healthcare providers not to be liable until the provisions of Clause 7(2) have been implemented. Clause 7(2) provides for the establishment of a Fund, so that when a doctor provides emergency service, they are compensated through the Fund. The purpose of the amendment is to ensure that emergency care is provided, but at the same time to protect healthcare providers.’

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 7 agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 8 of the Bill be amended in sub-clause (3), by inserting the word “care” immediately after the word “health”. This is just for flow. It was a typographical error.’

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)

(Clause 8 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 13 of the Bill be amended by deleting the words “in so far as it is within users” appearing immediately after the words “the duty” and substituting therefor the words “in the absence of any observable incapacity”.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 13 as amended agreed to)
This concerns the duties of the users. It is meant for clarity. It is unrealistic and a burden to health care providers to anticipate the mental capability of a patient.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 13 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 15 of the Bill be amended-

(a) in Sub-clause (1)-

(i) by deleting paragraph (a) and substituting therefor the following new paragraph -

”(a) develop health policies, laws and administrative procedures and programmes in consultation with county governments and health sector stakeholders and the public for the progressive realization of the highest attainable standards of health”;

(ii) by inserting the words “and healthy lifestyle;” immediately after the words “dietetic services” appearing in paragraph (d).

(iii) by inserting the following new paragraph immediately after paragraph (h) -

”(ha) put in place intervention measures to reduce the burden of communicable and non-communicable diseases, emerging and reemerging diseases, and neglected diseases”;

(iv) by deleting the words “national and county referral” appearing immediately after the words “designation of” in paragraph (j).

(v) by inserting the words “through the established inter-governmental relations mechanisms” immediately before the word “coordinate” appearing in paragraph (o).

(vi) by inserting the words “and specialized” immediately after the word “national” appearing in paragraph (t).

(vii) by inserting the following new paragraph immediately after paragraph (u) –

”(ua) provide policy guidelines and regulations for hospital waste management and conduct of environmental health impact assessment”;

(viii) by inserting the following new paragraph immediately after paragraph (w) –

”(wa) provide policy and training, maintenance of standards and co-ordination mechanisms for the provision of emergency healthcare”;

(b) in Sub-clause (2), by inserting the words “ in consultation through the established intergovernmental relations mechanisms” immediately after the words “Health” appearing in the opening statement.
The purpose is to ensure that we emphasise on various national Government’s duty to consult with stakeholders within the health sector in the implementation.’

(Question of the amendment proposed)

‘Apart from Clause 15(a), we also have an amendment in (b) for the same purpose of ensuring that there is consultation. On Paragraph (d), we are inserting the words “healthy lifestyle”, with a purpose of the national Government to adopt its policies towards that.

Under Paragraph (h), we are inserting the following new paragraph “(ha) put in place intervention measures to reduce the burden of communicable and non-communicable diseases, emerging and reemerging diseases, and neglected diseases”. It is for the purpose of ensuring that the national Government takes the responsibility of mitigating occurrence of such diseases.”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 15 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 16 of the Bill be amended by deleting Sub-clause (2) and substituting therefor the following new Sub-clause -

“(2) The Director General for health shall be recruited by the Public Service Commission through a competitive process, vetted by Parliament and appointed by the President.”

The purpose of this is to introduce participation of Parliament in recruitment. This concerns the new Director-General and this position does not exist in the Ministry of Health. The feeling of the Committee is that it is important to involve Parliament and the Public Service Commission (PSC), so that we have the most qualified persons.

(Question of the amendment proposed)

Date 17th March 2016

Member of Parliament: Hon. Beatrice Nyaga

Contribution she made on: The Health Bill

‘Thank you, Hon. Temporary Deputy Chairman. The position of the Director-General is a big one in the Ministry of Health and we need them to be vetted by Parliament and the PSC, so that we have the best candidate. I support the proposed amendment.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
**Date 17th March 2016**

**Member of Parliament: Hon. Rachel Nyamai**

**Contribution she made on: The Health Bill**

‘Hon. Temporary Deputy Chairlady, I beg to move:-

**THAT, Clause 17 of the Bill be amended by—**

(a) deleting paragraph (a) and substituting therefor the following new paragraph -

"(a) be the technical advisor to the Government on all matters relating to health within the health sector”.

(b) by deleting paragraph (j) and substituting therefor the following paragraph -

"(j) provide guidelines for registration, licensing, certification and gazettement of all health facilities”;

The purpose of this amendment is to ensure that we have a technical advisor to the Government on all matters concerning health. Sub-clause (j) proposes to provide guidelines for registration, licensing, certification and gazettement of all health facilities. This is to ensure that at any given time, the Government receives the best technical advice on matters relating to health.’

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**(Clause 17 as amended agreed to)**

‘Hon. Temporary Deputy Chairlady, I beg to move:-

**THAT, Clause 18 of the Bill be amended by inserting the words “in consultation with the Director General” immediately after the words “Cabinet Secretary”.**

As we have said in the earlier clause, the Director-General is the technical expert. That is meant to ensure that he or she is being consulted.’

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

**(Clause 18 as amended agreed to)**

‘Hon. Temporary Deputy Chairlady, I beg to move:-

**THAT, Clause 20 of the Bill be amended —**
(a) in the opening statement by inserting the words “and in consultation through the established inter-governmental relations mechanisms” immediately after the word “Constitution”.

(a) by deleting paragraph (1) and substituting therefor the following new paragraph - "(1) making due provision and develop criteria to compensate health care facilities for debts arising through failure to secure payment for bills for non-payment of treatment of indigent users.”

The purpose of this amendment is to ensure that we have a forum for consultation. We propose that there should be an inter-governmental relations mechanism for consultation.

The importance of this amendment is to ensure that functions are exercised within a framework of consultation and cooperation as provided in Article 6 of the Constitution. It further aims at making provisions and developing criteria for compensation of health care facilities for debts that may arise from failure to secure payment for bills or for non-payment of treatment of indigent users. The importance of this is also to protect service providers from operating under an atmosphere where they do not get compensated for the care that they provide.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 20 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 24 of the Bill be deleted.

This clause concerns devolution. The Committee feels that provisions of Clause 24 have already been overtaken by events because devolution of health has already happened.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Clause 24 deleted)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT Clause 27 of the Bill be deleted and replaced by the following new clause-

27. (1) There is established an Authority known as the Kenya Health Professions Oversight Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

(a) suing and being sued;
(b) acquiring, holding and disposing of movable and immovable property; and
(c) doing or performing all such other things or acts as may be lawfully done by a body
corporate.

(Question of the amendment proposed)
(Question, that the words to be left out be left out,
put and agreed to)
(Question, that the words to be inserted in place thereof be inserted,
put and agreed)
(Clause 27 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT Clause 28 of the Bill be deleted and replaced by the following new clause-
28. The Authority shall be administered by a Board which shall consist of–
(a) a chairperson appointed by the Cabinet Secretary who shall be a health professional who
meets the requirements of Chapter six of the Constitution of Kenya;
(b) the Principal Secretary in the Ministry for the time being responsible for matters relating
to health or a designated representative;
(c) the Director-General for health or a designated
(d) representative;
(e) the Attorney General or a designated representative;
(f) two representatives nominated by the health regulatory bodies established under an Act
of Parliament;
(g) two representatives nominated by the health professional associations registered by the
Registrar of Societies who are not regulated or registered by any regulatory body;
(h) one representative from the private sector appointed by the Cabinet Secretary;
(i) one representative from consumer rights bodies appointed by the Cabinet Secretary; and
(j) the Chief Executive Officer.
The purpose of this is to establish the board of the Authority and to determine membership
among other activities that are conducted within a board situation.

(Question of the amendment proposed)

‘Thank you very much, Hon. Temporary Deputy Chairlady, for giving me this opportunity.
This is a very important Authority to have. I would like to give an example of yesterday
when we passed a Bill by Hon. Neto. The Bill will establish a board for people who have
trained in keeping medical records, nursing, clinical medicine and other cadres within the
health sector. The board will include all of them because health is unitary. You cannot treat
health as each of the cadres. You need one unitary Authority that puts all of them together, so that they are regulated.

The purpose of this board is to ensure that we have quality health care since health concerns life. Some of the regulatory bodies deal with quality of commodities. Those commodities have to be checked by an Authority. Other Authorities deal with service provision. We have various categories of nurses and doctors covered by such regulatory Authorities. It is a matter of life and death. The board will deal with control of quality of health care.’

‘I support the further amendment by Hon. Midiwo. Yes, we can have a representative of the CoGs.’

‘Thank you, Hon. Temporary Deputy Chairlady for giving me this opportunity. I have consulted with Hon. Kaluma and removing the Cabinet Secretary and Director-General makes it difficult for the Authority to operate. Since we are making laws for posterity, it is important for us to look at the way the Ministry operates. There is a Cabinet Secretary, a Principal Secretary and a Director-General, who must understand all the activities of the oversight body. I was pleading with the Member to drop his proposed amendment.’

(Clause 28 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 29 of the Bill be deleted and replaced by the following new clause-29. The Board shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, shall have power to—

(a) control, supervise and administer the assets of the Authority in such manner and for such purpose as best promotes the purpose for which the Authority is established;
(b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority;
(c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
(d) enter into association with other bodies or organizations within or outside Kenya as the Authority may consider desirable or appropriate and in furtherance of the purpose for which the Authority is established;
(e) open a banking account or banking accounts for the funds of the Authority; and
(f) invest any funds of the Authority not immediately required for its purposes as provided under section 37.'
This concerns the powers of the board and it has been redrafted to give expanded set of power to enable the Authority to effectively implement its mandate.

(Question of the amendment proposed)

‘Thank you very much for giving us that opportunity to consult. I propose to amend the Clause such that Clause 29(a) deals with the powers of the Authority. The redrafting has been made to ensure that the Authority has been given powers to expedite its work. Clause 29(b) will take care of the funds of the Authority.’

‘Hon. Temporary Deputy Chairlady, the funds for the Authority have been taken care of by the next amendment. I would like to stick to the original amendment as per the Order Paper. The matter that has been raised by the Member is taken care of in the next amendment.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 29 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 30 of the Bill -

(a) be deleted and replaced by the following new clause-

30. (1) The functions of the Authority shall be to-

(a) maintain a duplicate register of all health professionals working within the Health System;

(b) promote and regulate inter-professional liaison between statutory regulatory bodies;

(c) coordinate joint inspections with all regulatory bodies;

(d) receive and facilitate the resolution of complaints from patients, aggrieved parties and regulatory bodies;

(e) monitor the execution of respective mandates and functions of regulatory bodies recognized under an Act of Parliament;

(f) arbitrate disputes between statutory regulatory bodies, including conflict or dispute resolution amongst Boards and Councils; and

(g) ensure the necessary standards for health professionals are not compromised by the regulatory bodies.

(2) The Cabinet Secretary shall, in consultation with the Authority make regulations generally for the better carrying out of the provisions of this section and without limiting the generality of the foregoing, the Cabinet Secretary shall make regulations to prescribe—

(h) the manner and form of coordinating joint inspections with all regulatory bodies;
(i) the procedure for receipt and facilitation of the resolution of complaints from patients, aggrieved parties and regulatory bodies;

(j) the manner of monitoring the execution of respective mandates and functions of regulatory bodies recognized under an Act of Parliament;

(k) the mechanisms for arbitration of disputes between statutory regulatory bodies, including conflict or dispute resolution amongst Boards and Authorities; and

(l) mechanisms to ensure that the necessary standards for health professionals are not compromised by the regulatory bodies.

(b) be amended by inserting the following new clauses immediately after clause 30-30A.

1. The Public Service Commission shall, through an open, transparent process, recruit a Chief Executive Officer who shall be appointed by the Authority.

2. A person is qualified for appointment as the Chief Executive Officer to the Authority if the person—
   (a) holds at least a degree in medicine from a university recognized in Kenya and is registered by the Kenya Medical Practitioners and Dentist Board.
   (b) has at least ten years’ experience in the practice of medicine, five of which shall be experience at senior management level; and
   (c) meets the requirements of Chapter Six of the Constitution;

3. The Chief Executive Officer shall serve the Authority for a term of five years and shall be eligible, subject to satisfactory performance of his or her functions, for reappointment for one further term.

4. A person shall not be appointed as the Chief Executive Officer or an officer of the Authority if such person has any direct or indirect interest in the health sector.

5. The Chief Executive Officer may be removed from office for gross misconduct, violation of the Constitution or any other law or on any other ground as may be provided for in the contract of employment.

6. The Chief Executive Officer shall be responsible to the Board for the day to day operations of the Authority.

30B. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Third Schedule.

(2) Except as provided in the Third Schedule, the Authority may regulate its own procedure.

30C. The Authority may, by resolution generally or in any particular case, delegate to any committee of the Authority or to any member, officer, employee or an agent of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act.
30D. (1) The Board may competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Board.

(2) In the appointment of the staff of the Board, the Board shall comply with the values and principles set out in the Constitution and in particular—

(d) afford adequate and equal opportunities for appointment and advancement at all levels, of men and women, members of all ethnic groups and persons with disabilities;

(e) exercise transparency in the recruitment process; and

(f) ensure competitive recruitment and selection on the basis of personal integrity, competence and suitability.

30E. The staff of the Board shall serve the Board on such terms of service as the Board, on recommendation of the Salaries and Remuneration Commission may determine.

30F. (1) A member of the Board, or an officer, employee or agent of the Authority or any person acting under their direction is not liable for any matter or thing if that matter or thing is done in good faith for executing the functions, powers or duties of the Authority.

(2) Despite subsection (1), the Board shall not be relieved of its liability to pay compensation to any person for any injury to him or her, his or her property or to any of his or her interest caused by the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

30G. The funds of the Authority shall comprise—

(a) such funds as may be appropriated by the Parliament;

(b) such moneys or assets as may accrue to or vest in the Authority in the performance of its functions or the exercise of its powers under this Act of any other written law; and

(c) all moneys from any other source provided for, donated or lent to the Authority.

30H. The financial year of the Authority shall be the period of twelve months ending on the thirtieth day of June in every year.

30I. (1) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Authority for that financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned and in particular shall provide for the—

(a) payment of salaries, allowances and other charges in respect of the members of staff or agents of the Authority;

(b) payment of pensions, gratuities and other charges in respect of members and other staff of the Authority;

(c) proper maintenance of buildings and grounds of the Authority;
(d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and
(e) funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Authority may deem appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after approval, the Authority shall not increase annual estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization by the Cabinet Secretary.

30J. The Board may, subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance invest any of the funds of the Authority in securities in which, for the time being, trustees may by law invest funds or in any other securities which the Treasury may, from time to time, approve for that purpose.

30K. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Authority.
(2) The accounts of the Authority shall be audited and reported upon in accordance with the provisions of the Public Audit Act.
(3) The Board shall, within three months from the end of the financial year to which the accounts relate, submit to the Auditor-General the accounts of the Authority together with—
(a) a statement of income and expenditure during the year;
(b) a statement of the assets and liabilities of the Authority as of the last day of that year;
(c) a cash flow statement for the financial year; and
(d) any other statements and accounts that may be necessary to fully disclose the financial position of the Authority.

30L. (1) The obligation to inspect, monitor and evaluate the standard of performance in all the services regulated and professionals engaged in the health sector, both public and private shall be undertaken by the respective regulatory bodies provided that they are not in conflict with the functions of the Authority as stipulated in this Act or under any other written law.
(2) For the avoidance of doubt the regulatory bodies referred to in subsection (1) shall include—
(a) the Clinical officers Authority established under the Clinical Officers Act;
(b) (b) the Nursing Council of Kenya established under the Nurses Act;
(c) the Kenya Medical Laboratory Technicians and Technologists Board established under the Medical Laboratory Technicians and Technologists Act;
(d) the Medical Practitioners and Dentists Board established under the Medical Practitioners and Dentists Act;
(e) the Radiation Protection Board established under the Radiation Protection Act;
(f) the Pharmacy and Poisons Board established under the Pharmacy and Poisons Act; the Council of the Institute of Nutritionists and Dieticians established under the Nutritionists and Dieticians Act;
(g) the Public Health Officers and Technicians Council established under the Public Health Officers (Training, Registration and Licensing) Act; and
(h) any other body as may be prescribed by the Cabinet Secretary under this Act.”

This Clause concerns the functions of the Authority. The intention of the amendment is to permit the Authority to have a central database for registration of health professionals without creating a duplicate within the authorities.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Claue 30 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 31 of the Bill be deleted and replaced by the following new clause—

31. Any health professionals seeking to form a professional regulatory body must adhere to the criteria prescribed by the Cabinet Secretary, in consultation with the Authority.

The purpose of this deletion is that the clause will ensure that health cadres that desire to be regulated under the statutory body meet some guidelines that will be established by the Cabinet Secretary in consultation with others within the health sector.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Claue 31 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 33 of the Bill be amended in Sub-clause (1) by deleting the word “weapons” appearing in paragraph (f) and substituting therefor the word “products”.

This is because weapons cannot be regulated under this law.
Hon. Temporary Deputy Chairlady, I want to thank Hon. (Prof.) Nyikal for clarifying that. We are deleting the word "weapons" appearing in Paragraph (f) and substituting it thereof with the word "products."

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 33 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 33 of the Bill be amended

(a) in sub-clause (2) by deleting the expression "(a)" appearing at the beginning of the sub-clause.
(b) by renumbering paragraph (b) as paragraph (a);
(c) by renumbering paragraph (c) as paragraph (b);
(d) by renumbering paragraph (d) as paragraph (c);
(e) by renumbering paragraph (e) as paragraph (d);
(f) by renumbering paragraph (f) as paragraph (e);

Most corrections in this clause are typographical errors and numbering to provide for clarity of content.'

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 38 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 38 of the Bill be amended-

(a) in sub-clause (2) by deleting the expression "(a)" appearing at the beginning of the sub-clause.
(b) by renumbering paragraph (b) as paragraph (a);
(c) by renumbering paragraph (c) as paragraph (b);
(d) by renumbering paragraph (d) as paragraph (c);
(e) by renumbering paragraph (e) as paragraph (d);
(f) by renumbering paragraph (f) as paragraph (e);

Most corrections in this clause are typographical errors and numbering to provide for clarity of content.'

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 38 as amended agreed to)

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 39 of the Bill be amended in Sub-clause (1) by inserting a new paragraph immediately after paragraph (l)—

"(m) developing guidelines for the conduct of health impact assessment."

Hon. Temporary Deputy Chairlady, health impact assessment is meant to ensure that the infrastructure development projects that we have, have an aspect of health. This is because most of the infrastructure development projects that we have also interfere with people’s health. Thank you.’

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 39 as amended agreed to)
'Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 41 of the Bill be amended by deleting the opening statement and substituting therefor the following new opening statement -

“There shall be established by an Act of Parliament, legislation to—”

This is to ensure that where the Ministry responsible for health does not take appropriate action, then Parliament does.’

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 41 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 43 of the Bill be amended —

(a) in sub clause (1) by deleting the word “African”
(b) in sub clause (3) by deleting the word “African”

It is a straightforward amendment. We felt that the word “African” is too restrictive.

(Question of the amendment proposed)

‘Thank you, Hon. Temporary Deputy Chairlady. I agree with Hon. Nyikal, who is a Member of our Committee that we stick to our amendment. We are saying that we cannot restrict traditional and alternative medicine to the African situation.

As per the matter that is being raised by Hon. Midiwo, we already have a Bill that is going to establish this body. So, we anticipate that it is going to be one of the regulatory bodies that will also be regulated by the oversight authority. This is because we can also not let traditional medicine regulate itself since it has its own health hazards that will affect citizens.’

(Question, that the word to be left out be left out, put and agreed to)

(Clause 43 as amended agreed to)

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 48 be amended in sub clause (2) by inserting the word “in” immediately after the word “mentioned”.

We are just inserting the words “in” and “mentioned.” This is a typographical error.

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)

(Clause 48 as amended agreed to)
THAT, Clause 49 be amended by deleting sub clause (2) and substituting therefor the following new clause—

“(2) In the absence of a donation under subsection (1) (a) or of a contrary direction given by a person whilst alive and upon death the person’s body remains unclaimed under any other law, the spouse or spouses, elder child, parent, guardian, eldest brother or sister of that person, in the specific order mentioned, may, after that person’s death, donate the body or any specific tissue of that person to an institution or a person contemplated in this subsection.”

Hon. Temporary Deputy Chairlady, this clause is dealing with making of wills. The purpose of the amendment is to provide for a situation where there is more than one spouse, so that we can conform to the Succession Act, which recognises multiple spouses. Thank you.’

(Question of the amendment proposed)

‘Hon. Temporary Deputy Chairlady, I propose that we amend Clause 49 by deleting sub clause (2) and substituting therefor with a new sub clause (2) as shown in the Order Paper. I said that this is to provide for a situation where if there is more than one spouse, we are able to conform to the Succession Act, which recognises marriage and multiple spouses. Further down, the sub clause is to be amended by inserting the words “and upon death, the person’s body remains unclaimed under any other law” immediately after the words “whilst alive.” The purpose of this amendment is to provide a solution if this clause clashes with the existing legislation regulating succession and to prevent burial disputes or related disputes, which are well regulated within the existing law. The purpose is to ensure that we do not have contradictions with the existing law, and also to recognise marriage and multiple spouses. Thank you.’

Date 17th March 2016

Member of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: The Health Bill

(Clause 49)

‘Hon. Temporary Deputy Chairlady, Hon. Members are looking at the traditional bit. I can see the jitteriness in it. Sometimes morgues are filled with unclaimed bodies. In some instances, the relatives of the deceased may be known but they may decide not to claim the bodies because they do not want to incur bills. Unclaimed bodies can be very useful in terms of teaching our medical students or in saving other lives. If this is put in law, nobody will come in future to demand an explanation as to why the body of their relative was used for certain purposes. That is the whole idea.’
Date 17th March 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Bill

‘Hon. Temporary Deputy Chairlady, I would like to call upon the Members of the Departmental Committee to help Hon. Members understand these amendments. These matters are technical. It is important that we understand where we are coming from before we make a decision. I request that we get further information. We are removing the issue of the will. It is a very important aspect of this Bill. We have also removed the aspect of donation of bodies. The reason why we have advancement in training is because we are making use of bodies that have been donated. When we look at this matter traditionally and become so emotional, we may just remove the whole clause. I request the Members of the Departmental Committee to help Hon. Members understand these issues. I would like to request for a recommittal of some clauses.’

‘Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 52 be amended—
(a) in sub clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—
“(b) the spouse(s), child, parent, guardian, brother or sister of the deceased, in the specific order mentioned, gave consent thereto; or”
(b) in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—
“(b) in the case where there is no medical practitioner in charge of clinical services, a medical practitioner authorised by the person in charge of such hospital or authorised institution, authorises the post mortem examination in writing and in the prescribed manner.”

Hon. Temporary Deputy Chairlady, the amendment is meant for clarity. We made it clearer by deleting the words “major” and “partner” because the expressions “major partner,” “major sister” and “partner” seemed vague and ambiguous. We have deleted these and substituted them with ‘spouse(s), child, parent, guardian, brother or sister of the deceased, in the specific order mentioned’ so that it is clear. Thank you.’

(Question, that the words to be left out be left out, put and negatived)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 54 of the Bill be deleted and replaced by the following new clause—

"54. (1) The Ministry of health shall ensure progressive financial access to universal health coverage by taking measures that include—

(a) developing mechanisms for an integrated national health insurance system, including making provisions for social health protection and health technology assessment;
(b) establishing in collaboration with the department responsible for finance oversight mechanism to regulate all health insurance providers;
(c) developing policies and strategies that ensure realization of universal health coverage;
(d) determining, during each financial period and in consultation with individual county authorities, cost sharing mechanisms for services provided by the public health system without significantly impeding the access of particular population groups to the system in the areas concerned; and
(e) defining in collaboration with the department responsible for finance, public financing of health care framework, including annual allocations towards reimbursing all health care providers responding to disasters and emergencies as contemplated under this Act

(2) The Ministry of health shall, in consultation through the established inter-governmental relations mechanisms—

(a) provide a framework for collaboration with the ministries responsible for finance, planning and any other relevant department to secure health care for vulnerable groups and indigents;
(b) provide a framework for examining means of optimizing usage of private health services as a result of relieving the burden carried by the publicly financed system; and
(c) provide a framework for establishing a harmonized common mechanism for coordinating planning and financing and monitoring and evaluation within the health sector."

Hon. Temporary Deputy Chairlady, Clause 54(1) contains provisions that do not need the national Government to consult in order to execute while Clause 54(2) contains provisions that need consultation with the county governments with respect to operationalising of health financing.

(Question of the amendment proposed)

‘I would like to confirm that we have consulted with Hon. Midiwo to make those two amendments within that clause.’
Thank you. Further to the Committee amendments, I propose that Clause 54(c) be amended by inserting the words “including affordable healthcare and last expense” in (c) and inserting “f” after the words “contemplated under this Act (f) which says “ensure that cost of pharmaceutical and non-pharmaceutical supplies correspond to Kenya Medical Supplies Authority (KEMSA) market prices.”

(Question, of the further amendment proposed)
(Clause 54(c) as further amended agreed to)

Hon. Temporary Deputy Chairlady, I propose that Clause 54 be amended by inserting the words, “ensure that cost of pharmaceutical and non-pharmaceutical supplies correspond to KEMSA market prices”.

(Question of the further amendment proposed)
(Question, that the words to be inserted be inserted put and agreed to)
(Clause 54(f) as further amended agreed to)

Hon. Temporary Deputy Chairlady, I propose that Clause 54 be amended further by inserting (g) which states: “defining an essential health package to be financed through payment mechanisms”.

Hon. Temporary Deputy Speaker, I beg to move:-

THAT, Clause 54 of the Bill be further amended by inserting the following paragraph immediately after (e).

“(g) defining in collaboration with the Cabinet Secretary responsible for Finance a standard health package finance through prepayment mechanisms including a cover for last expense.” The importance of this amendment is so that we have a proper package of financing health care that will also take care of the last expense. Even in this House, we know that there is a problem with financing of health care, and that many people have challenges with payments of last expenses.

(Question of the further amendment proposed)

Date 17th March 2016
Member of Parliament: Hon. Naomi Shaban
Contribution she made on: The Health Bill

‘Hon. Temporary Deputy Chairlady, I am in total agreement, the only thing is that there is repetition. In (c) there was a further amendment including affordable health care and last expense. Again, we are talking about the same in the new sub clause. I am saying for neatness purposes we leave it the way it was on the Order Paper. Then we carry it on board
in these other amendments. I know this one brings on board what Dr. Nyikal was trying to say.’

(Question, that the words to be left out be left out, put and agreed to)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 54 as amended agreed to)

Date 17th March 2016
Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: Progress report on The Health Bill

‘Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Health Bill and its approval thereof up to Clause 54 with amendments and seek leave to sit again another day.

(Question proposed)

(Question put and agreed to)

‘Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. (Dr.) Shaban to second the Motion for agreement with the Report of the Committee of the whole House.’

(Seconded by Hon. Dr. Naomi Shaban.)

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Bill

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, clause 55 be deleted and replaced by the following new clause –

“55 (1) The National Treasury shall, facilitate the opening and maintenance of bank accounts by the county treasuries, for purposes of operationalizing disbursements of conditional grants, donations and any other monies designated for health as may be prescribed, in accordance with the provisions of the Constitution and the Public Finance Management Act.

(2) Funds identified and designated for health in sub-section (1) shall not be appropriated for any other purpose.”

The amendment on Sub-clause 55(2) is meant to ring-fence funds that are meant for health, so that they are not used for other activities within the budgeting system.

(Question of the amendment proposed)

Date 29th March 2016
Member of Parliament: Hon. Florence Kajuju

Contribution she made on: The Health Bill

‘Thank you, Hon. Temporary Deputy Chairman for giving me this opportunity. I support the amendment as presented by the Chair of the Committee and pray that all the other Members will support it.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 55 as amended agreed to)

Date 29th March 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Bill

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 56 be amended by inserting the words “and regulation” immediately after the words “development” appearing in sub-clause (1).

The importance of this amendment is to ensure that there is regulation especially as regards to private health services.

(Question of the amendment proposed)
(Question, that the words to be inserted be inserted, put and agreed to)
(Clause 56 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 59 of the Bill be deleted and replaced by the following new clause –

59. (1) Institutions licensed under section 57 and private health workers licensed under section 58 shall irrespective of any specific conditions attached to such a licence be bound –
(a) to permit and facilitate inspection at any time by the Authority and regulatory bodies;
(b) to provide emergency services in their field of expertise required or requested either by individuals, population groups or institutions, without regard to the prospect or otherwise of direct financial reimbursement.

(2) Institutions and private health workers shall nevertheless be entitled to compensation under similar terms as contemplated under section 7 of this Act.”

This is the clause that concerns duties of the licensees of private health facilities. The purpose of the amendment is to ensure that they are open to inspection for quality. The second amendment concerns compensation through some financial mechanism to ensure that provision of emergency care is enacted so that it works.

(Question of the amendment proposed)
Date 29th March 2016
Member of Parliament: Hon. Dr. Susan Musyoka
Contribution she made on: The Health Bill
‘Thank you very much, Hon. Temporary Deputy Chairman. I support that amendment. It is important that the authority and regulatory bodies supervise and also see what is happening in the private hospitals and institutions. These institutions will be offering emergency services even before they are paid.’

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 59 as amended agreed to)

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Bill
‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 61 be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause —

’(1) There shall be established by the Cabinet Secretary, a National Health Research Committee which shall be a technical committee”.

(b) by deleting the marginal note and substituting therefor the following new marginal note—

“Establishment of the National Health Research Committee”.

This is an amendment which is meant to correct the name of the National Health Research Committee.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 61 as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 64 of the Bill be amended in sub-clause (3) by inserting the following new paragraph immediately after paragraph (f)—

’'(fa) set up a national research database”

This clause concerns the functions of the National Health Research Committee. It should establish a national database for research such that someone who wants to do research will be able to know what other research has been done in this country.’
Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 64 of the Bill be amended by deleting the words “Third Schedule” and substituting therefor the words “Fourth Schedule”

This is because we would like to provide for a new schedule to accommodate for the conduct of business of the committee.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 64 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 66 of the Bill be amended by deleting the opening statement and substituting therefor the following new opening statement —

“The Cabinet Secretary shall, within three years of the operation of this Act, ensure the enactment of legislation that provides for among other things”

This amendment concerns e-health. The purpose of this amendment is to provide for timelines so that it is not open for the Cabinet Secretary (CS) to introduce legislation for e-health.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 66 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 72 be amended —

(a) in Sub-clause (1), by inserting the word ‘integrated’ immediately after the word “comprehensive”;

(b) in Sub-clause (2), by inserting the words “ in consultation with the Director General,” immediately after the word “ Cabinet Secretary”.

(c) by inserting the following new sub-clause immediately after Sub-clause (2) —

“(2A) The Cabinet Secretary shall, in consultation with the Director General, prescribe policy guidelines for the establishment of an integrated comprehensive health information management system, which shall include—
(a) an integrated comprehensive health information system relating to the national government health functions;
(b) an integrated comprehensive health information system relating to every county and in respect of county functions; and
(c) the consolidation and harmonization of health information obtained under subsection (a) and subsection (b);
(a) the minimum standards applicable for establishment and maintenance of health information systems;
(b) a guide on the minimum indices to be captured by each county health information system;
(c) the mechanism for ensuring inter-connectivity between each county information system and the national system;
(d) the guiding principles for management and administration of health information banks; and
(e) any other information on health services, including sources of health financing, human resources available in the health sector.”

We are inserting the word “integrated”. The purpose of this amendment is to ensure that we have a health information system that is part of an effective countrywide system that is fully integrated.’

(Question of the amendment proposed)
(Question, that the words to be inserted be inserted, put and agreed to)
(Clause 73 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-
THAT, Clause 74 be deleted and replaced with the following new clause

“74.(1) While the Cabinet Secretary responsible for health shall bear primary responsibility for the implementation of this Act, the respective levels of government and other agencies of government shall collaborate, consult and enter into agreements for the better carrying out of the provisions of this Act.
(2) Without prejudice to sub section (1), the respective levels of government shall collaborate in the implementation of this Act, development of regulations and where necessary in the adaptation of legislation.

The purpose of the proposed amendment is to ensure that the CS for Health works in consultation with other Government agencies because health is a devolved function
especially through the intergovernmental forums where we will have agreements on various matters.

On (2), the word “interpretation” has been deleted and replaced with the word “implementation” for syntax purposes.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 74 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 76 be amended by deleting paragraph (a) and substituting therefor the following new paragraph -

“(a) health workers welfare”;

The purpose of this amendment is to correct a syntax error.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 76 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 79 of the Bill, be amended in the opening statement, by inserting the words “in consultation with the Director General” immediately after the words “Cabinet Secretary”.

The purpose of this amendment is to empower the Cabinet Secretary (CS) to create regulations, the bulk of which touch on technical aspects. Before he does that, he must seek for support and advice from the Director-General, who is the technical expert.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 79 as amended agreed to)

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended by inserting the following new parts immediately after clause 26—

“PART IIIA – KENYA HEALTH SECTOR INTER-GOVERNMENTAL CONSULTATIVE FORUM
26A. (1) There is established a Health Sector Inter-Governmental Consultative Forum, in line with the provisions of the Inter-Governmental Relations Act, and any applicable law. (2) The Forum shall comprise of –
(a) the Director-General for health or a designated representative; and
(b) each County Director of Health or a designated representative.

26B. (1) The Forum shall –
(a) develop criteria and framework for determining matters requiring intergovernmental consultation; and
(b) develop inter-governmental agreements for joint implementation of any activities for health service delivery.

26C. (1) The Forum shall meet at least twice a year.
(2) The Forum shall regulate the procedures of its meetings.

26D. (1) The Forum shall regulate the conduct and regulation of the business and affairs of the Forum.

The purpose of this Part is to establish the Forum and the purpose of the Forum is to ensure that there is an opportunity for consultation. Clauses 26B and 26C concern the purpose and meetings of the Forum while Clause 26D concerns the conduct of business.’

(Question, that the New Part be added to the Bill, put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, the Bill be amended by inserting the following new parts immediately after clause 26D—

26E. (1) There is established a Kenya Health Human Resource Advisory Council which shall consist of –
(a) chairperson, who shall be appointed by the President;
(b) the Principal Secretary for the time being responsible for matters relating to health or a representative designated by the Principal Secretary;
(c) one person who holds a master’s degree in public health nominated by the Council of Governors;
(d) the Attorney General or a representative designated by the Attorney General;
(e) the Director-General for health or a representative designated by the Director-General;
(f) one representative nominated by the Public Service Commission;
(g) one person nominated by the Intergovernmental Consultative Council;
(h) one person nominated by the County Public Service Boards;
(i) three persons nominated by public universities, private universities and mid-level institutions; and
(j) the Chief Executive Officer.
(2) The Council shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—
(a) suing and being sued;
(b) acquiring, holding and disposing of movable and immovable property; and
(c) doing or performing all such other things or acts as may be lawfully done by a body corporate.

26F. (1) The Council shall review policy and establish uniform norms and standards for—
(i) posting of interns to National Government and County Government facilities;
(ii) inter county transfer of healthcare professionals;
(iii) transfer of healthcare professionals from one level of Government to another;
(iv) the scheme of service for health professionals;
(v) management and rotation of specialists; and
(vi) the maintenance of a master register for all health practitioners in the counties.

26G. The Council shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to—
(a) control, supervise and administer the assets of the Council in such manner and for such purpose as best promotes the purpose for which the Council is established;
(b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Council;
(c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
(d) enter into association with other bodies or organizations within or outside Kenya as the Council may consider desirable or appropriate and in furtherance of the purpose for which the Council is established;
(e) open a banking account or banking accounts for the funds of the Council; and
(f) invest any funds of the Council not immediately required for its purposes as may be permitted by law for the time being in force.

26H. (1) The Public Service Commission shall, through an open, transparent process, recruit a Chief Executive Officer who shall be appointed by the Council.

(3) A person is qualified for appointment as the Chief Executive Officer to the Council if the person—
(a) holds at least a degree in medicine from a university recognized in Kenya, and is registered by the Kenya Medical Practitioners and Dentist Board;
(b) has at least ten years’ experience in the practice of medicine, five of which shall be experience at senior management level; and
(c) meets the requirements of Chapter Six of the Constitution;
(4) The Chief Executive Officer shall serve the Council for a term of five years and shall be eligible, subject to satisfactory performance of his or her functions, for reappointment for one further term.
(5) A person shall not be appointed as the Chief Executive Officer or an officer of the Council if such person has any direct or indirect interest in the health sector.
(6) The Chief Executive Officer may be removed from office for gross misconduct, violation of the Constitution or any other law or on any other ground as may be provided for in the contract of employment.
(7) The Chief Executive Officer shall be responsible for the day to day operations of the Council.
26J. (1) The conduct and regulation of the business and affairs of the Council shall be as provided in the Second Schedule.
(2) Except as provided in the Second Schedule, the Council may regulate its own procedure.
26K. The Council may, by resolution generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee or an agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.
26L. (1) The chairperson and the members of the Council, other than ex-officio members, shall hold office for a term of five years and shall be eligible for re-appointment for one further term.
(2) The members of the Council shall be appointed in such a manner that the respective expiry dates of their terms of office fall at different times.
26M. (1) The Council may competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Council.
(2) In the appointment of the staff of the Council, the Council shall comply with the values and principles set out in the Constitution and in particular—
(a) afford adequate and equal opportunities for appointment and advancement at all levels, of men and women, members of all ethnic groups and persons with disabilities;
(b) exercise transparency in the recruitment process; and
(c) ensure competitive recruitment and selection on the basis of personal integrity, competence and suitability.
The purpose of these clauses is to establish the Kenya Health Human Resource Advisory Council, which is also an opportunity for collaborations and discussions on health matters. The clauses give the Council powers, a Chief Executive Officer (CEO) and also an opportunity to delegate.

(Question of the New Part proposed)

(New Part read the First Time)

(Question, that the New Part be read a Second Time, proposed)

Date 29th March 2016
Member of Parliament: Hon. Mary Emaase
Contributions she made on: The Health Bill

‘Hon. Temporary Deputy Chairman, I support the formation of the Council. This will go a long way towards addressing issues of human resource. We have learnt lessons through the challenges in the sector. Given that health is a very critical sector, this particular council will help us address the human resource challenges within the health sector.’

Date 29th March 2016
Member of Parliament: Hon. Joyce Emanikor
Contributions she made on: The Health Bill

‘Thank you, Hon. Temporary Deputy Chairman. I want to support the formation of the Council because it is going to help. We have had many issues with the establishment, transfers and scheme of service for staff and all that needs a coordinating body.’

(Question, that the New Part be read a Second Time, put and agreed to)

(The New Part was read a Second Time)

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contributions she made on: The Health Bill

‘Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new parts immediately after Clause 26M.

26N. The staff of the Council shall serve on such terms of service as the Council, on recommendation of the Salaries and Remuneration Commission may determine.

26O. (1) A member of the Council or any person working under the instructions of the Council shall not be personally liable for any act or default of the Council done or omitted to
be done in good faith in the course of carrying on the functions of, or exercising of powers conferred upon the Council under this Act.

(2) Despite subsection (1), the Council shall not be relieved of its liability to pay compensation to any person for any injury to him or her, his or her property or to any of his or her interest caused by the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

26P. The funds of the Council shall comprise—
(a) such funds as may be appropriated by the Parliament;
(b) such moneys or assets as may accrue to or vest in the Council in the performance of its functions or the exercise of its powers under this Act or any other written law; and
(c) all moneys from any other source provided for, donated or lent to the Council.

26Q. The financial year of the Council shall be the period of twelve months ending on the thirtieth day of June in every year.

26R. (1) The Council shall, at least, three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Council for that financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Council for the financial year concerned and in particular shall provide for the—
(a) payment of salaries, allowances and other charges in respect of the members of staff or agents of the Council;
(b) payment of pensions, gratuities and other charges in respect of members and other staff of the Council;
(c) proper maintenance of buildings and grounds of the Council;
(d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Council; and,
(e) funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Council may deem appropriate.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after approval, the Council shall not increase annual estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization by the Cabinet Secretary.
26S. (1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Council.

(2) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

(3) The Council shall, within three months from the end of the financial year to which the accounts relate, submit to the Auditor-General the accounts of the Council together with—
   (a) a statement of income and expenditure during the year;
   (b) a statement of the assets and liabilities of the Council as of the last day of that year;
   (c) a cash flow statement for the financial year; and
   (d) any other statements and accounts that may be necessary to fully disclose the financial position of the Council.

26T. The Council may, subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance invest any of the funds of the Council in securities in which, for the time being, trustees may by law invest funds or in any other securities which the Treasury may, from time to time, approve for that purpose.

The purpose of this is to ensure that we give protection from liability and ensure that we have a way of considering funds and sources of funding to the Council, matters of financial year, accounts and audit including investment of funds.’

(Question of the New Part proposed)

(New Part read the First Time)

(Question, that the New Part be read a Second Time, proposed)

(Question, that the New Part be added to the Bill, put and agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:—

THAT, clause 30 of the Bill—

(b) be amended by inserting the following new clauses immediately after clause 30-

30A. (1) The Public Service Commission shall, through an open, transparent process, recruit a Chief Executive Officer who shall be appointed by the Authority.

(2) A person is qualified for appointment as the Chief Executive Officer to the Authority if the person—
   (a) holds at least a degree in medicine from a university recognized in Kenya and is registered by the Kenya Medical Practitioners and Dentist Board.
   (b) has at least ten years' experience in the practice of medicine, five of which shall be experience at senior management level; and
   (c) meets the requirements of Chapter Six of the Constitution;
(3) The Chief Executive Officer shall serve the Authority for a term of five years and shall be eligible, subject to satisfactory performance of his or her functions, for reappointment for one further term.

(4) A person shall not be appointed as the Chief Executive Officer or an officer of the Authority if such person has any direct or indirect interest in the health sector.

(5) The Chief Executive Officer may be removed from office for gross misconduct, violation of the Constitution or any other law or on any other ground as may be provided for in the contract of employment.

(6) The Chief Executive Officer shall be responsible to the Board for the day to day operations of the Authority.

30B. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Third Schedule.

(2) Except as provided in the Third Schedule, the Authority may regulate its own procedure.

30C. The Authority may, by resolution generally or in any particular case, delegate to any committee of the Authority or to any member, officer, employee or an agent of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act.

30D. (1) The Board may competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Board.

(2) In the appointment of the staff of the Board, the Board shall comply with the values and principles set out in the Constitution and in particular—

(a) afford adequate and equal opportunities for appointment and advancement at all levels, of men and women, members of all ethnic groups and persons with disabilities;
(b) exercise transparency in the recruitment process; and
(c) ensure competitive recruitment and selection on the basis of personal integrity, competence and suitability.

30E. The staff of the Board shall serve the Board on such terms of service as the Board, on recommendation of the Salaries and Remuneration Commission may determine.

30F. (1) A member of the Board, or an officer, employee or agent of the Authority or any person acting under their direction is not liable for any matter or thing if that matter or thing is done in good faith for executing the functions, powers or duties of the Authority..

(2) Despite subsection (1), the Board shall not be relieved of its liability to pay compensation to any person for any injury to him or her, his or her property or to any of his or her interest caused by the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.
30G. The funds of the Authority shall comprise—
(a) such funds as may be appropriated by the Parliament;
(b) such moneys or assets as may accrue to or vest in the Authority in the performance of
its functions or the exercise of its powers under this Act of any other written law; and
(c) all moneys from any other source provided for, donated or lent to the Authority.
30H. The financial year of the Authority shall be the period of twelve months ending on the
thirtieth day of June in every year.
30I. (1) The Board shall, at least three months before the commencement of each financial
year, cause to be prepared estimates of revenue and expenditure of the Authority for that
financial year.
(2) The annual estimates shall make provision for all the estimated expenditure of the
Authority for the financial year concerned and in particular shall provide for the—
(a) payment of salaries, allowances and other charges in respect of the members of staff or
agents of the Authority;
(b) payment of pensions, gratuities and other charges in respect of members and other staff
of the Authority;
(c) proper maintenance of buildings and grounds of the Authority;
(d) acquisition, maintenance, repair and replacement of the equipment and other movable
property of the Authority; and
(e) funds to meet future or contingent liabilities in respect of retirement benefits, insurance
or replacement of buildings or equipment, or in respect of such other matter as the
Authority may deem appropriate.
(3) The annual estimates shall be approved by the Board before the commencement of the
financial year to which they relate and shall be submitted to the Cabinet Secretary for
approval and after approval, the Authority shall not increase annual estimates without the
consent of the Cabinet Secretary.
(4) No expenditure shall be incurred for the purposes of the Authority except in accordance
with the annual estimates approved under subsection (3), or in pursuance of an
authorization by the Cabinet Secretary.
30J. The Board may, subject to the approval of the Cabinet Secretary for the time being
responsible for matters relating to finance invest any of the funds of the Authority in
securities in which, for the time being, trustees may by law invest funds or in any other
securities which the Treasury may, from time to time, approve for that purpose.
30K. (1) The Board shall cause to be kept all proper books and records of accounts of the
income, expenditure, assets and liabilities of the Authority.
(2) The accounts of the Authority shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

(3) The Board shall, within three months from the end of the financial year to which the accounts relate, submit to the Auditor-General the accounts of the Authority together with—
(a) a statement of income and expenditure during the year;
(b) a statement of the assets and liabilities of the Authority as of the last day of that year;
(c) a cash flow statement for the financial year; and
(d) any other statements and accounts that may be necessary to fully disclose the financial position of the Authority.

30L. (1) The obligation to inspect, monitor and evaluate the standard of performance in all the services regulated and professionals engaged in the health sector, both public and private shall be undertaken by the respective regulatory bodies provided that they are not in conflict with the functions of the Authority as stipulated in this Act or under any other written law.

(2) For the avoidance of doubt the regulatory bodies referred to in subsection (1) shall include—
(a) the Clinical officers Authority established under the Clinical Officers Act;
(b) the Nursing Council of Kenya established under the Nurses Act;
(d) the Kenya Medical Laboratory Technicians and Technologists Board established under the Medical Laboratory Technicians and Technologists Act;
(e) the Medical Practitioners and Dentists Board established under the Medical Practitioners and Dentists Act;
(f) the Radiation Protection Board established under the Radiation Protection Act;
(g) the Pharmacy and Poisons Board established under the Pharmacy and Poisons Act;
the Council of the Institute of Nutritionists and Dieticians established under the Nutritionists and Dieticians Act;
(h) the Public Health Officers and Technicians Council established under the Public Health Officers (Training, Registration and Licensing) Act; and
(i) any other body as may be prescribed by the Cabinet Secretary under this Act.”

The purpose of this is to ensure that we get the roles of the CEO and have a way of conducting business affairs of this Authority. We are also considering issues to do with delegation of authority, staff of the Authority, terms and conditions of service, protection from liability, funds of the Authority, financial year of the Authority, annual estimates, investment funds for the Authority, account audits of the Authority and relationship with other regulatory bodies that may exist within the health sector.’
(Question of the new clauses proposed)

(New clauses read the First Time)

(Question, that the new clauses be read a Second Time, proposed)

(Question, that the new clauses be added to the Bill, put and agreed to)

‘Thank you, Hon. Temporary Deputy Chairman. I beg to move:—

THAT, the Bill be amended in Part VI by inserting the following new clause immediately after clause 40—

“41A. (1) All employers shall in the workplace establish lactation stations, which shall be adequately provided with necessary equipment and facilities including handwashing equipment, refrigerators or appropriate cooling facilities, electrical outlets for breast pumps, a small table, comfortable seats the standard of which shall be defined by the Ministry responsible for matters relating to health.

(2) The lactation station shall not be located in the rest rooms.

(3) All employers shall take strict measures to prevent any direct or indirect form of promotion, marketing and or selling of infant formula and or breast substitutes within the lactation stations.

41B. (1) An employer shall grant all nursing employees break intervals in addition to the regular times off for meals to breastfeed or express milk.

(2) The time intervals referred to in sub section (1) shall include the time it takes an employee to get to and from the lactation station and shall be counted as compensable hours worked provided that such intervals shall not be more than a total of one hour for every eight hour working period.

The purpose of these clauses is to include lactation stations for the purpose of providing for the welfare of nursing mothers at workplaces.’

(Question of the new clauses proposed)

(The new clauses read the First Time)

Date 29th March 2016

Member of Parliament: Hon. Dr. Susan Chebet

Contribution she made on: The Health Bill

‘Thank you, Hon. Temporary Deputy Chairman for this opportunity. I support this amendment, specifically because it will provide an opportunity for nursing mothers to care for their babies and have babies breastfed for as long as they still need the mother’s milk. I support. Thank you.’
Date 29th March 2016
Member of Parliament: Hon. Rachel Amolo
Contribution she made on: The Health Bill

‘Thank you, Hon. Temporary Deputy Chairman. I stand to support the amendment because it will support mothers. Usually we have a rough time leaving our children home. If we could have these facilities, it would really be of help to mothers.’

(Question, that the new clauses be read a Second Time, put and agreed to)
(The new clauses were read a Second Time)
(Question, that the new clause be added to the Bill, put and agreed to)

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Bill

‘THAT, Clause 78 be amended, by inserting the following new clause immediately after Clause 78—

78A. (1) A person convicted of an offence under this Act for which no penalty is provided shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not three months, or to both.

(2) An act or omission which is an offence under this Act or any regulations made hereunder shall, if done by a body corporate, be deemed to be an offence committed by every director, secretary or manager of the body corporate unless proved that the offence was committed without consent or connivance of the director, secretary or manager and that he or she exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

(3) If an offence under this Act or any regulations made hereunder is committed by a partner in a firm, every person who, at the time of the commission of the offence, was a partner in that firm, or was purporting to act in that office shall be deemed to have committed the offence, unless there is proof that the offence was committed without the consent or connivance of the partner and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case”.

This amendment is for the purpose of providing general penalty for any other offences that may be committed. Two, it is to ensure that offences committed by corporate bodies are punishable. Three, it is to ensure that offences committed by partners in a firm, or those found to be culpable, can be punished.’
(Question of the new clause proposed)
(The new clause read the First Time)
(The new clause was read a Second Time)
(Question, that the new clause be added to the Bill, put and agreed to)

‘Hon. Temporary Deputy Chairman. I beg to move:-

THAT, the First Schedule of the Bill be amended—

(a) in LEVEL 3 by inserting the words “or medical officer with at least two years managerial experience” immediately after the word “officer.”

(b) in LEVEL 5-

(i) by deleting the words “nursing staff and clinical officers” appearing at the end of paragraph (b) and substituting therefor the words “paramedical staff”;

(ii) by deleting paragraph (d);

(c) in LEVEL 6-

(i) by inserting the words “Research centre, provides” immediately before the word “training” appearing in paragraph (b);

(ii) by deleting note 2 and substituting therefor the following note-

“2. Level 6 shall be National Referral Hospitals and established in every County.”

(iii) by inserting the words “or downgraded” immediately after the word “upgraded” appearing in note (3).

The purpose of this amendment is to provide that an in charge of the facility should be a qualified registered health professional. Also, by way of delicate compromise, Level 5 hospitals shall remain under the management of county governments and shall operate as centres of training for paramedical staff. We would like training of higher cadre officers to be at the national level, but training for paramedics, who are highly needed at the county level and who do not require much specialised training, can be done at the county level.

The purpose of the deletion of paragraph (d) is that it deals with research, which is a national Government function. It is not a county government function. The amendment to Level 6 hospitals caters for the deletion of the same under Level 5 hospitals. Level 6 hospitals are national referral facilities whose management is placed under the national Government courtesy of provisions of Article 181 of the Constitution. The deletion of note 2 and substituting it with a new provision is for the purpose of equity. Our counties require equal attention.

The third part of the amendment is to ensure that we are not focusing only on upgrading, but if a facility does not perform properly it can also be downgraded.
THAT, the Bill be amended by deleting the proposed Second Schedule and substituting therefor the following new Schedule-

THIRD SCHEDULE (s. 32)

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE AUTHORITY

1. (1) The Authority shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.
   (2) Meetings shall be convened by the Chairperson or in his absence by the vice-chairperson.
   (3) Unless three quarters of the members otherwise agree, at least fourteen days notice of a meeting shall be given to every member.
   (4) A meeting shall be presided over by the Chairperson, or in his absence, by the vice-chairperson or in their absences, by a person elected by the Board at the meeting for that purpose.
   (5) A decision of the Board shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
   (6) The first order of business of the Board shall be to elect a vice-chairperson.

2. The quorum for meeting shall be five members.

3. Minutes of all meetings shall be kept and entered in books kept for that purpose.

4. A member of the Authority who has a direct or indirect personal interest in a matter being considered or to be considered by the Board shall as soon as reasonably practicable after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Board.

5. A disclosure of interest in a matter shall be recorded in the minutes of the meeting of the Board and the member shall not be present while that matter is being dealt with by the Board and shall not take part in any deliberations or vote relating to the matter.

6. The Authority shall pay the members of the Board such allowances and expenses as shall be determined by the Cabinet Secretary.’

(Question, that the words to be left out be left out, put and agreed to)
Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting the proposed Third Schedule and substituting therefor the following new Schedule –

FOURTH SCHEDULE (s. 66)
PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

1. (1) The Committee shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.

(2) Meetings shall be convened by the Chairperson or in his absence by the vice-chairperson.

(3) Unless three quarters of the members otherwise agree, at least fourteen days notice of a meeting shall be given to every member.

(4) The Chairperson shall preside over all the meetings of the Committee or in his absence, the meetings shall be presided over by the vice-chairperson or in both their absences, by a person elected by the Committee at the meeting for that purpose.

(5) A decision of the Committee shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The first order of business of the Committee shall be to elect a vice-chairperson.

7. The quorum for meeting shall be five members.

8. Minutes of all meetings shall be kept and entered in books kept for that purpose.

9. A member of the Committee who has a direct or indirect personal interest in a matter being considered or to be considered by the Committee shall as soon as reasonably practicable after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Committee.

10. A disclosure of interest in a matter shall be recorded in the minutes of the meeting of the Committee and the member shall not be present while that matter is being dealt with by the Committee and shall not take part in any deliberations or vote relating to the matter.

11. The Committee shall pay the members of the Committee such allowances and expenses as shall be determined by the Cabinet Secretary.

(Question of the amendment proposed)

Date 29th March 2016
Member of Parliament: Hon. Eusilah Ngeny
Contribution she made on: The Health Bill
‘Hon. Temporary Deputy Chairman, I support the amendment as moved by the Departmental Committee Chair. Thank you.’

Date 29th March 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: The Health Bill
‘Hon. Temporary Deputy Chairman, I rise to support the amendment moved by the Departmental Committee Chair. These are just procedural matters as far as the conduct of business is concerned. Thank you.’

(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(The Third Schedule as amended agreed to)

‘Hon. Temporary Deputy Chairman, I beg to move:-
THAT, the Bill be amended by inserting the following Schedule immediately after the First Schedule:-

SECOND SCHEDULE (s.26 J)
PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL
1. A member other than an ex-officio member may—
   (a) at any time resign from office by notice in writing, in the case of the Chairperson, to the President, and in the case of any other member, to the Cabinet Secretary;
   (b) be removed from office by the President or the Cabinet Secretary, as the case may be, if the member—
      (i) has been absent from three consecutive meetings of the Council without the permission of the Council;
      (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
      (iii) is convicted of an offence involving dishonesty or fraud;
      (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
      (v) is incapacitated by prolonged physical or mental illness;
      (vi) is found to have acted in a manner inconsistent with the aim and objectives of this Act;
      (vii) fails to comply with the provisions of this Act relating to disclosure; or
      (viii) is otherwise unable or unfit to discharge his or her functions as member of the Council.
2. (1) The Council shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.

(2) Meetings shall be convened by the Chairperson or in his absence by the vice-chairperson.

(3) Unless three quarters of the members otherwise agree, at least fourteen days’ notice of a meeting shall be given to every member.

(4) The Chairperson shall preside over all the meetings of the Council or in his absence, the meetings shall be presided over by the vice-chairperson or in both their absences, by a person elected by the Council at the meeting for that purpose.

(5) A decision of the Council shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The first order of business of the Council shall be to elect a vice-chairperson.

3. The quorum for the conduct of business of the Council shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

4. Minutes of all meetings shall be kept and entered in books kept for that purpose.

5. (1) If a member is directly or indirectly interested in any matter before the Council and is present at the meeting of the Council at which the matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after the commencement, disclose that fact and shall be excluded at the meeting at which the matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

6. The Chairperson and members of the Council shall be paid such allowances as the Cabinet Secretary in consultation with the Salaries and Remuneration Commission shall determine.

7. (1) The Council shall operate under the supervision of the Cabinet Secretary.

(2) Where the Council fails to maintain any prescribed standard in the fulfilment of its functions under this Act, the Cabinet Secretary may give general or special directions to the Council describing the extent of the failure and stating the steps required to remedy the situation.

(Question of the new schedule proposed)

(New schedule read the First Time)
(Question, that the new schedule be read a Second Time, proposed)
(The new schedule was read a Second Time)
(Question, that the new schedule be added to the Bill, put and agreed to)

Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 2 of the Bill be amended—
(a) by deleting the definition of “abortion” and substituting therefor the following new definition—

“abortion” means termination of a pregnancy before the foetus is viable as an independent life outside the womb;
(b) by deleting the definition of “alternative medicine” and substituting therefor the following new definition—

“alternative medicine” means complementary medicine and includes a broad set of health care practices that are not part of Kenya’s tradition and are not integrated into the dominant health care system”;
(c) by deleting the definition of “e-health” and substituting therefor the following new definition—

“e-Health” means the combined use of electronic communication and information technology in the health sector including telemedicine”;
(d) by deleting the definition of “therapeutic manipulation” and substituting therefor the following new definition—

“therapeutic manipulation” means handling of genetic material of zygotic or embryonic cells in order to alter, for therapeutic purposes, the function of cells or tissues”;
(e) by inserting the following new definitions in proper alphabetical sequence—

“breastfeeding” means the method of feeding an infant directly from the female breast;
“expressing milk” means the act of extracting human milk from the breast by hand or by pump into a container;
“health care provider” means a person who provides health care services and includes a health care professional”;
“health extension worker” means a health care professional working in health centres in rural and medically underserved areas, where they provide emergency treatment and a range of other health services to patients;
“health system” means an organization of people, institutions and resources, that deliver health care services to meet the health needs of the population, in accordance with established policies”. 
“lactation stations” means private, clean, sanitary and well-ventilated rooms or areas in the workplace where nursing mothers can wash up, breast feed or express their milk and hygienically preserve it;
“public good” means a good or service whose benefits may be provided to a group at no more cost than that required to provide for one person”;
“specialist” means a health professional who is specially trained in a certain branch of his or her profession related to specific services or procedures”;
Hon. Temporary Deputy Chairman, the purpose of this amendment is to ensure that we have the several definitions as indicate in the Order Paper. We envisage to provide for clear and acceptable technical definitions within the health sector. On the amendment relating to alternative medicine, we have included provisions for recognition of Kenya indigenous health practices. The purpose is to ensure that the definitions that are mentioned in the Bill are clear. We are also widening the description of telemedicine as it relates to e-health. We are also clarifying the meanings of the terms used in the Bill to make sure that those descriptions fit the definitions that are acceptable to health and the World Health Organisations, bearing in mind that health is an international matter. So, we just wanted to ensure that the definitions that we have in this Bill are in line with the definitions within the health sector.’

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 2 as amended agreed to)
(Reporting progress of the bill in the committee of the whole house)
‘Thank you, Hon. Temporary Deputy Chairman. I beg to move that the Committee does report to the House its consideration of the Health Bill, (National Assembly Bill No. 14 of 2015) and its approval thereof with amendments.’

(Question proposed)
(Question put and agreed to)

Date 29th March 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: The Division of Revenue Bill
‘Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report. I also request Hon. Makali Mulu to second the Motion for agreement with the Report of the Committee of the whole House.’
Hon. Temporary Deputy Speaker, I beg to move that the Division of Revenue Bill, (National Assembly Bill No.4 of 2016) be now read the Third Time. I also request that Hon. Mwiru do second the Bill.

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
(Clause 7)
Thank you, Hon. Temporary Deputy Chairman. At the outset, I would like to make the Members understand why we are saying that a health care provider should be not liable under this clause until provisions of Clause 2 have been implemented. The feeling of the House was that this amendment overprotects the medical worker while providing emergency health care. We can go ahead and say that emergency care is free, but is this practical? Will the health workers provide emergency health care without the Government providing for a fund? The position of the Committee is that we need to ensure that the Government establishes a fund such that when a health care institution or a health care worker provides emergency health care, then there is compensation.

Date 29th March 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
(Clause 7)
Thank you, Hon. Temporary Deputy Chairman. I wish to support the proposed amendment by Hon. Oner. The Constitution is very clear that when you are dealing with issues of the Bill of Rights, there is a specific way of limiting and that is between Articles 24 and 27 of the Constitution. The Constitution is clear on the way you can limit a right and that is not what the Committee is doing. If we go the Chairlady’s way, we will be going unconstitutionally and we cannot make for future provisions for emergency care. We have just passed the Division of Revenue Bill and those are things that counties must prioritise. If we cannot prioritise emergency, what else are we prioritising? The right to life is a fundamental right. I support Hon. Oner’s proposed amendment.
Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)

‘Hon. Temporary Deputy Chairman, I am prepared. Unfortunately Hon. (Ms.) R. K. Nyamai is asking me to support her but I will not. As I listened to Hon. Oner and Hon. Millie giving their submissions, when we say that “A health care provider shall not be liable under this section, until the provisions of subsection (2) have been implemented”, even if we tell the Government to provide necessary the funds, we have seen careless mistakes within our health facilities. We have seen patients going to our referral hospitals and experience carelessness from these health care providers. I support Hon. Oner’s proposed amendment.’

Date 29th March 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)

‘Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 28 of the Bill be amended—
(a) by inserting the following paragraph immediately after paragraph (e)—
(da) two representatives nominated by the Council of Governors;
(b) by deleting the word ‘two’ and substituting therefor the word ‘three’ immediately after paragraph (e)
(c) by inserting the words “appointed by the Authority, through a competitive process and shall be the secretary of the Authority.” immediately after the words “officer”

Owing to the fact that health is a fully devolved function, the purpose was to include representatives from the Council of Governors. The Committee has agreed to the proposed amendment to include a further amendment as follows:
(i) Introduction of two representatives nominated from the Council of Governors.
(ii) Introduction of one more representative from health regulatory bodies to bring the total number of representatives in the health regulatory bodies to three.
(iii) To provide for the Chief Executive Officer (CEO) who will be recruited competitively. He shall be the secretary to the Board.

The purpose of the amendment is to clarify that the CEO is not a member the Board of the Authority.

(Question of the amendment proposed)

Date 29th March 2016
Member of Parliament: Hon. Regina Nyeris
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
‘Thank you, Hon. Temporary Deputy Chairman. This is a straight forward amendment which the Committee Chair has explained clearly. I support.’

Date 29th March 2016
Member of Parliament: Hon. Dr. Susan Chebet
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
(Clause 28)
Thank you, Hon. Temporary Deputy Chairman. I support that proposed amendment by the Committee Chair because if we do not have a qualified CEO to run the affairs of the health facilities and also if we do not involve the governor’s office, then it means we are going to be out of touch in terms of health provision in the county.

  Question, that the word to be left out be left out, put and agreed to
  (Question, that the word to be inserted in place thereof be inserted, put and agreed to)
  (Question, that the words to be inserted be inserted, put and agreed to)

(Clause 28 as amended agreed to)

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
‘Hon. Temporary Deputy Chairman, I beg to move:—

THAT, Clause 49 of the Bill be amended in sub-clause (2) by deleting the word “partner” and substituting therefor the word “spouses”

The purpose of doing this is to Africanise it so that we are able to own it more. This is because in our situation, it is more of the spouse or spouses as opposed to partners. The House may recall that there was a lot of debate on this matter. This is the matter that concerns donation. It is a technical matter and I would like to stand by the amendment by the Committee and say that we only want to change the word “partner” to “spouses.”’

(Question of the amendment proposed)

Date 29th March 2016
Member of Parliament: Hon. Christine Ombaka
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
(Clause 49)
‘Thank you, Hon. Temporary Deputy Chairman. It is a matter of semantics. The word “partner” is foreign to us. The word “spouse” has more meaning to African people because it has implications for real time marriage where one is a husband and the other a wife. Therefore, you are spouses. However, partnership looks like come-we-stay. It is not very much African.’

Date 29th March 2016
Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
(On a Point of Order)
‘Thank you, Hon. Temporary Deputy Chairman. My point of order is that whereas I have no issue with the word “spouse,” I want the Committee Chair to indicate whether that word is defined. I know Hon. (Dr.) Christine says it is a matter of semantics. However, law is about semantics. If that word is not defined, then it will be about semantics. That is where we earn our salaries from. Can we know whether it is defined because if it is not, I would want to ask the Committee Chair to move a further amendment and define the word “spouse.” Otherwise, it will be hanging.’

Date 29th March 2016
Member of Parliament: Hon. Jessica Mbalu

Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)
(Clause 49)
‘Thank you, Hon. Temporary Deputy Chairman. I do not support Hon. Baiya’s inclusion of the word “partner”. I may be his partner, of course, but this is for the purpose of donation of the body. When I am a partner, I do not want my body to be donated.
A spouse is more defined under the clause. For the purpose of the amendment, it is donation of unclaimed body. ‘Partner” is too broad. It could be a girlfriend or a mpango wa kando. So, a spouse really fits. I support.’

Date 29th March 2016
Member of Parliament: Hon. Sunjeev Birdi
Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)

(Clause 49)

‘Thank you, Hon. Temporary Deputy Chairman. I fear that if we do what the Chair has just stipulated that we remove the word “partner” and replace it with “spouse”, there are going to be people out there who are going to get themselves into marriages that mean absolutely nothing. They will just get a paper but basically the relationship will mean nothing. I feel strongly that the difference between “spouse” and “partner” is a piece of paper. If we are talking about inability to donate an organ to a partner, it is entirely short-sighted. Because of that, I do not support.’

Date 29th March 2016
Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)

(Clause 49)

(On a Point of Order)

‘Thank you, Hon. Temporary Deputy Chairman. I wanted some direction. If we are amending Section 2 in the Bill which I am holding, it says under the sub-clause that in the absence of donation of a contrary direction given by a person while alive, the spouse, partner, elder child, parent--- It goes on to say; “ in the specific order mentioned.” I do not know why we are changing “spouse” and “partner” and yet they have said in that specific order. It is important for the Chair to explain to us.’

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 49 as amended agreed to)

Date 29th March 2016
Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Health Bill (Recommittal of Clauses 7, 28, 49 and 54)

‘Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 54 of the Bill be amended in sub-clause (1) by deleting the words “cabinet secretary” and substituting therefore the word “department”

This is the clause that talks about health financing. We propose to disregard all the amendments that were raised in the House.’
‘Hon. Temporary Deputy Speaker, I beg to move that the Health Bill (National Assembly Bill No. 14 of 2015) be now read the Third Time. I request Hon. (Dr.) Wachira Karani to second.’

‘Thank you, Hon. Temporary Deputy Speaker. I would like to take this opportunity to thank Members for their input and the serious deliberations that have taken place today and the other days, including during the Second Reading and when we started the Committee of the whole House.

This is a very important Bill for the health sector in this country. We currently have a situation, as per the Constitution, where health services have been devolved to county governments. I would like to thank the House and the Departmental Committee on Health for exercising patience, reading through this Bill word for word, accepting to sit with the Council of Governors (CoG) and the Ministry of Health because the Bill is highly technical and we required a lot of support. I would like to thank the Members who proposed various amendments that have made this Bill better than it was. The amendments have also enabled us to think beyond the initial thinking of the Committee. For instance, the amendments that were proposed by Hon. Oner focus on emergency healthcare. It is important that Kenyans are given emergency healthcare. We have seen a lot happen in our hospitals. This is a Bill that we are proud of as a Committee.

I would like to point out that this Bill will go to the Senate. I would like to call upon the Senators that when this Bill gets to them, they should give it the justice that it deserves because it has gone through wide consultations.

Today is a happy day for the Departmental Committee on Health because we have pushed the Health Bill to finalization and incorporating our amendments that we worked so hard on.

Let me take this opportunity to thank the House, the Ministry of Health, the CoG, all stakeholders in the health sector and my colleagues who have decided to sit here today to ensure that they see the creation of this law coming to an end.

Thank you very much, Hon. Temporary Deputy Speaker.’
Date 1\textsuperscript{st} March 2016

Member of Parliament: Hon. Dr. Joyce Laboso

Contribution she made on: Request for extension of time on BPS report

‘Thank you, Hon. Speaker, for forewarning the House about my short intervention. You remember that we were unable to constitute the Budget and Appropriations Committee and its tasks fell on the Liaison Committee. I feel we should give the House the status of what has happened up to this point because of the timelines involved.

We have so far held six meetings to consider the Budget Policy Statement (BPS). During those meetings, we have been able to meet with the following stakeholders:-

(i) Departmental Committees.
(ii) The Auditor-General.
(iii) Parliamentary Service Commission (PSC).
(iv) Commission for Revenue Allocation (CRA)
(v) The National Treasury.

Due to the limitation of time and the fact that this was a relatively complex and new task for the Liaison Committee, we request the House to give us an extension of time. We were supposed to present our report today, but for the facts that I have mentioned, we ask the House to allow us to conclude the report and present the same on Thursday. That will be in order considering, as I have said, the members of the Liaison Committee have been involved in a new task. It is also the same Chairpersons of Committees who have been involved with meeting stakeholders in their own Committees. I believe this is not an unreasonable request from the Committee and I believe we will get concurrence from the House.

Thank you, Hon. Speaker.’

Date 1\textsuperscript{st} March 2016

Member of Parliament: Hon. Christine Ombaka

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Temporary Deputy Speaker for the opportunity. First, while it has been said that the definition of “community” is not very clear, I still want to say there is an attempt to define “community land”, although it is not as comprehensive as expected. I would have wished to add a few things like “a community is a group of people who speak a similar language, have certain values and live in the same geographical area”. I am happy
they have used certain words here like “clan”. A clan is a community and people within that particular region have values. There is an attempt to define “community” and maybe we need to highlight a little more and go deeper into what it is.

Historically, community land has been orally passed down from one community or clan to another and it has never been registered. It is time we thought about registration of those pieces of land that have brought a lot of conflict between people. This is because they are simply community land. People just assume that the land is reserved for a particular clan of people who have never thought that it is important to register the land. That is what we have seen over the years. Community-based land has been the centre of conflicts related to over-grazing and settlement. People have been killed in land-related conflicts. People have moved away from land and have looked for pasture elsewhere. These problems arise because registration has never been clear. Nobody is sure about who owns the land. It is just assumed to be reserved land that belongs to a particular clan.

The Bill is good because it is going to regulate the ownership of community land. It is going to spell out the uses of this land in terms of how people can develop and live peacefully with other communities. What is challenging is the fact that the Bill allows private developers to lease these pieces of land or rent the land that belongs to the community. That is where the problem begins to occur even though the Bill is good. The moment you allow developers to come in, they will come in with development that will stay for a long time. They will not move and leave that land for that group of people after many years. The moment they stay for over five years, they begin to believe that the land belongs to them. They do not realise that they need to stay there for a certain period of time, move on and leave the land to its owners. They hang on that land until they own it. The owners of the land or the community questions how they came in and it will be too late because the developer will have stayed for a long time and put in developments that are not easy to remove. Maybe they have built schools, hospitals and settled thus taking the land very indirectly.

Land grabbing has been happening in this country and sometimes, the land that is grabbed is already registered. The pieces of land have title deeds, but grabbing is going on. Why do we register, get title deeds and at the same time somebody grabs the land?

Hon. Temporary Deputy Speaker, we should look at the power of title deeds and what we can do so that once you have a title deed, nobody should grab that land. People see land being grabbed by other people who have already registered. So, registration of land is still very challenging. Even when we put it on paper and make it official that the land belongs to somebody, another person still grabs it.
Those are the challenges that I find in land registration generally whether it is community or individual land, somebody will still grab it. Are we serious in land registration?

**Date 1st March 2016**  
**Member of Parliament: Hon. Fatuma Ibrahim**  
**Contribution she made on: The Community Land Bill**

‘First and foremost, I want to recognise the work of the Committee. They are fulfilling a constitutional mandate. This is good progress. A lot of effort has been put into this Bill. The Chairman has done a good job and we support him.

If you walk around, you will realise that pastoral areas are where community land is likely to be found. Counties that have vast land have had trust lands. The Chairman of the Committee appreciated the Report of the PPG caucus that was presented by the Member for Narok North.

I would like to confirm that during the Bomas Constitution-making process, I was in the Committee on Environment and Lands and I had serious interactions with communities who claimed that their land was trust land and group ranches.

During that Bomas process, communities gave their views in terms of aspiring to protect, manage and administer their land. They also gave a big report on their fears about land which was grabbed from them. Some of the pastoralists’ land, which we are now discussing as community land, was even reported to have been used as dumping site for toxic waste. Many residents of these areas have suffered many sicknesses.

In the Committee’s Report, many concerns were raised by institutions which gave their views on the Bill. These institutions include the NLC, the former CIC and various civil society organisations with serious technical expertise on community land. They all felt that the taskforce, which was very consultative and participatory, had produced an ideal report which communities associate with. The only institution that had divergent opinion in this engagement was the Ministry of Land, Housing and Urban Development, which mutilated the highly cherished and consultative report of the taskforce. I am glad the Chair of the Committee is nodding in support of my point.

The Committee’s Report says that some of the areas with glaring errors include failure to define “community land” and “communities”. The word “organised”, which is used in the definition of “community” can be regarded as groups of individuals. It can easily be manipulated through interpretation. Trust land has experienced both external and internal manipulations from locals and non-locals. Huge tracts of land are hived off from community
land by local elites, tycoons and other external wealthy and powerful groups. We need to address the issue of how we can repossess community land which was allocated to individuals in dubious and corrupt way.

An example is Wajir County where almost half of a sub-county is owned by somebody from another part of the country. We do not know how he got the title or how he was allocated the land. We do not know the process that was used to allocate a huge community grazing land to an individual. This Report does not address mechanisms to repossess illegally acquired land. We need to address that. That is a serious practice that is happening in this country. Some people own half or two-thirds of a county. We cannot ignore that kind of problem.

Another issue that is very glaring is the structure of managing, disposing, registering and administering community land in this Report. One of the consensus gaps in this Report which was raised by CIC, NLC, county governments and serious civil society groups is that there is no structure. We are talking of a very amorphous structure which denies communities opportunity to give, dispose, manage or protect community land.

The Cabinet Secretary is given enormous powers. This is the same Cabinet Secretary at the national level who has allowed massive exploitation, grabbing and dispossession of land belonging to such communities. That mandate is again given to the Cabinet Secretary who is so removed from the communities. We need to address that. I want to plead with the Committee, which is chaired by a progressive Chairman, to address that issue. The Chairman has to do that if he wants to contribute to the history of addressing the serious challenges communities are experiencing. He needs to go on record that he created an ideal community land law. We have an opportunity. Some of us are a living testimony. Our land has been repossessed. We cannot claim that the same aspirations that we had during the constitutional-making process are helping us to address these issues. We need to help Kenyans. We need to help communities that have suffered historically.

The Bill also lacks gender implication in terms of how women should be included in decision-making. Pastoralist communities are patriarchal. They relegate women to the back seats, kilometres away. How do we bring women’s interests to this Bill? Many of them are repossessed of their land through dubious and cultural systems that do not favour them.’

**Date 2nd March 2016**

**Member of Parliament: Hon. Joyce Lay**

**Contribution she made on: The Community Land Bill**


Vile vile, lazima iwe wazi watakuwa kwa mwekeza kuna mashamba ya jamii ambayo hayajasajiliwa. Haya mashamba, je, wakati mtu amekuja kama mwekezaji kama kuita hiyo, ni nani ambaye atahusika katika maswala hayo? Ni vizuri kama itakuwa wazi ili mtu yeyote ambaye anakuwa kuekeza katika shamba za jamii, jamii hizoozi weze kuweza kuweza kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuweze kuwa
Thank you, Hon. Speaker for giving me this opportunity to contribute to the Community Land Bill. I support it with few reservations.

Land has been a very emotive issue in Kenya. We all know that. For a long time, Kenyans or communities have lost heavily because of the fact that community land has never been registered. Currently, community land is held by county governments. County governments hold community land in trust for now. It is very important that the land is removed from the county governments’ hands and is registered in the name of the community to protect it from further loss. If there have been issues at the national Government, the same can be transferred to county governments. The Bill is very important because it is going to deal with the issue of community land once and for all.

Without registration of land, communities have found it very difficult when it comes to the Government acquiring some land for any form of development, for example, SGR, LAPSSET and any other programmes that the Government has been keen on. Since the land is not registered in the name of any community it means that the community is disadvantaged and cannot negotiate with the Government. This is because any land which is not registered in your name or in a private person’s name is considered to belong to the State. The State can do whatever it likes with it. However, if it is registered in a community’s name, then it means that that community will have a say and can also negotiate with the Government so that it gets a better share of that land.

In the past, the Government, as I have already mentioned, just took public land for whatever programmes it wanted. If it is left like that, some powerful people within the counties or some corrupt officials within counties will grab it. It is very important that community land is set aside, registered and the community has a say on that land.

One of the pros of this Bill is that all community land is held by the county government. I have already said that. Clause 8(5) gives powers to the CS to make rules for land adjudication on community land. This will help in sorting out issues such as those of boundaries. We have issues of boundaries between Isiolo and Meru, and Kisumu and Vihiga.
Hon. Speaker, if the Cabinet Secretary is involved, rules that will solve issues of disagreement will be put in place, so that there is harmony. Clause 21 of the Bill makes it mandatory for the community to protect its existing land based on natural resources. If any community has natural resources within its land, for example, oil in Turkana, the community will be part and parcel of protection of such natural resource.

The issue that should go for consideration is the fact that the Bill is silent on the transfer of community land to non-citizens. That should be looked into because it is not clear. With the number of fraud cases that we have in this country, leaving the CS to deal with them solely and making rules and regulations on adjudication of community land can create a loophole. The Bill does not streamline who is going to administer land on behalf of the community. That is another area which is a bit gray and should be looked into. There are already conflicts on boundaries as it has already been mentioned. Clause 7 of the Bill, which provides for the formation of societies to administer community land, is also set to cause conflict.

I support the Bill. It has been long overdue since several communities have suffered in the hands of powerful individuals and the Government. If it is streamlined, issues of land should be put to rest and everybody should feel that they own a say in community land in a structured and streamlined manner to benefit the larger community.’

Date 2nd March 2016

Member of Parliament: Hon. Mary Seneta

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this very important Bill. We are aware that in the Republic of Kenya, there are many conflicts which are brought about by land, as a resource. Land is a very important resource to many communities. In many cases, we get communities fighting and having endless disputes because of land.

I support this Bill because it proposes ways of reducing misuse of community land. If communities could be sensitised to come together, register community land and be given the right to manage, protect and use their land, there will be sanity in terms of how community land is used. There are cases where community land has been misused by powerful individuals within some communities, as well as by the previous local authorities and the national Government. We have cases, especially in Kajiado and Narok, where the Government picked community land for a certain project. When the project wound up, the
ownership of the land did not revert back to the community. We also have cases where group ranch officials come together and take over community land and misuse it.

This Bill is coming up with a mechanism of ensuring that a community can register a community trust which can hold land in their trust. The community has been given power to decide on how their land can be used and when it can be used. However, there are some issues I would like to point out on the same Bill – the issue of checks and balances. In the Group Ranches Act, group ranches officials used to buy off the community members’ shares. Community officials or group ranches officials, like in the famous Shompole Nguruman Group Ranch buy off shares from other members and sell the community land alone. So, there is need for checks and balances to be put in place to make sure that the community assemblies that will be formed to hold trust on behalf of the community land are checked most of the time, so that they do not sell land on behalf of the community.

There is also need for the Bill to come up with ways in which community members will benefit from community land. We have many cases where community land is taken by an investor or the Government for a certain project, and the benefits of the projects are only given to officials or a few people who are well informed within the community. There is need to make sure that every member of the community benefits from proceeds accruing from the lease of community land. There is also need for us to come up with stiff penalties against people who will sell community land. We have people who have sold community land. Even when such people are taken to court, they are set free. The community loses land through very dubious deals.

There is also need for the community to register a trust. They should make sure that they have a trust or a way of registering their land. We cannot trust the county governments to hold trust on unregistered community land because those are individuals who have their own different interests.

Another thing that the Bill should bring out clearly is in a case where a community has registered a piece of land and it is used for a project for some time. There must be measures to make sure that after a certain time, that piece of land is reverted back to the community so that the community can renew the lease of the extended period of the project.

There is also need for the Cabinet Secretary in charge of the Ministry of Land, Housing and Urban Development to appoint registrars who come from those particular counties when they start registering community lands. One of my colleagues has just said that some of the community land is lost because of land registrars who go to the ground and give title deeds
for inappropriate land sizes without knowing exactly where the land is or even gathering background information on the land.

I support this Bill. It is timely. We also need to come up with very strong amendments to make sure that we have proper checks and balances in the areas that seem to have some vacuums. We also need to see that the implementation of this Bill is taken very seriously to safeguard the interests of community land. Thank you, Hon. Temporary Deputy Speaker.’

Date 3rd March 2016

Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Deputy Speaker. I am happy to contribute to the Community Land Bill. I am happy because I have been given the opportunity to contribute after the Legal Aid Bill. Mine is really to thank the House because we have come to a position where the National Assembly is considering the Community Land Bill. It has been a law long incoming in this country. We have waited for many days. There has been a lot of deliberation on the subject until it was elevated to a constitutional matter.

When we were writing the Constitution, 2010, there were many questions on land. Many questions on land have been asked since Independence. We may not have all the answers on questions on land but increasingly, the country has acknowledged that matters of land are difficult. There are matters we have to answer one after the other. There are matters that we have to consider as democracy deepens and as our country grows.

Land is a very important resource in our country. It determines who is poor, who is a supplier, who is a provider and who is going to be economically engaged in our country. During the discussions on this Bill, issues of adjudication of land came to the Floor. It is important for the country to continue to adjudicate parcels of land. Any person in this country who owns land should get a title for it, be it ancestral land, community land or whatever form of land. There ought to be a title that supports land ownership.

In these days of investment in land, I will bring an amendment to the Land Registration Act so that any person seeking to register land in their name should disclose how they bought that land.

Hon. Deputy Speaker, if you acquire land by buying it, it would be important to declare the sources of funding. There are many questions of land that are yet to be answered but today the country and House gets to answer the question on community land through the Bill that we are discussing. There is a question of county governments being allowed by the Bill to own land on behalf of persons in their counties. A lot of trust is going to be put on county
governments and politicians. It is important to point out that our history is not rosy. It is one of those in leadership taking land that belongs to the masses and appropriating it for himself or herself. We have a history in this country where community land has been identified as free or idle land awaiting a land grabber or a leader to go and identify it. As we go on with the Community Land Bill, the trust that has been put in county governments is a new thinking by the country that county governments are elected. Our governors are elected in trust and they are going to hold land in trust for the persons who live in their counties. It is a very heavy and onerous duty. As we consider this Bill, we will be looking at the penalties that are going to be put in law for infringement of trust like what is going to be given to the county governments.

The history of the local governments that we had before has not been very good. I grew up in an estate that had fields where children could play some games that require a lot of space. By the time I was leaving secondary school, those fields were no longer available. Councilors then had acquired the fields and put up stone houses, apartments and residential areas. Nothing could be sadder that you taking up community land and use it for individual purposes. We will be saying that the law corrects some of those earlier injustices.

The chapter on offences is going to be important. Offences that relate to customary land practices where a community owns land need to be modernised. They need to be applied to the extent applicable under the new Constitution. Customs that do not allow women to own land, that community land ownership will have to be brought under the constitutional purview. All the laws that we pass now have to be in accordance with the Constitution. So, even as we say “community land,” we do not mean community men go and own the land. We mean that the community includes both men and women. Many issues that arise in community land affect both gender and we urge that the law applies to both gender. Most importantly as we look at customary practices, the new Constitution applies to those as well. Any person who commits offences within the community land tenure system is punished appropriately. Let me conclude with an idea that we have had for a long time and which I hope Hon. Okoth will be willing to support.

While working at Kituo cha Sheria, where we represented poor people, including slum dwellers who were sometimes at the risk of being evicted, we held the view that instead of getting a title for land measuring 0.1 acres – sometimes of even 0.001 acreage – it would be better in the interest of economics moving the country forward, in an area as productive and as rich as Kibra, that people get a community land title. When they get a community land title, they are able to develop that land collectively. In this law, we will be willing to move an
amendment that allows a slum such as the one we have in Nyeri, or even colonial villages, to have land that they have occupied over time. Instead of getting individual titles, they could get a community land title that allows them to develop that land.

In Kibra and many other urban slums, we found out that people do not refuse to build good houses for themselves. If people have security of tenure, they would build their own houses. Nobody loves to live in a shackle or house with a leaking roof or house without a roof at all, or live on un-cemented floor. It is lack of land tenure and lack of predictability that affects them.

Hon. Deputy Speaker, I knew of a university student from Kibra who would carry his certificates in his bag every day. He would carry the little possession he had in life in a bag and walk around with it in the City, because it was not known when an eviction would be done by the people who own the land. The answer we thought would be applicable then was to allow communities to get land titles under the Community Land Bill. We will be looking to see whether the Community Land Bill, as drafted now, will allow communities like those ones to own a common title to begin to develop that land for economic purposes. With those remarks, I beg to support this Bill and urge this House to pass it.

Date 3rd March 2016

Member of Parliament: Hon. Janet Nangabo

Contribution she made on: The Community Land Bill


Inafaa wakati huu wa kutengeneza Bajeti tuhakiki she kwamba Serikali imepata pesa ndiposa ishughulikie haya mambo ya mashamba ya jamii. Serikali ikitenga pesa fulani za kuhakikisha kwamba inakamilisha shida hizi, itatusaidia sisi kama jamii.


Date 3rd March 2016
Member of Parliament: Hon. Mary Wambui

Contribution she made on: The Community Land Bill

‘Thank you, Hon. Deputy Speaker, for giving me this opportunity to speak about the Community Land Bill. I support this Bill is because there are some people who are living in towns. They were born there, for example, Majengo people. When their fathers died they buried them in public cemetery. These people have nowhere to go. So, it is good that they are going to be given a title deed for community land so that they can build small huts on that land. We have colonial villages in this country. We have them even in our place. These people live as a community, but there are some people who go there and threaten them that they are going to be evicted so that grabbers can take that land. We see that in towns and schools....’ She was interrupted by time for adjournment.

(Continuation from morning session)

‘Thank you, Hon. Speaker, for giving me this opportunity. I support this Community Land Bill. There are so many colonial villages where people still live. There are people who live in Majengo, Kiawara and Wetemere in Nyeri. They cannot do anything because they have not been given titles so that they can build their houses. We ask the Government to register their land as community land so that they are given title deeds. That way, somebody can build a small house for his or her family to live in. The way they are living now, their houses can catch fire anytime and identification cards and certificates of the children can be destroyed. They have no place to call home. In the past, there were many community lands but now there is no land anymore because there are so many grabbers. Even where land is
remaining like near cattle dips, you can see members of county assemblies grabbing it and selling it yet it is community land. We want a law which will govern the community land so that our people do not suffer. People were born in Majengo and that is where they call home. They get married there and get children and yet they cannot call that place home. We want them to be helped. When this country experienced clashes, many people left their land and now they cannot go back and claim it. We want a law which is going to govern everybody in this country. Everyone has a reason to stay on their land. The victims of land clashes must go back to their land because they are entitled to it. We should not leave the law hanging for somebody to claim land that belongs to someone else. We want our Government to protect community land so that we can build more hospitals and schools for our children. Currently, we cannot build anything for the community because the land is grabbed. We are also telling the governors not to touch community land.

Hon. Speaker, we saw a place where a person built a house and the governor asked him to pay rates. They have not changed. That is not good. We want the law to cover those people so that they cannot lose their community land. These are cultural things. You are given some land by your parents. When a woman gets married, sometimes she can go back to her home. She is not supposed to be thrown out because she does not have land. This provision is contained in the Constitution of Kenya, 2010. Everybody is entitled to inherit everything. Boys cannot throw out their sisters so that they can have somewhere to stay.

Even in Nairobi County, in a place like Kibra, people need to be given title deeds for their community land. The Government can go and count the number of people who are there. Names of the homes which will be counted will be written as the owners of the community land. Even now, there are some families which cannot sell land because it is written that it is family land or property where nobody can sell or claim ownership.

It is good for our Government to remember those people who were born in Majengo or colonial villages so that they can be given land. We want to help our people in this country. There are so many people who suffered in this country. Some people went to fight in the forest and their lands were grabbed by their brothers who did not go to the forest. They do not have anywhere to stay. We want this country to remember those people who have done a lot of work for us to be where we are. It is good for them to be remembered. The Government can buy land for the landless people. We should allocate money to buy them land. It is good to remember those people who suffered. Their parents died in the forest and they do not have land. These are the people who stay in town. We better think about them. Thank you, Hon. Speaker. May God bless this country.’
Date 3rd March 2016

Member of Parliament: Hon. Maison Leshomo

Contribution she made on: The Community Land Bill


Unyakuzi wa ardhi unafanyika kila mahali nchini. Wakati mwingine unasikia ardhi iliyojengewa shule au hospitali imenyakuliwa. Naunga mkono Mswada huu.’

Date 3rd March 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: The Community Land Bill

‘Thank you very much, Hon. Temporary Deputy Speaker. I thank the Mover for giving me this one minute. I want to bring it to the attention of the member who has said that this Bill is not very palatable and that it will not work out that there is a section of this Bill which addresses this issue. There are procedures for recognition of community land. Communities can apply and it will be passed if two-thirds of the community support. That is how it will work. I also support the section where it talks about penalties, especially for unlawful occupation. The penalty goes up to Kshs0.5 million. I support this good Bill.’

Date 8th March 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Natural Resources (Classes of Transactions Subject To Ratification) Bill
Hon. Speaker, I support Hon. Nyikal’s proposal for recommittal. As a House, we need to make very bold decisions. Everything in this schedule is covered under a Bill that has either been passed or is pending before Parliament. The Mining Bill is pending under mediation. The Kenya Forest Bill is pending. The Wildlife Bill has been passed and the issues of genetic material are under the Biosafety Act. If we use the argument presented by Hon. Jamleck Kamau, then the entire schedule and the Bill do not need to exist. We need to make a bold decision and say that we do not need this Bill because every Bill on natural resources covers the component of Article 71 of the Constitution, which is about ratification. So, the decision is very simple. We can shelve the entire Bill because every single item in this schedule is covered in a Bill that has either been passed by Parliament or is pending.

If we remove crude oil, then we need to get rid of the entire Bill because everything else under this schedule is covered by an Act of Parliament. So, the argument does not hold. I was only listening to the approval plan issue – that it could be premature to do it at the development plan stage. Removing crude oil from the schedule would be promoting opaqueness and fighting transparency in the extractive industry. For that reason, I do not support.’

Date 8th March 2016
Member of Parliament: Hon. Cecily Mbarire

Contribution she made on: The Natural Resources (Classes of Transactions Subject To Ratification) Bill

‘Hon. Speaker, I want to speak as a member of the Departmental Committee of Energy, Communication and Information and inform Hon. Amina Abdalla that Clause 58 of this Bill has truly taken care of crude oil and natural gas. We have even provided for parliamentary ratification of any contractor who might want to invest in that area. So, there will be no opaqueness. It is important for us to realise that natural gas and crude oil fall squarely under the Departmental Committee on Energy, Communication and Information.’

Date 9th March 2016
Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Report on The In-Vitro Fertilisation Bill

‘Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Joyce Lay to second the Motion for agreement with the report of the Committee of the whole House.’

Date 9th March 2016
Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Report on The In-Vitro Fertilisation Bill

‘Thank you, Hon. Temporary Deputy Speaker. I want to second and say congratulations to Hon. Millie Odhiambo together with Hon. Nyikal for their combined efforts. It is a milestone for this country to have this Bill in place. I second.

(Question proposed)
(Question put and agreed to)

Date 9th March 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Report on The In-Vitro Fertilisation Bill

‘Hon. Temporary Deputy Speaker, I beg to move that the In-Vitro Fertilization Bill, (National Assembly Bill No.36 of 2014) be now read the Third Time.

I request Hon. Opondo Kaluma to second.’

Date 9th March 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: The Energy Bill

‘Thank you, Hon. Speaker. I rise to support this Bill. The Jubilee Government has made good strides and progress in providing Kenyans with energy. However, a number of our schools are still yet to be connected to the national grid because of challenges, particularly in rural areas where land is sparse and geographical coverage is huge. It has been part of the Jubilee Government Manifesto to provide power to Kenyans, particularly schools because of the laptop project. The REA has tried. In a number of areas, we only have lines that do not have power. I urge that we continue to look for other sources of energy including geothermal hydro-power.

The Government should also realise that the people who own land where we get wayleaves for various power lines should be properly and fairly compensated. In my constituency, we have a challenge with the KETRACO power line, which is a major line. My constituents have been offered compensation of 30 per cent whereas in other areas like Makueni, they have been granted 85 per cent compensation. All Kenyans must be treated equally and must be seen to be equal. I urge the CS for Energy, who was our colleague, Sen. Keter, to look into these issues, instead of the locals being harassed by KETRACO and being told that they will be taken to court and yet that is their land. If the Government must use their land, they need to be compensated fairly.'
I wanted to use this opportunity to express solidarity with my people in that they should be compensated fairly and equally like other Kenyans.’

**Date 9th March 2016**

**Member of Parliament: Hon. Zuleikha Hassan**

**Contribution she made on:** The Energy Bill


Mpakaza sasa, licha ya kuwa maa uweze kufanya kitu chini kwa kuweta sitima kwa mazoezi wengine ambao wamechukua unalimwengi sana. Hata hivyo, waonekana kama sehemu zingine zikubaguliwa kwa sababu ya kutopata sitima. Huna kwache, unapata watoto waengine ambao wamechukua unalimwengi sana. Hata hivyo, waonekana kama sehemu zingine zikubaguliwa kwa sababu ya kutopata sitima. Huna kwache, unapata watoto waengine ambao wamechukua unalimwengi sana.

Date 9th March 2016

**Member of Parliament: Hon. Winnie Njuguna**

**Contribution she made on:** The Energy Bill

‘Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I want to join my colleagues in support of the Energy Bill. Distribution of electricity across the country will help in poverty eradication and improve our health.

I am encouraged by the Bill because our communities have been struggling with paraffin and firewood for lighting and cooking. I am happy because this is going to improve their health. When they use paraffin and firewood, they inhale smoke which affects their health.'
When our people are connected to electricity, our country is going to be like other countries where this is an indicator that the country is advancing. Electricity improves economy. People can work for 24 hours and that is encouraging. The problem is the high cost of energy. Electricity is very expensive and many people cannot afford it. This Bill addresses that issue, so that everybody can afford electricity. This country has not invested in solar energy which is cheap and can lower the cost of electricity. Although we are headed there, we need to get solar energy, which is cheap to generate. In most cases, it is assumed that solar energy is expensive. I do not agree with this because we have a lot of sunshine in our country. There are counties where solar energy is utilised and the cost of electricity is affordable. I am encouraged because we are going to get solar energy and other types of energy which are going to lower the cost of electricity.

I want to comment on the programme that was started by our President dubbed “The Last Mile”. The project was targeting people who would never afford electricity. When the project was introduced, it was very good in the beginning. You find people living in villages with electric cables running over their houses and yet they cannot access electricity. In Kirinyaga, many people in Mwea, where we produce a lot of rice and the area has a lot of potential, live in darkness yet electric cables run over their houses. I hope this Bill will look at this programme, where the owner of a house is supplied with electricity at a cost of Kshs1,100. In Kirinyaga, there are people who were identified to benefit from this Last Mile Project, but the project has turned out to be riddled with corruption. These people who were identified as beneficiaries of the drop cable are given different quotations by the various contractors. They say that the cables are not enough.

I hope this will be addressed in this Bill. We need to have it streamlined, so that the needy people living in villages and congested areas where they sell their small products for long hours into the night are connected to electricity. The cables should not be diverted and given to people who can afford to pay Kshs15,000 or Kshs20,000. This should be addressed because the people who were to get the drop cable connection at Kshs1,000 are still waiting and cannot afford Kshs15,000 or Kshs20,000. So, Mwea and villages in Kirinyaga where there are many needy people, should be connected to electricity. This is going to improve the economy because when they have electricity they shall be working for 24 hours.

This Bill is important. Schools are being connected with electricity. We suggest that when this is happening, enterprises should get electricity. We want everybody who is running a small business like a salon or kinyozi to be connected to electricity, so that they can improve their livelihoods. In Kirinyaga, many people are not connected to electricity yet it is full of
potential. We have people growing rice, tea and coffee and we want them to be connected to electricity, so that they can extend their business time to 10.00 p.m. I support this Bill and I know it is going to improve the lives of our people and the economy of this country. I support.’

Date 10th March 2016
Member of Parliament: Hon. Alice Wahome

Contribution she made on: Land Laws (Amendment) Bill, 2015

‘Thank you, Hon Temporary Deputy Speaker for giving me this opportunity to contribute to the Land Laws (Amendment) Bill, 2015, which is very important. I want to join this debate considering that we have had a serious standoff between the NLC and the Cabinet Secretary in the Ministry of Land, Housing and Urban Development. These two offices have appeared before the Departmental Committee on Lands. They have also appeared before the CIOC with a view to try and resolve the standoffs, the conflicts and lack of movement in terms of their mandates for this important work.

The duplication of roles and overlaps of their mandate was not intended in the Constitution and was not in the Constitution. It is these laws that we enacted to implement the Constitution that created the confusion. Therefore, the amendments that are proposed in these land laws are timely. Hopefully, as we debate and finalise, we will remove conflicts and bring clarity in the implementation, so that the NLC’s mandate is clear. The mandate of the Cabinet Secretary is also clearly defined.

Dealing with land is not a small issue. We have seen people being killed in this country because of land disputes. Therefore, even as we debate, we must remind these institutions that they are handling very emotive and serious issues. The country is aware that the Ministry of Land, Housing and Urban Development has been a den of corruption and misapplication of the law. Public land in this country has been grabbed or stolen. Public land has not been properly used and allocated in accordance with the law. We are hoping that, even as we make these amendments, the holders of these important offices will have a new view of their work and exercise due diligence as they deal with the land question. Therefore, streamlining the laws will guide their work and help them implement their mandate.

As a lawyer, I have been frustrated a lot. Many lawyers have been frustrated while dealing with the Ministry. Titling has been a problem. We have seen files disappearing, registers manipulated and interfered with. We heard of disappearance of important documents like development plans, maps and registers in Government offices. This must be a thing of the past and this message must be clear and taken to the offices of the NLC. Once these
amendments are passed, we expect the management of public land to be done with caution. The important message must be that it is not possible for people to collude and dish out public land to individuals who do not deserve and who are not going to use this land for public interest and the larger public good. Therefore, I support the amendments.

I am very keen on the provisions on minimum acreage. Although the Cabinet Secretary will have a role to commence a study to come up with a participatory process, the law will guide that process to ensure that people participate and give their views as to the minimum and maximum land that a person should own in this country. This question is very critical because some people have very large tracts of land and the ownership of those tracts is also in question. The ownership is not legally clear or the land was not properly acquired. This is land needed by other people. Therefore, the question of the maximum acreage is so critical than the question of the minimum acreage. It is the ordinary Kenyan that buys one acre, half an acre, or 0.2 acres. Other people hold unutilised land and they are not even paying any land rates. Therefore, this Bill seeks to clarify and empower the Cabinet Secretary to come up with regulations that will also be brought to this House. I am persuaded that these amendments are good and we should support them and move with speed, so that the NLC and the Cabinet Secretary can perform the duties they should have performed before.

The issue of historical land injustices also needs to be taken with caution and speed so that we can settle these questions. This morning, the Member for Gatanga, Hon. Humprey Njuguna, asked the House to be allowed to eulogise the late Hon. George Ndung’u Mwicigi. I seek your indulgence because I have arrived this afternoon to also pay my tribute to the former Member of Parliament for Kandara Constituency, who served more than four terms, 22 years. He was a devoted, astute and eloquent speaker. He left a huge mark of development in my constituency, which covered Gatanga and Kandara. We now have two constituencies, but we remember him fondly. He initiated projects like water, agriculture and livestock farming. In terms of the agricultural movement in the constituency, Mwicigi is a household name. On my own behalf and on behalf of the people of Kandara Constituency, I would like to pass my condolences to the family and to the widow of the late George Mwicigi. I beg to support.’

Date 10th March 2016
Member of Parliament: Hon. Grace Kiptui
Contribution she made on: The Banking (Amendment) Bill (On a Point of Order)
'Is it in order for the Hon. Leader for the Majority Party to refer to somebody’s religious background? That is a personal issue, unless he proves to us that the religion is interfering with his work.’

**Date 10th March 2016**

**Member of Parliament: Hon. Sunjeev Birdi**

**Contribution she made on: The Banking (Amendment) Bill**

‘Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Bill that has been presented by the Member who calls himself the servant of the people of Kiambu, Hon. Jude Njomo. Supporters of this Bill are well known. Supporting this Bill is a no brainer because the justification is very simple. If we give our economy a very good tool of being able to borrow money at a low rate, then the average Kenyan will be able to afford to borrow a loan for his business and development.

After research, I found out that banks are against this Bill so that they can keep on making profits and have a stronger Kenyan Shilling. The reason we have a weak Kenyan Shilling is because we do not export as much as we import. As an economy, when we import more, the value of our shilling depreciates in the international market. Therefore, the banking industry argues that having a higher interest rate is actually giving the Kenyan Shilling a better value in the international market. However, you could argue that why do we, as an economy, not increase our exports? Improving our manufacturing and exporting sector, which gives us more jobs and brings more value to the shilling is in line with Vision 2030. To me, that makes more sense.

One of the major points in this Bill is the disclosure of all the charges, terms and conditions. This is very important. There is a common saying that a buyer must beware. However, many Kenyans get swayed because they are under pressure to get money to do their daily businesses. So, they do not read the small print and in the end they get stranded. This is the reason we have a high rate of debt collection. People who have taken loans have to sell their assets and get into deeper depression and poverty which is not good for them.

One thing I would like to amend in this Bill is on the offences committed by banks and financial institutions. The Bill says that the offenders should be fined not less than Kshs1 million or be jailed for a term of one year, or both. I think that this offence should be chargeable for a fine of not less than Kshs10 million. Banks make enough money and so they should be charged exorbitant amount like a penalty of Kshs10 million and not Kshs1 million. I will propose this amendment and I hope it will see the light of day.
I can see my time is up. I urge the House to join hands and pass this Bill so that Kenyans can reap the benefits of low interest rates. If we do that, we will move to economic and social prosperity.’

**Date 10th March 2016**  
**Member of Parliament: Hon. Rachel Ameso**  
**Contribution she made on: The Banking (Amendment) Bill**

‘Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill brought by Hon. Jude Njomo. It has become a very costly business venture for ordinary Kenyan to continue banking. Kenyans who have taken mortgages are unable to repay the loans because interest rates keep going up. There are also many indirect costs. Sometimes you are not even given indication of who to address these issues to or somebody who can take you through what is happening and for how long it is going to take place. Many times you go to the bank and you are given a huge document in small prints which you are supposed to read in a very short time and then you are shown where to sign. The issue of repaying mortgage is affecting many Kenyans. At the end of it, those houses are repossessed by the same banks. People end up losing their lives or their savings and investments just because the rise in interest rates is not communicated to the *mwananchi* in good time, so that they can opt not to take mortgages any more.

The other thing is that banks make huge amounts of profits, but we do not get the services that we require because bank employees are very demotivated. They have no time to even explain to the customers what is happening. Yes, banks make huge amounts of profit, but the same banks’ employees are not motivated. They are not paid well based on the huge profits. It means that the employees will not give information to Kenyans who seek services in the banks. So, banks should look at how they are taking care of Kenyans who work for them.

The other issue is about empowering the youth and women in this country. Every day, we sing about empowering women and the youth, but where are we sending them? Somebody has a contract or tender, but when they go to the banks, they cannot afford to take a loan because of the interest rates. Banks have to look at how to empower Kenyans, so that we can do business and build our economy.

Today, in Kakamega County, there is plenty of food, but there is no money in circulation. The two kilogramme maize flour is still going at Kshs60 and yet the *mwananchi* cannot afford to buy it because there is no money in circulation. Kenyans are not taking money to
banks. Instead, they believe in putting money somewhere in the house. This is a big risk in terms of doing business and building our economy.

It is very important for us to cap interest rates. I have heard other Members opposing this Bill, but capping interest rates will be very important. Let there be clear rules that we can all follow and build our economy. Take for example the petroleum industry. We know that every 14th day of the month, the Energy Regulatory Commission (ERC) announces fuel prices, so that we are prepared. We should have a regulatory commission to look at interest rates in this country, so that at any given time, we know when interest rates will go down.’

Date 10th March 2016

Member of Parliament: Hon. Grace Kiptui

Contribution she made on: The Banking (Amendment) Bill

‘Hon. Temporary Deputy Speaker. I stand to support the Bill for the following reasons. We work so hard as a nation and as leaders to improve the economy of our people and all the money is kept in banks. Having high interest rates is counterproductive to an extent that the middle-income earners, the people whom we rely on to push this economy ahead, are not making money. This month, the women of Kenya and the world over are celebrating the International Women’s Day, whose theme is about gender parity. We can never dream of attaining gender parity in a situation where most women like mama mboga are struggling to do business. Many Government organisations lend money to women, but when they make profits from their businesses, they take it to banks. They are awarded tenders and yet when they go to the bank to borrow, the interest rates so high. Again, it is counter-productive.

As much as we are hoping that in the near future we will achieve gender parity, I do not think we are going to get it. For example, I have a friend who borrowed money from a bank to build a road after being awarded a tender under the 30 per cent preferential tender rule that favours women, youth and persons with disability. It was when President Obama was coming to Kenya and she was told to do the road quickly, so that by the time Obama came, it would be ready. She was promised to be paid immediately. You can imagine up to now, she has not been paid. There is a lot of delay. We encourage women to take Government contracts, but at the end of it, they suffer so much. The bank from which she borrowed the money is on her neck. Her machines are about to be auctioned because of that delay not forgetting the stress she is suffering with her family.

It is important that we put a capping or regulate this. We should not leave it to banks because they are in business. As long as they are making profits, they do not sympathise with the customers. In any case, they say that they have not broken the law. We usually
come to this House to make laws. When we find that a law is oppressing the common 
mwananchi, it is our duty, as leaders, to bring it down. My rallying call to His Excellency the 
President is that he becomes one among many who will have sympathy for the common 
mwananchi and assent to this Bill. He should not reject it because by rejecting it, we will not 
be doing much to encourage our people to go into business.
The issue of money being kept under the mattress is very risky. We will be going into 
campaigns and when in the field, we will need some money which might not be accessible. 
One will have to go to the bank to explain where the money has come from as if it is stolen. 
One is treated like a thief who is already condemned before being heard.’

Date 10th March 2016
Member of Parliament: Hon. Grace Kipchoim
Contribution she made on: The Banking (Amendment) Bill
‘Thank you, Hon. Temporary Deputy Speaker for giving me this golden opportunity. I first 
want to thank my good friend, Hon. Jude Njomo, the Member for Kiambaa, for doing this 
noble thing on behalf of Kenyans.
Kenyans are going through hard times especially when it comes to finances. In our 
constituencies, women and youth are going through difficult times when it comes to getting 
loans from banks. The banks have made it impossible for them to get any money. With the 
high interest rates that they are charged, they are unable to do any business especially in 
the rural areas.
The rate at which banks are charging is expensive and too high for the people. We now 
have the rainy season and farmers want to prepare their farms. They cannot do anything because they rely on loans from SACCos, Equity Bank and the Kenya Women Finance Trust (KWFT). Women are already losing their chicken and sufurias because of 
problems from banks. The noble thing that this House can do is protect our people from 
exploitation from banks. If we stop these banks from levying high interest rates on farmers 
and loanees, we will help the farmers who are the backbone of the society. We rely on small 
businesses to support the economy of this country. I support the Bill.’

Date 10th March 2016
Member of Parliament: Hon. Wanjiku Muhia
Contribution she made on: The Banking (Amendment) Bill
‘Thank you very much, Hon. Temporary Deputy Speaker. It would have been a toll order for 
me to have this Bill without commenting because as a banker by profession, I have so much 
to say although the time is limited.
I aggressively support this Bill unlike my colleague from Mukurweini because it is so obvious ours is a developing country. With no job opportunities, our youths or affirmative persons groups have remained very desperate. The only alternative they have is to start businesses yet the banking sector has made it impossible to give an enabling business environment. The defaulters’ rate has increased. You will realise that most people who appear at the Credit Reference Bureau (CRB), are our youths. This is a bombshell in waiting. Graduates lack jobs, they get loans which they are unable to replay because of unrealistic interest rates and they end up in the CRB list. They get jobs in the Government or in any Ministry and when they want to clear their names, it is not possible. They get very frustrated. I tend to think that this could also result to our youths turning to radicalisation that causes insecurity. It cannot go unnoticed that families have suffered. Domestic violence has increased in our society today. This is as a result of a wife getting a loan, failing to replay and bank goes for whatever the family has. Husband gets angry that there is domestic violence. On the other hand, the husband gets a loan, he is unable to replay and as a result, the family losses its property. This has increased cases of domestic family. We all know that businesses have suffered particularly the middlemen.

Date 10th March 2016

Member of Parliament: Hon. Sarah Korere

Contribution she made on: The Land Laws (Amendment) Bill

‘Hon. Temporary Deputy Speaker, I wish to draw the attention of my colleagues, whom I appreciate their contributions to this Bill, to some clarification. As a Member of the Departmental Committee on Lands I would like to note that prior to the legislation of the Land (Amendment) Bill, 2015, there was consultation with many stakeholders. I would like to remind my good friend, whom I do not know for what reasons he is not yet the party leader of ODM, that while we were making this Bill, there was a lot of contribution even from the very knowledgeable Members of the ODM movement or religion. I do not know whichever comes first. Again, I would like to say that this Bill, as purported by Members, does not intend to take any powers from the NLC. The NLC is run by Kenyans who need to have checks and balances. That is why if you look at this Bill clearly, you will find that it is trying to solve the mystery that was witnessed in the first two years of the NLC and the Ministry of Land, Housing and Urban Development. If you remember, for a very long time, there were protracted battles between the NLC and the Ministry of Land, Housing and Urban Development over who does what or who is charged with what responsibilities. So, what
this Bill is trying to address is what should be done by the NLC, what should be done by the Ministry of Land, Housing and Urban Development and what should be done by the counties. This is because we realised that land is a very emotive issue. Hon. Temporary Deputy Speaker, I was trying to say that land issues in this country are emotive and many problems that bring loss of lives revolve around land.

What this Bill intends to do is to make sure that there is a process in which if the NLC initiates a process, the Ministry takes over and somebody else finishes it. This is so, so that at the end of the day, there is no one with monopoly over the others. I would like to remind Members of this House that not long ago Members of this House threw out the defunct Electoral Commission under the pretext that it was responsible for the bungled elections. Today, the same House, same Members and especially my friends led by Hon. Ababu and Hon. Aden there, are again demanding the removal of the IEBC over allegations that it is not an effective Commission. I want to remind them that even the NLC is run by Kenyans. I want to be on record on the Floor of this House as saying that even the current NLC as constituted has committed many wrongs. When Kenyans were making the new Constitution, they were not giving the NLC powers to be an activist Commission. They were giving them powers to try and solve land issues. When I speak about land issues, I hold this debate so close to my heart because I come from an area where land issue has been a problem since Independence. Much as I appreciate my colleagues who make contributions to this Bill, I accept that there are some areas that need some changes. There are areas that need some enrichment. Currently, the Bill is 90 per cent good. I urge and plead with my colleagues to address the 10 per cent that is not good, which could be as a result of human error. I plead with my colleagues to pass this Bill and see the reforms that we have really yearned for in the land sector. Let us support this Bill and make the minimal changes that might be required. I support the Bill.’

Date 10th March 2016

Member of Parliament: Hon. Annah Nyokabi

Contribution she made on: The Land Laws (Amendment) Bill

‘Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. The Land Laws (Amendment) Bill has been brought to the House to amend the Land Registration Act, the NLC Act and the Land Act. The Acts were enacted for the implementation of the Constitution in order to clarify the roles and mandates of the Ministry of Land, Housing and Urban Development. The Acts rectify inconsistencies and overlap of mandates in the land laws that have resulted in difficulties in the implementation of the Land Registration Act.
We have seen the hullabaloo, the madness and roadside shows that have taken place because there has been inconsistency in the definition of who is responsible for what. It has created a situation of lawlessness. People are being evicted from their land. It has also given opportunity for cartels to thrive. The issue of land is very emotive.

As early as yesterday, we have saw land issues, especially in Naivasha become a matter of life and death. Five members of a family have been slashed with machetes and are currently in hospital. Many of these people are from my county. They had purchased land to settle their families. Because of interference by some Government officials who have withdrawn security, they were invaded by some members of the Maasai community in Naivasha and their land was taken over. We have several funerals lined up this week and these deaths have been caused by land issues. This particular topic is emotive and close to my heart.

As the representative of the people, it is important to have some sort of sanity. There should be justice for those people who have settled on their land. They should farm and receive protection. In the Constitution of Kenya 2010, Kenyans decided that anybody is entitled to settle anywhere in this country. People will stop using the excuse that other communities have taken their land. They will stop the injustices that they use when they sell their land and turn around against the people to whom they sold the land. They attack them to try and evict them from the land. Every Kenyan is entitled to protection and to settle anywhere in this country. Land is a means of economic production. It is not supposed to be an issue where communities rise up against each other. We have one country.

This Bill proposes to amend the Land Registration Act to clarify the mandate of the NLC and the Ministry of Land, Housing and Urban Development. That is very clear. If we do not pass this particular amendment and make every person responsible and understand his mandate, we will continue to see these kinds of injustices and deaths of many Kenyans. This Bill provides key definitions and offices of the Deputy Chief Land Registrar and the County Land Registrar. It also describes their qualifications. Clause 9(13A)(1) says that:-

“a person shall not qualify for appointment as Deputy Chief Land Registrar unless such a person is an advocate of the High Court.”

It means that they must have understanding of the law. They must know what they are doing. We cannot have people who are put into commissions for whatever selfish reason or for whatever political interests, who do not understand the law and what they are supposed to do. When their term is over after four years, they move on and leave chaos reigning. It is time we started seeing sanity being brought in.

The other qualification that was put in for the County Land Registrar is that they should have not less than five years standing as an advocate of the High Court with five years’
experience in land administration. A person shall not qualify for appointment unless he is an Advocate of the High Court. This will help when it comes to making decisions in the area of land adjudication. We will have somebody who understands the law. We should not just have somebody making a decision so that they can either grab land whose lease has expired or make decisions that are in their own interest. They should be able to understand the community and the laws and the injustices that are taking place.

Date 10th March 2016

Member of Parliament: Hon. Shakila Abdalla

Contribution she made on: The Land Laws (Amendment) Bill


Hivi sasa, kuna sehemu nyingi hususan upande wa Pwani ambako kumekumbwa na dhuluma nyingi sana za mashamba ambazo tunaaumini huu Mswada ndio uitaleta suluhisho kwa shida kama hizo. Kuna umuhimu Mswada huu, uangaliwe kwa makini na upigwe msasa zile sehemu ambazo zinafaa ili ukiwa utatekelezwa kwa wananchi, basi uwe ni Mswada unaoweza kunufaisha Mkenya popote pale alipo na sio Mkenya kutoka sehemu fulani awe atazidi kuuemia.

Madhumuni na malengo ya Mswada huu ni kumaliza zile shida ambazo zimetukabili katika mambo ya ardhi, hasa zile sehemu ambazo kufikia sasa kuanzia tupa Uhuru nchini Kenya, bado zinakumbwa na changamoto. Mswada huu uko hapa hupitisha na Katiba yetu ambayo tuliipigia kura tukitarajia kwamba Mswada huu ndio kitu ambacho kitakuja kutumalaia shida zetuzu ardhi.

Kifungu 44(15) kinatake kuondoa mamlaka ya Tume ya Kitaifa ya Maswala ya Ardhi (NLC), ambayo imetengenezwa na Katiba na imepewa uwezo kuangalia tuhuma za mashamba ambazo zinaendelea katika nchi hii. Tunasikitika ikiwa NLC itapokonywa uwezo na nguvu ya kutekeleza majukumu yake kulingana na katiba. Basi bila shaka, kama nchi tutakuwa tunarudi nyuma badala ya kusonga mbele--- Hatutaki tena kujikuta tuko nyuma kutokana na ile shida ambayo ilikuwa inatukabili. Wananchi wako kwenye ardhi zao wakijua huku ni kwao. Wengine huku juu wameshikilia vyeti vya mashamba wakisema kwamba hizo ardhi ni zao. Tunatake vile wananchi walivyotoa mapendekezo yao kwamba kuwe na NLC, iwe
Hon. Temporary Deputy Speaker, I beg to move that the Warehouse Receipts System Bill, 2015 be now read a Second Time.

The proposed Warehouse Receipts System Bill provides a legal framework for the development and regulation of a warehouse receipts system for agricultural commodities, establishment of the Warehouse Receipts Systems Council and addresses marketing challenges associated with cereals and grain sub-sectors in Kenya.

The Ministry of Agriculture, Livestock and Fisheries together with the National Treasury have developed this Bill in a measure to commercialise production and storage of agricultural products in Kenya. The Bill seeks to enhance food security within the country by taking stock of the reserves. Pursuant to the recommendations of the Task Force on Warehouse Receipts System in Kenya formed in 2012, the proposed Bill intends to provide a framework for the monitoring and trading with agricultural products in Kenya.

The Bill has addressed the foregoing objectives and essentially has six main parts which are divided into:-

(1) The provisions establishing the Warehouse Receipts Systems Council
(2) Licensing and inspection of warehouses receipts.
(3) Obligation and rights of warehouse operators upon their receipts.
(4) Negotiation and transfer of receipts.
(5) The penal provisions.
(6) The miscellaneous provisions.

The salient features of these parts are as follows:-

Part I relates to preliminary provisions of the Bill. Clause 1 provides for the interpretation of various terms used in the Act. Clause 2 defines the Cabinet Secretary responsible for this Bill as that in charge of matters relating to agriculture.

Part II provides for the Warehouse Receipts Systems Council. Clause 3 establishes the Warehouse Receipts System Council as a corporate body. The composition of the Council includes a non-executive chairperson, the Principal Secretaries for Agriculture, Livestock and Fisheries and the National Treasury and five other persons with the requisite skills relevant for the work of the Council. The term of office of the members of the Council shall be for a period of three years.

Clause 4 of the Bill provides for the functions of the council to, *inter alia*, include the establishment, maintenance and development of the warehouse receipts system for agricultural commodities.

Clauses 8 and 9 respectively provide for the appointment, through a competitive process, of the chief executive officer and the corporation secretary.

Clause 12 provides for the source of funds for the Council from the funds allocated by the National Treasury as approved by Parliament, money borrowed by the Council and fees collected as revenue for the services rendered by the Council. Clauses 15 and 16 provide for the auditing of accounts and reporting the operations of the Council to the Cabinet Secretary in the required manner.

Part III provides for licensing and inspection of warehouses and in particular Clause 17 empowers the Council to grant licences to warehouse operators to engage in the business of warehouse within the warehouse receipt system. Clause 18 empowers the Council to revoke or suspend a licence issued to a warehouse operator when he transfers all or part of his control over the licence, commences the process of dissolution or is dissolved, becomes incompetent or incapable of conducting the warehouse business or violates or fails to comply with this Act.

Clause 20 establishes the Warehouse Receipts Appeals Committee whose functions are to, *inter alia*, hear appeals relating to the refusal to grant a licence, the imposition of any conditions over licence, the revocation, suspension or variation of a licence, decision of a warehouse inspector and any other decision the council made under this Bill. Clause 22
empowers the chief executive officer or an authorised officer to inspect any agricultural commodities stored in a licensed warehouse.

Clause 24 authorises the chief executive officer or an authorised officer to examine the books and records of the licensed warehouses and their operators. This is in line with what is happening. People who run warehouses have not been allowing people to access those warehouses to see what they keep in those areas. This Bill is coming in just at the right time, so that this habit of people engaging in illegal business and keeping contraband goods can be dealt with.

Clause 26 empowers warehouse operator to issue a warehouse receipt for the agricultural commodities deposited in their warehouse, which receipts shall be a document of title to the goods therein.

Clause 27 of the Bill establishes a central registry which shall be operated by the council and shall be responsible for registering any transactions relating to warehouse receipts. It also provides that the registrar of the central registry shall be the CEO.

Part V relates to the obligations and rights of the warehouse operators and Clause 30 imposes upon the warehouse operator the duty to deliver the goods referred to in the warehouse receipt to the holder of the receipt or the depositor of the goods upon its presentation. Clause 31 provides that the warehouse operator is liable for any loss incurred when he delivers goods to a person who is not lawfully entitled to their possession.

Clause 33 of the Bill restricts the warehouse operator from delivering any goods in his warehouse to the owner where they have been attached by a garnishment order or another form of execution levied upon them and their owner is not enjoined in the negotiated receipts. Clause 34 creates the warehouse operator’s lien on the proceeds of the goods in his warehouse when the depositor or owner defaults in remitting the lawful charges due.

Further, the clause entitles the warehouse operator to all remedies available by operation of law when the depositor defaults in remitting the lawful charges.

Part VI relates to the negotiation and transfer of warehouse receipts. Clause 35 empowers the depositor of goods to the warehouse to negotiate the warehouse receipt issued to another specified person by endorsement and delivery.

Part VII of the Bill relates to the penal provisions. Clause 40 creates the offence of issuing fraudulent warehouse receipts upon which if convicted, the person is liable to be sentenced to a maximum term of five years in prison or a fine not exceeding Kshs1 million. This is the same in the offence of knowingly issuing warehouse receipts based on false information and would also attract a maximum term of five years or a fine not exceeding Kshs1 million.
Clause 42 of the Bill creates the offence of knowingly issuing duplicate warehouse receipts without cancelling former receipts. On conviction, the person is liable to be sentenced for a maximum of five years or a fine not exceeding KShs1 million.

Part VIII of the Bill deals with miscellaneous provisions and it empowers the Cabinet Secretary to formulate regulations for the better carrying out of the provisions of the Bill. The Schedule of this Bill provides for the procedure of the meetings for the Council.

The Bill also provides for the quorum which shall be two-thirds of the members of the Council. They can meet quarterly and, at least, four times in every financial year. Paragraph (4) of the Schedule of the Bill provides that the decisions of the Council shall be by majority vote which shall include the vote of the chairperson. We have had major problems and this Bill has come at a time when we need to have a law in place to govern what happens in the warehouses.

With those few remarks, I take this opportunity to move and ask Hon. Jared Opiyo, Member for Awendo to second.

**Date 10th March 2016**

**Member of Parliament: Hon. Naomi Shaban**

**Contribution she made on: The Miscellaneous Fees And Levies Bill**

‘Hon. Temporary Deputy Speaker, I stand to request that we defer Oder No.14 on the Miscellaneous Fees and Levies Bill, National Assembly Bill No.30 of 2015, to next week.’

**Date 10th March 2016**

**Member of Parliament: Hon. Naomi Shaban**

**Contribution she made on: Kenya Defence Forces (Amendment) Bill, National Assembly Bill No.41 of 2015**

‘Hon. Temporary Deputy Speaker, I stand again to ask for deferment of Order No.15, the Kenya Defence Forces (Amendment) Bill, National Assembly Bill No.41 of 2015, so that we can prepare for it next week.’

**Date 17th March 2016**

**Member of Parliament: Hon. Amina Abdalla**

**Contribution she made on: The Political Parties Amendment Bill**

(On a Point of Order)

‘Hon. Temporary Deputy Speaker, my point of order is on whether my good friend, Hon. ole Kenta, who happened to have been with me in KANU and the Executive and who happened to be a founder member of the National Alliance (TNA), is in order to mislead this House...’
that he thinks we should move the American way to have, at least, two parties and yet he has taken his own party to court refusing it to merge. He is confusing me. It is my understanding that he is against mergers and then on the Floor of the House, he proposes that Kenya moves to have only two parties. Which is which? I am confused.’

Date 22nd March 2016

Member of Parliament: Hon. Gladys Wanga

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Speaker. As I contribute to this Bill, I would like to thank very much the Leader of the Majority Party, whom I do not agree with in many instances but today, I fully agree with him, and the Member for Ainabkoi, who is also the Chair of the Departmental Committee on Justice and Legal Affairs, for very ably moving and seconding this very important Bill.

Affirmative action is a global concept. Let me start by giving you a quote that was made by President Lyndon Johnson to justify affirmative action. With regard to affirmative action as pertains to race relations, he said:-

“You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say you are free to compete with all the others, and still just believe that you have been completely fair.”

Affirmative action measures are meant to break down barriers – those that we can see and those that we cannot see – and to bring people to a level playing field. As the Majority Leader and the Chair of the Departmental Committee on Justice and Legal Affairs have both said, this Bill is not about women. It is about gender and that refers to both men and women. Today, as a House, we are standing up for our sons, daughters, mothers, fathers, brothers and sisters. Today will go down in the history of this country and this House as a very important day. The mood of the House is very good moving forward.

The coming of the Pope and what he said was very useful. He said:-

“Women are important voices in today’s society. Sometimes, we are too “machistas” and do not make room for women. Women are able to see things differently from men, and they ask questions that sometimes men do not get.”

Those were the Pope’s words, not mine.

Article 27(3) of the Constitution states that women and men have a right to equal opportunities, including equal representation. Article 100 of the Constitution states:-

“Parliament shall enact legislation to promote the representation in Parliament of—

(a) women;
(b) persons with disabilities;
(c) youth;
(d) ethnic and other minorities; and,
(e) marginalized communities.
This Bill, therefore, seeks to comply with this very well and elaborately articulated constitutional principle and to bring the voices of women on board. Women alone cannot move things. Neither can men alone. We need the men, not just in this House, but out there as well. Equally, the men need us, not just in this House, but out there as well. It is a matter of mutual co-existence. Hon. Shakeel is saying mutual intercourse but I meant mutual co-existence.
There has been a concern about a bloated House or bloated numbers. When you work out those numbers to 290, as the Seconder has ably said, you find that if, for example, we increase the number of women we currently have elected in constituencies from 16 to 32, the number we will need after implementing this principle is not more than 28 to 33 members being brought in on the affirmative action principle. From a Commission perspective, looking at the House, it will still be able to accommodate us. It usually does when we have joint sittings. It can accommodate us. We will not need to break down walls or move to a new building because of implementing the two-thirds gender principle.
The other very attractive bit is that this is affirmative action. It is not here to stay forever. What this Bill advocates and what the subsequent legislation is going to enforce is that no person shall vie for affirmative action seats for more than two terms. Therefore, even those elected as women’s representatives have to think about the future. They will not vie for more than two terms. They cannot keep coming to Parliament on affirmative action seats. We have to give room for other women to take the affirmative action places and nominations. The sunset clause of 20 years will allow us to sit back and review those affirmative action seats after 20 years. Probably, in 20 years, we will have as many female governors as we do male. We will have as many female senators as we do male, if not more. We will have as many female Members of the National Assembly as we do male. Therefore, the affirmative action clauses within our Constitution will then come to a sunset naturally. I thank the men of the 11th Parliament. The men of the 11th Parliament have supported every Bill that has come to the Floor of the House that relates to gender matters and matters that strengthen women, people with disabilities and minorities in this country. I am sure that this Bill will be no exception. As they usually support other pieces of legislation, they will support this Bill as well. I would like to thank my male and female colleagues. Let us support this Bill and bring up the women of Kenya. Let us stand up for the women who
wake up very early to vote for all of us. It is the women who are committed. It is said that if a woman promises you, she will give you!’

**Date 22nd March 2016**

**Member of Parliament: Hon. Cecily Mbarire**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**

‘Thank you, Hon. Speaker, for giving me this opportunity to add my voice to that of my fellow colleagues in supporting this very important Bill.

Let me start by saying that what we are doing today is a journey that has been walked for a very long time. For those who may not know, the first affirmative action Bill was brought to this Floor in the Eighth Parliament by Hon. Phoebe Asiyo who, I believe, is watching today and praying to God that we can end that journey that she began in the Eighth Parliament. We also had it brought in the Ninth Parliament, the 10th Parliament and now in the 11th Parliament. We urge this House, as the women of this country to, please, end this long journey by making sure that we implement Article 27 of the Constitution which I would like to remind Members what it says. Article 27 is on equality and freedom from discrimination.

Article 27 of the Bill of Rights says that every person is equal before the law and has the right to equal protection and equal benefit of the law. It goes further on sub-article (3) to say that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

It goes further in sub-article (6) to say:

“(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”

Finally, in sub-article (8) it says:

“In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.”

It is on that basis that we are today debating this very important legislation. I want to thank the Leader of the Majority Party for the support that he has shown from the time we put this Bill together and the Departmental Committee on Justice and Legal Affairs led by its Chairman, Hon. Chepkong’a, who has gone through this Bill. We have had many meetings together.
May I also thank the very many supportive men of this House who have sat with us at breakfast meetings, dinners and lunches to discuss this important Bill. Therefore, I want to plead with this House that as we debate this Bill today, please, remember that it has been a long walk to get the women where we are today.

If it were not for affirmative action as enshrined in the Constitution, we would only be having a maximum of 21 women in this National Assembly today. Why? It is because we only have 16 women elected at the constituencies for reasons that we understand; reasons of economic challenges, cultural challenges and many other factors around elections that impede women from participating actively in politics. But because of affirmative action in the Constitution, we are lucky today that we have 47 women coming from the counties. You will all agree with me that the voices of those women have made a difference in the laws that we have passed in this House. So, I urge Members of Parliament today, the great men of this House who come here mainly because of the women vote, to pass this Bill because of the women vote that they get. Also to remember that the reason we are passing this Bill is because the environment is such that it is impossible to bring women here without affirmative action; a number that is critical enough to make a difference.

In the last Parliament where we had the luck of having Hon. Mbadi here, we were only 22 women in a House of 290. We were unable to pass crucial Bills that affect women because we were very few voices. In this current Parliament, you will agree with me that we have passed four critical laws that touch on the women of this country because we have a bigger voice. We are asking for a much bigger voice so that we can even bring more laws that would not only touch on the women of Kenya, but also the men of this country.

As we continue debating this, we are asking the men not to just look at the women who are seated here today but to remember - like the Leader of the Majority Party and the Chairman for the Departmental Committee on Justice and Legal Affairs have said - that you have left many women back home. You have left your mothers at home. You have left your daughters. You have left your sisters who are looking up to you to see whether you will stand with them today. We are not doing this law for the women who are here today. We are doing it for the women of this country who are born and yet to be born.

I also want to add one more thing. We have proposed a sunset clause to this affirmative action. Affirmative action by its very nature is temporary. Therefore, we are expecting that in 20 years, women will be well prepared and nurtured enough to participate actively in politics together with men, without the challenges that we are facing today. That the Kenyan population will have understood women leadership and will have no problem
elected a woman going forward *vis-à-vis* a man in a competition. That is why we have set the sunset clause.

The other thing we have done is that we have proposed a term limit of how much a person can benefit from affirmative action. So, if you are elected going forward on affirmative action, you cannot come back more than two terms. Why are we doing so? We are doing that on the basis of the understanding that after 10 years, you will be well prepared to face the rest of the men out there and be able to run an election and win as a woman.

With those many remarks, may I beg the great men of this House to support this very important Bill for posterity! Thank you.’

**Date 22nd March 2016**

**Member of Parliament: Hon. Priscilla Nyokabi**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**

‘Thank you, Hon. Speaker. I also rise to support the Bill and appreciate that the country has come to where we are today. It has been a long journey. The constitutional review exercise was not easy. That is why the 11th Parliament was left to determine and create a mechanism that would allow the two-thirds implementation as stipulated in the Constitution.

The courts have spoken. The courts have given that mandate back to the 11th Parliament to give the country an implementing mechanism. I am very proud that the 11th Parliament has not shied away from that responsibility and, today, we meet here to discuss and deliberate this Bill.

Hon. Speaker, let me also support this law as a woman who has, one time, tried to contest for a position in an organisation of lawyers. A month was given for the time for candidates to prepare. I put a bid to be a leader in that organisation. The surprise of all surprises is that the night before the election, some leaders called me aside and told me that I needed to drop my candidature; that my candidature was not suitable for the mere reason that I was a woman. There was not anything I had done; nothing unconstitutional; nothing to break the rules of that organisation; nothing to refuse to honour the constitution of the organisation but only on the mere reason that I was a woman and it was desirous that other candidates be given an opportunity and not me. So, as we support the two-thirds law today, there are, indeed, barriers that are stopping women from contesting. There are barriers that stop women from being elected. There are barriers that stop women from electing other women. Those barriers are in our traditions, cultures, economics, academics and financial matters.

So, there was a reason to have a mechanism that will start encouraging women to contest in the elections--- The Constitution of Kenya (Amendment) Bill we are discussing today is
accompanied by the Elections (Amendment) Bill and the Political Parties (Amendment) Bill that, in the first place, as many women as possible will contest in the elections.

In the 2013 Elections, the Independent Electoral and Boundaries Commission (IEBC) has been able to show that 15,000 men contested in the elections. About 1,000 of them were elected both at the national level and at the county level. The percentage for the election of men was about 15 per cent. A man contesting in an election in our country has a 15 per cent chance of being elected. The IEBC in the same report has been able to show that about 1,000 women contested in the elections of 2013 and 14 per cent of the women who contested were elected. In analysing those statistics, the IEBC has been able to show that if we have more women contesting in the elections, there is a chance that more women would be elected. If that were to happen, it would tie in with the Bill we are discussing today that if women are elected, there will be no reason for top up. The top up will only arise where women are not elected. I agree that the law is gender neutral. For this particular elections and the last one we have had, it has been the numbers of women that have been lower. Maybe going forward, it will be the other way that numbers of women will be higher. The Bill that is before us today has been carefully thought out to look at the least intrusive constitutional amendments.

We are not changing the electoral system. We are not changing the electoral cycle. We are not interfering with the constitutional mandate of elections as we know it. But, the law is changing in a way that allows women, if they do not get elected, to be nominated. That is in the Bill that we are discussing today.

Other than the Bill being the least intrusive, it is also the least permanent mechanism for nominating Members to the National Assembly. Hon. Deputy Speaker, we, indeed, agree that the National Assembly needs to have definite numbers of legislators who sit in it and in the Senate. Even as we say that the method proposed by the Constitution of Kenya (Amendment) Bill that we are discussing today is also the least permanent in approach, it does not require the country to set aside any permanent number of seats upon which the nominations will be based. The number of seats would be determined by each election as and when the results are announced by IEBC.

I am happy to support and urge, like everybody else who has spoken before me, that we unite as a country behind this law; that the Jubilee and CORD coalitions unite behind this law to give this country an implementing mechanism for the main Houses of decision-making - The National Assembly and the Senate. Even as we look at the two-thirds in many other places, the National Assembly and the Senate will in 2017 be compliant with what the Constitution requires. We are mindful of the fact that women are 50 per cent and so, if we
were going for gender parity, we would be asking for 50/50 representation. As it is, the Constitution already sets the two-thirds principle and so, the House today is merely implementing that which the Constitution has set forth in the two-thirds gender law.

We want to thank the principals, the party leaders in Jubilee. We have had occasion as KEWOPA Members to meet the President of the Republic of Kenya and he has supported this law. We have had the occasion to meet the Deputy President of the Republic of Kenya and he has also supported this law. The Members from the CORD Coalition have had occasion to meet the former Prime Minister and he has supported this law. With a law supported by all the leaders of our coalitions, including the former Vice-President and Leader of the Minority Party in the Senate who are also the CORD co-principals, we are happy. We believe that this law will, this time, get a chance and will be implemented in a way that the talents of both men and women will be given a chance. This is sure way of attaining the double digit economy and achieving the prosperity that we are looking for.

Sometimes, it is thought that the law is moving faster than the society but, on this one, there was no other way. It is the law first and then the society will start to see the benefits of having women in leadership. The society will start to appreciate the values of having women in leadership. The society will start to elect women and men based on the leadership credentials that we will be asking for. We are, indeed, happy to support. Thank you, Hon. Deputy Speaker.’

Date 22\textsuperscript{nd} March 2016

Member of Parliament: Hon. Zainab Chidzuga

Contribution she made on: The Constitution of Kenya (Amendment) Bill


Thank you. Hon. Deputy Speaker. I support this amendment. I would like to thank all the speakers who have spoken before me. I congratulate the Hon. Leader for the Majority Party, the Chair of my Committee, Hon. Chepkong’a, and each and every Member who have spoken today. So far, we have not received any opposition and I believe that none is forthcoming. We are aware that we passed a Constitution that 65 per cent of Kenyans said it was good. In this Constitution, we said that we want the two-thirds issue to be raised and applied in the elective or appointive positions. What we are going to do today as a House is to ensure that the letter and spirit of the Constitution is being satisfied by us ensuring that this Bill passes into law.

It is an obligation on the State to ensure that we take legislative measures to ensure that this Bill is passed. We have had various decisions that have come before courts. The courts have made it clear that though we have a progressive Constitution, the belief is that real progress in society can only be realized if all citizens participate fully in governance. By passing this Bill today, we shall be ensuring that the voice of the woman is being heard in
society. We do not only have to see it. Allow us also to voice that which we consider to be positive so that we can develop this country together.

There are cultural challenges that women have had in this country. I thank the people of Meru County for voting for me. However, since 1974, we have never had a woman elected in Meru County. For 39 years, no woman had ever been elected until the affirmative action seat came to be. So, if it were not for this affirmative action, does it mean that the voice of the Meru women would not have been heard?

I know we have various cultures that also operate in the same manner. In Kisii, there was no woman who had been elected until the affirmative action came to be. We need women to participate in all other circumstances. As the Chair of the Committee on Regional Integration, we believe that it is time the East African Community (EAC) integrated fully. As we speak about monetary union, customs union and a common market, we also need to see what our sister partners are doing in their countries. As we speak today, 64 per cent of the Rwandan Parliament has female legislators. In Tanzania, 36 per cent of all the legislators in that House are women, not forgetting the Vice-President of Tanzania is also a woman.

In Uganda, 34 per cent of the legislators are women. That gives us a number of 133 female legislatures in the Ugandan Parliament. That tells you that our sister countries are way far beyond us. We are proud to have integration within the EAC. What we are asking for today is not going by the mathematics because we will not even be at 30 per cent. So, if we are integrating within the EAC, let us also integrate in terms of bringing on board our women so that we can all work together. Article 10 talks about national values and principles of governance. It talks about issues of inclusivity that every citizen of this country must be included in all spheres of life.

We also talk about patriotism. We cannot purport to love our country if we do not love the other gender. We know that our men love us. They love us so much that they always give us what we want in our houses. However, they cannot tell us that they only love us in the House. Let them also love us here in Parliament. I can see Hon. Mbadi is expressing a lot of love and I am happy. I wish Hon. T.J could also do the same because we have been in school together and he knows the kind of love that we have shared all along. Let us have the women going through the same process. Let them be in politics and come to this House.

As we look at the Vision 2030, we are talking about the economic pillar, social pillar and political pillar. How can you have the third pillar in society without the most important woman in your life? I am sure with Hon. T.J. Kajwang’ smiling in the manner in which he is doing, he is only agreeing with me and he has nothing else to add.
Mother Theresa said: “A drop in the ocean is only a drop. But without that drop, the ocean will be less full.” What we are asking for today is to allow this Bill to go through. By allowing it, it does not necessarily mean you are going to look at the woman who is in Parliament today or the Hon. female Member who is in Parliament today. You are doing it for your daughters, sisters and for posterity.

I am proud of the Ninth Parliament that passed the Sexual Offenses Act. That was the best moment for the woman in Kenya. In this Parliament, we have passed the Marriage Act, the Matrimonial Properties Act and the sharing of properties within a marriage. We have also passed the law against matrimonial violence. So, if this Bill is passed, it is going to show that the men of the 11th Parliament are the real men in Kenya. Today is the day for the male Members in Parliament to prove that by passing this Bill, history is going to judge them in the right manner. I am praying and requesting my colleagues that we pass this legislation, so that everything that we do will show that we respect our mothers, sisters and daughters, and we wish them well. I pray that this comes to be and I support it.

Date 22nd March 2016
Member of Parliament: Hon. Soipan tuya

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Deputy Speaker. I wish to add my voice in congratulating the Leader of the Majority Party for tabling this Bill as well as Hon. Chepkong’a for ably and strongly seconding and supporting it.

Like it has been said by my colleagues who have spoken before me, this Bill seeks to operationalise Articles 27(8) and 81(b) of our Constitution, which is one of the most progressive in the world. That is an undisputed fact. It envisages and envisions a society based on the rule of law, non-discrimination and social justice.

At the core of our Constitution, which is the gist of this Bill today, is the strong belief that our society can only find real progress if all the citizens are able to participate fully in the governance of this country without any discrimination and in equal measure in building of our nation. This includes women, men, persons with disabilities and all marginalised and excluded groups. This Bill seeks to enforce the two-thirds principle to make sure that all these groups have an equal sitting space around the table of building Kenya.

I wish to highlight a few very salient and important features of this Bill. One of it is to institutionalise affirmative action in Kenya in the way it has been done in many other jurisdictions in the world. One of them is to make sure that we do not have a permanent feature of affirmative action in our Constitution. The Bill seeks to cure an imbalance that has
been created by years of marginalisation based on gender lines. Members who have spoken before me have clearly stated that this Bill has not been made for women. This is an issue that needs to be clarified. The Bill seeks to make sure that we attain gender balance in all spheres of leadership in this country. In the likely event the male gender gets marginalised, the mechanism that we are putting in place through this Bill will cure such an eventuality. I can see that Hon. Midiwo is looking at me very keenly.

The only reason why we are talking about women is because the imbalance right now is against women. We are making sure that this House, the Senate and our county assemblies have balanced representation in terms of gender. The affected gender is female. The Bill, therefore, proposes a sunset clause. This principle cannot be applied beyond a period of 20 years. Knowing where we are coming from as a country, 20 years may not be long enough. If we all put concerted effort from the front as political parties and the leadership of this country to focus and strengthen this principle, the aspiration of the sunset clause will be realised.

The other issue that I wish to mention has been mentioned by my colleagues that the Bill seeks to import Article 177 of the Constitution. It provides for a gender balanced way of making sure that our county assemblies realise the two-thirds gender threshold. This was missing in relation to the National Assembly and the Senate. The Bill, therefore, seeks to import that provision of Articles 97 and 98 of the Constitution to make sure that we have gender balance in the Senate and the National Assembly, come the next General Election.

The proposal put across by the Bill is again very attractive. The debate has been that we should not be making a soft landing for women. I represent women of this country and we are not seeking preferential treatment or soft landing for the women. We are just saying that there has been an imbalance, a perpetrated situation culturally, economically and socially, which has put women in the periphery. We are asking how we can correct this imbalance. The nomination or the top-up process which Article 177 speaks about is intended to bridge the gap.

The Bill has gone a notch higher to make sure that the top-up process will be done in a very competitive way, so that we will not be talking of women being handed leadership positions on a silver platter. That is not what we are proposing. We are supporting that every person, man or woman, will go through a competitive electioneering process. In the event the two-thirds threshold is not realised after the elections, each political party will go back to their nominations or primaries. Do a list of the women who ran for political elective positions and pick out women to be nominated for top-up to make sure that we realise the two-thirds threshold.
This will create an environment through which women will join competitive politics. It will prepare women and men of this country, so that by the time we are reaching our threshold of the 20 year sunset clause, everybody will be able to go to the playing field competitively and in a fair process, without any stumbling blocks for any one gender. This is a Bill which gives us an opportunity. Each one of us here might be a father of a daughter or a brother of a sister who is still young and has aspirations. I believe each one has certain aspirations for their daughter and would surely, want your daughter to have a better space to contribute to building this nation than our mothers had. If we have that aspiration for our daughters and sisters this is the ground that we are preparing in a legislative process to make sure that each one of us gets an opportunity without regard to gender, sex or any other discriminatory process to contribute equally.

We cannot belabor women leadership that we have seen all over the world. In Africa today, the world is decrying the fact that all presidents are setting a very terrible precedent. When their term of presidency comes to an end, we see a trend where they are unconstitutional going at every length to extend their presidency. Her Excellency Ellen Sirleaf is the first President to propose reduction of presidential term. This is just one example to show that given a chance, women are going to levels of unprecedented governance, democracy and good leadership.’

**Date 22nd March 2016**

**Member of Parliament: Hon. Florence Kajuju**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill** (On a Point of Order against Hon. Midiwo)

‘Thank you, Hon. Deputy Speaker. Is the Hon. Member in order to say that women who have been nominated to county assemblies are busybodies? That is an insult to the Kenyan women and to the Constitution of Kenya. We demand for his apology and withdrawal.’

**Date 22nd March 2016**

**Member of Parliament: Hon. Cecily Mbarire**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill** (On a Point of Order against Hon. Midiwo)

‘Hon. Deputy Speaker, with all due respect to Hon. Jakoyo Midiwo, a senior Member of this House, he has withdrawn the word “busybodies” but continues to use the word idlers. As women leaders, we do not take this kindly. He must withdraw and apologise. He needs to withdraw with some remorsefulness not just saying “I have withdrawn”, and then continue to use the word “idlers”. The women of this country are serious leaders. We are not idlers
and busybodies. We take this with great exception especially from a person of his stature who holds a serious office on behalf of CORD. It is not even good for the female CORD members. They certainly do not like it.’

**Date 22nd March 2016**  
**Member of Parliament: Hon. Gladys Wanga**  
**Contribution she made on:** The Constitution of Kenya (Amendment) Bill  
(On a Point of Order against Hon. Midiwo)

‘Thank you, Hon. Deputy Speaker. Hon. Jakoyo is my Minority Leader whom I respect. I agree with him many times, but today I do not. He has stated many times about vehicles and money. He has been misleading this House and in turn the nation that Women Representatives were bought vehicles and given money outside the law. I would like to clear the air and say that the vehicles that are in the counties for the Affirmative Action Fund are part of the Public Finance Management (PFM) regulations on the Affirmative Action Fund. These vehicles were not a favour from Madam Waiguru or the Executive. These are Government vehicles. Just like the CDF has vehicles to help in running the CDF programmes, the same way affirmative action has vehicles to help in running affirmative action programmes.’

**Date 22nd March 2016**  
**Member of Parliament: Hon. Peris Tobiko**  
**Contribution she made on:** The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Deputy Speaker. Let me take this opportunity to thank the Leader of the Majority Party, Hon. Duale, for moving this Bill. This is a great day in the history of the 11th Parliament and in the history of our country. Just before Hon. Jakoyo Midiwo started talking, the debate was going on very well. I am sure the Kenyan women were happy. I even wish you had allowed me to speak before him because he has spoilt the mood of the House. If it were not for the language that he has used, he had some very good points. Unfortunately, the language spoilt it all. As I support this Bill, I want to agree with Hon. Jakoyo Midiwo that this House must address the issue of the size of the political class in the National Assembly, the Senate and the county assemblies.

It is crucial for us to think of Kenyans and the taxes they pay to maintain the political class. Hon. Midiwo had a point, but the way he brought it is wrong. This Bill tries to address some of these issues. This Bill is encouraging women to get into the political battlefield, but comes up with a top-up in case we do not make the two-thirds representation. The statistics by the
IEBC showed that it is possible for the Kenyan women to make it through the ballot box. We are only looking for a way of encouraging them to come out and present themselves to the electorates and possibly, there will be no need of a top-up. This is the essence of this Bill. In our county assemblies, we should amend Article 177 of the Constitution to encourage women who will be nominated in county assemblies to first contest. I want to state that even in this House, we face discrimination. I had put my card in the intervention box very early, but you said you needed to give men an opportunity to speak and went ahead to allow Hon. Midiwo to spoil the debate. Hon. Deputy Speaker, you know that most of us made it to this House through very difficult circumstances and the whole country knows about it. We went through discrimination in very conservative patriarchal societies. With this Bill, Kenyan women will be given a chance to be voted in. In case they are not elected, such challenges will be addressed by a top-up. If we pass this Bill and encourage the county assemblies to follow through, we will reduce the burden on the taxpayers.

I support the inclusion of Kenyan women in leadership because there is no way this country can go forward without the voice of women. I would like to encourage Hon. Midiwo, a respected Member of this House and of the CORD Coalition, to support this Bill because women who got elected in their coalition were fewer because the coalition has not been treating women fairly during nominations. Hon. Deputy Speaker, women like Ms. Rosa Buyu, would have been in this House if CORD was democratic. We have women like Ms. Rosa Buyu in Nyanza who would have made it were it not for the bad dictatorial policies. I support.’

Date 22nd March 2016
Member of Parliament: Hon. Alice Wahome

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute. I will start where my colleague, Hon. Mbadi, has stopped. I want to continue from where Hon. Mbadi left in terms of the fact that this Bill is in this House and the House has no choice. The Government has brought this Bill through the Leader of the Majority Party, Hon. Aden Duale. The Government, to that extent, has discharged a large part of its responsibility. Why do I say so? I say so because in 2012, an advisory opinion was sought by the Government. An order was issued that by 27th August 2015 we needed, as a House, to have come up with a Bill. I am saying that the Government has discharged part of its responsibility by bringing this Constitution of Kenya (Amendment) Bill.'
Secondly, the courts, through two judgements, namely in the advisory opinion through Case No.182 and through an order by Justice Mumbi, said that this House must bring a Bill to implement Articles 27 and 81. Therefore, if for any reason this House fails to pass this Bill, we must know that it is incumbent upon this House or the duty is in our hands to support the affirmative action clause in Article 27 and Article 81 of our Constitution. The Articles are very clear that the debate is only here because we must debate. Therefore, male colleagues in this House, save for Hon. Jakoyo Midiwo, have been very good and have supported the Bill. We want to encourage Hon. Jakoyo to come on board because every other speaker led by the Chairman of ODM, Hon. Mbadi, has given very firm support that the CORD Coalition is supporting the Bill. I want to remind Hon. Jakoyo that the manifesto that CORD sold during the elections supported 50 per cent women inclusion in the Government should they form the Government. I believe even this time round they will be moving around with a similar manifesto.

The URP and TNA, the Jubilee Coalition, did the same. Therefore, we are also going to look upon the same Members to whip support for this Bill, so that we do not debate in vain. Listening to the voices before me, it is clear we are moving towards the right direction.

Being elected in Kandara, I take this opportunity, once more to thank the people of Kandara. Among the 16 women, I was brought to this House by the people of Kandara. They refused to see marital and cultural barriers. They rejected patriarchy. I know that even come the next elections, they will do the same. Therefore, while the country is struggling to have women, Kandara has moved forward. I am looking at my colleagues. They have women in their houses and elsewhere. They have mothers. They have sisters and they have friends like us.

Hon. Deputy Speaker, as a country, it is time we realised that we cannot leave one team behind. President Obama came here and said that you do not expect to win when half of your team is outside the field. The Members who are opposing this Bill may not realise that the remaining chance is very little. We cannot go to the next general election without supporting this Bill. The issue of the size of the Chambers of Parliament cannot prevent us from implementing a decision that Kenyans made in 2010. You will recall that women came out in large numbers to support the Constitution. You know that the most faithful voter for our male colleagues and our political clout are women. They come out faithfully to vote. They do not have baggage or ask questions. They just need to believe. I know we are performing our duty by implementing Articles 27 and 81 of the Constitution.

In the first instance, it was a mistake that the drafters of Article 81 left out the implementation provision, which found its place in Article 177. That is why we have no
problem in the county assemblies. In this House, somebody was still dragging their feet. Somebody did not believe that Kenyans have very clearly stated in the Constitution that we must have an adequate gender representation. We should be moving towards 50/50 gender balance.

The Constitution is very clear that one-third of a gender is the minimum we can have in the next Parliament. I am happy that Jakoyo Midiwo withdrew. I hope the women in his constituency did not hear him utter the word “idlers”. I am very sure even next time he will go to those same women to seek their support and vote. Failure to pass this Bill is failure to properly represent the women who brought us here. Hon. Gladys Wanga talked about promises. We promise to support this Bill. We shall come out in large numbers to seek elective positions in single member constituencies.

It is people like Hon. Jakoyo, Hon. Kaluma, Hon. Mbadi, Hon. Ababu Namwamba, Hon. Sakaja and Hon. Duale who can encourage CORD and Jubilee coalitions to ensure that more women vie for elective offices. Three women from CORD are insufficient. If we have 32 women in the next Parliament, we will increase that number by a top-up of about 30 Members to comply with the one-third gender rule. Thirty is a small number. We will not need to nominate 30 women if we bring 40 women to this House through the direct route. Therefore, the voice of Hon. Jakoyo Midiwo alone will not stop the movement. We are on board. We had agreed to meet them outside the House, so that we can have a more candid conversation. I am very sure that he and others will be convinced. Thank you, Hon. Deputy Speaker.’

**Date 22nd March 2016**

**Member of Parliament: Hon. Tiyah Galgallo**

**Contribution she made on: The Constitution of Kenya (Amendment) Bill**

‘Thank you, Hon. Deputy Speaker. I stand to support this Bill. Let me take this opportunity to thank the Leader of the Majority Party for setting the pace in supporting this Bill. Let me also thank our male Members of Parliament who supported this Bill. We will go into history, as a House, for supporting women course.

Allow me to say that we have a community governance structure that is not friendly to women. If we do not pass this Bill, we will have a group of able women with aspirations and visions who may not come to this House.

As I speak, we have a community governance structure that is in conflict with the Constitution. Many patriarchal communities like the one I come from do not allow women in leadership. They demean women. As I grew up in my community, the northern communities
of Kenya believed that women are children with big feet. They will not, at any one time, allow women to make decisions. This is also a Muslim community where men marry up to four wives to manage their property and homes yet they call them children with big feet.

As we pass this Bill, we are looking at this kind of culture that is not favourable to women. Affirmative action is not very cheap and easy for women. As one of the 47 women representatives in this country, I went out there to campaign against very strong men who wanted to have a weak woman with them. I spent money and crisscrossed very vast areas and a lot of energy to get an affirmative action position. Women are patient and strong even under very difficult circumstances. If they are given opportunity through affirmative action to participate in elections, they will always thank you.

Women have a lot of capacity and can take leadership positions, but are left out because of lack of money. This Bill will allow women to seek elective posts through all other processes. Women will go for these positions from the constituency, governorship and even as Senators. This Bill will enable women to have an alternative of top-up in terms of affirmative action. We are talking about the numbers in the House and the need to reduce them, we will not reduce the two-thirds gender principle. We can have a House of 10 Members, but we will still demand for the two-thirds gender rule. It is a right given to women by the Constitution, which we all promulgated unanimously.

We have been working very hard to support men, so it is high time we are given our right. Women should be given what belongs to them. We are not demanding or competing with anybody. We are not undermining the male leadership, but we are only asking for inclusion, participation and space. We passed the two-thirds gender principle in the Constitution. We are not taking over seats that belong to men, but we are only asking for space which is given to women by the women. I support.’

Date 22nd March 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Deputy Speaker. I hope I can still continue tomorrow. I support the Bill. I applaud the men who have stood up and supported this Bill. It is good to note that a lot of the people who wake up early in the morning to vote are women. This is a special gift that we have given to the women of this country.

When we talk about the issue of gender, I foresee in 20 years to come, we might have men asking us to support them. We will give back. I also appreciate that we are making a way
not only for ourselves, but also for our sisters and daughters who might join this House when we leave.

The issue of numbers has come up and how expensive this process can be. However, I want to challenge the political parties. If political parties sincerely do not want Kenyans to go to an extent of having more women or huge numbers in this House, they should come out and support women through financing and protecting them when they go for elective seats.’

Date 23rd March 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: The Division of Revenue Bill

‘Thank you, Hon. Speaker. I would like to thank the Leader of the Majority Party for acknowledging the capacity of the Deputy Speaker as well as that of the Liaison Committee. Despite our capacity, we still insist that the Budget and Appropriations Committee must be formed, so that they can take over their rightful responsibility.

In seconding this Bill, I would like to bring forth some issues that were critical as we looked through the Division of Revenue Bill. As the Leader of the Majority Party has rightfully said, we have been apportioning finances to county governments and sharing between the two levels of Government. As you have rightfully pointed out, a lot has been transferred to the county governments. The public view and opinion is that there is little infrastructural development that can be seen despite the amounts of money apportioned to the county government.

There has been a lot of discussion on the need to increase resources to the counties, but we have not spent enough time to look at how the counties can help the national Government bake a bigger cake. We are here looking at the same amount and fighting over who should get what allocation, but nobody is looking at what the county governments are raising. Who is auditing what is being raised if at all anything is being raised at the county governments? The Senate and the county assemblies should focus on that area, so that we can have additional funds to share out.

There are many reports of misappropriation of resources at the county level at the expense of delivery of service. It is open in our media and we see governors being taken in and out of courts and facing impeachment instead of delivering service to the people. They complain why we question misappropriation of money. They say that the “child” learned from the “father”. We are against that because even if the “father” had some mistakes, we do not want them transferred to the “child”. Kenyans voted for devolution because they wanted
services at the level they could reach. We want efficiency, accountability and transparency at the county levels.

We also looked at the delivery we are getting at the county levels. For example, agriculture is fully devolved and with the funds allocated to the counties, we expected that we would have what used to be done by the national Government in terms of introduction of extension officers and more support to farmers, but unfortunately, practically, nothing has changed in terms of farmers getting more informed on how they can make billions from the funds they have.

Hon. Speaker, some lessons have been learnt from devolution and the use of money at both levels of Government. There seems to be a disconnect. We do not have a good link between what is going on at the county levels and at the national level. Do they understand their agenda? Is there a clear agenda at the county level of what is the national Government’s agenda? That link is missing. There should be a more cohesive way in which the two levels of Government work and have more synergy for them to feel that they are one and have a common agenda. Maybe the Division of Revenue Bill will help.

The Division of Revenue Bill is based on the just concluded Budget Policy Statement (BPS). It is important to note the resolutions on the BPS that were made in this House a few weeks ago. It should be the guide. We have seen many changes in this Budget and we hope that what was presented in the BPS will guide what happens in 2016/2017, particularly in ensuring that the capital Budget is based on a reconcilable list of projects. This is an act of fate because we have passed many Budgets for development without clear ideas of where those projects will be. As the Liaison Committee acting as the Budget and Appropriations Committee, we should be given specific projects that this money will fund. That is why every year we are apportioning more money because the project is still incomplete. We do not know its status last year and we end up allocating more money in the following financial year.

The Division of Revenue Bill is in line with our BPS. According to the National Treasury, those are the only available resources. Any changes you will want made should be explained as to why you want them done. Otherwise, it would mean that the National Treasury will borrow more money.

With those remarks, I want to second and hope that this House will pass the Division of Revenue Bill.’

Date 23rd March 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: The Division of Revenue Bill

'I wonder why Hon. (Dr.) Pukose would have difficulties. I am happy to take the Floor, but the queue has been quite long on this Bill because I pressed my request button at 2.30 p.m. and I have been waiting since then. I hope when there is a special status it can be considered to allow other processes to take place.

In supporting this Bill, I want to commend and thank the Jubilee Government for the allocation of Kshs302 billion, 32.3 per cent of the revenue way above the constitutional minimum of 15 per cent, to the counties. With that allocation, Kenya confirms to everybody that devolution was a good way to go. At Kshs302 billion, Kenya continues to confirm to everybody that devolution was a good way to go and that we made no mistake in our Constitution to pass devolution. Despite the challenges that we have seen in the implementation of the devolution framework, we are still on the right course. I personally support the 47 counties. I have not seen any reason why we should lose any of those counties.

The challenges remain as continued effectiveness, continued service delivery and continued development by the counties. At 32.3 per cent, we put all our critics to shame. We confirm to this country and everybody that the Jubilee Administration supports devolution not by word but by action, by money and by putting our money where our mouths are. Although we have been accused of "kutenga," this is not a "kutenga" issue. The Kshs302 billion is in law. It will be passed by this House as law. So, this is not one of those issues that we discuss in rallies. This is the National Assembly. We have a Bill that we are going to pass which has Kshs302 billion reserved and allocated to the county governments in this country. It is a good increase from the last allocation. Every year, the money going to the counties has been increasing up to what we have now.

I thank our Public Accounts Committee (PAC) here in the National Assembly. The allocation this year is based on the 2013/2014 Financial Year audited revenue. It is, indeed, commendable that the PAC has managed to work on the backlog of Reports that were pending and that we now have the very latest audited revenue used for the purposes of allocating monies between the national Government and the county governments. We thank the old and the newly constituted PAC. We hope that the Chairman, Hon. Gumbo, and the other members of the Committee, will continue with this path and even do better now. They should not just finish the audited revenues but they should proceed to help us to nail and put behind bars the people who are squandering public resources in ways that are not acceptable. A lot is still expected of the PAC. We are yet to have a PAC that matches what
we see of other PACs around the world. The audited revenue records are up to date. So far so good but a lot more is still expected of the PAC.

In supporting the Bill, I have looked at the allocations that we have done, in particular the conditional allocations. I think we are on the right direction in terms of conditional allocations. If you compare our country to other countries which have devolution, you will find that we are not even doing as much of conditional allocations as we should. Going forward, it will be important for the National Assembly to allocate conditional allocations for critical services like healthcare and education, especially polytechnics, early childhood development centres and nursery schools.

Conditional allocations should also be allocated to water. Instead of giving the Kshs302 billion as a wholesome allocation, it will be important that much of the Kshs280 billion, which has not been given as conditional allocations, is given as conditional allocations by this House. We have seen a free hand in the implementation of these monies. That free hand has not been beneficial to the public. Going forward, it will be imperative for this House, in allocating money to county governments, to allocate specific allocations for water, health, education, early childhood education and youth activities. Youth empowerment in counties is still a lot more lip service than allocation of money. It will be good to put monies that should go to polytechnics and sports in the conditional allocations that go to counties.

It is time we put in legislation the procurement principle of 30 per cent that the tenders should go to the youth in the counties. It has been left to the county governments and we have not seen much progress. I want to speak about my county of Nyeri. We have not seen tenders and government contracts going to companies owned by young people to the level of funding that the county has. It will be important for our governors to allow young people in our counties to work in those county projects and create employment with monies coming through the Division of Revenue Bill.

We support the seven conditional allocations such as the free maternal health, the leasing of medical equipment and the compensation for user fees, especially the Level 5 hospitals, noting that my county of Nyeri has a Level 5 Hospital which was the former Provincial General Hospital. Time has come for us to put in law that the conditional allocation money goes directly to the implementing agency. I have not seen any reason why funds meant for a Level 5 hospital goes to the governor’s county account. I have seen absolutely no reason. It is not in law, it is not desirable and it is not in practise. So, the Nyeri Level 5 Hospital is now in very poor state and shape while the funds that were supposed to go to it are held in an account in the governor’s office. The monies that are meant for Level 5 hospitals should go directly to the hospitals. There is a medical superintendent and a board at the hospital.
There are certain structures within the hospitals that should be used to account for the money that is meant for Level 5 hospitals. It is not just for Level 5 hospitals. All the monies that are meant for hospitals should go to the hospitals. All the conditional allocations should also go directly to the implementing agencies as opposed to going to county government accounts from where release of those monies starts to create issues, delays and other problems.

The counties also need to spend their money on a 50:50 ratio – 50 per cent for development and 50 per cent for Recurrent Expenditure. We still have counties that spend over 70 per cent of their funding on Recurrent Expenditure which is not very useful.

As I wind up, the fight against corruption needs to be intensified. In the Departmental Committee on Justice and Legal Affairs, we have requested the Ethics and Anti-Corruption Commission (EACC) to pick one or two counties to do lifestyle audits. In fact, the competition in the Committee is which county will start. Nairobi looks like a natural one but many counties ought to have lifestyle audits done for their officers. I can see Taita Taveta, Homa Bay, and Mandera counties are requesting. Nyeri County is on the queue.’

**Date 23rd March 2016**

**Member of Parliament: Hon. Gladys Wanga**

**Contribution she made on: The Division of Revenue Bill**

‘Thank you, Hon. Temporary Deputy Speaker. Whenever we debate the Division of Revenue Bill and the County Allocation of Revenue Bill, it serves as a true reminder that we are truly in a new constitutional dispensation. I sometimes get a bit concerned when we turn debate on the Division of Revenue Bill into a session for bashing county governments, like I heard the Leader of the Majority Party while moving this debate, and the Seconder, do.

Hon. Temporary Deputy Speaker, this is time for reflection by the authorities in both the county governments and the national Government. More seriously, it is time for reflection by the authorities in the national Government, where most of the revenue remains. We have to look much more at the national Government.

A lot has been said and I do not want to repeat what has already been said. I want to talk about equity because it is a key word when we debate this Bill. In fact, we talk about “equitable revenue sharing”. “Equity” is a key word. It is a key word within our Constitution as well. It begins all the way from Article 10.

Article 27 of the Constitution states:-

”(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and
policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”

Article 201 says:-

“(iii) expenditure shall promote the equitable development of the country, including by making special provision for marginalised groups and areas;”

This Bill elaborately evaluates itself against the provisions of Article 203(1) of the Constitution.

I would like to say that marginalised areas are expressly provided for in the Constitution through the Equalisation Fund. The Equalisation Fund is given Kshs6 billion within the Constitution. What is more quiet is marginalised groups or affirmative action groups. Article 203 (1) states:

“The following criteria shall be taken into account in determining the equitable shares provided for under Article 202 and in all national legislation concerning county government enacted in terms of this Chapter—

(h) the need for affirmative action in respect of disadvantaged areas and groups”

As I have said, disadvantaged areas and marginalised areas have been provided for expressly through the Equalisation Fund. What I want to make a case on is the affirmative action groups or marginalised groups. The Bill mentions Affirmative Action Fund but puts it under “other national obligations.” Affirmative Action Fund is not just under other national obligations. It truly is a direct constitutional provision that should be put on a line of its own as provided for in the Constitution that we should allocate funds for the need of affirmative action groups.

There is a provision for Kshs37.343 billion which is a combination of Constituencies Development Fund (CDF) and the Women Affirmative Action Fund (WAAF). That was in the last financial year. In this year, it falls to Kshs36.635 billion. When we looked at the Budget Policy Statement (BPS), this combined allocation was Kshs38 billion but now there is a drop by Kshs2 billion to Ksh36 billion. In that combination it is difficult to tell which of those two is reducing. So, since we already know the standard amounts and they have been improving, the National Treasury and this Parliament should look at this area and make a definition. My perspective is, just like there is a clear section for the Equalisation Fund, there should also be a clear section for the affirmative action as provided for under Article 203(1)(h).

Having gone through that, I represent the Parliamentary Service Commission (PSC) in the Inter-Governmental Budget and Economic Council (IBEC). Having attended the IBEC meeting, my own view is that you cannot talk about the Budget without adequate
representation of the National Assembly and the Senate particularly when you are talking about how revenue is going to be divided and how it is going to be allocated. What I would like to submit is that the representation in the IBEC through the PSC is inadequate and that representation by law should come from the Budget and Appropriations Committee (BAC) and the Finance Committee of the Senate.

There is a lot of focus if you look at the conditional grants on health. You will find Kshs 4.1 billion for free maternal health care, Kshs 4.5 billion for leasing of medical equipment, Kshs 4 billion for Level 5 hospitals and Kshs 9 million for foregone user fees. What attracts my attention is Kshs 200 million for access to emergency care.

There is a specialised purpose grant supporting specialised medical access of Kshs 200 million. Emergency healthcare is a constitutional right that is provided for each and every person in this country. This provision of Kshs 200 million only covers Lamu and Tana River counties. It is said that they border Somalia and are vulnerable to terror attacks, security threats and humanitarian crises. We have seen Garissa being attacked by terrorists. We also saw the centre of Nairobi being attacked. If we want to provide for emergency medical care, we should provide it across the board. I am not saying that it should be taken away from Tana River or Lamu but a provision should be made. Even in debating the Health Bill we have been agonising here how to bring into effect the provision of the Constitution and the right that is given to every citizen for emergency health care and yet we know that it is provided many times by private practitioners and they are not going to do this for free.

So, this should become a provision that is guaranteed for the entire country. If you look at the areas that have been put as national interest provisions, you will find that the National Youth Service (NYS) is one of them. How does NYS, again, feature with Kshs 17 billion in our Budget? Are we even now creating an even bigger cash cow for campaigns next year? If we are looking at the youth as an area of national interest it cannot be NYS. I do not think this House should sit again and allocate billions of shillings to the NYS when we know that it was the cash cow for this Jubilee Government that is being used to siphon money for purposes that we do not know. Laptops have been awaited.’

Date 23rd March 2016

Member of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: The Division of Revenue Bill

‘Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Division of Revenue Bill, 2016. What is important is to note that the two levels of Government are going on as it was contemplated in the Constitution. This year, the county governments have been given a
share of 30.4 per cent of the revenue collected in the year 2013/2014. I want to state from the beginning that as the money goes to the counties, it is important for the governors, who have the executive powers, to make sure that the money is utilised for the right purposes.

As we go on with implementing devolution in our country, it is important for people to know that the meaning of putting devolution in our Constitution was because we wanted to see development at the county level. This is the fourth year and what is being witnessed out there is that most of the money is utilised for purposes which the people do not understand. I also want to state that we hardly seem to know where the monies or the revenues collected by the county governments go. We do not seem to know how much is collected and even when it is collected at the county level, there is no proper planning on how the money will be utilised.

As I wait for the rest of my allocation of the time that has been left, I would like to stop there.‘

Date 24th March 2016
Member of Parliament: Hon. Dr. Naomi Shaban
Contribution she made on: The Division of Revenue Bill

‘Thank you. It is clear in our Constitution that there are two levels of government, the national and county governments. It is stipulated clearly how revenues are going to be divided in terms of what we do at the two levels of government. On the Jubilee Government agenda, I wanted to emphasise on medical equipment in most of our public institutions. As you are all aware, Level 4 and 5 hospitals have been identified in each of the counties to be given equipment so that people do not have to congregate in Nairobi, Mombasa, Kisumu and Eldoret to access treatment but they should access treatment at the county level. Despite the fact that there is Kshs4.5billion which is going towards leasing of this equipment and most of the equipment has been delivered in a number of those institutions, what is obvious is the fact that there is lack of personnel to utilise those equipment and to administer treatment to the people using them. Beautiful equipment without skilled personnel will not serve the purpose it is meant to serve. It is my hope that the Executive is going to make a deliberate move to ensure that we are able to train as many people as possible. Our Kenya Medical Training Colleges (KMTCs) are going to provide more space than what is available for training of health personnel who can go and use that good equipment and give services at counties.

Looking at this Division of Revenue Bill, there are places such as Lamu and Tana River which have major problems. Even wanting to deliver the equipment to them, they do not have the
infrastructure to carry the equipment. There is some Kshs200 million that has been set aside to go to Tana River and Lamu, that is Hola and Lamu Hospitals to put up infrastructure before the equipment is delivered there for their use.

For the people who have been able to go round this country, we realise there are places where it is very difficult for people to access any good facility where health services are concerned and this move by the Jubilee Government to have this equipment was a very good move. However, we need to make sure we have enough personnel to be able to deliver services to the people.

I know that the revenues which have been collected at the county level have been dwindling. There are complaints everywhere that what used to be collected by the local governments has substantially gone down yet the amounts of money people are paying in terms of the services which are being delivered are high. The amount of tariffs which are being collected by the county governments have been raised so much that we should have seen an increment in the revenues which are being collected. Instead we see a major problem in terms of accountability where the collection of revenues is concerned and even the usage of that revenue.

The Executive will now have an opportunity to close all the loopholes which are there because some of them are so glaring. Everybody can tell the games being played at that level. It is important for us as we are talking about corruption at the national level, to also deal with corruption at the county level. Let us not say that it is our turn to eat because at the county level it is our own brothers and sisters who are running the show. We need to close the loopholes so that we can see the meaning of devolution otherwise we shall continue to talk about devolution being useful and yet it is devolution which will be useful to a few characters and leaving out the rest of the people who are meant to benefit from it.

Whereas people are complaining that the latest accounts should have been used in terms of sharing out this cake at the two levels of government, the law is very clear that it has to be on the latest acceptable accounts by the Public Accounts Committee (PAC). It is not enough for people to think that by adding more money--- If people cannot account for the little that they have been given and they cannot show what they have used it for then we do not need to add more. That is the only way we can have a better explanation.

We need to be accountable and serious about fighting corruption. We also need to add our voices to that of the President and help him clear this problem that we have in our country. I beg to support.

Date 24th March 2016
Member of Parliament: Hon. Grace Kiptui

Contribution she made on: The Division of Revenue Bill

"Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Bill on revenue allocation between the two levels of Government of Kenya. To start with, we hear a lot of complaints and cries from the devolved systems of this country saying that they do not have enough money and yet when you look at the percentages, there is a progressive increment such that there should not be such complaints. What we should hear is the use of that money and also how much money they are collecting at their own levels.

Devolution was a celebrated event in this country when we passed the Constitution in 2010 but when it comes to money, we have devolved corruption. When you go to the countryside, you find a lot of duplication. This money should benefit the common citizens to whom all this money that is being devolved goes. The cry we get is that it is benefiting a few people – the managers and their colleagues and friends.

There is also the issue of duplication of services. The devolved systems pride themselves for having done water or road projects. The national Government will also say the same thing until it reaches a level where priorities are misplaced. I really cry and mourn for the day our judicial system ruled against the county management boards that we wanted to set up. Had we succeeded, they would have provided some checks and balances. They say that power corrupts and absolute power corrupts absolutely. The governors are now on their own and have their own systems of doing business. They do it and they are law unto themselves. In that respect, they can do anything. The Senators have not been given money to visit the counties and see what is happening. I am glad that now that we have given them some money, they will be able to have extra oversight.

The county assemblies have not been able to oversee the executive arm of the county governments. We hope that the Senators will now control that to some extent. I am happy about the leasing of the health equipment. In the past, people used to travel very long distances in search of equipment like scanning machines. In Baringo, you will find people headed to Eldoret or Nakuru to look for simple procedures like scanning machines. We are glad now that the Government of Kenya has leased equipment that will screen cancer and do dialysis. They will assist a lot. Right now we find many people suffering from sugar-related diseases. On the issue of dialysis, it is better when machines are closer to the wananchi. In our county the machines are in Kabarnet Referral Hospital and in Eldama Ravine. This is very good because it reduces travelling expenses. When people are sick, like when they have sugar-related issues, ferrying them up and down or travelling long distances
from home for dialysis makes them suffer because after the procedure they get very
exhausted.

The leasing of the equipment is good. In the past, government agencies used to buy the
equipment but because of corruption - I understand that the technicians would mess up
with the machines in public hospitals while their friends’ around the corner would be
working and they would send patients there. By leasing them, you tie the supplier to the
maintenance of the machine. In that respect, we may not see many of them breaking down
because it is part of the contract that they have to maintain the equipment.

The money that has been provided for free maternity is a plus to the Executive. The
reduction of mortality rate and even the suffering of the women has gone down. We now
have an increase in the number of babies delivered in health institutions. Women of this
country are a happy lot because of this.

The Kshs6 billion Equalisation Fund had become a thorn in the flesh. The money had been
promised, budgeted for but there was no release of the same. I am happy that we now
have Kshs6 billion going to the Equalisation Fund and the fact that it has now been given to
the constituencies instead of lumping everything in the hands of governors is a good thing.
At least, let us spread the risk so much that we may get common people benefiting from
this money.

Money for old persons is another aspect that has excited the common people. So many
others are complaining that they have not been included in that bracket. There is even a
delay right now because when I go home I find so many old people going to the social
department offices and they sit out there waiting for the money. The Government needs to
speed up the disbursement of that money. This is a good thing because older persons are
able to buy food or medicine. At that age, diseases are common. The mode of payment is
another thing. They have to travel far to the county or district headquarters to look for the
money. The amount of money used in going and coming back may have a net effect at the
end of the day. So, we better improve the delivery of that money closer to their abode.

The issue of monitoring the money that is devolved is a very serious one in this country. If
things continue the way they are, we may end up creating a devolved system that
consumes so much money and at the end of the day the country becomes poorer and
poorer.

I fear that this country may soon have financial challenges because of the level of debt.
Thank you, Hon. Temporary Deputy Speaker. I support.’

Date 24th March 2016
Member of Parliament: Hon. Dorcas Kedogo  

Contribution she made on: The Division of Revenue Bill

‘Thank you, Hon. Temporary Deputy Speaker. I want to support the Division of Revenue Bill.

On equitable division, I think we need more money in the counties. I wish a quarter of the revenue goes to the counties and a quarter remains at the national Government, so that we can support devolution.

On the Equalisation Fund allocated to marginalised areas, it is assumed that they are the only places that need it but we have areas in my county that also need it. We should not assume that there are areas that are more marginalised than others.

I also support it because of the special purpose grant supporting emergency medical services. This money is supposed to be well utilised at the counties. In my county, we have a cholera outbreak yet we have that allocation. The money should be well utilised to make sure it caters for emergencies that arise especially on medical services because people need medication to curb the health problems we are facing.

On conditional allocation on loans and grants, I would suggest that instead of this money being used for some roles, it is also allocated to some groups like women, widows, widowers and the youth. When you leave it to various roads, you find that some roads are not done. In our constituencies, we have the Constituencies Development Fund (CDF), Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA) and Kenya National Highways Authority (KeNHA) and we sometimes wonder who is making a particular category of road. They should be given to groups to empower them.

I support it because of the additional conditional allocation for rehabilitation of primary and secondary schools. There are schools that need to be rehabilitated because sometimes money allocated to schools is not enough to rehabilitate them. If that money goes to the counties, it will do a good job.

I also want to talk on the free maternity health care. This money is given but, sometimes, those services are not free. The counties should use that money properly so that it is beneficial to the citizens. More money should be given to the counties because that is where most of the work is. The money meant to pay for forgone user fees should not remain with the national Government because the common mwananchi is at the county level and not at the national level. In future, let us think of giving more money to the counties than having it remain with the national Government.’

Date 24th March 2016
Member of Parliament: Hon. Zipporah Kering

Contribution she made on: The Division of Revenue Bill

‘Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity. I rise to support this Bill. I will try my best not to repeat what the other Members have said. This Bill recognises the forms of governments – the national Government and the county governments. The money allocated to various vote heads in this Division of Revenue Bill is very important. The Senate really needs to fast-track this Bill to ensure that the leased medical equipment in hospitals is put in place so that Kenyans use them.

Allow me to focus on the statutory allocation; the Constituencies Development Fund (CDF) and the Affirmative Action Social Development Fund. This money was Kshs38 billion but it has gone down to Kshs36 billion. We have seen what CDF has done. Why do we allocate a lot of money to NYS, which we know is going to be squandered, and reduce the money allocated to CDF and the Affirmative Action Social Development Fund? As one of the beneficiaries of the Affirmative Action Social Development Fund, I want to say that the Kshs2 billion that was allocated to us the other day has really been seen doing something. We are telling the taxpayers that even CDF started with Kshs6 million. Look at where it is today. We were anticipating the Affirmative Action Social Development Fund to go up from Kshs2 billion. Looking at the allocation, we wonder what will go to CDF and what will go to the Affirmative Action Social Development Fund. We want to be shown what is going where in these allocated funds.

I also want to focus on the money allocated to pay pension to retired teachers. At least this Bill has recognised the retired teachers. They are going to get something. As we talk about the retired teachers, we also need to see where the current teachers are in this Bill. It has become a song. Teachers have to go to the streets for their issues to be addressed. I believe the plight of the active teachers will be heard.

I also want to comment on the money that is allocated for irrigation and buying fertilizer. All the voters, and especially women, are really crying about water. We know that this is a devolved function. A lot of money is going to the governors. As a supporter of devolution, I think we need to do a lot of oversight because money goes there and no woman has received piped water as promised. We know money is there. We need to do something so that we do not just allocate money and not make a follow-up. On the money allocated to buy fertilizer, I come from an area where literally everybody needs fertilizer. Unfortunately, the beneficiaries of the fertilizer that goes to the National Cereals and Produce Board (NCPB) are the businessmen. Where is the local woman placed? We give large quantities of fertilizer to the businessmen who sell it at a very high price that the local woman cannot afford.
As I finish, I want to say that we need to wake up to our duty to oversee how all this money that we give to the county governments is spent. We want to see what the money that has already been given has done in those counties before we allocate more money. I congratulate my colleagues for constituting a board that is going to oversee the money going to the old persons. However, I still urge them to put up structures and find a way of explaining to the old persons how this money is given out. It looks like another body is giving the money. The Committee has been constituted but old people still ask about the money that has been allocated to them.

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. I support the Bill.

*Date 24th March 2016*

*Member of Parliament: Hon. Susan Chebet*

*Contribution she made on: The Division of Revenue Bill*

‘Thank you, Hon Temporary Deputy Speaker for this golden opportunity. I support this Bill. This is a very important Bill because it is going to distribute the resources of Kenya to all counties, especially the marginalised communities who will benefit from this Equalisation Fund.

Secondly, I want to talk about the national irrigation and fertiliser issue. Currently we are running the Galana National Irrigation Scheme and we are lumping a lot of money there. I would have liked to use this scheme for experimental purposes so that it runs as a pilot scheme. We put less money there and take the bulk of the money to the grain growing areas such as Trans Nzoia, Uasin Gishu and other communities that grow maize so that the granary of Kenya can feed our population and employ farmers and their families.

Last year, the Galana Irrigation Scheme gave us nine bags per acre compared to 35 bags per acre which is produced in maize growing areas and that is a loss to the Government. We as farmers lose a lot of money when we produce a lot of maize and lack market. Right now, farmers are waiting to be provided with fertiliser which is not forthcoming. This leaves a lot to be desired when our farmers cannot access the resources they use for their farming.

Thirdly, I want to talk about reengineering the National Youth Service (NYS). We saw how NYS money was used. It seems as if NYS was allocated money which it could not use. The money that we have allocated should be re-allocated to other areas like developing skills for our youth so that they can get employed and also employ themselves.

A lot of money is lying idle in NYS and yet we have many youth who are not accessing employment and training. So, we could put that money in vocational training and the
technical training institutes that we are constructing so that our youth can develop skills and use them.

Initially we thought NYS was a good and noble idea, but it is not giving us desirable results. Our youth cannot get employed. They trained for six months, graduated and now they are idling around. They do not have anywhere to go. They cannot practise skills that they were trained on. In any case they did not get skills, maybe paramilitary skills and they cannot use them. So, we need to redesign the NYS programme and make sure that the youth get relevant skills. We should change the way the programme is run.

Lastly, I want to talk about education. We need more money to be put in education. We need to invest in education. Now, we are talking about free primary school and free secondary school yet when you go to the ground, you find that in most schools, parents are employing teachers. They have Board of Management (BOM) or Parents Teachers Association (PTA) teachers. The ratio of government employed teachers to that employed by parents is small. Parents are spending a lot of money. They are bearing a lot of burden in employing teachers to teach in schools yet we still call it free primary and free secondary education. We need more money to go to education sector so that we invest a lot in it.

With those few remarks, I beg to support. Thank you.’

Date 24th March 2016
Member of Parliament: Hon. Zainab Chidzuga
Contribution she made on: The Division of Revenue Bill

‘Shukrani, Mheshimiwa Naibu Spika wa Muda kwa kunipa hiyo nafasi ya muda mdogo japo nilikuwa nataka kuwa na muda wa kutosha. Ukweli ni kwamba tunetaka sana kupitisha Mswada huu. Kwa wakati ujao, tunetaka tuwekewe sehemu nyingine inayoonyesha kuwa katika majimbo na zile sehemu ambazo pesa zinakusanywa, ni kiwango kipini cha pesa kimekusanywa ili wakati wanapewa pesa zingine, tuangalie ni vipi tutawapa pesa kwa sababu saa hivi tunatoa pesa ambazo hatuelewezi zitatumika vipi.

Upande wa unyunyizaji wa maji katika mashamba ningeomba tuweze kusimamia sektia hii iendelee katika Galana kwa sababu ni moja kati ya sehemu ambazo zinaweza kulisha nchi hii.’

Date 24th March 2016
Member of Parliament: Hon. Fathia Ibrahim
Contribution she made on: The Division of Revenue Bill

‘Thank you, Hon. Temporary Deputy Speaker. The National Youth Service (NYS) has been allocated about Kshs11 billion. We should freeze any allocation of money to the NYS
because of heavy looting and corruption of the already existing funds. Also on the Division of Revenue Bill, there is no allocation for tarmacking of the Garissa-Wajir-Mandera Road yet the Jubilee Government had promised to do that.’

**Date 24th March 2016**

**Member of Parliament: Hon. Grace Kiptui**

**Contribution she made on: The Vetting of Judges and Magistrates (Amendment) Bill**

‘Thank you, Hon. Speaker for the opportunity. I also rise to support the extension of time for this Board for a further three months. When the Board appeared before the Committee on Justice and Legal Affairs and the Committee on the Implementation of the Constitution (CIOC), they made a case which we thought was fair. We have spent a lot of money on this Board. They have been running this exercise for many years. It is only fair that they conclude it neatly and give us a report. They should also prepare their records in all languages that Kenyans can understand, including those living with disabilities, like Braille for the blind. Having come this far, it is only fair that we allow them to conclude in a neat manner.

Secondly, this Board has really tried considering all the hurdles and court cases they have gone through. They took some time when they were taken to court but they have tried as much as possible to move forward. Talking, for instance, about Justice Ombija, the law is an ass and we have to follow each and every process. The right for Justice Ombija to appeal or seek for review cannot be wished away. These are our laws which we made for ourselves and we must obey them. In that respect, Hon. Speaker, I support the extension.’

**Date 24th March 2016**

**Member of Parliament: Hon. Rose Nyamunga**

**Contribution she made on: The Vetting of Judges and Magistrates (Amendment) Bill**

‘Thank you, Hon. Speaker for giving me an opportunity to add a few comments to what has already been said. I want to support the Bill and the extension of three months. It is very important for the time to be extended. It does not matter whether it has been done two or three times before. It is important that at the end of the day we, as Parliament, are seen to be doing the right thing. We do not want the judges or magistrates to come back and tell us they did not finish or the vetting was not done to the end or the proper conclusion was not made and the report was hurriedly done. These are some of the things that may follow.
In my view, as long as there is no monetary impact in the three months, I do not see any harm in giving the Board an extension of three months so that they finalise their work. All of us know very well that judges and magistrates are the custodians of justice in this country. It is their turn to do a good job so that at the end of the day all of us are confident that the judges or magistrates given an opportunity to continue working are people who are already vetted and all the gray areas sorted out.

It is very important that we give the extension. I do not think we should take pride in how many commissions we send home. For instance, we sent the TA and Nyachae’s team home and their job was not finished. What pride is there for us, as a nation or Parliament? It is very important that work is done and Parliament is seen to be above board.

I support this and it is important that we do a good job so that nobody will question Parliament for not doing a good job or sitting on the job and many other complaints. I support the extension and it is very crucial that it is done so that each and every judge or magistrate is given a fair vetting. Thank you, Hon. Speaker.’

Date 24th March 2016
Member of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: The Vetting of Judges and Magistrates (Amendment) Bill


sheria iliotengeneza tume hiyo ili tuweze kutengeneza kuwa wale wachama wa tume waweze kufanya kazi pasipo kuchanganyikwa na kazi zile zao za uwakili na ujaji. Katiba imewapati nafasi ya kukaa pale, lakini inawachanganya kwa sababu vile vile wanaendelea na shughuli zao na inawabidi pia wafanye kazi kufuatana na vile Katiba ilivyotaja.

Binadamu si kamili. Mara kwa mara, sio rahisi kwa mtu kuweza kutenganisha lililoko rohoni na lililoko mbele yake. Hivyo basi, nakubaliana na wenzangu kuwa hata hiyo sheria ya hiyo tume yata kusimamia maswala ya mahakama, itabidi tuangalie ili tuweze kurekebisha pale ambapo wanachama wako na matatizo.


Date 24th March 2016

Member of Parliament: Hon. Fatuma Ibrahim

Contribution she made on: The Vetting of Judges and Magistrates (Amendment) Bill

‘Thank you, Hon. Deputy Speaker for allowing me to speak on this. I support this Bill. It is necessary to extend the period of the Judges and Magistrates Vetting Board. We need to appreciate that the Board has done remarkable work despite the challenges. We need to appreciate that the Board is the first to be established globally. It will be a practice that will be referred to in the context of Kenya. It was new and members had to go through a lot of processes in terms of learning and understanding many things.

We also need to appreciate that the membership of the Judges and Magistrates Vetting Board included international actors and that has delayed some of its work. Sometimes, its members could not do their work because of the requirements of the international membership. We also need to appreciate that the vetting of judges and magistrate was a very intensive and elaborate process, which allowed even the civilians to interact daily with the judges and magistrates to give complaints or information.

We need to appreciate the work of the Board. As a member of the Departmental Committee on Justice and Legal Affairs, we interacted with them and they have done extremely good
work. They have vetted all the judges and magistrates. But there are some appeals, which is
natural in all circumstances that are pending.
They have done a lot of documentation on this process and they have done very interesting
reports regarding the vetting of magistrates and judges. We need to appreciate that they
need 90 days. The cost is not there because they will use the money they have within their
allocation. They are not seeking any additional money for the extension of 90 days. But,
definitely, they will use their existing money for the work to be completed on time.
What was very impressive in terms of persuading our committee was that they have huge
documents which they need to archive. We need to appreciate that because vetting of
judges and magistrates is the first in this country and globally. It has a lot of sensitive
documents which need to be archived, safeguarded, stored and carefully handed over to
institutions. Three months is not too much. It is a short period. When you compare the
value addition of extending 90 days to the Judges and Magistrates Vetting Board, it is
valuable and not a waste. It is something that will enable them to publicly and transparently
do a clearer and smoother handing over, documentation and archiving.
We need to appreciate that vetting of judges and magistrates is not an easy job. We should
appreciate the work that they have done. In this country judges and magistrates are still
engaged in corruption and a lot of malpractices. As a country, we are dealing with
corruption across board in all places and institutions. I really feel that the culture of
accountability is being inculcated in the process of vetting judges and magistrates. It could
be a small gain but it has nurtured an element of accountability and auditing of individual’s
work and could be containing the likelihood of new practices to be perpetuated. It is also
setting pace for the new judges and magistrates who are likely to be recruited and vetted.
That Board has left behind instruments of vetting newly recruited judges and magistrates
because this is a growing country. Even the judicial officers working in the Judiciary, there
are instruments that have already been developed by the Board that will be utilized as a
starting point in order to build a stronger and sustainable practice of accountability. The
Judges and Magistrates Vetting Board shared with us that they are developing post-vetting
of judges and magistrates work so that they can hand over the new instruments and
structures. This will allow continuity of vetting in the future, so that there will be no gaps. It
will inculcate a culture of accountability, personal audit and personal reflection among
judges and magistrates. I support the extension of time for the Judges and Magistrates
Vetting Board for 90 days for them to do a better quality finalization of their work. Thank
you, Hon. Deputy Speaker. I support.’
Date 24\textsuperscript{th} March 2016  
Member of Parliament: Hon. Sunjeev Birdi  
Contribution she made on: The Vetting of Judges and Magistrates (Amendment) Bill

‘Thank you, Hon. Deputy Speaker for giving me this opportunity to support this very important Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No.5 of 2016). I would like to thank the Departmental Committee on Justice and Legal Affairs, under the able chairmanship of Hon. Chepkong’a, which has done a great job in bringing this matter.

It is very important that we give that Commission its extra three months. I support that because of Sharad Rao and his team. I do not mind saying that again if you did not hear me properly. They have some pending work which will be finished within three months. We are all proclaiming that they are not taking in any extra money. They will complete the work within the stipulated time-frame without any extra money. We need to look into the work they shall be tabling before us. I anticipate that their work is going to be of quality nature. We hope it will be done in three months. After three months, as a House, we need to look into the justification and the recommendations of the report, which will be very important. Having that particular Board is sending a very serious message to the world, especially the western world that, Kenya is very committed to reducing corruption in this country. We need to support them in any way possible.

Lastly, the Law Society of Kenya (LSK) recently held their elections. I wish to congratulate the new Chairman, Isaac Okero. Because the LSK is part of this whole system in which they also work with judges and magistrates, I wish him well. I wish he could bring back the integrity that has been lost within the JSC and the whole legal fraternity.’

Date 24\textsuperscript{th} March 2016  
Member of Parliament: Hon. Joyce Emanikor  
Contribution she made on: The Vetting of Judges and Magistrates (Amendment) Bill

‘Thank you, Hon. Deputy Speaker. I rise to support this Bill. Before I make my remarks, I would like to congratulate the Judges and Magistrates Vetting Board for the good work they have done since they started the vetting process. It is only fair and reasonable that we support this Bill to enable the Board complete its mandate. It will be unfair to have some
judges vetted and others left out just because of lapse of time if the process stops stop midway.

My hope is that there is no cost implication. Now that this country is talking of austerity measures, cutting down on cost is a big issue and this should be one of the things to be critically looked at. Looking at the latest development in the Judiciary, there is graft and cases of judges going outside the scope of their mandates and jurisdictions. I know of cases where a judge ordered that criminals should not be arrested or charged. There are judges who are partisan in their determination of cases. The Board should go further than just looking at backlog of cases in determining the suitability of judicial officers to serve in the Judiciary. They should go deeper into issues of graft in the Judiciary. That will make the vetting more meaningful. With those remarks, I beg to support.’

Date 24th March 2016
Member of Parliament: Hon. Sabina Chege
Contribution she made on: The Constitution of Kenya (Amendment) Bill

‘Thank you, Hon. Temporary Deputy Speaker. I am privileged to speak on this Bill. This was the Bill on gender and I am grateful this evening that Hon. Jakoyo Midiwo is here and I am sure he has changed his mind and heart in support of the Bill. Gender is not just about being male or female, but it is about all of us. The most important bit of this Bill is that we need to prepare for our daughters and sisters who will come after us. Because we have a country will have led in such a way that after 20 years, we will have so many women in Parliament. When I last spoke on this Bill, I made a request to the political parties and because Hon. Midiwo is a leader of a political party, we should not go through the cost of having a bloated Parliament by nominating many women. Political parties should support women financially and provide them with security because those are some of the factors that hinder women from vying.

Women leadership has not been embraced in African countries, but we have great mothers in our society. In church movements, organisations or chamas, we trust women to be treasurers, but not in political leadership. I want to urge the nation that it is high time we supported women because they have been cited as the best leaders. I would like to tell ladies who are watching or listening to this that the time is here. Education was initially biased, but based on the Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) results, gender parity has been achieved. Education is the foundation for the future. I want to urge women who have political
ambitions not to shy away from joining, so that we will not have to debate about adding the number of women.

However, we might need to amend the Political Parties Act. It is not good when we have great women who throw themselves into the political race and do not win at the end of the day, but they have some votes. When nominations are done prior to party primaries or general elections, sometimes women are left out because there are women who were nominated earlier than them. We should have a formula that ladies who try political positions be it member of county assembly (MCA), governor or Member of Parliament (MP), that we look at the percentage of the votes garnered, so that we have them as a priority of women who come to represent people in the National Assembly, Senate or the county assembly. We will end the debate that girlfriends or relatives of various people were nominated to these political positions. It is good to reward women who brace themselves and go out to fight politically. We need that amendment, so that nominations can be done after the general elections and that will cure the suspicion that comes long after nominations have been done.

I support and urge women of this country to support. I want to thank gentlemen and Hon. Members who supported this Bill. We need to empower the women of this country. I promise Kenyans and people of Muranga that I will be a role model. I hope there will be more women who will be inspired come the next general election to be Members of Parliament, Senators, governors or even MCAs.’

Date 24th March 2016

Member of Parliament: Hon. Jane Machira

Contribution she made on: The Constitution of Kenya (Amendment) Bill


Ni lazima tufanye juhudi ili idadi ya wanaume na wanawake iwe inalingana kama ilivyo katika nchi nyingine. Tunafaaa kuwahusisha wakati Kongamano la Beijing lilipofanyika.


Mhe. Naibu Spika wa Muda, katika Kifungu cha 42 cha Mswada huu, wameondoa jopo ambalo liliwekwa kwenda kwa sababu ya majina "Tume ya Ardhi" yabadilishwe na majina "Waziri wa Ardhi". Wakenya wengi walipata matatizo kwa mifani mingi waliyofanyiwa na Waziri wa Ardhi ndiposa wakasema kuwe na tume huru ambayo itaweza kutathmini nafasi mbili kati ya tatu iwe ya akina mama.

Naunga mkono. Kwa hivyo, sisi tunangoja wakati ambao Mswada huu utakapopitishwa tuwe tumepata ile sehemu yetu. Asante.’

**Date 29th March 2016**

**Member of Parliament: Hon. Mishi Juma**

**Contribution she made on: The Land Laws (Amendment) Bill**


Naunga mkono. Kwa hivyo, sisi tunangoja wakati ambao Mswada huu utakapopitishwa tuwe tumepata ile sehemu yetu. Asante.’
Kifungu cha 44 cha Mswada huu kinazungumzia mambo ya dhuluma za kihistoria na kulikuwa na Mswada kamili ambao ulizungumzia mambo hayo. Sasa hivi, tumepewa maneno machache kuonyesha kwamba hido dhuluma hazina umuhimu wowote ilahi hilo ni suala nyeti ambalo limeleta madhara.


Naibu Spika wa Muda, ninawaomba Wabunge wenzangu tusiangalie chama na tusiangalie tofauti zoze ile tuangalie kule mashamba. Tuangalie nchi yetu kule inatoka kwa sula la mashamba. Sula la mashamba ni nyeti. Tuachie zile taasisi ambazo sisi kama wakenya tumezibuni, tumezipendekeza kupitia Katiba yetu na kupitia zile sheria nyingine ambazo ziko sasa za kusaidia masuala ya ardhi.


**Date 29th March 2016**

**Member of Parliament: Hon. Priscilla Nyokabi**

**Contribution she made on: The Land Laws (Amendment) Bill**

‘Thank you, Hon. Temporary Deputy Speaker. Let me start by noting that I support the Land Laws (Amendment) Bill. Every law that comes to the Floor of this House comes in a certain form. It is our duty and task to make that law in the best form that we would like to see it leave this Chamber. In fact, a story is told that the making of law is similar to the making of sausages. You do not want to see what happens when sausages are being prepared; the only thing you want to do is to have those sausages served at the table. So, as we make the law, of course, some of us oppose or do not support, but at the end of the day, as a House, we have to do our duty for this country. The duty that we have had on matters of land law demands that every House has to put its best foot forward.'
If you look at our Constitution and the chapter on Land, you will see a chapter that was postponed. It is a chapter for which we continue not to have all the answers. This is a chapter for which no single House is going to have all the answers. But the 11th Parliament will make a contribution on moving the country forward on matters of land law. It is a difficult debate. Some people have land while some do not have. That is the nature we find ourselves in. But each House of the 11th Parliament with no exception has got to play its role in moving the country forward in matters of land law.

We have come from a situation in which the country had over 150 pieces of legislation touching on matters of land. As we continue moving forward, it is important for the country to continue consolidating the laws that relate to land.

It was not fun. I can tell you that, for those of us who went to Law School, most students used to fail examinations on the area of land law. It used to be the biggest nightmare for any law student out there; the reason being the 150 pieces of legislation with different provisions and different matters. So, an attempt to consolidate land laws is an attempt that we have to continue with to make sure that as we revise our land laws, we reduce the number of legislations that relate to this question.

In supporting the Committee and the drafting, let us, as much as possible, put matters under the land law in one set of legislation or in a one stop shop sort of method. That will be the best because questions are already complex. It is already difficult to understand the various aspects of land law. So, putting these things in various pieces of legislation has not been very helpful.

I have in the past, when I worked as Director at Kituo Cha Sheria, supported very much the Evictions Law. The country needs an evictions law. But whether it comes as a standalone or the eviction matters are dealt with in a law like the one we are dealing with is not the bigger question. The question will be that the country conducts its evictions in a humane manner. That it is, indeed, true that there are people who are going to be in the wrong piece of land and when as a last resort, as a result of a court order, there needs to be an eviction, it would be conducted in accordance with the law. So, if those provisions are in the Land Laws (Amendment) Bill, I am happy to support it because it deals with the question of eviction. It is not too much having legislation titled “Evictions”, but it is better to conduct evictions humanely in a manner supported by law. If this law supports that I support it. I also support the chapter on PSC appointments. This matter has come under intense deliberations since the advent of the Grand Coalition Government. The selection panels we had during the regime of the Grand Coalition Government were phenomena that arose out of the Post-Election Violence (PEV). We had the President and the Prime Minister. Because the levels of
trust in the institutions were very low, it was felt that having a selection panel at every point of the journey was the better way to go. The new Constitution came to cure that. As a country, we are now required to continue investing in our public institutions. It is not in our interest to mistrust the PSC. There would be nothing wrong in the land commissioners, the Independent Electoral and Boundaries Commission (IEBC) commissioners, the Ethics and Anti-Corruption Commission (EACC) commissioners and every other person who wants to serve in the Republic of Kenya going through the PSC. The PSC would then grow the expertise, have the data on regional balance, data on gender, data on young people and data on who we need to appoint in the next set of public jobs. It is not helpful to go back to the selection panel. The PSC will serve this country well. Thank you, Hon. Temporary Deputy Speaker.’

(Replying to a Point of Order)
‘Thank you, Hon. Temporary Deputy Speaker. I want to thank the Member for that concern and correction. It is true that Parliament has the capacity to do its work, but I do not think Parliament can sit to receive applications and advertise for applications. The PSC will need to do that work and bring to us names that they would have identified. We would then be required to vet those names. That is the process we are anchoring in our laws. The Member sits in the Departmental Committee on Justice and Legal Affairs and he knows that is the process we used for EACC commissioners. We think it served us well. We still need the checks and balances.

The process will start this way: The PSC will advertise and any citizen who feels qualified enough to serve in that capacity will have to apply. The reason I support that process is because one will do self-vetting. If you have been a land grabber you will, of course, never apply to be a commissioner in the NLC. If you have issues with the land that you have acquired, there is no chance that you will put forward your application to serve in the NLC. What we found out is that self-vetting is many times more powerful than public vetting. You vet yourself in your bedroom before you put in your application. Once you do that, you will be telling Kenyans: “I can serve as a commissioner of NLC.” The PSC will conduct the interviews and look at all documentation, history and intelligence reports. It will then generate a short list of the people who have qualified after that interview. That list will be given to the President to nominate the number of commissioners required to sit on the NLC and those names will be brought to this National Assembly for vetting. After such a rigorous process, it will be a shocker if, as a land grabber, you survive in a process that has gone to all the institutions of governance.
Hon. Temporary Deputy Speaker, in supporting the inclusion of the PSC, I will also be urging the Chairman of the Departmental Committee on Lands to look at the process we have included or used in the EACC and adopt aspects of it as relates to the NLC. It is the same process we will be recommending for the Registrar of Political Parties so that we get people who want to serve the nation.

Hon. Deputy Speaker, it is not a secret now that the NLC feels like a CORD Coalition Commission. I do not know where that perception has come from. Maybe it is the manner in which they have presented themselves to the public. The feeling is that these commissioners are not Kenyan commissioners. Supporting that way of appointing persons brings into office somebody who wants to serve the county and not a coalition or any other interest.

Hon. Temporary Deputy Speaker, I will also be introducing an amendment on declaration of sources of funding before the transfer of title is done. Time has come for anybody who wants to get land and wants to transfer land to declare the sources of money, to be able to acquire that land. It has been wrong for people to be corrupting public office and become real estate owners who spoil the market and mess up our rates so that we are buying land in Nairobi as expensive as in New York.’

DATE: 30th March 2016
Member of Parliament: Hon. Esther Murugi
Contribution she made on: The Land Laws (Amendment) Bill
‘I support this Bill. Its main purpose is to harmonize the workings of the NLC as well as of the Ministry because in the last few years there have been a lot of wrangles and hence we were not able to move forward in the land reforms that the country was awaiting.

In this Bill, we have amalgamated the laws that we had envisioned. They are the Eviction and Resettlement Law and the historical injustices which have been put under the Land (Amendment) Act, 2015.

We found when we were discussing with various stakeholders, that there were too many laws and many Kenyans were not sure which law to use for what purpose. It is also expensive and too many bureaucracies building up when there are too many laws. This is supposed to reduce those bureaucracies and make sure that what wananchi want is delivered in the shortest time possible.

Under Section 159, the Land Laws (Amendment) Bill envisages that we shall create a scientific formula of maximum and minimum acreage which was a big contention in the whole country. This was a sour point for many people especially those who own large acreage. They were wondering how can a law be brought that will make one have 50 acres
instead of their 1000 acres. After consulting with many stakeholders, we feel that the Land Laws (Amendment) Bill, 2015 should now harmonize all the land laws in Kenya. It should also make working within the two departments; that is the Ministry of Lands, Housing and Urban Development and the NLC harmonize and deliver to wananchi the services they require regarding the issue of land.

We also envisioned that we should have a law relating to eviction. As some of the previous speakers have said, the law on eviction is due because of the way we normally evict people in this country. This will give a formula on how you can evict and resettle people and reasons for the eviction. The Ministry of Lands, Housing and Urban Development is now the custodian of all the information and titling. We now have a central place where one can go to get information relating to various parcels of land in this county.

I support and being a Member of the Committee, we have done a lot of work--- We have consulted many stakeholders and feel this is the future for Kenya. Thank you, Hon. Temporary Deputy Speaker.’

DATE: 30th March 2016

Member of Parliament: Hon. Zuleikha Hassan

Contribution she made on: The Land Laws (Amendment) Bill


Maandiko ya kukumbusha habari katika Mswada huu yanasema kuwa sheria hii inataka kupunguza nguvu za Tume ya Ardhi ili ishughulikie tu masuala ya ardhi za umma lakini Kipengele cha 67(2)(c) cha Katiba kinasema kuwa: “Tume ya Ardhi inapaswa kushauri Serikali ku kuhusu uandikishaji wa ardhi zote katika nchi yetu.”

waliotunga Mswada huwamwejelee na wauandika sheria kama kisingiwa cha kuleta sheria ambayo haitafaa.

Mhe. Naibu Spika wa Muda, Mswada huwameondoa kazi ya Tume ya Ardhi katika masuala ya kuendelea kazi za ofisi za masuala ya ardhi.

Masuala ya dhuluma za kihistoria yamezungumziwa kwa ufupi sana na yanafaa yazungumziwa kwa kinaga ubaga ili tuangalie njia ambazo wamekuwa wakidhulumiwa kwa sababu ya ardhi hivyo siku zilizopita. Sababu kubwa ya kuleta Katiba hapa ni kuibadilisha ili kuwasiliana juu wa shida zote ambazo wamekuwa nazo kama nchi pamoja na shida za ardhi zimetafutiwa suluhu. Sheria hii inaturejesha pale tulipokuwa kabla ya kupata Katiba - siku za giza na kudhulumiwa.

Sheria za kufurushwa kwengine ardhi hazijazungumziwa licha ya kuwa huwamwejelee na wauandika sheria zitezungumza. Hivi sasa, katika maeneo ya Mombasa, Changamwe na Kisauni, kuna watu wameahidiwa kuwa wataondolewa Ijumaa katika ardhi yao. Wizara ya Ardhi inafanya maeneo hii na inaweza kufanya viseiko bila sheria za kusema jinsi watu wanavyotakikana kuhamisha?

Tunapinga jambo hilo na mambo ya kuhamisha lazima iwe katika sheria kama hii. Waziri wa Ardhi amepewa majukumu ya Tume ya Ardhi. Kwa mfano, masuala ya kuamua ardhi ni ya mtu fulani.


Zile njia ambazo watu wanaweza kukaan na kukuitaliana kuhusiana mizozo ya ardhi zimeondolewa; kwamba si lazima kuenda kortini kuzungumzia shida zao. Imezidi kutia mwananchi katika dhiki na shida. Katika Mkoa wa Pwani, kuna asilimia zaidi ya 60 ya watu ambao wako kwengine ardhi ambazo hazijasajiliwa. Umaskini ambao uko katika nchi hii hususan Mkoa wa Pwani ni mkuwa ilhali unamwambia mtu azidi kugaramia kwa sababu
ya kutetea haki yake ya kuishi pahali ambapo ni kwao tangu jadi na ambapo vizazi vyote vya familia vimetoka.

DATE: 30th March 2016
Member of Parliament: Hon. Sarah Korere
Contribution she made on: The Land Laws (Amendment) Bill
(On a Point of Order)
‘On a point of order, Hon. Temporary Deputy Speaker. My very good friend, Hon. Aghostinho Neto, and the soberest of all the Orange Democratic Movement (ODM) Members of Parliament I have known, is insinuating that there are mad men and women in the NLC. She is using very un-parliamentary language. The member is misleading this House by insinuating that the NLC is an affiliate of CORD. He should withdraw or substantiate that.’

DATE: 30th March 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Land Laws (Amendment) Bill
‘Thank you, Hon. Temporary Deputy Speaker. Can the Member please withdraw and apologise for implying that some members of ODM are not sober. I am a teetotaller. I may be very lethal but I am a teetotaller. I am absolutely 100 per cent sober when I do anything and everything I do in this House. So, can she please withdraw and apologise?’

DATE: 30th March 2016
Member of Parliament: Hon. Grace Kipchoim
Contribution she made on: The Land Laws (Amendment) Bill
‘Thank you very much, Temporary Deputy Speaker. I rise to support the Bill. We are talking about the Land Laws (Amendment) Bill. I support members of the Departmental Committee on Lands for the noble work they have done by coming up with this Bill.
As pastoralists, we fear this Bill. I want to appreciate the Committee for taking us through it. We have sat several times with the Committee to listen to how the Bill is going to operate
on our lands. When you come to the maximum and the minimum acreage, pastoralists have a lot fear because we live in a jungle. We feel that the Bill will not work in our areas, but we thank the Committee and the officers at the Ministry of Lands, Housing and Urban Development for taking us through the Bill and explaining how it is going to support us.

As other Members have a lot of fear on NLC, I also feel that it is an important commission that should not be wished away. I am a victim of circumstances. Last week, we saw a Gazette Notice published by the Ministry of Environment, showing that a full location in my constituency was hived off and annexed to be a forest. That is against the wishes of the local people. We have since been fighting as a county to ensure that, that injustice does not happen in this era, when we have leadership from the county level all the way to the national Government. We feel that the rights of the majority were not observed. The only department that stood with us was the National Land Commission (NLC). They listened to us and have come to our rescue by halting the process of annexation. They have done this in writing. That has saved our communities from fighting. We will be working together as a team and, in the process, bring sanity to both sides. People will sit and agree on what to do with their land.

The other issue is about compensation. The funds that have been allocated as compensation to the Ministries in charge are not clear. It is not clear who will be compensated and when they will be compensated. We need to introduce some amendments.

With those remarks, I support.’

DATE: 30th March 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: The Land Laws (Amendment) Bill

‘On a point of order, Hon. Temporary Deputy Speaker. I want to know the next Order because some of us have been seated here the whole afternoon with very specific interests. The way we are moving might be a bit unfair to Members because we come here when we know what is in the Order Paper.’

DATE: 2nd March 2016

Member of Parliament: Hon. Esther Gathogo
Contribution she made on: Motion on Decentralisation of registration of National identification cards

She rose on a point of order to request the speaker to reduce amount of time given to members during contributions to the bill to save time for more members to also contribute.

Date 2\textsuperscript{nd} March 2016  
Member of Parliament: Hon. Alice Chae

Contribution she made on: Motion on Decentralisation of registration of National identification cards

‘Thank you, Hon. Temporary Deputy Speaker for the opportunity to support the Motion by making the following points. I feel that if we decentralise registration of national IDs, we will decongest the National Registration Bureau.

Hon. Temporary Deputy Speaker, this will restore confidence to people especially women who after being married take long to change their names. Sometimes even those who got married long ago have never got IDs with changed names. This is the case and yet this is a right that is supposed to be accessed by everybody. These women need to join \textit{chamas} and access banking facilities in their communities but there is no way they can do it without these vital documents.

Secondly, decentralisation will ensure that one has security. Without an ID, the police do consider you as a Kenyan and they can even arrest you. With an ID you are assured of your security as a Kenyan and you can freely move east or west 24/7. Decentralisation of this service will also ease the process of registration. When this service is near people, the chiefs can easily identify the IDs that have not been collected from the district headquarters and deliver them to people in their homes. When IDs are processed in Nairobi, sometimes they are posted to wrong district headquarters, and in my view, that is why we have many uncollected IDs.

Transparency and accountability will also be enhanced because you know who Kenyans are. Decentralisation will enhance the devolution function which all of us want. I support the Motion. I believe that the faster it is passed, the better. We want everybody to access vital services in our country so that students who are joining universities are not told they cannot access Higher Education Loans Board (HELB) loans because of lack of IDs. If IDs registration centres were in counties, immediately after Form Four, when they are waiting to join universities, they would easily get their IDs.

I support the decentralisation of the registration of national IDs to counties.’
Date 2nd March 2016  
Member of Parliament: Hon. Fathia Mahbub  
Contribution she made on: Motion on Decentralisation of registration of National identification cards

‘Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I really support this Motion for decentralisation of ID issuance. Kenyans face many problems when they seek IDs. In my county, we have many youth who are waiting for ID cards until sometimes we feel that we are not part of Kenya. This is because of the delay. Centralisation of issuance of IDs causes many problems. There is bureaucracy and some technical hitches. Sometimes, when the IDs are issued, female names turn out to be male names. I really support this Motion. If this is decentralised, people will be able to get their IDs at the right time. Centralisation also causes loss of opportunities to our youth. We have many youth who are not able to register for their youth funds or Uwezo Fund because of lack of IDs. Lack of IDs also affects university students. I hereby support this Motion because lack of IDs has really caused many problems in our areas. In North Eastern region, we have a notion that we are given few opportunities because it takes nine or 10 months for our youth to get IDs. I end by saying that this Motion is important because everyone faces the same problem in his or her county. Something has to be done so that registration and issuance of IDs is decentralised. Thank you.’

Date 2nd March 2016  
Member of Parliament: Hon. Christine Ombaka  
Contribution she made on: Motion on Decentralisation of registration of National identification cards

‘Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to highlight the importance of an ID first by saying that it makes you a Kenyan. People know that you are a Kenyan. Without an ID, you are stateless and nobody can tell whether you are a Kenyan or not. Therefore, it is a very important document that every Kenyan must own.

However, there are challenges in terms of gender issues. The women of this country, including myself, have had a huge challenge in getting IDs. Up to now, I am using my passport because it is easier to get it as my colleague earlier stated. I got my passport in two days. To get an ID takes one year. There is that difference. We need to fast-track the issuance of IDs. The reason there is apathy is because of these challenges. It takes so long.
Money passes from one hand to the other and people wait for so long that nobody wants to get an ID any more. There is a lot of frustration in the processing of IDs. Even dead people need IDs when there is mass murder, so that individual bodies can be identified for burial. That is the extent to which an ID is important. I agree with the suggestion that issuance of IDs must commence at secondary schools. These are the young people who need IDs. They are the ones who encounter challenges when they get out of school and apply for IDs. We should, therefore, issue them with IDs before they complete high school, so that by the time they complete Form Four, they can proceed to college or get employed.

Older women in the village suffer greatly. When you send them money through Mpesa, they use relatives’ telephone numbers to get the money because they do not have telephone lines because they do not have IDs. When you send them money through Mpesa using somebody else’s mobile line, the recipient of the money takes part of the money. That is why it is important to quickly facilitate issuance of IDs. Women suffer a lot. They are asked to go home to their fathers to get certain rights or signatures in order to get IDs. Women have special needs which require special attention to ensure that nobody disturbs them or wastes their time.

Chiefs play a very important role, but they need to be facilitated. That is why they ask applicants for money in order to get IDs. It is true there is decentralisation to some extent because the initial process of applying for IDs takes place in the village. What is not decentralised is the actual processing of IDs that are brought to Nairobi. Members of Parliament will have to help by ensuring that the entire process goes back to the communities they represent. Members of Parliament have begun to take part in the registration, collection and distribution of IDs to members of the public because the people who are supposed to do that work have failed in their duties. They have made Members of Parliament to do the work they are supposed to do. That is a challenge we need to address. Where should IDs be collected and how long should it take to be processed? Can it take two days or three months? If so, why do we not do it? Kenya being a digitalised country, the process can take two days. I do not understand why it takes a year for one to get an ID. Let us look at how long it takes to register, so that everybody can have an ID. The year 2017 is around the corner. There is a huge rush for acquisition of ID. At the same time, there is a rush for voter registration. Why should this happen? We should be doing this continuously from January to December each year. We should not wait until we have only a year to the general election. With those remarks, I beg to support.’

Date 2\textsuperscript{nd} March 2016
Thank you, Hon. Temporary Deputy Speaker. I stand to support the Motion as amended. The current situation on issuance of IDs is a national shame if not a disaster. Three days ago, I was in my constituency and was embarrassed to be informed by my constituents that Kenya Army officers were stopping vehicles on the way, picking out ladies, men and the elderly because they did not have IDs. It is not the mistake of the community that they do not have IDs. On the Moyale-Marsabit Road, there is a whole contingent of Army lorries that are picking up people who do not have IDs. They are being harassed. Many of them have resorted to showing their left hand, which has the polio scar to be identified as Kenyans. Many of them have been beaten and taken into police custody because they do not have IDs. There are over 500,000 youth, elders and women who do not have IDs in Isiolo.

We have about 54,000 registered voters and over 500,000 who have not been registered. This denies them the right to vote, get services and employment opportunities. I have a case of seven university students who cannot access loans from the Higher Education Loans Board (HELB) because they do not have IDs. They have been sent home and have dropped out of school because they do not have IDs. This is discrimination. This is trying to curtail their rights to own IDs. In my constituency, I have encountered women who do not have IDs for their children because their fathers have refused to part with their IDs. This is a serious issue that also needs to be handled.

As we discuss the issue of IDs, there is double standard in policy formulation. We know quite a number of counties especially Isiolo, Marsabit and Moyale where, for example, a person who does not belong to the county or has not lived in the county for a long time should not be given an ID. We have people who have moved from different parts of this country to Isiolo, Marsabit and Moyale and they can easily get IDs because the vetting process favours them. Many of them have denied the local community job opportunities because the local communities cannot get IDs. We have police recruitment, judicial jobs and many others which the local community cannot access because we are sharing with other communities who have moved into the area and the vetting process supports them. This minority group which has been disadvantaged for many years should not be punished for things they have not called for. They should be given an opportunity to get IDs as soon as possible. It is easier to get a passport than getting an ID. Many parents are now flocking immigration offices to get passports for their children, so that they can register as voters. As I support this Motion, we should either give Kenyans IDs or we stop voter registration.
because it is not going to be fair. We are going to disadvantage areas that are supposed to be getting more voters.’

**Date 3rd March 2016**

**Member of Parliament: Hon. Joyce Laboso**

**Contribution she made on: Approval of the Budget Policy Statement 2016/2017**

'Thank you, Hon. Speaker. I beg to move the following Motion:-

THAT, pursuant to the provisions of Section 25(7) of the Public Finance Management Act and Standing Order No.232, this House adopts the Report of the Liaison Committee on the Budget Policy Statement and the Debts Management Strategy for the Financial Year 2016/2017 and the Medium Term, laid on the Table of the House on Thursday, 3rd March, 2016, and approves the Budget ceilings in respect of various votes and programmes in the national Government, the Judiciary and Parliament as contained in the Schedule.

Hon. Speaker, on behalf of the Liaison Committee and pursuant to Section 25(7) of the Public Finance Management Act, it is now my pleasure to present to this House the Committee’s Report on the Budget Policy Statement (BPS) 2016 and the Medium Term Debt Management Strategy (MTDMS), 2016.

I begin by giving thanks to the offices of the Speaker and Clerk of the National Assembly for the support they have extended to the Committee in the execution of its mandate. The Committee also takes this opportunity to thank the Commission on Revenue Allocation (CRA) and the Cabinet Secretary (CS) in charge of the National Treasury for their contribution during the Committee’s deliberations clarified on some of the pertinent issues in the BPS 2016. I also take this opportunity to thank members of the Committee for their patience, unwavering sacrifice and commitment to public service, which enabled the Committee to complete this very important task within the stipulated time. Further, the Committee acknowledges the technical input of the staff of the Parliamentary Budget Office (PBO) which was extremely invaluable in the consideration of the BPS 2016.

Hon. Speaker, it is now my duty and privilege, on behalf of the Liaison Committee, to present to the National Assembly the Report of the Committee on the BPS, 2016 and the Medium Term Debt Management Strategy, 2016.

This Committee extensively considered the BPS and the MTDMS. The Committee also sought the views of the National Treasury and Commission on Revenue Allocation among other stakeholders. More importantly, the Committee also received recommendations from various Departmental Committees.
In line with Section 25(8) of the Public Finance Management Act and PFM Regulation 27(4), once the House approves the Report on 2016 BPS, the ceilings approved shall serve as a basis of expenditure ceilings for the coming financial year and the medium term. More importantly, PFM Regulation 27(5) spells out that once the House adopts the Report, the ceilings for development expenditure and personal emoluments of the National Government shall be binding for the next two years.

As Members are aware, the BPS is underpinned by the Public Finance Management Act, 2012 and the Public Finance Management Regulations, 2015. The Committee was able to establish that the Statement largely adhered to the provisions of the law. However, the Committee observes that there are some provisions of the law that were not adhered to. In particular, the lack of adherence to fiscal responsibility principles as set out in Section 15 of the Public Finance Management Act and section 26(1) of the Public Finance Management Regulation. For example, the BPS failed to factor in compensation of employees from State-owned enterprises as required under PFM Regulation 26(1)(a). Secondly, there was no information provided relating to the level of budgetary expenditures by economic and functional classifications (PFM Regulations 29(1)(a)(ii)).

According to the BPS 2016, the economy is projected to grow at 5.5 per cent in 2014/2015, 5.8 per cent in 2015/2016 and 6.1 per cent in 2016/2017. The Committee is concerned that due to the recent and external economic developments, these growth and revenue projections may be unrealistic and as has been the case, this often leads to revising expenditure and increasing debt. The Government projects inflation to remain within the target in 2016 and the medium term. Nevertheless, it is important to note that the expenditure pressures and the high import bill arising from the general election to be held in 2017 may result in higher inflation.

For the 2016/2017 Financial Year, the Government targets revenue collection of approximately Kshs1.5 trillion from Kshs1.36 trillion in the 2015/2016 Financial Year. The ordinary revenue is projected to be Kshs1.38 trillion compared to Kshs1.25 trillion in the 2015/2016 Financial Year. The Appropriations-in-Aid (A-in-A) are projected to be Kshs116.2 billion compared to Kshs103.2 billion in the 2015/2016 Financial Year.

A review of the approved budgets against actual revenue performance in previous years indicates a systematic over-estimation of revenue. The underperformance of revenue has a negative impact on expenditure performance. Therefore, the revenue targets should be reviewed for a more realistic projection to be given.

Hon. Speaker, the total expenditure and the net lending is projected at Kshs2.05 trillion or 28.3 per cent of the Gross Domestic Product (GDP) compared to Kshs2 trillion in the
2015/2016 Financial Year. The contraction in expenditure as a proportion of GDP is witnessed both in Recurrent as well as in the Development Expenditure. The total Recurrent Expenditure is projected at Kshs1.19 trillion compared to Kshs1.09 trillion in the 2015/2016 Financial Year, while the total development and net lending is projected at Kshs 667.7 billion compared to Kshs718.5 billion in 2015/2016 Financial Year.

The emphasis to contain growth of expenditures by the Government is admirable since this is the very first time in recent years that expenditures are contracting. However, there is no clear indication of whether there is a shift of resources from Recurrent Expenditure to Development Expenditure since both are set to reduce in the 2016/2017 Financial Year. Indeed, this reduction of Development Expenditure of the medium term implies the need for the Government to find alternative sources of finance to meet the ever-increasing development needs.

Fiscal deficit, including grants, is set to reduce from Kshs569.2 billion in the 2015/2016 Financial Year to Kshs495.5 billion in the 2016/2017 Financial Year. This reduction will be sustained gradually over the medium term to Kshs372.7 billion in the 2018/2019 Financial Year. The deficit in the 2016/2017 Financial Year will be funded by net external financing of Kshs310.7 billion and domestic financing of Kshs184.8 billion.

The gradual decline in fiscal deficit over the medium term will see external financing reduce from 4.3 per cent of GDP in the 2016/2017 Financial Year down to 2.5 per cent of GDP in the 2018/2019 Financial Year.

Likewise, domestic financing will reduce from 2.5 per cent of GDP in 2016/2017 to 1.6 per cent of GDP in 2018/2019.

Hon. Speaker, the BPS 2016 is anchored on a five-pillar transformation programme that began three years ago. However the BPS 2016 was slightly revised and the contents of those five pillars make it hard to track the progress of some of the policies. Sustaining business environment for investment opportunities is the first pillar. This pillar includes investing and creating a secure environment for investors. This means allocating more resources to security to build the infrastructural capacity of the security agencies and basic road and rail network.

Continued investment in infrastructure to unlock constraints to growth is the second pillar of the BPS. The BPS 2016 recognizes that a good road network enhances trade, commerce agricultural productivity as well as boosting regional trade. The strategy, therefore, is to develop an effective, efficient and secure road network through construction of 3,800 kilometres of low volume roads in the rural areas, continued expansion of major roads in urban centres and prioritization of construction of the East African link roads.
The BPS 2016 indicates that the Mombasa-Nairobi Standard Gauge Railway (SGR) is over 60 per cent complete and is set to be completed by mid-2017. The Government is currently in the process of security funding for an extension from Nairobi to Naivasha. The BPS also highlights the plan to upgrade and modernize the urban commuter mass transport system through public/private partnership. In addition, financing of the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Programme from Lamu to the oil exploration locations through public/private partnership will be given priority.

The Government targets to provide affordable and competitive energy through the programme, and aims at generating additional 5,000 megawatts of power by the end of 2017. The Government has since 2013 been able to inject an additional 680 megawatts into the national grid. Some of the key projects targeted for the medium-term include 987 megawatts from the Lamu Coal Power Project, 300 megawatts from Turkana Wind Power Project and 300 megawatts from the Kitui Coal Project. The Committee is concerned about the pace of project execution in this sector. For example, the strategy to increase power production by 5,000 megawatts by 2017 has delayed and only 14 per cent completion has been achieved so far within the first three years.

Sustained sectoral spending for employment creation is the third pillar under the 2016 BPS. Under this pillar, the Government plans to prioritize investment in research and extension services, agro-ecological zoning and re-organization of farmers into viable cluster groups for economies of scale, establish disease-free zone facilities in Bachuma, Kurawa and Miritini, finalize the procurement of Offshore Patrol Vessel (OPV), complete the fertilizer manufacturing plant in September 2016 and increase the acreage at the Galana-Kulalu Ranch Irrigation Project from the pilot of 10,000 acres to 100,000 acres.

Hon. Speaker, the BPS 2016 had indicated a number of strategies it intends to pursue for improvement of agriculture. With the agricultural sector being devolved, these strategies would require strong inter-governmental framework geared towards strong involvement of county governments. However, the strategies developed seem to indicate what the national Government intends to do, but has no clear guidelines on how information is supposed to be disseminated to the county governments.

The Committee also observed that there is insufficient value addition that is stifling the performance of Kenyan products in international markets, thereby contributing to unfavourable balance of trade. The Committee further observed that there are still challenges in acquisition of trade licences and permits which should be addressed by collaboration with other related institutions.
The Kenya Vision 2030 requires that the Kenyan youth, who form a huge portion of the population, be actively engaged in agriculture. This requires that agriculture should be fashionable, attractive and profitable in order to attract the youth.

On fisheries, the fish quality laboratories that are currently under construction will be completed in 12 months’ time, and require technical staff to be recruited and also accreditation of the laboratories to promote fish farming, which will require funding.

Hon. Speaker, on the issue of tourism, the BPS 2016 indicates that the Government’s focus will be on improvement of security, tourism promotion, marketing and continued investment in conference tourism facilities in Nairobi, Coast and Western Kenya. The Committee also observed that part of the reason why the tourism industry has deteriorated in the recent past is due to insecurity, travel advisories, poaching, inadequate utilities and infrastructure. However, the funding for improvement of tourism facilities and infrastructure is low.

On sports and arts, the Government plans to construct five stadia through public/private partnerships, review the sports policy and legislation and create awareness on anti-doping issues. Further, it sets to roll out incentive packages to ensure film and music flourishes in Kenya.

Hon. Speaker, sustained investment in social services for the welfare of Kenyans is the fourth pillar of the BPS 2016. The 2016 BPS proposes to scale up expenditure for universal health initiative such as free maternity service and free basic health care services, modernization of equipment in 94 hospitals - two per county - reducing mobility and mortality rates from malaria, HIV/AIDS, TB and other communicable diseases, and for the recruitment of more health workers.

The Committee further notes that the country is yet to achieve the Abuja Declaration for allocation of at least 15 per cent of the total annual expenditure to health programmes, given that the national Government ceiling for health in 2016/2017 is Kshs59.57 billion. This is merely 3 per cent of the total expenditure. Substantially, more resources need to be allocated to counties to move towards that ambitious target.

The Committee further noted that there is delay in full implementation of the key flagship projects such as the health equipment project where, out of the 98 health facilities expected to receive specialized equipment, only six health facilities have so far received the equipment. Similarly, the slum upgrading projects is behind schedule despite an allocation of Kshs1billion in the Financial Year 2015/2016.

This education strategy in the Budget Policy Statement (BPS) includes the integration of ICT curriculum in all levels of education and the strengthening of quality assurance, national skills survey with the aim of developing a national human resource development plan,
aligning education and training curriculum to meet the demands of the labour market and revitalizing youth polytechnics. The BPS proposes a ceiling of Kshs342 billion to the education sector out of which, Kshs306 billion is for Recurrent Expenditure while Kshs35.5 billion is earmarked for Development Expenditure.

The Government has several targets under the social safety net programmes. These include the training and empowering of persons with disability for self-reliance, providing education support to orphans and vulnerable children (OVCs), increasing the number of counties linked to the single registry for national safety net programme from 10 to 25 counties and setting up a national safety network compliance and grievance structure.

The BPS 2016 proposes to increase the number of beneficiaries in the cash transfer programmes from 717,000 in 2015/2016 to about 1.7 million in 2018/2019. This will, in effect, increase the coverage of households with older persons from 310,000 to 760,000: Households with all OVCs from 360,000 to 810,000 and persons with severe disability from 45,000 to 137,000.

The BPS strategy on environmental conservation and making water accessible is to prioritize implementation of programmes under the growth initiative. The Government will ensure that an environmental impact assessment is undertaken on all projects. To mitigate the impact of climate change, there is planned investment in re-afforestation, roll out of water harvesting and storage in all public institutions and in green energy. The Government further targets the construction and rehabilitation of water pans, an investment in mini dams and mid-size dams to store water for household and agricultural use.

The Committee extensively considered the BPS and the medium term debt management strategy. The Committee also sought the views of the National Treasury and the Commission on Revenue Allocation (CRA). More importantly, the Committee also received recommendations from the various Departmental Committees. After careful consideration and, more importantly, noting the huge budget constrains as reflected in the macro-fiscal framework, the Committee recommends the following:-

In the vertical sharing of nationally raised revenue, having considered the submissions of the National Treasury, the CRA, Departmental Committees and other stakeholders, and given the need to enhance fiscal austerity and productivity of public resources and to ensure that the overall fiscal deficit and debt accumulation is within reasonable limits, the Committee recommends that the allocation between the two levels of government be as follows:-

(1) That the National Government be allocated Kshs1,099.902 billion.

(2) That the counties be allocated gross amounts of Kshs302.198 billion comprising of:-
(a) Equitable share allocation amounting to Kshs280.3 billion;
(b) Conditional allocation for Level 5 hospitals amounting to Kshs4 billion;
(c) Conditional allocation for free maternity healthcare amounting to Kshs4.121 billion;
(d) Conditional allocation for compensation of user fees foregone of Kshs0.900 billion; and,
(e) Conditional allocation for leasing of medical equipment of Kshs4.5 billion.
(3) That counties be allocated Kshs4.307 billion out of the Fuel Levy Fund for road maintenance.
(4) Special-purpose-supporting emergency medical services for Lamu and Tana River counties of Kshs0.2 billion.
(5) That counties be allocated Kshs3.870 billion, being amounts raised through loans and grants by the national Government for specific projects at the county level.
The total allocation to counties is equivalent to 32.2 per cent of the most recent audited revenue approved by the National Assembly. This allocation is, therefore, realistic, given the expected revenue collection, expected economic growth and ongoing fiscal austerity policies being implemented by the Government. The Committee further recommends that the vertical share forms the basis of the Division of Revenue Bill, 2016 that will be introduced in the House.
Further, the Committee is concerned that conditional grants from the national Government are not linked with county budgets. To this end, the Committee recommends the need to put in place an inter-governmental framework to effectively deal with conditional grants and, more so, the donor-funded projects to ensure that they are well-captured in the county budgets.
Further, that a proper framework for disbursement of the Equalisation Fund be expedited and finalised in good time to allow the selected marginalised counties to benefit from that Fund. The Committee further recommends that Kshs6 billion be allocated to that Fund in the 2016/2017 Financial Year.
The next point is on the expenditure ceilings. The Committee recommends that the ceilings for the three arms of Government be set as follows:-
(1) The National Executive - that is the ministries, departments and agencies (MDAs) – Kshs1,451.646 million (confirm figure);
(2) Parliament with Kshs29.406 million of which:-
(i) PSC Vote 2041 – Kshs13.458 million;
(ii) National Assembly Vote 2042 – Kshs15.948 million; and,
(3) Judiciary Vote 1261 – Kshs17,309 million.
As you are aware, the Government has been implementing the Medium Term Expenditure Framework Budgeting for enhanced predictability in resource allocation and to ensure better planning. However, a number of projects initiated have either stalled, remained incomplete and have no direct link with the Budget Policy Statement (BPS) and the annual estimates. In this regard, the Committee recommends no new project should be introduced after the adoption of the BPS and that the annual estimates, which shall be laid in this House sometime in April, must include a detailed list of projects that are reconcilable with the Development Estimates of 2016/2017.

Secondly, that in line with the Public Finance Management Regulations No.27 (5), the ceilings that are included in the BPS 2016/2017 for development and the wage bill in the medium term are binding.

Third, that in line with Article 221(5) of the Constitution, which requires that the National Assembly takes into account the views of the public when finalising the Budget, this House should earmark Kshs1 billion for resources that can be used for economic stimulus programmes in areas that have not benefited before. The Committee recommends that a criterion be developed on the amount of funds to be allocated before the time of receiving the budget estimates and the procedure of identifying several projects before the finalisation of the estimates.

Four, that the House approves the schedule of ceilings for spending agencies towards recurrent and development spending per programme as provided for in Schedule I of the Constitution. Five, that this House notes the additional requests for critical expenditures as shown in Schedule II of the Constitution that are unfunded and directs the National Treasury to find the resources within the framework as adopted in the BPS 2016/2017.

On the issue of the medium term debt management strategy, the Committee feels that this House should approve the debt management strategy underpinning the 2016/2017 Budget. The approved shall remain binding for the 2016/2017 Financial Year and any change in strategy must be approved by this House.

Secondly, the National Treasury should provide details on which projects, both ongoing and earmarked projects by sector, are to be implemented using the projected debt resources during the annual estimates.

Third, the Medium Term Debt Management Strategy (MTDS) should be realigned to the broad strategic priorities and policy goals set out in the BPS as required by the Public Finance Management Act to ensure that there is credibility of the debt strategy being pursued by the Government.
Fourth, that the Government pursues debt policies that are aimed at achieving fiscal consolidation and efficiency in revenue allocation intended to achieve a balanced Government budget.

Lastly, on policy recommendations, the first one is that the National Treasury initiates a comprehensive assessment of the existing projects and provides the Legislature with a plan of action of how the said projects are going to be completed within the current and the medium term resource framework.

All the expenditure adjustments in form of supplementary budgets should be done on or before April of any given year. This will assist in addressing the issue of pending bills, occasioned by late approvals of the Supplementary Appropriation Bill.

Secondly, the National Treasury should endeavour to issue guidelines on foreign travel and domestic travel that supports the objective of reducing wastage while, at the same time, maintaining the purpose and objectives of such activities.


Date 3rd March 2016
Member of Parliament: Hon. Priscilla Nyokabi
Contribution she made on: Approval of the Budget Policy Statement 2016/2017

"Thank you, Hon. Speaker. Let me start by congratulating the Deputy Speaker and the Liaison Committee for the work they have done in processing the BPS. Those of us who served in the Budget and Appropriations Committee before and are still hoping to go back to it, are aware of the task at hand. Let me also congratulate the National Treasury for giving us a reduced Budget. It is time we cut our coat according to our cloth. We need to fit the Budget we have as a country to the resources that we have. We cannot borrow for Recurrent Expenditure. We cannot do that. It will be the wrong policy and that is how to bring down our country. We can only borrow for Development Expenditure but, as far as possible, we should cut our coat according to our cloth.

When you look at our Budget, you see a lot of austerity measures that need to be inculcated in the Budget. We still have a country where tea, coffee and meals are big indicators of our meetings. It is time, like in many other developing countries, we held our meetings and had water alone, like we do here in the National Assembly. The only thing that people should have as they meet is water to drink and not tea or coffee. This is a poor country. We should cut our travel budget and advertising. Every time you open a newspaper, we know those Cabinet Secretaries and the Principal Secretaries. I do not know why they serve us with their
faces every day; why they continue to put their passport photographs on newspapers every day when we know who they are. They should get on with the work of running the Government and avoid pull-outs and advertisements. If you want to be covered by the media, you should be covered in the news doing the work that we want you to do. Do not give us a supplement of what you are doing. Do it and we will have it covered in the news and we will read it. In fact, to be honest, very few people read those pull-outs. It is time we used websites and e-Government if there is any information we want to tell the country.

On retreats, it is time we went more to Government premises and avoided retreats in private spaces which are a bit costly. There is no reason to have flowers in our public offices. We should save the money for more important issues. We should save the money for more important issues. Another point is on procurement and value for money. The reason we cannot develop as fast as we want to is because we are procuring at 10 times the price we should be procuring items. We should procure items at market rates. We should go for the cheapest that have value for more. As we go forward, we want to increasingly see us investing in growth and production, education, agriculture, subsidised fertiliser and things that are going to cause growth to our country.

I have a couple of points I want to raise on key Budget items. The Judiciary is one of them. The Justice and Legal Affairs Committee looked at the Budget of the Judiciary, which is now set at Kshs17.309 billion. We strongly feel that the Judiciary should get Kshs1 billion more. Kshs500 million will be for Recurrent Expenditure because of tribunals. We have 12 tribunals that are now going to be part of the Judiciary framework. We also have electoral matters and disputes that judges and the Judiciary need to start preparing on. On Development Expenditure, we are still pursuing the goal of one High Court per county and one Magistrates Court per sub-county. Some of those courts have not been done and it is time they are done.

We thank the National Treasury and the Budget Policy Statement (BPS) for the Kshs19 billion allocation to the Independent Electoral and Boundaries Commission (IEBC). This money is sufficient for IEBC to prepare for the elections. It is enough to procure ICT equipment and electoral materials required and to prepare the country for a free and fair election. As a House, we warn the IEBC that any corruption on its part will be dealt with, with the force of the law. We cannot have another Chickengate Scandal. We hope the IEBC is listening. The Kshs19 billion is for a free and fair election. It is not for play. It is not a gravy train. It is money that should go into preparing for an election.

I saw the proposed amendments by the Member for Kajiado on the National Land Commission (NLC) and on land matters. It is important to look at those particular items. In
particular, the NLC still requires more resources for land cases and issues that the country continues to see. The Ministry of Land, Housing and Urban Development also needs more money to invest in affordable housing in the different parts of this country. I am worried about the Budget for water and regional authorities. Water resource management has received Kshs29.4 billion while irrigation has Kshs12.5 billion. I would have done it the other way round. I would have put more resources in irrigation and water projects that are ongoing. Even if the money is Kshs12.5 billion, I urge the Ministry to ensure that it covers the Nyeri water projects and many other ongoing projects. We have the Kaigonji-Aguthi Water Project and Mathira Water Project going on. I hope this will get sufficient funding to complete them. On the point about ongoing projects, I agree with the Liaison Committee that we, indeed, need a list of projects that have not been completed. We are in a country that has a lot of half projects. We have half markets, half hospitals, half schools and half roads. It is time we completed these “halves”, so that the utility that is meant for these projects can be achieved for the country.

I am particularly worried that the Ministry of Public Service, Youth and Gender Affairs has not received an allocation directly. The National Treasury should move with time and the Presidential agenda. The President has created this Ministry and named a Cabinet Secretary for the matters of Public Service, youth and gender. It is important to create a State Department for Youth and Gender and to provide resources that would go into that work. I noticed in the planning there is Kshs8.1 billion for Recurrent Expenditure and other money up to Kshs12.7 billion in the Ministry of Devolution and Planning availed for youth and gender. This amount of money should be ring-fenced and taken to the Ministry of Public Service, Youth and Gender Affairs to run the programmes of Uwezo Fund, affirmative action, the Women Enterprise Development Fund and the Youth Enterprise Development Fund. Even with all the problems with the National Youth Service (NYS), we need to clean up what is wrong with NYS and proceed with NYS projects as earlier envisaged.

On the Ministry of Labour, Social Security and Services, I appreciate very much the increase in the national safety net especially the increased number of elderly persons who will receive cash. We recently hosted the President in our county, Nyeri where we had many people in the Mau Mau freedom fight. We raised the issue of the Mau Mau fighters being part of the beneficiaries of the cash transfer programme. The directive has already been made by the President. It is in order that some of these 760,000 elderly persons intended for the cash transfer in Nyeri and in other places where the Mau Mau fighters are found be given this money. Those old men who fought for our Independence have survived 52 years without
the support of the Government. It is only fair that at this point in time, we remember some of those Mau Mau heroes.

The Budget of education is Kshs191 billion that will go to the Teachers Service Commission (TSC). We need to receive an award in Africa. TSC is the third largest employer in Africa. Its Budget is Kshs191 billion. Indeed, we have many teachers. The question of retired teachers is one that needs to be answered. The retired teachers need to receive their money because they have been waiting for it.

Let me end on conditional allocations to counties. I appreciate very much the amount of money going to health. However, I urge for a policy statement that the money for health should go to health institutions. It should not go to governors. Money meant for a hospital should go to a hospital. Money meant for conditional allocations on free maternity, should go to the hospital. I do not know why this money is going to county governments and governors. The money should go directly to hospitals and be accounted for in the hospitals.

Thank you, Hon. Speaker, for this opportunity.’

Date 3rd March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Approval of the Budget Policy Statement 2016/2017
(On a Point of Order)

‘Hon. Speaker, Hon. Wamalwa, who comes from the bread basket of Kenya and who has been rumoured to have problems with the Galana/Kulalu Irrigation Project as a potential threat to maize from the North Rift, is saying that the Galana/Kulalu is a white elephant project. Could he have first declared his interest as someone who comes from the food basket of Kenya before making that statement? People will assume that he is saying the truth.’

Date 3rd March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Approval of the Budget Policy Statement 2016/2017

‘Thank you, Hon. Speaker. I want to join my colleagues in congratulating the Chair of the Liaison Committee. The Deputy Speaker did a tremendous job of having to deal with Committee Chairs who also have to present their views and to strike a balance. I have listened to many Members lamenting and complaining. In fact, Hon. Jakoyo Midiwo has ordered that we should not approve a BPS with money to the Senate, which I agree with totally. I further agree with him on the Affirmative Action Fund. I have now changed my mind because we have amended the CDF Act and now it is in line with the Constitution.'
However, people come to Parliament to make laws and not to get money to fuel vehicles to do the job they have been employed to do. Why should people be given other cars when all of us were given grants to buy vehicles? Much as Hon. Jakoyo is always on the opposite side with me, today he has really spoken the truth.

However, there is an element that we really need to take responsibility for. In the Budget-making process, Parliament is, but a conveyor belt, not because anybody made us so. We passed a regulation brought by a Committee of this House which we thought should protect the independence and role of Parliament in the Budget-making process. The Committee on Delegated Legislation agreed that we cannot move more than 1 per cent of a Vote to another Vote. So, even if I want to agree with Hon. Jakoyo, my hands are tied by a regulation that was passed by this House. There are some things that we do assuming that we are helping the Government of the day, but what we are doing is destroying institutions. These regulations must be amended. We are not doing the Government of the day a service by not allowing us to change these votes.

Let me give you an example. Cabinet Secretaries (CSs) are overexcited about new projects. They do not want to hear anything about a pending project. It means people have already taken their loot in the pending project. So, they need new projects. They are never willing to inject money to finish projects or pay pending bills. Those are the things that we need to look at as Committees and you ordered us to do monitoring and evaluation. When we do monitoring and evaluation, we go to see some of these stalled projects and we say that when we come to the budgeting process, we will amend the Budget to ensure that such projects are funded. But in this new framework, we cannot change anything. So, what we will continue with are the new projects that the Executive is excited about.

Whereas we can criticise what others have done, the National Treasury brought proposed regulations and it was our business to say no to the limitation that is unconstitutional. Now that we know it is a problem, I urge the Minority Party Whip, who is in the House, and I will talk to the Whip on our side, to act, so that we can rectify these mistakes. Those of us on the Majority Party side, you are not doing the Government a favour. You are just letting loopholes for pilferage of public funds to continue.

The other issue I would want to note is that the BPS making process is not following the PFM Act. We need to see the money assigned to specific projects.

Without that assignment, we cannot be sure whether those projects meet the policy directions that are in place. Now that my brother, Hon. Lelelit is not here, I need to bring to the attention of the House that we have been with this Constitution for six years. We have
not come up with regulations for disbursement of the Equalisation Fund. Our term is coming to an end before we clean up the system. Since I represent the urban pastoralist and an urban marginalised group, I would like to ask the PPG to follow up this matter to its conclusion. I would have said something about the money that has been given to the Senate, but Hon. Jakoyo has done a good job in explaining it.

Hon. Speaker, the bigger picture of the issue of division of revenue is that it reduces the flexibility of what Government can do for its people in that we are giving over 30 per cent to the counties in amounts that are so huge, yet we are not allocating those resources to specific projects. This is resulting in our counties over employing. In fact, the kind of salaries that some county governments pay their employees compared to salaries paid to people holding similar positions in the national Government are three times more. I strongly support the idea of ensuring that money going to county governments for devolved activities should be earmarked for specific activities especially in the health sector.

On issues under my Committee, for the last two financial years, we have been requesting for money intended for construction of dams under the NYS to be taken to the Ministry of Environment, Water and Natural Resources. The NYS is only present in 69 constituencies. Water Services Board and Regional Development Authorities are everywhere. The component that is within the NYS Budget needs to be transferred to the right Ministry, which is not only in charge of quality assurance, but also have function as their target in the Medium-Term Framework (MTF) and Vision 2030. I know the Member for Narok and incoming governor of Narok, Hon. ole Ntutu, will tell you that his people are victims of human-wildlife conflict and they are crying for compensation. The current claims stand at Kshs4 billion, but nothing has been factored into this Budget for that purposes. Instead, money has been provided for many new projects. There is nothing we can do given that our hands are tied.

As I said earlier, one of the things that are very frustrating about the conveyance belt that we are calling the Budget-making process is that the BPS by the CS, National Treasury, talks about nice sounding things like income generation and spurring economic developments by promoting industries, but they do not provide funds for those activities. As a Committee, we have spotted some opportunities. If the Government invests in certain areas, they reap more in terms of employment and raise more revenues. An example is the Ministry of Mining. When the Ministry was formed, Kenya was earning a paltry Kshs25 million per year from mining revenues. The Government now earns Kshs1.8 billion a year from the mining in Kwale and other parts of the country. We need to give attention to that field. The Cabinet
Secretary for Mining has been coming here and begging us to give them Kshs6 billion so that they can do a geo-physical survey of our natural resources yet, they cannot absorb the money. They need only Kshs2 billion a year. We were unable to give them Kshs2 billion to carry out a survey to establish the resources that we have, so that we can generate revenue from the sector. Why should one say that we put money where we are going to generate resources? This is a lot of English with no output.

A Committee of this House went to China to look at the issue of bamboo production. In the Financial Year 2013/2014, the Ministry of Environment, Water and Natural Resource asked for Ksh5 billion to develop bamboo. We laughed at them because we did not know what they were talking about. When we went to China, we realised what they were talking about. There is a county in China with only 7,000 acres of bamboo, but it is earning USD$18 billion a year. Kenya’s natural bamboo covers 135,000 acres. We are not investing in that natural resource to be able to reap revenue out of it. We are busy importing toothpicks made of bamboo from China when our bamboo rots in the fields.’

Date 3rd March 2016

Member of Parliament: Hon. Dr. Joyce Laboso

Contribution she made on: Approval of the Budget Policy Statement 2016/2017

‘Hon. Members, I will just take a minute, so do not leave. I thank the Members for the contributions they have made to this Budget Policy Statement (BPS). I also thank the Liaison Committee. You know that all of them are Chairs of Committees and they have had a very difficult time trying to set up meetings for their own Committees. Hon. Members, most of you have agreed that we must find a way of getting rid of this issue of being a conveyor belt. We must try to do something to make sure that we make some changes when this BPS actually comes to Parliament.

I will highlight some of the most critical things that were mentioned by Members. When you look at page 29, you will find all the things that were really critical to the different Departmental Committees, but which are not prioritised. We have asked the National Treasury to make sure that they really look into these things. These are like equipping technical training institutes, the Kenya Medical Training College (KMTC) that trains personnel who operate medical equipment, and recruitment of teachers. At least, they have put something small for recruitment of teachers. However, we are asking for more. We need more teachers. We also asked them to start paying the retired teachers their pension, which they have started. There is also the National Employment Authority, which was in the Bill sponsored by Hon. Sakaja. This is a very important authority because we know there are
high unemployment levels in the country right now. That is another area that we have told the National Treasury to look for funding so that we can have that authority up and running. Hon. Members, I say thank you to all of you who have put an effort in getting this BPS out of Parliament so that we can move to the next stage. With those remarks, I beg to reply.’

(Question put and agreed to)

Date 10th March 2016
Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Adoption of Report on Mediated Version of The Mining Bill, 2014

‘Hon. Speaker, I beg to move the following Motion:-
THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order No. 150, this House adopts the Report of the Mediation Committee on the Mining Bill, 2014 laid on the Table of the House on Tuesday, 8th March 2016, and approves the mediated version of the Mining Bill (National Assembly Bill No. 9 of 2014). Hon. Speaker, the Mining Bill was passed by this House and sent to the Senate, which passed it on 28th October 2015. Therein, as a House, we looked at it and approved it with some rejections of the Senate version of the Bill. Subsequently, we had three meetings, as Mediation Committee, to look at several clauses of the Bill that were problematic. The following are the resolutions of the Mediation Committee on the disputed clauses.

This House rejected the Senate amendment on the definition of “community” because their definition left out communities which would be displaced by an intended exploration of mining operation. The mediated version therefore agrees with the definition of community that was in the National Assembly’s version of the Bill.

The Mediation Committee further agrees with the fact that the definition of “strategic minerals” under Clause 16 was sufficient. A definition was, therefore, not required under the definition clause.

On Clause 7, we agreed with the Senate’s recommendation that the Cabinet Secretary (CS) should only gazette upon advice from the Mineral Rights Board. Clause 16 was also asking that the Mineral Rights Board advises the CS when dealing with strategic minerals. Clause 30 was also a disputed component. One was on the nomination of the member of the Council of Governors to sit in the Mineral Rights Board. The mediated version of the Bill agrees with an amendment whose effect is that the person proposed by the Council of Governors should have professional experience on matters relating to mining.
We also had a disagreement on who would serve as the Secretary to the Mineral Rights Board. We ended up agreeing that the Director of Mines would be the Secretary. Previously, we had thought it should be the Principal Secretary. Clause 33 was with regard to what happens when the CS rejects an application. As a House, we wanted a process where they could go back to the CS. However, the agreement in the mediated version says that once the CS rejects an application, we automatically go to court and remove the version where you could request for an intervention from the CS.

Clause 34 was over a deletion that was undertaken by the Senate. The mediation version of the Bill agrees with the National Assembly. We said that there is no way you can remove prospecting. Basically, the need to have a community giving consent to somebody doing prospecting on their land had been deleted by the Senate. We have now reinstated the same.

On Clause 37, it seems like the Senate was confusing the issue of prospecting with reconnaissance. For the benefit of the House, reconnaissance is when somebody decides to walk around an area, but does not do anything intrusive. It can even be a geophysical survey. However, when it is prospecting, it can go to an intrusive activity like drilling a well on your land. The Senate had thought that they should not require consent. Prospecting is very intrusive and it requires consent as opposed to reconnaissance. This is something that Members should note. Players in the sector confuse, in their lobbying, that requiring people to have consent for reconnaissance and prospecting would chase away investors. The truth of the matter is that there is nowhere in the world that you can do prospecting on anyone’s land without some form of consent. So, when lobbyists tell you that you are chasing away investors, you should know that it is not true. You can only do that if you have made those conditions necessary for reconnaissance survey, which is a non-intrusive process.

Hon. Speaker, we also agreed on Clause 40, which refers to the fact that the Senate had over-legislated by stating specific clauses regarding compulsory acquisition. We agreed that we revert to the National Assembly version that was referring generally to clauses relating to compulsory acquisition. This is because, it can be in different Acts and they can change in name and clauses. Therefore, referring to a specific clause would be too narrow.

We also agreed on Clause 49 with the Senate. We, as a House, had thought that you need four years for an internationally owned company to take their shares to the stock exchange so that local content in form of local ownership can be achieved through the stock exchange. The Senate was of the view that four years was long. So, we agreed with their recommendation of three years.
On Clause 51, we agreed that for the Cabinet Secretary (CS) to revert back on a decision to a signed mortgage or trade a mineral right he only needs 30 days. We agreed that there was no need to have regulation on eligibility for mineral rights to be mortgaged because they must be the same as those of getting a licence. There is no way somebody who does not qualify to hold a licence can qualify to buy a license. So, we believe that Clause 11 would serve the purpose that the Senate wanted to deal with. Hon. Members, this is a very important issue that we need to deal with, because the Senate keeps on bringing these kinds of amendments that have constitutional implications. I want Members to note that if it happens in other Bills, they will revert back to it.

Under Clause 149, the National Assembly’s version of the Bill had stated that all immovable assets of the holders of a mining licence be vested in the Republic. The Senate wanted it to be vested in the county. That is not possible even if you are sympathetic to the counties. Article 62(1)(f) and (3) of the Constitution classifies minerals as public land which are vested in the national Government.

Hon. Speaker, secondly, the national Government, through the Mining Act, has decided to form a national cooperation which would be participating in mining and would need these equipment. So, the first right of refusal should be given to the national Government. This is very important because we tend to be faced with these recommendations from the Senate about giving things to counties and yet the Constitution is very clear on ownership. So, those are the mediated versions. I would like to take this opportunity to thank your office and colleagues in the Senate who seem to always come up with amicable ways forward on mediated versions of all the Bills.

I request the Parliamentary secretariat to look at some of the things that have been put in this Bill. This is because some of them need to be adopted under the Petroleum (Exploration, Development and Production) Bill which in my opinion may not have received as much technical input from the technical people who had come to work with us both the Commission for the Implementation of the Constitution (CIC) and other civil society organisations. To get players from the sector to give you information without more balanced views will not benefit. So, I urge the secretariat that is working with the Departmental Committee on Energy, Communication and Information to look at some of the things that will eventually come up in this Mining Bill because both of them are in the extractive sector.

With those many remarks, I beg to move and request Hon. Marcus Muluvi to second.

Date 10th March 2016

Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Insecurity on Migingo Island

‘Thank you, Hon. Temporary Deputy Speaker, for indulging me. I am very happy that the issue of Migingo Island is before the House this evening. We have been discussing this issue right from the last Parliament. For a very long time, I have not been able to travel to Uganda because in the last Parliament, I waged a personal verbal war against the President of Uganda in relation to Migingo Island. I gave him a special name “musenjini”. I had withdrawn that name, but if he continues, I will have no choice, but to continue giving him that name because of the acts of atrocities that he is committing.

Because we are not taking action as a country, the issue of Migingo Island has made the Ugandan Government even braver. They are now moving beyond Migingo Island to occupy other islands. A week hardly passes before I get a call from the residents of Remba Island in my constituency telling me that they are being harassed by Ugandans. They are arrested and taken to Uganda and all their fish is taken away. They are made to pay fines and taxes to the Ugandan authorities. I have raised this matter on the Floor of this House. It does not matter how much we speak in anger. If the Government does not take action, we will be forced, as Kenyans, at one point, to take action to defend ourselves.

Recently, I watched a video that had gone viral in Uganda. Because Ugandans were so annoyed with their Government for being shot at, they were hitting the police with stones. It reminded me of the Maji Maji Rebellion. If it reaches a point where people from the lake region feel that they are not being protected adequately, they will wage a Maji Maji type of rebellion against the Ugandans. We are capable of taking care of ourselves.

I do not want to go at length because I know that the issue of Migingo Island has a lot of interest. I urge this House to do only three things. During the last Parliament, a similar Motion was brought to this House and passed. I remember introducing an amendment to it. Let the Committee on Implementation take up the matter and let the matter be referred to the United Nations (UN). If the Government is not able to deal with it, we have another Government which is the UN. Let it deal with it as a threat to international peace and security.

Secondly, this House needs to form a select committee to look into other ways to deal with issues such as Migingo and other islands that are under threat. I urge Hon. Jakoyo Midiwo to go beyond today and come up with a select committee that will be looking at issues of security along the islands.

Thirdly, I have a suggestion which I hope the select committee will pick up. Recently, the police have been speaking from different angles. I would not want to say that the Kenyan police are stupid because they are not. It is just that they are challenged when it comes to
thinking. Because of the challenges in relation to their thinking, I urge that if it is true that they have declared that every governor’s gun be confiscated, let them hand over those guns to Migingo, so that our locals can defend themselves.’

Date 10th March 2016  
Member of Parliament: Hon. Gladys Wanga  
Contribution she made on: Insecurity on Migingo Island

‘Thank you, Hon. Temporary Deputy Speaker. Let me first thank Hon. Jakoyo Midiwo for bringing this very important Motion for Adjournment. Homa Bay County, which I represent in this National Assembly, borders Migori Country on which Migingo falls. In fact, at the end of Homa Bay County are the islands of Remba and Ringiti, which are very near Migingo. Migingo presents very serious questions of international law, citizenship and regional integration.

Quite a bit of this matter has been discussed in this Parliament and outside. Migingo is in Kenya and has Kenyan citizens on it. It has Kenyan Luo living on it. Some very serious questions arise. What we want to ask the Government of Kenya is whether the Kenyan Luos on Migingo Island are Kenyans? Can they be counted as Kenyans or are they Kenyan refugees in Uganda? These are questions that need to be answered. Are these Kenyans entitled to rights under the Kenyan Constitution? Are they entitled to be registered as Kenyans and voters? Somebody needs to tell us.

Why is the Kenyan Government tight lipped, saying nothing, doing nothing and hearing nothing on this matter of Migingo? Yet, on a slight matter such as withdrawing a firearm from Governor Joho, the Cabinet Secretary, Maj-Gen. Nkaissery, can call a whole Press conference on a single matter such as that. Kenyans continue to be harassed, killed, maimed, beaten and business opportunities taken away from them. It is a very serious matter.

Our fishermen come from Rusinga, Mfangano, Ringiti and Remba. First of all, huge fines and penalties are imposed on them for mistakes that sometimes they do not even know under Ugandan laws. Many times, they are taken away to Uganda as has been said by other Members. A lot of times, they are harassed and can no longer do free business. Who will protect our territorial integrity because the Government is quiet? Who is going to do this for us? Is the Government still in control or have they lost complete control? As a Member has said, is it because Migingo is far away from Nairobi and from their powers?

Why is friendship with Uganda much more important than our territorial integrity or the interest of Kenyan businessmen, women and citizens? Is it because Uganda is buying
Kenyan milk? Why are we even importing their sugar at the cost of our sugar industry here? Why is it so important to be friends with Uganda even at the cost of our country and people? These are the questions that as you correctly put, somebody must come here to answer. We will not keep quiet. Should we ready ourselves for war as the people living along the shores of Lake Victoria? Should we roll up our sleeves? Should we rally our people to defend themselves because we have a Government that cannot defend its people or that only defends some people and not others? Are we living on an animal farm? Are some people in this country more important or more equal than others? These are the very serious questions that we need answers to.’

**Date 16th March 2016**

**Member of Parliament: Hon. Esther Murugi**

**Contribution she made on: Accessibility to public buildings by Persons with disability**

‘Thank you, Hon. Temporary Deputy Speaker. The issue of Motions and resolutions coming through the House was raised in the Committee yesterday. I want to quote one particular resolution where Parliament actually objected to nuclear energy. The Ministry of Energy and Petroleum was not supposed to go on with nuclear energy. When we called them we found that they were already implementing that. We have made a proposal to the Speaker that when these Motions are brought before the House, he must also ensure that what they are requesting is not already ongoing because some of these things are ongoing. We are having handicaps because we call the CSs about eight times before they come. I will pass the message to the Chair and the Vice-Chair so that they can respond adequately. Thank you, Hon. Temporary Deputy Speaker.’

**Date 16th March 2016**

**Member of Parliament: Hon. Gladys Wanga**

**Contribution she made on: Accessibility to public buildings by Persons with disability**

‘Thank you, Hon. Temporary Deputy Speaker. I do not belong to the Committee on Implementation but I remember a couple of weeks ago they gave a Report on the Floor of the House on the status of resolutions. That, at least, shows that they are working on something.

The last point on sanctions must be really looked at seriously. What sanctions are we going to impose on these Cabinet Secretaries and Ministries? The Committee must propose very
specific sanctions on resolutions that are not implemented and very specific resolutions such as what we want to pass now and what has been passed in the past. There is also the issue of whether some of these resolutions can be implemented. That should not be left to the Members only. Before the Motion comes to the Floor of the House, our legal team should look at the Motion being proposed and advise the Member accordingly as to whether it is already in law.’

**Date 16th March 2016**

**Member of Parliament: Hon. Zuleikha Hassan**

**Contribution she made on: Accessibility to public buildings by Persons with disability**

‘Hon. Temporary Deputy Speaker, I beg to move that the Motion be amended as follows:-

By deleting all the words after the words “this House” in the 10th line and substituting them with the following words “urges that the Government develops a clear plan of action to ensure the necessary structural adjustments to all public buildings and that the National Construction Authority only approves designs for new public structures that are compliant with the minimum accessibility standards (KS 21542) for persons with disabilities”.

You already gave the details and the reasons as to why we should amend the Motion. Fifteen per cent of Kenyans have a form of disability. That translates to about 6 million individuals. People with disabilities feel marginalised not only in the communities but also in general national issues and development plans. Despite there being efforts to have opportunities for nominations for the disabled in the National Assembly, counties and other sectors, the majority of the disabled who are normal citizens do not feel that they are considered. Many of them live in deplorable conditions. As they try to seek services from the Government, they find accessibility to Government structures and meetings prohibitive. In supporting and amending this Motion, I agree that the new plans coming about for Government buildings should take this into consideration.

You will agree with me that Kenya is really behind in terms of this consideration. It should have happened years ago. As you are aware, in other countries, it is very easy for people with severe disabilities of mobility to be mobile. They do not need to have somebody with them for 24 hours for accessibility. I am sure in other countries you have seen buses which are made such that people with disability can access and get off them with wheelchairs. The points of alighting are aligned to the pavement. Pavements in the streets are accessible for people with wheelchairs and crutches. Elevators are also accessible to people who are blind.
It is about time. I would like to congratulate Hon. Mwaura for moving this Motion. It will go a long way in making lives of persons with disability in this country a bit more comfortable. I would have loved to contribute in Kiswahili because majority of the people in the country, especially where I come from in Coast, understand Kiswahili better and are more conversant with it. Unfortunately, in Parliament when you want to bring a Motion or Bill in Kiswahili since it is the national language, you are unable to do so. You are told that we should do it in English. That is a big disappointment.

The Parliamentary Service Commission (PSC) should ensure that we hire people who can translate Bills or draft Bills and legal notices into Kiswahili. We should have Motions in Kiswahili because the majority of the people in our country cannot really follow when they are listening to proceedings in Parliament. Sometime, they think that Members from our region are not doing much work because they cannot hear us in local media contributing in local languages. Even if we contribute, somebody else has to confirm that we have said something important. It will be nice if they can hear proceedings in their own language. I am even disappointed because it is now three years since we raised this issue.

With those few remarks, I beg to move the amendment and ask Hon. Wanjiku to second.

Date 16th March 2016

Member of Parliament: Hon. Zuleikha Hassan

Contribution she made on: Accessibility to public buildings by Persons with disability

‘Thank you very much, Hon. Temporary Deputy Speaker. First, I want to thank Hon. Mwaura for coming up with this Motion. Secondly, I thank Hon. Zuleikha for moving this amendment. I beg to second the Motion as amended.

I would like to contribute briefly and say that six million people in our country is no less a number for this group of people to be living like second class citizens. We have seen them as second class citizens in all manners be it in business, education or accessing any service in our country. The Persons with Disabilities Act, 2003 requires a lot of amendments. I brought some amendments on the same Act on sign language because this group was denied information. Going by what Hon. (Eng.) Gumbo has raised, it is serious that this country is not able to implement the Bill leave alone the Motion. I am informed because I have the official position from the House leadership that my Bill was signed by the President but up to date if you watch our television sets, you will find that only two media houses cast news through sign language. It is very sad for Members to do research, put something on paper, make contributions, use taxpayers’ money and finally, the Motion is taken to the
drawers. Although I did not get a chance to contribute on that, the Committee on Implementation is asleep and--- When I rose, I seconded the Motion as amended and I continue supporting it as amended.

On accessing buildings, the Government has done a lot but it is not implementable. When it gives 30 per cent tenders to persons on affirmative action group, five per cent is mainly meant for persons with disabilities. They sometimes have the papers and the capacity but it is terrible that they cannot access the Ministries. That notwithstanding, several Members with disabilities find it difficult to access Parliament. Our Houses should be accessible. I support and urge relevant Ministries particularly the one concerned with construction to move quickly without following the procedure of implementation and give these citizens a privilege to access the buildings so that they can make their lives better.

Hon. Temporary Deputy Speaker, if you allow me, I would like to move slightly away from these persons with physical disabilities. Last Saturday, I attended a sports day at Visual Arts Campus. There were several schools and parents but I did not see any person from the Ministry of Sports, Culture and the Arts. These people continue to be marginalised and yet they support the Government. They vote and pay tax but the Government of the day, particularly, the Ministries concerned assume these people do not live. Just like they support teams like Gor Mahia and athletes, they should also support people living with disabilities when they have events. I would like to urge the Ministries, the Executive and the persons who are supposed to implement this to move with speed so that these people can feel equal with any other citizen. I beg to second the amendment.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Date 16th March 2016

Member of Parliament: Hon. Dr. Susan Chebet

Contribution she made on: Accessibility to public buildings by Persons with disability

‘Thank you, Hon. Temporary Deputy Speaker for giving me this minute. I thank Hon. Mwaura for this gesture on PLWDs. We want to empower them, but we cannot do so if they
cannot access buildings and information. As we talk of Affirmative Action Social Development Fund which has been given to Women Representatives to run, there are a lot of challenges in the quest to empower PLWDs to access the funds, information and work on their own. So, this Bill is going to empower them so that they can work with little support from people who take care of them. Thank you.

**Date 16th March 2016**  
**Member of Parliament: Hon. Janet Nangabo**  
**Contribution she made on: Decentralization of registration of national identification cards**


**Date 16th March 2016**  
**Member of Parliament: Hon. Nyiva Mwendwa**  
**Contribution she made on: Decentralization of registration of national identification cards**

'Thank you very much, Hon. Temporary Deputy Speaker. I stand to support this Motion because it is long overdue. Since we now have county governments, this should be done at the county level. I will go as far as to suggest that when children complete high school, the ID card should be part of the certificates that they collect from schools to identify themselves. We should have our passports processed at the counties.'

**Date 16th March 2016**  
**Member of Parliament: Hon. Gladys Wanga**  
**Contribution she made on: Improving management of cancer in the country**

'Hon. Temporary Deputy Speaker, given the time, I would like to begin to move the Motion, but if I do not conclude, I will continue in the next sitting.  
Hon. Temporary Deputy Speaker, I beg to move the following Motion:-
THAT, aware that cancer is a leading cause of death globally with more than 70% of all cancer deaths occurring in developing countries; further aware that in Kenya, the disease ranks third among the main causes of death after infections and cardio-vascular diseases and accounts for up to 18,000 deaths annually, with over 82,000 new cases reported annually; noting that over one-third of cancer patients experience clinical anxiety and depression, profoundly affecting the families psychologically and economically; cognizant of the fact that some of the patients travel up to 600 kilometers to Kenyatta National Hospital (KNH), the only public hospital that hosts most of the oncologists in Kenya; further cognizant of the fact that the remaining small number of oncologists are mainly based in Nairobi; deeply concerned that only a few patients get admission or outpatient treatment due to monetary constraints; this House resolves that the Government mitigates the situation by offering scholarships to, at least, one (1) Medical Masters student per county to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centres; building partnerships with existing medical institutions in local public universities for provision of training opportunities; and emphasizing on the use of telemedicine and e-medicine to eliminate distance barriers and improve access to medical services.

Hon. Temporary Deputy Speaker, allow me to thank the Budget and Appropriations Committee. Given that this Motion has monetary implications, it went before the Budget and Appropriations Committee which reviewed and approved that it comes before this House. Today, we spoke a lot about implementation and given that this Motion got an okay from the Budget and Appropriations Committee, and given the critical nature and specific issues it raises, I hope it will get to a point of implementation. This Motion seeks approval of the National Assembly for the Government to offer scholarship to, at least one Medical Masters student per county to study oncology. After the scholarships, those students will get into a contract with the Government to serve in specific county hospitals. That is because, currently, there is a huge concentration of oncologists and medical practitioners in urban areas such as Nairobi and Mombasa, where they find life easier. County hospitals are left without competent medical personnel, particularly specialists of that nature.

The wording of the Motion shows that cancer now ranks third in causes of death in this country after infections and cardio-vascular diseases. Previously, cancer was considered a disease for the rich and, perhaps, that is why treatment of cancer is not as considered as that of other diseases. Initially, it was considered a lifestyle disease. It is now emerging that a lot of deaths occurring among our people, even in our constituencies and even those in the lowest cadre are resulting from cancer.
According to the Kenya Network of Cancer Organizations, globally, cancer causes more deaths than HIV/AIDS, Tuberculosis (TB) and Malaria combined. It is also said that 70 per cent of the global cancer burden is in low and middle income countries like Kenya. That gives us a reason to worry. If detected early, 30 per cent of cancer types are curable. As I move, I know that, as Members of this House and people listening out there, we have, in one way or the other, been affected by cases of cancer. The unfortunate bit is that cancer is catastrophic. Apart from the distress it causes the mind, it also causes catastrophe in the economies of families. It can turn you around from a middle income family into paupers after paying bills and, unfortunately, sometimes, you end up losing the patient. It is estimated that there are 39,000 new cases of cancer every year with more than 27,000 deaths every year.

About 60 per cent of Kenyans affected by cancer are below 70 years old. We, sometimes, sit back and imagine that cancer is a disease of older people. However, now research shows that 60 per cent of those affected by cancer are below 70 years old. As I have said, we suffer acutely from lack of awareness, inadequate diagnostic and treatment facilities as well as the high cost of treatment. You will find that when people who suffer from cancer go to their first point of contact, a lot of times they are mis-diagnosed. That has occurred in many cases. You are told you are suffering from another disease - which you begin to treat. You treat it but you do not get better. Finally, you discover that it was cancer. That is why we are saying that we must have specialists at the lowest level possible so that we have early diagnosis of cancer cases.

Just to give some numbers, in 2010, we had 11,995 people dying from cancer in Kenya. That accounted for 12 per cent of the deaths. In 2011, we had 11,500, accounting for 13 per cent. In 2012, we had 12,574, accounting for 14 per cent. In 2013, we had 13,720, accounting for 15 per cent and in 2014; we had 14,175 accounting for 16 per cent. I just want members to note the rising percentages. It has moved from 12 per cent in 2010 to 16 per cent in 2014. So, we are on a rising trend and we need to do something about it. In terms of health facilities, there are very few hospitals that offer some form of basic services to cancer patients. The public one that we know is Kenyatta National Hospital (KNH). Of course, we also have private hospitals such as MP Shah Hospital, Nairobi Hospital and Aga Khan University Hospital. However, how many of the people we represent can afford to go to MP Shah Hospital, which charges Kshs10,000 per session of radiotherapy? How many people can afford to go to Nairobi Hospital, which charges Kshs15,000 per session of radiotherapy? The facilities I have named are mainly in Nairobi. Let me use my own county. Imagine a person coming from Nyadhiwa in Suba, Homa Bay County, trying to reach KNH.
We have read reports and seen what is going on. I know members of the Departmental Committee on Health, while contributing, will tell us that there are only two radiotherapy machines at KNH. Those two machines have a queue for 18 months. When you go now, you have hopes of being treated two years from now. Do you have any chance of surviving? The other day, we heard that one of the two machines has broken down.

So, what we are dealing with here is a major crisis. This Motion only deals with one very small aspect of the crisis that we are facing. We are facing a major crisis. This Motion is dealing with just a small aspect – the aspect of human resource. Let me get to that point of the human resource. In terms of the human capacity for cancer treatment in our public hospitals, there are only four radiation oncologists, six medical oncologists, four paediatric oncologists, five radiotherapy technologists and three oncology nurses that are available to serve the entire Kenyan population. There is an acute shortage of personnel. This is the part of this crisis that this Motion is trying to address. Due to shortage of facilities and staffing, most Kenyans who can afford have had to travel to India as a common destination. I know we are invited for Harambees all the time. Other destinations that patients go to get treatment are like the United States of America, the United Kingdom, South Africa and other countries. Substantial resources are required and I am afraid to say that many Kenyans who cannot afford to get treatment abroad have sadly often succumbed to complications.

Date 23rd March 2016
Member of Parliament: Hon. Gladys Wanga
Contribution she made on: Improving management of cancer in the country

‘This Motion is seeking approval of the National Assembly for the Government to offer scholarship to, at least, one Medical Masters student in each county to study oncology. They shall be further compelled to serve in county hospitals.

Let me just give a brief recap of the statistics. Globally, cancer causes more deaths than HIV/AIDS, tuberculosis (TB) and malaria combined. It is also said that 70 per cent of the cancer burden is in low and middle-income countries. These statistics go against the normal thinking that cancer is a rich man’s disease. It has come across the board. The old, young, rich, the poor and everybody is affected.

To quickly run through the numbers of deaths registered in Kenya, 11,995 people died from cancer in 2010, 11,500 in 2011, 12,500 in 2012, 13,720 in 2013 and 14,175 in 2014. I just want us to note the rising trend of cancer-related deaths occurring in this country.

Also, here is a quick review of the availability of services for members of the public. In terms of health facilities, we have very few hospitals. In public hospitals’ realm, we only have
Kenyatta National Hospital (KNH). We have Aga Khan University Hospital, Nairobi Hospital and MP Shah, which are private institutions mainly in Nairobi. They are not only far from most of Kenyans, but also very expensive. To just have one session of radiotherapy, you need to pay at least Kshs10,000. Sometimes, you need to have 30 or 60 fractions. Imagine that cost. If you go to KNH, the queuing period is now 18 months long. This is completely out of reach of Kenyans.

Oncology is the study of cancer. Cancer is a disease characterised by abnormal cell growth in the body. There are three main sub specialities of oncology. We have surgical, medical and radiation oncology. In this country, we currently have four radiation oncologists, six medical oncologists, four paediatric oncologists, five radiation therapy technologists, three oncology nurses and two medical physicists to serve the entire population. That is data of the current situation. Many of our people cannot afford treatment. Even when you can, we do not have sufficient specialists to offer treatment. Our oncologists have to run from KNH to Aga Khan University Hospital and to Nairobi Hospital. They move around Nairobi. Last week, I gave an example of a constituent of mine from Nyadhiwa-Gwasi or Kiwa and the situation is difficult. Today, I have a circulation on social media of citizens’ initiative to raise money to treat one of our constituents called Steven Wasonga, a 26 year old young man from Kiwa Island and a student at the University of Nairobi (UoN). He needs Kshs3 million to go to India for treatment. These appeals come to us all the time. This evening, we will be having a fundraiser for Steve Wasonga at Garden Square to get the Kshs3 million. If this young man from Kiwa needs to access radiotherapy here at KNH, if he cannot travel, then he is just doomed to die. This is the gist of this Motion.

The Motion proposes to have oncologists in our county referral hospitals to attend to patients from all across Isiolo, Garissa, Wajir, Tana River, Meru, Nyamira, Lamu Marsabit, Kisii and everywhere in this country. What costs are we talking about? Given the fact that this Motion has financial implications, it went through the Budget and Appropriations Committee. The Budget Office analysed what it would cost to train these oncologists as has been proposed in terms of one oncologist per county.

These are the assumptions that the Budget Office used. First, a full scholarship is offered to those who have been considered for the course. The course as per the research of the Budget Office would cost Kshs3 million per person for the entire course which is two years in the United Kingdom, the United States of America, India or here in Kenya. The scholarship will be available to, at least, one candidate per county thus we will have 47 scholarships. We are proposing that the scholarship opportunities can be staggered in phases, so that we
have, at least 10 chances every year. Then we add a 10 per cent to the Kshs3 million for continuous medical education.

If we are looking at that 2016/2017 Budget, we will be looking at Ksh30 million for 10 scholarships to be offered in that year and Ksh3 million for continuous education which would result to Kshs33 million added to the 2016/2017 Budget. If you look at the 2017/2018 Financial Year, if you take Kshs20 million in that year, you will have Kshs60 million and another Kshs6 million for continuous medical education. That would result to Kshs66 million and a similar number in the subsequent financial years.

There have been questions as to whether this would be an affordable cost. However, if you break it down in that sense and you look at our Budget and the wastage that sometimes we have, then this money is a small drop in the ocean for a very good course. When implementation begins, we could be looking at setting up a possible fund linked to the KNH or the University of Nairobi Medical School, so that students can come through and get the scholarships and proceed to study oncology.

If you look at the international comparison in the management of cancer, in the UK, there are several institutions that train oncologists. We have Oxford University and the Institute of Cancer Research which is part of the University of London. In the USA, we have Stanford University, Division of Oncology, which offers an intensive three year programme. We have the University of Colorado, Yale University, School of Medicine at the University of North Carolina, University of Minnesota and University of Wisconsin. In India, we have Jawaharlal Institute of Post-Graduate Medical Education. We have several institutions including our own local institutions that train oncologists. Cancer is a time bomb. I am sure all the Members of this House, if not personally affected, have relatives and friends who are affected by cancer. We need a very broad based intervention. The training for oncology is only a small part.

I call upon the Members of this House to support this intervention and to bring in other interventions particularly our Departmental Committee on Health, so that we can ably tackle cancer. I beg to move and call upon Hon. (Prof.) Nyikal, given his wide experience, to second the Motion.’

Date 23rd March 2016

Member of Parliament: Hon. Alice Chae

Contribution she made on: Improving management of cancer in the country

‘Thank you, Hon. Deputy Speaker for giving me this opportunity to voice my sentiments regarding this Motion that has been brought before us by our dear lady, Hon. Gladys Wanga. The Motion is about establishment of cancer centres in the country. The centres
have been proposed and I know that they will be equipped with very many radiotherapy machines. The facilities in our referral hospitals have been overused and are aging. It is time we ensured that our county hospitals are catered for. This is the only way that we can decongest KNH. You have heard that many cancer patients are dying before they access doctors. When patients line up and are blocked by hospital staff, they do not know what is happening. They look for those services but they cannot see the doctors because their appointments are not due. A patient’s life is endangered when he or she is told to wait for 12 or 18 months before seeing a doctor.

According to my statistics, about 41,000 new cases come up. These are the patients who access medical facilities. There are those dying in their homes. After screening, they are told it is cancer and they are supposed to go for further medication. This is the case and yet they cannot come to Nairobi. That is why many Members say that they have been called to ensure that they fundraise for their constituents to go to hospitals and most of them do not make it. Going by the statistics that Hon. Gladys has given, that the people who have been tasked to ensure that Kenyans are treated are below 20, it is shocking.

People will continue losing their lives if we do not ensure that the Government invests in manpower so that our counties have specialists who will give proper treatment. The specialist will manage these centres so that our people access treatment at the right time.

I am wondering why no medical training institution in Kenya is training oncologists at the moment. The University of Nairobi, Aga Khan University and MTRH are now developing a curriculum to ensure that they train cancer specialists who are going to treat our population. Believe you me there will be the licence they will require to enable them undertake this noble exercise of training local students so that they can acquire the right skills that they need to treat our people. So, I request the Director of Medical Services and the county governments because health has been devolved, to ensure that they put aside money to train personnel who are going to handle cancer cases which are all over.

Screening is normally done. We have had major medical camps where people are screened. However, after they have been told that they have cancer which may be leukemia, cervical or breast cancer, it is a problem for them to access medication. So, the only way is to go with the proposal of the Motion.’

Date 23rd March 2016

Member of Parliament: Hon. Shukra Gure

Contribution she made on: Improving management of cancer in the country
‘Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I rise to support the Motion on improving the management of cancer in the country. I want to thank my sister, Hon. Gladys Wanga, for bringing it to the House. Cancer is a leading cause of death in the world. According to the statistics that our sister has given, cancer is 70 per cent in developing countries. I read an article in the *Daily Nation* about a health research that had been done. The health data shows that the rate of death from cancer in Kenya is far out pacing the population growth and it may double in the next 11 years. That is what I read from the newspaper.

In this country, between 2010 and 2014, the rate of people dying from cancer increased from about 31 deaths per 100,000 people to 33 deaths per 100,000 people. That statistic is telling us that the death rate associated with cancer has surpassed the population growth rate in our country. I am glad that this Motion is before the House. If we pass it, the 11th Parliament will go into the annals of history of Kenya. We have ignored or forgotten this killer disease, which can cause a lot of problems to our country.

Our sister, Hon. Wanga, felt that we should discuss it today. Newly reported cancer cases annually stand at 82 per cent. This is according to the findings of the research that she has done. We have to think about this as Kenyans and legislators. This disease will not only affect the patients but also the entire nucleus and extended family. If the mother or father develops this disease, it will affect the entire family psychologically, emotionally, financially and physically. We need to come up with a coping and counselling system that will help the family.

The budget that Hon. Gladys Wanga has given us for offering scholarships to one medical Masters student per county to study oncology is Kshs3 million. How many billions of shillings do we lose through looting and corruption? That is just a piece of cake and it is not something we should take a second to think about. Every year in my county, we have a number of patients who are diagnosed with throat and breast cancer. If we get a system of detecting the disease in its early stages, we will save the patients.

I support the Motion with the strongest words. If we care about our people, we should pass this Motion because it captures the aspirations of the people living in the rural areas, like the ones I represent in this House. They cannot come to Nairobi. They do not even know the direction to Nairobi, in addition to the treatment of cancer being very costly. The people out there are very poor. Instead of contributing for patients to go to India, we should come up with a way of treating the disease in Kenya.’

Date 23rd March 2016
Member of Parliament: Hon. Rose Nyamunga

Contribution she made on: Improving management of cancer in the country

‘Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to that of my colleagues.

I stand to support this Motion. All of us are aware that statistics on cancer are very high. Secondly, we are also aware that cancer treatment is way beyond many families. Many people cannot afford the treatment of cancer. It is like a death penalty whenever a family member is diagnosed with cancer. It is my humble prayer that the Government takes cancer treatment as an important and crucial part of the management of health in this county. It is not only about cancer because we suffer from many diseases that are not curable. Most of those diseases result from lack of awareness. We do not know how to take care of ourselves so that we do not get high blood pressure, diabetes and cancer. We cannot be cancer-proof. From the little that I know about medicine, all human beings have cancer cells. How you lead your life prompts cancer. Some people suffer from cancer at their earlier stages. For others, it comes at later stages of their lives.

Health care in Kenya should be taken very seriously because many people cannot afford treatment and medicine. More oncologists should be trained to help our people who are suffering from cancer. It will be a worthy course. I would like to support my sister Hon. (Ms.) Wanga for bringing this Motion. It is important that we reach as many Kenyans as possible and make sure they do not suffer from diseases that come from time to time.

It is not only the treatment of cancer that is crucial but, in my view, we should look at our lifestyles. If we want to take care of cancer, we must also take care of our lifestyles. How active and obese are we? Obesity is one of the breeding factors for cancer. We are prone to cancer if we do not exercise and eat the right foods. We are now advised to turn to traditional vegetables like managu, osuga and akeyo. That is what we call them in my community. Those are medicinal vegetables and we should encourage our people to eat them.

Screening and creating awareness of the kind of lifestyle we should lead is important. Cancer is a killer disease. There are so many other diseases that we should take very seriously for Kenya to move forward. There are diseases that put us at bay and prevent us from moving forward economically. If the nation is sick, there will be no economic growth. The statistics on HIV/AIDS in some parts of this country are very high. Some cancer types are HIV/AIDS-related. As we treat cancer, what about other diseases? We should take care of all the diseases that are plaguing our county so that we can have the right personnel and
equipment. We should also sensitise our people. Thank you, Hon. Temporary Deputy Speaker. I support.

Date 23rd March 2016
Member of Parliament: Hon. Maison Leshomo
Contribution she made on: Improving management of cancer in the country


Date 23rd March 2016
Member of Parliament: Hon. Eusilah Ngeny.
Contribution she made on: Improving management of cancer in the country
‘Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. I want to congratulate Hon. Wanga for bringing this Motion for the sake
of cancer patients of this country. About 18,000 deaths annually are on the higher side. As we sit here today, in my village, a Member of Ngoisa Catholic Church lost her life to breast cancer. May her soul, rest in peace.

Training oncologist in this country will increase knowledge on this killer disease and embrace new technology for the sake of all our people. This is the 21st Century, we need to sensitise our people so that they can go for cancer screening. It is high time to support this Motion. I encourage all our Hon. Members to support it for the sake of our people. Supporting county hospitals is our obligation. We need to consider them for better services for our people. In our rural areas, most of the people cannot afford cancer treatment because of financial constraints and many other challenges like poverty. I support this Motion a hundred times.

Thank you, Hon. Temporary Deputy Speaker.

Date 23rd March 2016

Member of Parliament: Hon. Mishi Juma

Contribution she made on: Improving management of cancer in the country


Tatizo hili la maradhi haya limekuwa kwa sababu nchi yetu bado haijaweza kuwa na taasisi ama zahanati zinazoweza kupigana na maradhi hayo na kuweza kukimu wakenya wengi ambao wamepata hayo matatizo. Inabidi Wakenya wengi wasafiri kutoka sehemu mbali mbali za Kenya kwenda kwa hospitali yetu kuu ya Kenyatta ili waweze kupata matibabu, na zile huduma ambazo zinafanyiwa wagonjwa walia na saratani sampuli tofauti tofauti. Kuyatambua maradhi ya saratani imekuwa tatizo sugu kwa sababu madaktari wengi hawana taaluma ya kuyatatua. Hivyo basi, wagonwa wengi wanaotembea kwa hospitali ama zahanati zetu wanakumbana na utata.

Nataka nitoe mapendekezo machache ambayo yanaweza kutusaidia sisi kama Wakenya kupigana na janga hili la maradhi ya saratani.

Kwanza kabisa, lazima Serikani ishirikiane na mashirika yasio ya kiserikali ambayo yanapigana na maradhi ya saratani. Kwa mfano, kuna hili shirika la wagonjwa mahututi la Hospitali ya Pwani. Shirika hilo linawachukua wagonjwa takribani 2,000 kila mwaka ambao wana matatizo ya saratani. Matatizo ya saratani si tiba peke yake. Wagonjwa wa saratani lazima wapate ushauri na huduma zingine ambazo ni tiba-kemikali na tiba-redio; chemotherapy and radiotherapy. Ikiwa Serikali ingeweza kusambasa huduma kama hizo kwa hospitali za kaunti pale mashinani, basi hata wagonjwa hao wangeweza kupata afueni. Itakuwa vizuri kuliko kuwalazimu kusafiri hadi Hospitali ya Kenyatta ama Harambee kuchangisha fedha nyuingi ili kwenda nchi za nje kutibu maradhi hayo.

Maradhi kama hayo pia yanasadabishwa na ndoa za haraka. Wasichana wetu wanapoozwa wakiwa bado mili yao haijakuwa takribani 500 ama kufanya hivi tu hata huko kubaliana 200. Pia huleta matatizo kama hilo na shirika la wagonjwa mahututi la Hospitali ya Pwani. Hivyo basi, sisi kama Wakenya yanaweza kutusaidia sisi kama Wakenya kuchangisha fedha nyuingi ili kwenda nchi za nje kutibu maradhi hayo.

Date 23rd March 2016

Member of Parliament: Hon. Janet Wanyama

Contribution she made on: Improving management of cancer in the country


Namuunga mkono Mhe. Wanga aliposema kwamba tunatakikana tuwe na afisa mmoja katika kaunti. Afisa mmoja hatatosha. Tunapaswa tuwe na afisa katika kila wodi katika nchi yetu ya Kenya, ili wahamasishe watu kuhusu ugonjwa wa saratani. Sio hayo tu, kuna magonjwa mengi ambayo Wabunge wenzangu wameyasema hapa. Kuna ugonjwa wa Ukimwi. Siku hizi, wengi wakibukizwa ugonjwa wa Ukimwi au saratani, wanafikiria wamerogwa. Nataka kuwa ambao wengi wameathirika kwa lack of information or monitoring tools. A number of them are in villages. Some go to dispensaries and health centers that do not have facilities to support cancer patients. A number of patients that have been referred to Kenyatta National Hospital (KNH) are suffering in this city due to lack of resources for.

Date 23rd March 2016

Member of Parliament: Hon. Tiyah Galgallo

Contribution she made on: Improving management of cancer in the country

‘Thank you, Hon. Temporary Deputy Speaker. I do not need to repeat the fact that cancer is the leading cause of death in this country. Quite a number of people have died. The statistics show that 18,000 people die annually. Out of those, there are a number of people from rural areas whose deaths are not reported because of lack of information or monitoring tools. A number of them are in villages. Some go to dispensaries and health centers that do not have facilities to support cancer patients. A number of patients that have been referred to Kenyatta National Hospital (KNH) are suffering in this city due to lack of resources for
upkeep, transport and treatment. A number of them are accompanied hence increasing the cost that is already high.

We have Vision 2030. It is our country’s development programme which started in 2008 to 2030. It does not include cancer as one of the issues that need to be handled in this country. If we do not invest in health, we are going to suffer. We know that health is wealth and a healthy nation is a wealthy nation. We are losing a number of human resources that can contribute to the economy of this country. We have lost a number who would have helped us to invest in this country.

Training cancer specialists is very critical. Having one oncologist per county is not enough. The Government needs to have refresher courses for people who are already in health centers. Quite a number of patients have been misdiagnosed and have not been given proper treatment at the early stages. That is because we do not have qualified people in the hospitals to give direction.

I appreciate KNH. We have had patients from Isiolo who have been in KNH because of cancer. Kenyatta National Hospital has not been given enough resources to manage cancer patients from across the country. It is high time we increased the budget allocation to KNH because it is the only national hospital that is handling patients from across the country.

As I conclude, cancer should be declared a national disaster. There is a lot of fear and panic.’

**Date 23rd March 2016**

**Member of Parliament: Hon. Christine Ombaka**

**Contribution she made on: Improving management of cancer in the country**

‘Hon. Temporary Deputy Speaker, I support this Motion. Cancer is a national disaster just like HIV/AIDS, which was declared a national disaster in 1999 by retired President Moi.

The recommendation in this Motion is that oncologists need to be trained so that we can devolve them. This is a wonderful recommendation. I would like to add that it should not be a one-time training, but it must constantly go on year in, year out, so that we can build on the oncologists that we have and get more to support the treatment of cancer.

Secondly, home-based care is necessary because many cancer patients are at home. They are suffering and dying at home. Their families are suffering because of the trauma that they go through.’

**Date 23rd March 2016**

**Member of Parliament: Hon. Hellen Chepkwony**

**Contribution she made on: Improving management of cancer in the country**
Hon. Temporary Deputy Speaker, I stand to support this Motion, which has been brought by Hon. Wanga. I support what Hon. Namwamba has said we should do. This Motion should be implemented by providing finances.

We should ensure that this Motion is implemented because in Parliament, we get many Motions and debate them, but they are not implemented. For example, if we give counties money for the proposed cancer centres, we will want them to treat cancer patients, and not just taking the machines there. Implementation of this Motion is very important. Thank you, Hon. Temporary Deputy Speaker.

Date 23rd March 2016
Member of Parliament: Hon. Florence Kajuju

Contribution she made on: Improving management of cancer in the country

‘Thank you, Hon. Temporary Deputy Speaker. I thank you my sister Hon. Gladys Wanga, for bringing this Motion. Information is very important in the management and treatment of cancer. Our people need to be sensitized so that they are able to go for early detection and be treated as early as possible.

We need to recognise institutions like hospices. In Meru, we have a Meru Hospice that does not receive support from the Government. If we were able to support those institutions, they would do even better in terms of supporting cancer patients. I believe that devolution meant bringing cancer treatment to the people. Cancer centres like the one that has been set up by Hon. Wanjiku in Nyandarua County will be the solution to this problem. I support. Thank you.’

Date 23rd March 2016
Member of Parliament: Hon. Gladys Wanga

Contribution she made on: Improving management of cancer in the country

‘Thank you, Hon. Temporary Deputy Speaker. I would like to thank Hon. Members very much for their overwhelming support and invaluable contributions. Equipment that was leased by this Government now awaits the human resource to operate them in the various hospitals where they sit in the counties. Therefore, this is timely.

I want to call for the immediate implementation of this Motion if it is approved by this House in the 2016/2017 Budget. I would like to call for a comprehensive and implementable plan to the management of cancer overall. As I said when I moved this Motion, this is a very small part of the broad interventions that are required to effectively manage cancer. I thank you. I beg to move.’
Date 30th March 2016  
Member of Parliament: Hon. Esther Gaathogo  
Contribution she made on: Motion on use of serialized waiting cards for voter registration  
‘Thank you, Hon. Deputy Speaker for giving me this opportunity. Initially, I had interrupted debate because I wanted clarification from Hon. Ferdinand Wanyonyi because we are only talking of the IDs in terms of voting but I thought it was better if he said that waiting cards should also be used in other offices. We may only think of voting but people are suffering out there because of lack of IDs. We should declare that waiting cards should be used in all offices. We have been having problems with IDs especially in my constituency which is cosmopolitan. Many people are being sent to their homes to get them. For example, my son who is 20 years and was born on the same day with Abdi, is given an ID while Abdi is sent to his home to get it. I am just giving an example. People should be given IDs where they stay. Sometimes it is not possible to go and look for your uncle, grandmother or any other relative.

We blame chiefs but even those who are applying for IDs are corrupt. You go to a chief’s office expecting him to ask for something, and you give out money. We should not only use waiting cards to register as voters but also in other offices. Thank you, Hon. Deputy Speaker.’

Date 30th March 2016  
Member of Parliament: Hon. Alice Chae  
Contribution she made on: Motion on use of serialized waiting cards for voter registration  
‘Thank you, Hon. Deputy Speaker, for the opportunity. I rise to support the Motion by Hon. Wanyonyi. Honestly speaking, voting is a right to any one of us. If you are curtailed or if there are restrictions that do not enable one to do what he or she is expected to do then that means we are doing a disservice to our people.

One does not become a Kenyan by owning an ID. If you have undergone the process to enable you acquire an ID card, it should be taken as a guarantee that you can access all Government services. If you are above 18 years old, you have finished school and you have been given a waiting card, that is proof that you are going to be issued with an ID card. We passed a Motion by Hon. Chris Wamalwa which was urging that issuing of IDs be decentralised. If that Motion is implemented, it is going to ease the system and enable all eligible Kenyans acquire IDs.'
Remember you cannot register a company, even if you have finished school, if you do not have an ID. You can also not access a loan from the Higher Education Loans Board (HELB) if you do not have an ID. You can also not open a bank account without an ID. Those are restrictions which even our Constitution tells us should be removed so that Kenyans can enjoy all their rights, not only by voting but also in accessing all the services they need. They may want to acquire property, do business or move from one place to another. You cannot go to an embassy if you cannot identify yourself as a Kenyan. Those are the restrictions that this Motion seeks to address. This Motion also wants the IEBC to ensure that all Kenyans are registered as voters.

In the concluded mass voter registration exercise, there was low turnout. Most of the people who did not register are those people with waiting cards. Some of them go to check for their IDs almost on a daily basis but they cannot get them. That is why we are calling for decentralisation of registration for IDs. As we wait for this, the better and quicker option is for the IEBC to acknowledge serialised waiting cards. That can enable many people to vote. Remember that every day as we approach the election, people are turning 18. You know how tedious it is for one to acquire an ID. So, once you have been issued with a waiting card, it then should be automatic that you are eligible for an ID and the serialised waiting card should enable you access all your rights like voting. So, people with waiting cards should be allowed to register as voters as soon as tomorrow. The Committee on Implementation should do the necessary so that whatever is in law should start working.

Thank you, Hon. Deputy Speaker.'

Date 30th March 2016
Member of Parliament: Hon. Zainab Chidzuga
Contribution she made on: Motion on use of serialized waiting cards for voter registration

‘Shukran, Naibu Spika wa Muda.

**Date 30th March 2016**

**Member of Parliament: Hon. Zipporah Kering**

**Contribution she made on: Motion on use of serialized waiting cards for voter registration**

‘Hon. Temporary Deputy Speaker, thank you for the opportunity that you have given me. I thank the Hon. Member who has brought this Motion. It is timely and I support the idea of allowing people with waiting cards to use them to register as voters. As much as I support this Motion, we are aware of challenges that happen in between. Some women asked me to support them to have their IDs released.

Registration of voters is a very crucial exercise and we wonder why the people dealing with IDs have delayed issuing them. As much as the registration of IDs is decentralised, we should add equipment at the national level so that their issuance is fast tracked. I support the idea of waiting cards to be used for registration of voters. There are other transactions that Kenyans need to use their IDs for. For example, the *mama mboga* who want to apply for small loans cannot access them without IDs. I wonder whether the waiting cards can also be used to access these loans.

I congratulate the Chief Executive Officer (CEO) of Moi Teaching and Referral Hospital (MTRH), Dr. Aruasa who released IDs that had been lying there for a number of years due
to pending bills. The owners of the IDs were made to pay some money and the hospital paid the balance. A good number of IDs were released and our people were able to register as voters.

We have old people who want to register as voters but cannot travel from their homes to registration centres. I suggest that we take the registration exercise to the doorsteps of the aged because they cannot travel to get their IDs. The delay in the issuance of IDs is because of personnel who are not working as per their schedule. We need to put in place the amount of time one should wait for an ID after application. It is because of that loophole that the time stipulated is not clear. I propose that the chiefs should be involved in the issuance of IDs. They should be given a critical role to identify the ID applicants in their locations. If we do this, people will get their IDs on time.

Women are affected by this exercise because of their responsibilities. When they go to register for IDs they are told to go back and they may not have that opportunity. I am proposing that the issuance of IDs should be done in such a way that during women meetings the people issuing IDs---’ (Interrupted)

**Date 30th March 2016**

**Member of Parliament: Hon. Dr. Susan Musyoka**

**Contribution she made on: Initiative to promote clean environment**

‘Thank you, Hon. Temporary Deputy Speaker. I stand to support this Motion with a lot of passion. I thank Dr. Ottichilo for bringing this Motion. It is a very important Motion. It is important that we should all support it. Somebody said that cleanliness is next to godliness. In the Bible, somewhere in Leviticus, God instructed Moses that there had to be cleanliness in the tent or in the area where the Israelites were staying and God would not come to them unless there was cleanliness. He instructed them to dig a hole and cover the human waste and if it was not, He would not come to them. So, cleanliness is so important.

There is so much litter in our environment in Kenya and so much garbage in our towns. It is important that we create a culture of cleanliness. It is important that we all become concerned. Article 42 under the Bill of Rights of our Constitution states that every person has a right to a clean and healthy environment which includes the right to have the environment protected for the benefit of present and future generations.

I believe we all have a role to ensure that our environment is very clean. We all have an obligation to make sure that we participate in cleaning it. The littering and waste disposal that we so carelessly do is not just out of ignorance, but it is also impunity. There are people who dispose garbage because they are ignorant of the dangers it poses and there
are those who do it out of impunity. We need to know, understand and take responsibility of our environment and make sure that it remains clean.

Several years ago, I went to Singapore and found that you could not chew gum in the streets because you would litter. We see in other countries people walking around with their pets carrying bags to collect the waste the pets may drop on the roadside. If they can do that for pets, what about us and our own human waste? We should be responsible and clean our environment. It is important that we have a day which will be of conscious awakening to remind us and to actively involve everybody in cleaning our environment.

When grass and plants were planted in Nairobi along the roadside, it created a sense of beauty and breathing of fresh air. It also prevents one from littering. We need to sustain that and take it to all levels in our areas. When we look at the Sustainable Development Goals (SDGs), water and sanitation, poverty eradication, clean energy and clean environment come in. We need to take responsibility and go with the rest of the world as they implement the SDGs. As leaders, we need to be at the forefront. We need to take a stand and lead the rest of the country in having a clean environment.

In today’s newspapers, it is indicated that 13,000 people have been hit by cholera and 126 people are already dead. This is a disease of dirt. This is a situation where people have eaten their own faeces. This is not acceptable at this time. We need to have a clean environment and maintain it, so that we are healthy. These disease outbreaks, especially cholera, happen year in, year out. This is a disease that we should have eradicated long time ago. In countries where they have taken care of the environment, you do not see typhoid fever and cholera outbreaks. They are dealing with a “more honourable” disease, if there is such a word. They are dealing with better illnesses than those outbreaks. So, we should eradicate such illnesses by keeping our environment clean, being conscious and taking the responsibility by going out of our way to ensure that we maintain cleanliness everywhere we go.

We also need to make sure that the water we drink is clean. Not just ourselves, but we need to take care of the people that we lead. If you do not take care of the cook who is cooking your food, they will contaminate your food and you will end up having a disease that is not “honourable.”

When we talk about waste disposal, I was expecting that with devolution, we should be having recycling plants in the counties where we take our waste products and recycle them for production of manure, energy and even baskets and mats. This would create employment for our youth, women and other people in the community.
I strongly support this Motion. I hope we will do more with our waste products and make sure that we do not just clean the environment, but at the same time, we use garbage to produce energy and make use of it in other ways. The heat that we are enduring this time is avoidable if we had taken care of our environment. Climate change is a responsibility of every citizen. No one should be left behind when it comes to matters of cleaning our environment and making sure that we sustain an environment that is conducive to a better life for all of us.

I would like to end my remarks there by supporting this important Motion. Thank you very much.”

**Date 30th March 2016**

**Member of Parliament: Hon. Susan Chebet**

**Contribution she made on: Initiative to promote clean environment**

‘Thank you, Hon. Temporary Deputy Speaker, for this golden opportunity. I have been waiting the whole morning and I am happy you have recognised me. I support this Motion. A clean environment is very important for each one of us, the whole country and our neighbourhoods, especially in slum areas. Such neighbourhoods need this Motion, so that they can maintain their environment. A clean environment is very critical for such places because of the number of people who reside in those areas and the litter that is thrown around by the residents and passers-by. If we do not maintain a clean environment, then we should be ready to face the problems associated with a dirty environment such as air pollution which causes respiratory problems or sicknesses. Smoke from kitchens in our households where we use fuel or wood and water pollution caused by discharge of chemicals from factories cause a lot of problems and make people not to access clean water. Clean water is a big problem in Kenya now. Most people in cities prefer to use bottled water. But how many people in our communities can access bottled water? This means a big population in our country cannot access clean water. Therefore, we endanger their lives.

We also need to look at the methods of maintaining clean environments. One of them is what is recommended in this Bill that we dedicate one day per week to clean our environment. That should start from our own homes as we go to our neighbourhoods and the larger communities. I visited Rwanda and one of the days I witnessed the whole city come out in segments to clean their environment. It was like a national day. We need to do the same as Kenyans, so that we reduce diseases that are caused by a dirty environment. Diseases such as cholera, which is a common phenomenon in Kenya, are as a result of taking unclean water. There are waterborne and airborne diseases and environmental
distraction diseases. If we do not maintain a clean environment, we are going to use a lot of time and resources seeking medication to treat problems caused by a dirty environment. I support this Motion and call on all Kenyans to observe and maintain clean environments.

I want to congratulate the Governor of Nairobi, Hon. Kidero, for his beautification programme in Nairobi City. Five years ago, we did not have a clean environment in Nairobi like we have today. There was litter everywhere. The governor has tried his best. If all the 47 county governments can do the same, we would reduce problems associated with a dirty environment.

I also want to touch on water pollution especially in Kerio Valley. Rivers around the Fluorspar Company are affected because the company has not maintained the environment around it. Most of the chemicals from the factory are discharged to the rivers around. The communities living around there draw water for drinking and other domestic uses from the rivers. Animals also drink from the rivers. As a result, a lot of chemicals are consumed by people and animals through the water from these rivers. I, therefore, wish to encourage that we be considerate and have our communities preserve the environment, especially when it comes to sources of clean drinking water. Not everybody can afford piped water or bottled water. If we preserve our natural environment, we can still have clean water. With those few remarks, I support the Motion.’

Date 30th March 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Initiative to promote clean environment

‘Hon. Temporary Deputy Speaker, I beg to move an amendment to the Motion to delete the word “Saturday” appearing between the words “this House resolves that the Government declares one” and “each month be dedicated by every Kenyan” and replace therewith the word “Friday”.

I am fully agreeable to the substantive Motion for obvious reasons. We know that most of our children, women and older persons are the ones who are severely affected by environmental concerns. That is why we have an increase in cancer and respiratory diseases. It is a very good gesture that we put a specific day when Kenyans focus specifically on environmental conservation and cleanliness. However, Saturday that we are picking is a day that many of my constituents, I included, worship. As members of Seventh Day Adventist Church, we do not touch even a broom or lift a finger on Saturdays. We shall be excluding a huge number of Kenyans from this process yet Friday is a working day nationally. Let us put it as a working day and mainstream Friday as a special environmental
working day. I am an environmental lawyer and an expert in mainstreaming issues of gender and environment. If we push it to a weekend, we will not be mainstreaming. I am proposing this amendment, so that we move it from Saturday to Friday to take the concerns of the Seventh Day Adventists and mainstream environment properly in Government. With those remarks, I beg to move and ask Hon. Ababu Namwamba to second.‘

(Question of the first part of the amendment, that the word to be left out be left out, proposed)

NOTICE OF MOTIONS

Date 1st March 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Motion on Adoption of Report on Sand Harvesting In Diani

‘Thank you, Hon. Speaker. I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the proposed sand harvesting in Diani in the South Coast by China Road and Bridge Corporation, laid on the Table of this House today, 1st March, 2016.

Thank you.’

Date 2nd March 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Adoption of Report on Lead poisoning at Owino Uhuru Village

‘Hon. Speaker, I beg to give notice of the following motion:-

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into the Alleged Lead Poisoning at the Owino-Uhuru Village in Mikindani, Mombasa by Metal Refinery EPZ Limited and Max Industries, laid on the Table of the House, today, Wednesday, 2nd March, 2016.’

PROCEDURAL MOTIONS

Date 1st March 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: Reduction of publication period of the Judiciary Fund Bill

‘Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Judiciary Fund Bill (National Assembly Bill No.3 of 2016) from 14 to 11 days. Hon. Speaker, we are seeking reduction of the publication period of the Judiciary Fund Bill because we had a meeting with the Judicial Service Commission (JSC), and they expressed to us some of the challenges they have encountered in expediting the process of access to justice and implementation of the Constitution. Taking into account the separation of powers between the three arms of Government, it is important that this important arm of the Government is empowered because the Judiciary Fund Bill will ensure that there is a proper kitty allocated to the JSC, and that it runs smoothly as expected.

I beg to move the Motion and request the Leader of the Majority Party, Hon. Aden Duale to second.’

Date 10th March 2016

Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Motion on Rescission of Resolution on the Appointment of Budget And Appropriations Committee

‘Thank you, Hon. Speaker. We have always been able to read the mood in this House. The mood in this House is to have this issue thrashed out. I am asking whether it is in order for us to request you to allow us to go to a Kamukunji and discuss this issue first, before we bring issues to the Floor of this House which are detrimental to the perception created about this House outside this Parliament. Could we have a Kamkunji on this issue before we discuss it on the Floor?’

Date 10th March 2016

Member of Parliament: Hon. Florence Kajuju
Contribution she made on: Motion on Rescission of Resolution on the Appointment of Budget And Appropriations Committee

‘Thank you, Hon. Speaker. I beg to be listened to as well. I stand to support this Motion. I want Hon. Members to understand why we are seeking to rescind the decision that was made by this House. I would like to explain what we mean by rescinding of the decision. Hon. Speaker, I want to alert Members that we must not agree to Motion No.9 which
constitutes the membership of the Committee. But what we are saying is this: Even for us to bring in new Members, if need be, what we must do is to revoke the initial decision that was made by this House.

Hon. Speaker, we all agree that mistakes have been made. We all agree that mistakes have been made by the Budget and Appropriations Committee. We know that there has been no involvement of Members of this House, especially in public participation that is carried out by the Budget and Appropriations Committee. But those mistakes can always be rectified. So, my request to the membership and the Chamber is that we rescind the decision and move to the next Motion. They can then oppose the membership or seek for the entire Committee to be reconstituted. Those are my points. I beg to support.’

**PETITIONS**

**Date 8th March 2016**
**Member of Parliament: Hon. Rachel Nyamai**
**Contribution she made on:** Petition on Medical malpractices by Medanta Africare Hospitals

‘Thank you, Hon. Speaker. I would like to thank the Petitioner and say, as other Hon. Members have expressed, that for sure this is a matter of concern that has been raised severally within our Committee. It is good that a Kenyan has decided to raise this matter as a Petition. It is true that there are a lot of malpractices within the health sector in this country. There are also referrals that are meant to benefit each other and mushrooming of institutions that seem to be a network for making referrals. This is coming as a result of the fact that there is a problem within the health sector. So, I would like to assure the House that the Departmental Committee on Health is going to look at this matter, together with all the prayers that have been raised by the petitioners and any other matter that may be relevant. Thank you, Hon. Speaker.’

**Date 8th March 2016**
**Member of Parliament: Hon. Sabina Chege**
**Contribution she made on:** Petition on cancellation of 2015 KCSE results

‘Thank you, Hon. Speaker. I want to thank Hon. Members for their contributions. The issue of examination leakages is very serious because it is affecting the quality of education in this country. I commit that my Committee will take up the matter and make a follow up.'
As Hon. Anami has said it is alarming, looking at the results distribution curve, with a school producing 300 straight “As”, although the KNEC gave candidates whose results were cancelled 30 days to visit their offices and give explanations. As a Committee we need to go further. I am also aware that there was a committee formed between the Ministry of Education, Research and Technology and the Ministry of Interior and Coordination of National Government to look into the matter. However, we will pick up the matter with the committee and report back to this house within the time given, hoping that this issue will not affect our examinations again.

As an Hon. Member has mentioned, it is really bad when we have parents buying leaked examination papers for their children. I also want to tell Hon. Members and the public as a whole that when they receive leaked examination papers and start redistributing them, it is a crime. As a nation, and the people who aid students, we need to take responsibility. Some of the culprits were arrested last year. We need to see their names published in the newspapers. We need to name and shame them because they are messing up the future of the current young generation. Thank you, Hon. Speaker.’

Date 15th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Petition on Irregular Gazettement of Boni/Ijara Forest
‘Thank you, Hon. Speaker. I want to comment on this Petition because it is the third of its kind to come to our Committee and it seems to have the same issues and yet we accepted the prayers that were presented by Hon. Ali Wario on the gazettement of Bura Forest Reserve. We did the same for Hon Dukicha on Wayu Forest. The Forest Act, 2005 requires that the process be started by the Ministry; that is the process of degazettement or changing the boundaries of the same. So whereas I welcome this Petition, it is the third of its kind. The other two are two years old and even after the Committee ruled, it is not being adhered to. In fact, the prayers having been agreed to by this House have not made any difference.’

Date 17th March 2016
Member of Parliament: Hon. Rachel Nyamai
Contribution she made on: Petition on State of Kibwezi-Kitui Road
‘Thank you, Hon. Speaker. I have a Petition by concerned residents of Kitui South Constituency on the deplorable state of Kibwezi-Kitui Road, Class B7.
I, the undersigned, on behalf of concerned residents of Kitui South Constituency, draw the attention of the House to the following:-

THAT, an elaborate and well-maintained road network is an essential infrastructural establishment that spurs socio-economic development and investment in any region;

THAT, the approximately 150-kilometre Kibwezi–Kitui Road is a major Class B7 highway that traverses Kitui, Makueni and Tharaka-Nithi counties and is a major road link that can open up the eastern and north eastern parts of Kenya for rapid economic exploration, development and investment;

THAT, the highway shortens the distance between Mombasa and Nairobi by about 80 km thereby scaling down the cost of transport and easing traffic congestion that typifies the ever-busy Mombasa Road;

THAT, despite being a Class B7 highway, Kibwezi-Kitui Road has never been upgraded to bitumen standard and yet, all highways of its equivalent across the country are tarmacked;

THAT, since Independence, successive governments have neglected the highway thus leaving it to degenerate into such deplorable state that motorists have shunned it irrespective of the convenience it affords travellers between Mombasa and Nairobi;

THAT, the road has become impassable thereby disconnecting residents from key social amenities like hospitals, impeding the region’s economic development and occasioning tragic road accidents that cause loss of lives, especially during rainy seasons;

THAT, in 2012, a feasibility study for tarmacking the road was done, drawings and designs completed under the World Bank funding and an environmental impact assessment for the project gave it a green light and yet, five years later, the work is yet to commence;

THAT, efforts to resolve the matter with the Ministry of Transport and Infrastructure are yet to bear any fruit;

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

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:-

(i) Investigates the reasons why over 50 years since Independence, the Ministry of Transport and Infrastructure has not upgraded the Kibwezi-Kitui Highway to bitumen standard and yet, all other Class B7 roads in the country are tarmacked.

(ii) Visits the Kitui-Kibwezi Road to assess the current situation.

(iii) Establishes whether any funds have been allocated for tarmacking the highway, when construction work is earmarked to commence and the timeline within which construction is set to be concluded.
(iv) Makes any other order or direction that it may deem fit in the circumstances of the plight of the Petitioners. And your Petitioners will forever pray
Thank you, Hon. Speaker.’

Date 23rd March 2016
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: Petition on Delayed re-carpeting of Maua-Meru Road
‘Thank you, Hon. Deputy Speaker, for this opportunity to comment on the Petition by my brother, Hon. Iringo. I speak from a point of information because I have been on this particular road and I have witnessed and heard the cries of the people of Igembe Central. It is not just Igembe Central that is affected. This road connects Igembe South, Igembe North, Isiolo North and Isiolo South. So, this road leads to the business hub of Meru and Isiolo. We want to grow tourism in Kenya as much as we can. We do not expect tourists to visit places like the Meru National Park when they cannot even connect to the roads that lead to these destinations.
We need to do better. Most importantly, we are just about to go into elections and there are flagship projects especially on roads that were promised one-and-a-half years ago. We have not less than 200 kilometres of roads in Meru County that are supposed to be tarmacked by the Jubilee Government. It is time that is done. This is also a place where a lot of farmers transport their miraa. They have a small market for miraa. Miraa should not be hindered from reaching its destination because of connectivity. We are praying that this happens as soon as possible. We also expect timelines to be placed by the Ministry of Transport and Infrastructure. We are only talking about Kshs.75 million.
Hon. Deputy Speaker, you are the Chair of the Liaison Committee. You know the amount of money that is going to these Ministries. Why can we not have this Kshs75 million being allocated to Hon. Iringo’s constituency? We are still asking for the balance of 200 kilometres of roads in Meru County to be done as quickly as possible.’

Date 30th March 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: Business pending before the Committee on Environment and Natural Resources
‘Thank you, Hon. Speaker. I wish to report on business pending before the Departmental Committee on Environment and Natural Resources.
Under Petitions: The Petition by Hon. Mohamed Diriye on behalf of the residents of Ewaso Nyiro water catchment area regarding the management of Ewaso Nyiro by the Water
Resource Management Authority (WARMA). Under this Petition, the Committee held a
meeting with WARMA and has scheduled a fact finding visit to Wajir on 15th April, 2016.
The Petition by Hon. (Ms.) Florence Kajuju on behalf of the residents of Meru County
regarding human-wildlife conflict. The Committee is planning to meet the Petitioner.
The Petition by Hon. James Gakuya on behalf of the residents of Lunga Lunga Village in
Nairobi County and St. Mary’s Primary School on the massive damage by dumping of soil in
Ngong River on Reuben Side opposite St. Mary’s Primary School. The Committee met with
the Petitioner and scheduled a fact finding mission on 19th April 2016.
The Petition by Hon. Ahmed Ibrahim Abass on behalf of the residents of Ijara Constituency
regarding irregular gazettement of Boni/Ijara Forest. The Committee met the Petitioner and
has scheduled a meeting with the Cabinet Secretary for Environment and Natural Resources
on 21st April 2016 for a response on the issues raised by the Petitioner.
On Reports: The Report on the study visit to China regarding the bamboo sector is awaiting
adoption.
The Report on the 12th Session of the United Nations (UN) Convention to Combat
Desertification Conference of the Party No. 12 is awaiting adoption.
The Report on the agreement of the Conference of Parties (COP) 21 Climate Change
Conference in Paris, France is awaiting consideration.’

Date 30th March 2016
Member of Parliament: Hon. Racheal Nyamai

Contribution she made on: Business pending before the Health Committee

‘Thank you, Hon. Speaker. On behalf of the Departmental Committee on Health, I wish to
present the business before the Committee.
The Departmental Committee on Health has handled the Health Bill 2015, the In-vitro
Fertilisation Bill, 2015 and the Health Records and Information Managers Bill, 2015. We have
also concluded the following legislative proposals:-
(i) The Clinical Officers Training, Registration and Licencing of Nurses Bill, 2015.
(ii) The Occupational Therapists Bill, 2015
We have also finalised the following petitions:-
(i) Petition by Mr. Kiprotich Cheruiyot regarding the review of the healthcare system.
(ii) Petition by Hon. Iringo Kubai on behalf of the Kenya Association of Private Hospitals and
recognition of National Hospital Insurance Fund.
(iii) Petition by the Kenya Union of Clinical Officers on non-payment of allowances for clinical
officers and interns.
(iv) Petition by Hon. Samuel Moroto on behalf of Interlink Industries on delay of payment for construction of an outpatient block at Igegania Sub-District Hospital.

(v) Petition by the Kenya Union of Nurses on the proposal to draft the Health Bill by the Kenya National Assembly Departmental Committee on Health.

(vi) The Petition by Mr. Solomon Muriungi Mburung’a on the amendment of the Cancer Prevention and Control Act of 2014.

(vii) Petition by Mr. Dennis Githenji on behalf of the university students and graduates of Bachelors, Masters and PhD degrees in Laboratory Medicine in Kenya regarding registration and regulation of practice of degree holders in medicine, laboratory science and technology. The Committee has the following pending business before it:-

(i) The Traditional Practitioners Health Bill, 2014. The Committee has considered the Bill pursuant to Standing Order No. 127 and tabled its Report on 23rd April 2015. We are waiting the Second Reading debate.

(ii) Pharmacy Practitioners Bill, 2014. The Committee has also considered this Bill and tabled its Report. We are also waiting the Second Reading.

(iii) The Biomedical Engineers Bill, 2015. The Committee has considered the Bill pursuant to Standing Order No.127. We have tabled the Report and the Bill is awaiting the Second Reading.

(iv) HIV/AIDS Prevention and Cancer Control (Amendment) Bill (Senate Bill No.4 of 2015). It is under consideration.

Hon. Speaker, we also have the following petitions pending before the Committee:-

(i) Petition by Hon. Eseli Simiyu on alleged mismanagement and misappropriation of funds at the Kenya Medical Research Institute (KEMRI). The Committee is finalising this report. We have one set of witnesses to meet.

(ii) Petition by Elijah King’ori Githima regarding the deplorable state of mental healthcare facilities in Kenya. The Committee has met the Petitioner. We have visited institutions that are concerned with this including Mathari National and Teaching Referral Hospital. We are planning to meet other institutions that we felt can add value to this including the Prisons’ Department. We also have a pending Petition by Mr. Brian Anyango regarding alleged irregularities at Medanta Africare Group of Hospitals, a private health care facility. This matter is under consideration by the Committee. The Committee will be meeting the relevant stakeholders on the matter in the petition as soon we are done with the short recess.

Hon. Speaker, we also have some pending legislative proposals. One of them is the Kenya Pwani National Referral Hospital Bill. The sponsor of this Bill, Hon. Abdulswamad Sheriff,
requested the Committee to halt the consideration of this proposal, so that he can consult further.

We have some pending reports that have already been finalised and the Committee is waiting to adopt them. I am going to read through the reports.

2. The SEAPACOH Executive Committee meeting held in Imperial Hotel, Kampala, Uganda.
3. The 68th World Health Assembly Report held in Geneva, Switzerland.
4. The 8th IAS Conference on HIV Pathogenesis, Treatment and Prevention.
7. The study tour to Japan on universal health coverage.

All these reports have been completed and we are going to arrange a meeting as soon as possible to adopt them.’

**PAPERS LAID**

**Date 1st March 2016**

**Member of Parliament: Hon. Amina Abdalla**

**Contribution she made on:** Report of the Departmental Committee on Environment and Natural Resources on the proposed sand harvesting in Diani in the South Coast by China Road and Bridge Corporation.

‘Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House today, Tuesday, 1st March, 2016:-

The Report of the Departmental Committee on Environment and Natural Resources on the proposed sand harvesting in Diani in the South Coast by China Road and Bridge Corporation.

Thank you.’

**Date 2nd March 2016**

**Member of Parliament: Hon. Amina Abdalla**

**Contribution she made on:** Report of the Departmental Committee on Environment and Natural Resources on the inquiry into the alleged lead
Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 2nd March, 2016:

The Report of the Departmental Committee on Environment and Natural Resources on the inquiry into the alleged lead poisoning at the Owino Uhuru village in Mikindani, Mombasa by Metal Refinery EPZ Limited and Max Industries Limited.

(Hon. (Ms.) Abdalla laid the document on the Table)

Allow me to highlight something that should be brought to the attention of the Chairperson of the Committee on Implementation because we have put a time-bound recommendation. The days are counted upon laying of the Report. Hon. Speaker, that is the very reason I want to highlight to the Chairperson of the Committee on Implementation that this Committee, in its recommendation No.5, is urging the national Government to fast-track the gazettement of the 1999 Regulation requiring proponent of projects to deposit a security bond with NEMA. The regulation should be forwarded to the National Assembly as per the provisions of the Statutory Instruments Act within three weeks of the tabling of this Report. As you rightly mentioned, the directors of these companies have gone underground and there is no one to hold accountable. Because this regulation does not exist, the national Government and the county governments will have to go into their pockets to do rehabilitation and compensate those persons. If this regulation was in place, there would be some security bond that would have now been recalled to pay for the same.

The NEMA has appeared before our Committee several times promising that these regulations would be brought. However, they have never come and I am worried that there are bigger environmental calamities in the pipeline by bigger institutions that have not placed these security bonds.

I want the Chairperson of the Committee on Implementation to take notice that after three weeks, she should follow these people.

Thank you.

Date 8th March 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Report of the Mediation Committee on the Mining Bill (National Assembly Bill No.9 of 2014).

Hon. Speaker, I beg to lay the following Paper on the Table of the House today Tuesday, 8th March, 2016:-
The Report of the Mediation Committee on the Mining Bill (National Assembly Bill No.9 of 2014).’

**Date 9**th **March 2016**

**Member of Parliament: Hon. Tiyah Galgallo**

**Contribution she made on: Change of course Of River Tana**

‘Thank you, Hon. Speaker. I also stand to support the Petition. I know that we have NYS camps in Bura and Balambala. It is only prudent that we use the human resource and the capital that we have to ensure that communities do not suffer. I am sure that if that area is unblocked, we will have a better economy and a better way of life for the community. So, I stand to support and urge the NYS Director to act with speed because we have people on the ground who can do that work. Thank you.’

**STATEMENTS**

**Date 3**nd **March 2016**

**Member of Parliament: Hon. Priscilla Nyokabi**

**Contribution she made on: Business for the week commencing 8th to 10th March, 2016**

‘Thank you, Hon. Speaker. On behalf of the Hon. Leader of the Majority Party and on behalf of the House Business Committee, pursuant to Standing Order No. 44 (2)(a), I rise to give the following Statement regarding the business appearing before the House the week beginning Tuesday, 8th March, 2016: The HBC met on Tuesday this week at the rise of the House to prioritize the business of the House. The HBC resolved to give priority to Bills with constitutional timelines as well as committee reports and motions awaiting debate. The following Bills have been prioritized, should they not have been concluded by the end of today:-

(i) The Community Land Bill, No. 45 of 2015.
(iii) The Energy Bill, No. 50 of 2015.
(iv) The Seeds and Plants Varieties (Amendment) Bill, No. 43 of 2015.

Hon. Speaker, on the Questions before the Committees, the following Cabinet Secretaries (CSs) are scheduled to appear before the Committees on Tuesday, 8th March 2016:-
(i) The Cabinet Secretary for Transport and Infrastructure at 10.00 a.m. before the Departmental Committee on Transport, Public Works and Housing to answer Questions from Hon. (Ms.) Grace Kiptui, Hon. (Ms.) Mary Mbugua, Hon. Mosses Lessonet, Hon. Kimani Ichung’wah and Hon. Irshadali M. Sumra.

(ii) The Cabinet Secretary for Interior and Coordination of National Government at 10.00 a.m. before the Departmental Committee on Administration and National Security to answer Questions from Hon. Mohammed Diriiye, Hon. Roba Duba, Hon. (Dr.) Wilbur Otichilo, Hon. (Ms.) Janet Nangabo and Hon. Joseph Manje.

(iii) The Cabinet Secretary for Land, Housing and Urban Development at 10.00 a.m. before the Departmental Committee on Lands to answer Questions from Hon. David Wafula, Hon. Kinoti Gatobu, Hon. Francis Waweru Nderitu, Hon. Geoffrey M. Odanga, Hon. (Dr.) Robert Pukose and Hon. Kipyegon Johana Ng’eno.

Hon. Speaker, the HBC, as you said correctly in the Statement, spent some time on the matter of the Transition Authority (TA), and I want to share with Members of the House that the law is clear on the effluxion of time on the matter of TA.

Finally, the HBC will convene on Tuesday, 8th March 2016 at the rise of the House to consider business for next week.

(Hon. (Ms.) Kanyua laid the Statement on the Table)

Date 9th March 2016

Member of Parliament: Hon. Tiyah Galgallo

Contribution she made on: Status of Anti-Doping Legislative Proposal Bill

‘Thank you, Hon. Speaker. I stand to give the status of Anti-doping Legislation Proposal, 2015. Hon. Speaker, the Anti-doping Legislation Proposal, 2015 was referred to the Departmental Committee on Labour and Social Welfare on 10th December, 2015, in line with Standing Order No.114(3). By then, the Committee was busy with the vetting of the Principal Secretaries (PSs) pursuant to Standing Order No.45. The Committee engaged the Attorney-General and Kenya Law Reform Commission through a letter dated 22nd February, 2016, but it is yet to receive submissions of the Legislative Proposal.

The Committee further scheduled meetings to discuss the Legislative Proposal on 1st, 2nd and 8th March 2016, but the meetings did not take-off as planned. On 1st March, 2016, the Cabinet Secretary for Labour, Social Security and Services was scheduled to appear before the Committee to respond to questions submitted by Members of Parliament in line with Article 113(3) of the Constitution. On 3rd March, 2016, the Committee lacked quorum to
consider the Legislative Proposal, but even the sponsor of the Bill did not appear. On 8th March, 2016, the sponsor of the Bill did not turn up for the meeting.

Hon. Speaker, the Committee confirms its assurance and the highest commitment to consider the Anti-doping Legislation Proposal among other legislative proposals on Thursday, 10th March, 2016. I would also want to give the list of Committee members and I want to assure you that the Member who is dealing with the issue of Anti-doping is a *bona fide* member of this particular Committee.

We have 28 Members and out of them, I am the Vice-Chair to the Committee. I wish to read the names of members of the Committee:-

1. Hon. David Were, MP - Chairperson
2. Hon. Patrick Wangamati, MP
3. Hon. (Ms.) Janet Teiya Marania, MP
4. Hon. Peris Tobiko, MP
5. Hon. John Ndirangu Kariuki, MP
6. Hon. (Ms.) Winnie Karimi Njuguna, MP
7. Hon. (Ms.) Janet Nangabo Wanyama, MP
8. Hon. John Serut, MP
9. Hon. Samuel Gichigi, MP
10. Hon. Elijah Langat, MP
11. Hon. Abdi Noor Ali, MP
12. Hon. Daniel Sitati Wanyama, MP
13. Hon. (Ms.) Regina Nyeris, MP
14. Hon. Wesley Korir, MP – Who is the sponsor of this particular Bill.
15. Hon. Kinoti Gatobu, MP
16. Hon. Elijah Moindi Musomi, MP
17. Hon. James Onyango K’Oyoo, MP
18. Hon. Omondi John Ogutu, MP
19. Hon. (Ms.) Aisha Juma Karisa, MP
20. Hon. (Ms.) Rose Museo Mumo, MP
21. Hon. Silvance Onyango Osele, MP
22. Hon. (Ms.) Gladys Wanga, MP
23. Hon. John Kobado, MP
24. Hon. Hassan Mohammed Mwanyoha, MP
25. Hon. Mlolwa Jones Mwagogo, MP
26. Hon. Ferdinand Waitutu, MP
27. Hon. Cornelly Serem, MP
We have one Member who was de-whipped by ODM and that is hon. Mustafa Idd, MP. Thank you. Hon. Speaker.’

**Date 17**th **March 2016**
**Member of Parliament: Hon. Florence Kajuju**
**Contribution she made on:** Statement on Mediation Report on the Statute Law (Miscellaneous Amendments) Bill

‘Thank you, Hon. Speaker. I support what has been said by my brother, Hon. Mithika Linturi. When I got this information, I took upon myself to know the background as to why that charge was preferred. I was interested in knowing the law under which they were charged. What shocked me most is that the two Germans were not charged under the Kenyan laws. They were charged under the East African Community Customs Management Act of 2004. Section 202 of that Act talks about carrying concealed goods and packaging goods. The information I got from the Officer Commanding Station (OCS) of Port Police Station was that those two Germans were carrying two suitcases that contained Muguka. Hon. Speaker, you know what I mean by saying ‘Muguka’. The other suitcase was carrying Miraa. So, the Meru nation is under persecution. What that means is that any time a farmer grows and transports Miraa to Mombasa or any other place, he or she will be charged by police officers. The police officers have failed to look at the laws that apply in Kenya. They have decided to go to the East African Community (EAC) and get laws that they think can sustain a charge. The unfortunate bit is that those two were foreigners. We cannot make laws in this Parliament and they are not being respected by the persons who are supposed to implement them. The Judiciary must take judicial notice of the fact that Miraa is not illegal in Kenya, whether you are consuming, planting, transporting or treating it in any manner.

I speak here as a representative of the people of Meru County, who have not less than 500,000 votes. Time has come for this country to decide what it wants to do with the people of Meru in as far as Miraa is concerned. I ask the agencies that implement the law to take note of the fact that Miraa is not a drug. They should leave our people alone because we feel very frustrated and persecuted by the implementers of the law.

Thank you, Hon. Speaker.’

**Date 22**nd **March 2016**
**Member of Parliament: Hon. Tiyah Galgallo**
**Contribution she made on:** Statement on loss of lives along Meru-Nairobi highway
‘Thank you, Hon. Speaker. Please allow me to say this and it is also to the attention of all Members. It is not fair for Members to keep on belabouring and complaining about issues out of ignorance. It is less than a month ago when I tabled a Report of the Committee and if every Member would take an initiative to go to the relevant offices of Parliament to find out the status of their various resolutions, we would save time from unnecessary interventions and complaints. If Members read that Report they would find out how far their resolutions are in terms of implementation or even revert back to the Committee if they cannot retrieve the House reports.

Hon. Speaker, again for the attention of the Members, I did not complete the Report I tabled before the House and we are still pursuing it through the Office of the Clerk and your Office for prioritisation so that I can lay it before this House for debate. Members will know the status of implementation of these various resolutions.

I would like to urge Hon. Njuki to go and retrieve House records and he will find out the status of implementation of his resolution and that also applies to Hon. Wamalwa and everybody else. They make unnecessary complaints. In every resolution of this House, when we call the various CSs to interrogate them on how far they are going with implementation, we call these Members including Hon. Wamalwa. He knows the extent of implementation of his resolution. I would like to urge Members to support the Committee. Our Committee has a full in-tray. The Office of the Clerk should help the Committee in operationalising the online tracking tool which is not there. The tool which is there tracks other businesses of the House but not the extent of implementation. We have put in a lot of resources sitting with experts and Information and Technology (IT) gurus to come up with a plan on how to operationalise it but it has not been done. The last time we heard from the Office of the Clerk was that there was a budget of Kshs300,000 which was supposed to operationalise it. That should be done so that each Member of this House, and members of the public because this is also for the consumption of Kenyans, can with a click of a button find out the extent of implementation of particular issues. I only ask for cooperation of Members.

I would like to urge Hon. Njuki to go to the Table Office, pull out the Report of the Committee and he will find out the extent of implementation of his recommendation.’

**Date 23rd March 2016**

**Member of Parliament: Hon. Jessica Mbalu**

**Contribution she made on: Attack on peaceful demonstration along Kibwezi-Kitui Road**
Thank you, Hon. Speaker. I have a Personal Statement to make on an attack on a peaceful protest.

I am Hon. Jessica Mbalu, Member of National Assembly for Kibwezi Constituency. I rise under Standing Order No. 84 on Personal Statements. This has been necessitated by the outcome of the demonstration along the Kibwezi-Kitui Road that took place on Monday 21st March, 2016, where police attacked me and other leaders. The violent and despicable attacks were perpetrated by officers of the National Police Service (NPS) on me and 10 other leaders, despite our being unarmed, peaceful and disciplined during our protest. I personally escaped death by a whisker when three teargas canisters were lobbed at my car by one rogue police officer. Several members of the public, including demonstrators and roadside traders, lost property at the hands of the police. The excessive use of force, including wanton use of teargas canisters, has left the Lower Eastern Region in panic and uncertainty. Even more shocking is that those acts of violence were perpetrated by members of the NPS who abandoned all decorum and behaved like goons. This has had a serious repercussion on the public trust and co-operation with NPS. Such unprecedented levels of force were uncalled for and should be condemned in the strongest terms possible.

The protests were conducted under Article 37 of the Constitution, which guarantees every Kenyan the inalienable right to peacefully and unarmed demonstrate, picket and present petitions to public authorities. Notification for planned demonstrations and request for security had been made to the necessary authorities and had been assured. However, on the material day, the authorities did not pick calls from any elected leaders. It is, therefore, baffling that those I requested security from, nearly ended my life through the use of deadly force against elected leaders. I do not take this matter lightly because the use of teargas against me and other peaceful Kenyans and, in particular, the hurling of teargas canisters directly at my car was a threat to my life.

Hon. Members, you will recall that on Thursday, 23rd September, 2003, in Nigeria, a serving senator and also a former President of the Nigerian Senate, Dr. Chuba Okadigbo, died from complications arising from being teargassed by police in the Northern Nigerian city of Kano during an opposition rally two days earlier. I refuse to be sent to my grave in tears.

I urge the Speaker to use his powers to increase my personal security; given the chilling events. I also urge the Inspector-General of Police, the Independent Policing Oversight Authority (IPOA) and other concerned State organs to commence immediate and thorough investigations on the matter.

As a historical note, it should be observed that the B7 Kibwezi-Kitui Road was first surveyed in 1974 and since then, successive governments have been giving unfulfilled promises of
tarmacking it. The B7 Road is the only untarmacked Class “B” road in Kenya. The
tarmacking of that road has also been subject to over 40 parliamentary questions and
petitions by Members of Parliament. This is evidenced by the perusal of the HANSARD
records. The first question was asked before the survey of tarmacking of the road in 1974 as
Question No. 621 on 19th July 1972 by Hon. Kitonga. The response by the then Assistant
Minister for Public Works, Hon. John Keen, was that the road would be re-done with murram
when funds were available. In 2011, the Government had earmarked the road as Priority
No. 3 after the Standard Gauge Railway (SGR) for purposes of financing by the China
Government. In 2012, a contractor by the name Sinohydro was introduced to the intended
site at Kibwezi by the Vice-President, Hon. Kalonzo Musyoka. It is not clear to the residents
of Kibwezi and Lower Eastern why the Government has since never progressed in the
implementation of the project.
In conclusion, I, therefore, want to assure both my constituents and the county at large that
I will continue to use peaceful, legal, civilised and constitutional means to agitate for their
rights and to carry out my mandate as a legislator and development-conscious leader. Even
as I do this, I urge all State organs to respect and observe the constitutional guarantees to
basic rights. This will reduce the ugly incidents like the one we witnessed on 21st March,
2016. I thank you.’

Date 23rd March 2016
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution she made on: Business pending before Liaison Committee

‘Thank you, Hon. Speaker. As you are all aware, the Committee was established under
Standing Order No. 217. Its mandate is:-
(i) To guide and coordinate the operations, policies and mandate of all Committees.
(ii) To deliberate on and apportion the annual operating budget among the Committees.
(iii) To consider the programmes of all Committees, including their need to travel and sit
away from the precincts of Parliament.
(iv) To ensure that the Committees submit reports as required by the Standing Orders and
consider reports of Committees that have not been deliberated by the House and report to
the House on the consideration of such reports.
(v) To determine, whenever necessary, the committee or committees to deliberate on any
matter.
(vi) To give such advice relating to the work and mandate of the select committees as it
may consider necessary.
What has the Committee achieved? The Committee had established the following:

It has facilitated the fast-tracking of the Senate Bills pending before the National Assembly Committees and facilitated the fast-tracking of Bills with constitutional deadlines.

Following the ruling by the Speaker that the Liaison Committee takes over the role of the Budget and Appropriations Committee on an interim basis, the Committee has done the following:


The following business is still pending before the Committee:

(i) Consideration of the first Supplementary Estimates for 2015/2016 Financial Year. The Committee expects to conclude the Estimates and table its report on 14th April 2016.
(ii) Money Bills referred to the Committee in accordance to Article 114 (2) of the Constitution.

On the list of Bills under consideration by the Committee, there is an annex list of the Bills. I do not know whether we really need to read through it. It is a very long list of Bills.

Hon. Speaker, do I need to read the number of Bills pending before the Committee? We have Bills and Motions pending before the Committee. We have a list of draft Motions requiring costing. Those ones have been referred to us because we are acting as the Budget and Appropriations Committee. We have over 40 to 50 different Bills that are pending before us. I believe that is the reason we said that we have not touched any of those Bills.

We are expecting the substantive Budget and Appropriations Committee to be constituted quickly so that they can get on with the business of prosecuting those Bills.

That is it, Hon. Speaker. Thank you.’

Date 23rd March 2016

Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: Business pending before Committee on Energy, Communication and Information

‘Thank you, Hon. Speaker. I want to raise a question with the Chairperson of the Departmental Committee on Energy, Communication and Information, Hon. Jamleck Kamau; on the question of access to Information Bill, which is pending for introduction of amendments. The Committee is supposed to process the amendments by the Ministry of Information, Communication and Technology. It will be good if they can finish the amendments by the Ministry so that the Bill can be dispensed with, noting that it is a
constitutional Bill. I did not hear him mention it in his Report. I am a bit concerned about that.
Hon. Speaker, let me add that, in my status, I would want them to expedite the matter so that I can finish with the Bill before I go and serve the country in other ways. Thank you.’

Date 24\textsuperscript{th} March 2016

Member of Parliament: Hon. Esther gathogo

Contribution she made on: Consideration of annual reports submitted to parliament by constitutional commissions/independent offices (Communication from the chair)