Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Thank you, Hon. Temporary Deputy Chairman. I support the amendment for similar reasons that have been mentioned here. The original Bill does not talk about the divisions that have been mentioned here. I ask other Members to support this. Recently, I went for a trip to Mauritius that had been organised by the Indian Ocean Rim Association. Of the 11 person delegation who went there, I was the only person from the Coast or places close to the ocean. So, it is very important to mention this so that the people who come from those areas are represented.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Thank you, Hon. Temporary Deputy Chairman. I just wanted to again plead to the Members to support this one because one of the things it does is to empower these groups of youth and women that have been mentioned and have been left out of leadership even at community level. That way, as we go into the future, we will have more people involved in the decision-making of this industry.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Again, Hon. Temporary Deputy Chairman, you see that in the suggested amendment (a)(ii) there is: “(a) closed seasons and or areas for species of fish or methods of fishing provided that customary fishing rights are protected”.

There has been a lot of debate on the ground as to when Cabinet Secretaries decide that in a certain period, people cannot fish. Many people in fresh water areas and in the ocean depend solely on fishing for their livelihood. So, when we have added “customary fishing rights”, it is to ensure that those people who are just fishing for their living are able to fish. So, their rights are protected and not people who are fishing for commercial purposes. So, that is the reason we have asked Members to support this amendment. It will ensure that the poorest of the poor who depend on fishing for their daily livelihood, and there is no other way in which they can get food, are able to fish. Even during periods when Cabinet Secretaries decide that people are not allowed to fish, they can still do that.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
**Hon. (Ms.) Juma:** Again, Hon. Temporary Deputy Chairman, this is a very important aspect. It is not just about *omena* in fresh waters. It is also about other fish in the oceans as well. For example, in areas at the Coast like Shimoni and Vanga, there are fishermen from Tanzania and Kenya who collide. They bomb certain areas of the sea and kill a lot of fish in the process of fishing. This puts people into harm and destroys various species of fish in that area.

**Date 29th September, 2015**

**Member of Parliament: Hon. (Ms.) Munene**

**Contribution She Made On:** THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

*Hon. (Ms.) Munene:* Othaya people like fish.

Hon. Temporary Deputy Chairman, I just want to support the Chairperson. We have not left any vacuum. Most of the fishermen are youthful. They must talk to those people because even villages are putting up fish ponds. I support the amendment so that everybody in this country can know how fishermen from the Coast and Lake Victoria enjoy fish. We should not leave a vacuum.

I support the amendment.

**Date 29th September, 2015**

**Member of Parliament: Hon. (Ms.) Juma**

**Contribution She Made On:** THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

*Hon. (Ms.) Juma:* Hon. Temporary Deputy Chairman, there are people who have private property along the beach and have been encroaching on the fish landing sites saying that those areas are part of their plots. If they are gazetted then at least we will know who they are.

**Date 29th September, 2015**

**Member of Parliament: Hon. (Ms.) Juma**

**Contribution She Made On:** THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

*Hon. (Ms.) Juma:* Okay, if you say so. Hon. Temporary Deputy Chairman, I beg to move:-

- THAT, Clause 62 of the Bill be amended by inserting the words “Pursuant to the Treaty Making and Ratification Act” immediately before the words “The Director-General may”.

This section, Hon. Temporary Deputy Chairman, is just to make sure that the Bill is aligned to other Acts.

**Date 29th September, 2015**

**Member of Parliament: Hon. (Ms.) Juma**

**Contribution She Made On:** THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

*Hon. (Ms.) Juma:* Hon. Temporary Deputy Speaker, I beg to move:-

- THAT, Clause 63 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

  “(2) A person who knowingly and willfully contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not
exceeding ten years or to both, and in addition any fish or fish products involved in the transaction and those owned or controlled by such person shall be forfeited.”

This is a very serious offence and we wanted to put a heavy fine for it. Selling contaminated fish or fish products is wrong.

Okay, that is fine. This amendment is meant to ensure that when we are saying “at least” in the Bill it is not construed to be a period any less than three years.

Okay, sorry.

THAT, Clause 65 of the Bill be amended by deleting sub-clause (2) and substituting therefor, the following sub-clause-

Do I have to read the rest of it?

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 65 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Any aquaculture development plan developed under sub-section (1) shall be for a duration of three years”;

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Munene

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Munene: Hon. Temporary Deputy Chairman, I just want to support it. As a Committee, we discussed the matter of fish and supported the amendment. Whether Hon. Odhiambo-Mabona is present or not, we are aware of what is happening. She cannot come back to question.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 67 of the Bill be amended in sub-clause (1) by inserting the words “and without first consulting the affected community” at the end of the sub-clause.

The reason for this amendment is so that nobody is able to take advantage of local communities.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:—

THAT, clause 69 of the Bill be amended—
(a) in sub-clause (1) by deleting the words “with the endorsement” and substituting therefor the words “on the advice”;
(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
“(2) Permission for any activity in sub-section (1) may be granted subject to such conditions as the Director-General, with the written approval of the Board, considers appropriate and after an impact assessment has been undertaken.”

Hon. Temporary Deputy Chairman, the purpose of this amendment is to reduce the powers of the Director-General.

Hon. Temporary Deputy Chairman, I propose that we further amend Clause 69 by inserting the word “environmental” before the word “impact” in the proposed new sub-clause (2) in part (2) of the amendment.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 83 of the Bill be amended—
(a) by deleting the word “Minister” wherever it appears and substituting therefor the word “Secretary”
(b) in sub-clause (8) by deleting the words “three hundred and fifty thousand” and substituting therefor the words “one million”

The reason for this is to comply with the Constitution. Section (b) is to increase the fine.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 87 of the Bill be amended in sub-clause (2) by deleting the word “Kenyan” and substituting therefor the word “Kenya”.

It is meant to correct a typographical error.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 88 of the Bill be amended in sub-clause (1) by inserting the words “but shall require to apply for registration” immediately after the word “licence”

The reason for this is to ensure that the fishing industry is streamlined.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 97 of the Bill be amended in paragraph (a) of sub-clause (1) by inserting the words “or relevant applicable law of a third country” immediately after the word “measures”

The reason for this is to make sure that we are clear about the laws that are applicable.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 116 of the Bill be amended in sub-clause (1) by deleting the words “ten years” and substituting therefor the words “one year”.

Hon. Temporary Deputy Chairman, we felt that 10 years was too long for the validity of a licence.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 128 of the Bill be amended by deleting the words “two million shillings” and substituting therefor the words “fifty million shillings or to an imprisonment of a term of more than one year or to both”.

We thought that Kshs50 million was an unrealistic fee even if it is about a foreign vessel coming to our waters.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 129 of the Bill be amended in sub-clause (2) by—
(a) deleting the words “not exceeding one million” and substituting therefor the words “not less than five million”;
(b) deleting the words “not exceeding five years” and substituting therefor the words “not less than five years”.
The reason for this is to ensure that illegal fishing is lessened.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 130 of the Bill be amended in sub-clause (2) by—
(a) deleting the words “not exceeding one million” and substituting therefor the words “not less than ten million”;
(b) deleting the words “not exceeding five years” and substituting therefor the words “not less than ten years”.
Many people lie when it comes to transportation of fish, so we thought of increasing the fine.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 150 of the Bill be amended in sub-clause (1) by deleting the words “The shall establish” appearing in the opening paragraph and substituting therefor the words “There shall be established”.
This is to correct typing error.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 151 of the Bill be amended in paragraph (b) sub-clause (1) by deleting the words “section 152” and substituting therefor the words “section 150”.
This is to correct another typing error.

Date 29th September, 2015
Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 154 of the Bill be amended in sub-clause (3) by—
(a) deleting the words “not exceeding five hundred thousand” and substituting therefor the words “not less than ten million”;
(b) deleting the words “not exceeding three years” and substituting therefor the words “not less than five years”.
The reason for this amendment is to increase the fine and the number of years of imprisonment for people who refuse to give our authorities access to their vessels. There have been a lot of problems with vessels coming with illegal items into the country.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 159 of the Bill be amended in sub-clause (3) by deleting the words “not exceeding two million” and substituting therefor the words “not less than fifty million”.
Again, this is about people who deny our authorities access to their vessels. So, we are increasing the fine.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 160 of the Bill be amended in sub-clause (7)—
(a) by deleting the words “not exceeding five million” and substituting therefor the words “not less than ten million”;
(b) deleting the words “not exceeding five years” and substituting therefor the words “not less than ten years”.
The reason for this amendment is to increase the fine for the crime of refusing our authorities to track the movement of vessels.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Second schedule to the Bill be amended—

(a) by deleting the word “Vanga” and substituting therefor the word “Shimoni”;

(b) by deleting the word “Mkongoni” and substituting therefor the word “Mkokoni”;

(c) by deleting the word “Old Port” and substituting therefor the word “Mombasa”.

The reason for this is just to give the proper names that are there now.

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Juma

Contribution She Made On: THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. (Ms.) Juma: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

a) by deleting the definition of the term “aircraft” and substituting therefor the following new definition—

“aircraft” means any propelled or remotely controlled airborne device capable of sustained movement through the atmosphere and includes helicopters and monitoring devices.”

b) in the definition of the term “artisanal fishing vessel” by deleting the expression “25 horsepower” and substituting therefor the expression “40 horsepower”;

c) in the definition of the term “aquaculture establishment” by inserting the word “system” immediately after the words “or other”;

d) by inserting the following new definition in the proper alphabetical sequence—

“barter” means trade of fish and fish products by two or more persons with or without use of money;

e) by deleting the definition of the term “buy” and substituting therefor the following new definition—

“buy” includes—

(i) barter;

(ii) purchase;

(iii) attempt to barter;

(iv) attempt to purchase;

(v) receive on account or consignment in consideration for value;

(vi) receive in order to send, forward or deliver for sale;

(vii) broker a sale;

(viii) purchase or barter for future goods or for any consideration of value; and

(ix) purchase or barter as an agent for another person”

(f) by deleting the definition of the term “buyer” and substituting therefor the following new definition

“buyer” means any person who buys;

g) in the definition of the term “export” by—

(i) deleting paragraph (b);

(ii) deleting paragraph (c); and
(iii) in paragraph (d) by deleting the words “for the purpose of (a) or (b), when associated with any buying or selling of fish or fish products” and substituting therefor the words “out of the country”.

(h) in the definition of the term “export facility” by deleting the word “food” and substituting therefor the words “fish and fish products”;

(i) in the definition of the term “fish processing” by inserting the words “drying, chilling, salting, gutting, smoking,” immediately after the word “freezing”;

(j) in the definition of the term “fishery” by inserting the words “existing in a delineated area” immediately after the words “or parts thereof” appearing in paragraph (a);

(k) by inserting the following new definition in its proper alphabetic sequence—

“fish landing station” means a point on the shore of any waters or coastline of which the Director-General has by notice in the gazette designated as a point to land fish;

(l) by inserting the following new definition in proper alphabetical sequence—

“illegal fishing” includes—

(a) activity conducted by national or foreign vessels in waters under the jurisdiction of a state, without the permission of that state, or in contravention of its laws and regulations;

(b) activities conducted by vessels flying the flag of states that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which those states are bound, or relevant provisions of international law; and

(c) activities carried out in violation of national laws or international obligations, including those undertaken by co-operating states to a relevant regional fisheries management organization.”

(m) in the definition of the term “international agreement” by inserting the words “that Kenya is a party to pursuant to the Treaty Making and Ratification Act, 2013” immediately after the word “arrangements”;

(n) in the definition of the term “master” by—

(i) inserting the word “means” immediately after the words “in relation to a vessel, aircraft or vehicle”; and

(ii) deleting the words “in relation to a vessel, aircraft or vessel the”.

(o) by inserting the following new definition in proper alphabetical sequence—

“management” means an integrated process of information gathering, analysis, planning, consultation, decision making, allocation of resources, formulation and implementation of rules and regulation which govern fisheries activities in order to ensure the continued production of the resources and accomplishment of other fisheries objectives;

(p) by deleting the definition of the term “operator” and substituting therefor the following new definition—

(i) “operator” means any person responsible for the operations of, directs or controls a vessel, including the owner, charterer and master of the vessel;

(q) by deleting the definition of the term “sell” and substituting therefor the following new definition—

“sell” includes—

(a) any method of disposition for consideration, of anything which has value or which can be exchanged for cash or barter;

(b) disposition to an agent for sale on consignment;
(c) offering or attempting to dispose for value or receiving or having in possession for disposal for value or displaying for disposal for value, or sending or delivering for disposal for value, or causing or permitting to be disposed for value, offered or displayed for disposal for value; and
(d) disposition by way of raffle, lottery or other game of chance under the Betting Control and Licensing Act, 2012.
(r) by deleting the definition of the term “semi-industrial fishing vessel” and substituting therefor the following new definition—
“semi-industrial fishing vessel” includes—
(a) a decked fishing vessel with an overall length of not less than ten meters and not more than twenty meters, less than fifty GRT and powered by an inboard engine; and
(b) an undecked fishing vessel with an overall length of not less than ten meters and not more than twenty meters, less than fifty GRT and powered by engines of at least forty horsepower.
(s) by deleting the definition of the term “support vessel” and substituting therefor the following new definition—
“support vessel” means a vessel carrying out operations in connection with and support of a fishing vessel including transport or supply;
(t) by deleting the repeated set of definitions of the terms “subsistence fishing”, “support vessel”, and “surveillance”
(u) by inserting the following new definition in the proper alphabetical sequence—
“unregulated fishing includes—
(a) activities conducted by vessels without nationality, or by those flying the flag of a state not party to that organization, or by a fishing identity in a manner that is not in consistent with the conservation and management measures; and
(b) activities carried in areas or fish stocks in relation to which there are no applicable conservation or management measures in where the fishing activity is conducted.”
(v) by inserting the following new definition in the proper alphabetical sequence—
(i) “unreported fishing includes activities which the relevant authority has not been notified ;”

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Shaban

Contribution She Made On: CONSIDERATION OF SENATE AMENDMENTS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

Hon. (Ms.) Shaban: Hon. Temporary Deputy Chairman, I beg to move: - THAT, the Bill be amended in the Schedule-
(b) in the proposed amendments to the County Governments Act, 2012 (No. 17 of 2012)-
(i) by deleting the proposed amendment to section 26(2);
(ii) by deleting all the proposed amendments to section 54;
(ii) by deleting the proposed new section 139;

Date 29th September, 2015

Member of Parliament: Hon. (Ms.) Kanyua
Contribution She Made On: CONSIDERATION OF SENATE AMENDMENTS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

Hon. (Ms.) Kanyua: I do not have a different view. The only worry is the issue of origination of legislative proposals. This afternoon, we had the Fisheries Management and Development Bill. The two Houses have to agree on where certain legislative proposals should originate from. The House might end up acting in vain if we continue to act this way. Now that the matter has been taken care of in the Fisheries Management and Development Bill, it is just in order.

BILL

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Ngetich

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Ngetich: Thank you very much, Hon. Temporary Deputy Speaker. This Bill provides for the regulation of the practice, as well as the standards, of engineering technologists and technicians. It also provides for the powers, composition and functions of engineering technologists and technicians.

The prevailing situation in Kenya is such that there is no other law or Act that regulates the engineering profession. Many of us are aware that the Engineering Act created the Engineering Board of Kenya, which regulates the engineers. Just for information, it is good to note that the engineering profession is categorized into several cadres.

We have professional engineers such as civil, electrical and mechanical. Then we have the engineering technologists and technicians. We also have a category known as the operators. They are the artisans and the craftspersons.

While engineers, who form a sub-sector of the engineering profession, are regulated through the Engineers Act by the Engineers Board of Kenya, the engineering technologists and technicians remain unregulated and yet, those different cadres work closely together. Just to expound further on how those professions relate to one another, engineers, for example, are designers. They can, for example, design a phone and state its measurements. Then the technologists will come in to put that design into a physical object. When that physical object needs some repair, the technician comes in to repair. So, they work together and they are closely related.

It is also good to note that prior to 2011 before the Engineers Act was repealed, it had a small clause that acknowledged technicians with a Higher National Diploma from Kenya Polytechnic and equivalent institutions. When that Act was amended in 2012, that section was deleted, thus leaving out the engineering technologists and technicians. Therefore, I decided to bring this Bill because as we all know that it is best practice to regulate professional bodies. In Kenya, we have more than 19 professional bodies which have their regulatory bodies.

One reason why we need to regulate professions is to promote public welfare by safeguarding health and property. I want you to reflect on the several scenarios that we have seen. Houses have been collapsing and killing people. Of course, property is being lost. Once the architects have done their work, when it comes to the real building, since the contractor will want to construct at the minimal
cost, he will hire those who have learnt masonry and carpentry on the job without necessarily having the requisite professional competences or skills. Therefore, those people do not stick to the standards that are required. When such a building collapses, you cannot sue anyone. The architect will say that he did his part, he drew the design very well and it is up to the person who was constructing.

Secondly, this is also to protect the public from exploitation. Those who are employed in the building industry are really exploited. Graduates from our youth polytechnics and vocational centres will be recognized as having that particular skill and instead of being paid Ksh250 per day, they will get their rightful payment according to the standards that are expected. For example, Kshs1,000 per day as per the regulations.

This also provides for uniformity in content and practice. How will you know the standards that are required if there is no specialised body to determine the standards and the quality of work that is to be done? Therefore, the profession can be regulated if it has a distinct area of practice. In this case, we all know the education system has been reformed. We have two pathways and one can choose to take the academic pathway or the technical education pathway. So, since this has a significant training in education, it looks into the competence of every member before they are registered. That means that if you are looking for a mason or a carpenter, you will be told the kind of qualifications they should have. Professional associations come in to set qualifications and competency standards for its members.

As I speak, comparatively, if we look at the global practice, many countries have adopted this system where the various cadres are registered separately. For example, Canada, United Kingdom, United States of America (USA), Malaysia and South Africa have different registers for engineers, engineering technologists and engineering technicians. For example, Nigeria has a council which is an umbrella body and below it, there are separate regulatory bodies for the separate cadres of engineers.

In Kenya, we have similar situations. I can cite the medical profession which has even gone down to break it further. While in engineering we can term this as regulating the profession, the medical profession has gone down to regulate the various cadres. This House has passed about seven Bills that have become Acts in the medical profession. We have the Doctors and Dentists Act, the pharmacists, the nurses and every cadre has its regulatory body. Most recently in this House, we passed the Physiotherapists Bill, which was the latest in that medical line. Therefore, this is what this Bill aims to do; to create a regulatory body for the engineering technologists and technicians under that engineering profession.

After the promulgation of our Constitution, several sectors had to re-align their policies particularly in conformity with the Constitution and also with the trends globally. Under the Bill of Rights, Article 21, our Constitution grants the fundamental duty of the State that every State organ should observe, respect, protect, promote and fulfill the rights of fundamental freedoms in the Bill of Rights. The freedom that we are talking about here is such as the freedom of association and the freedom to belong to a particular body like that regulatory body.

In Article 46, the Constitution grants the consumer rights to goods and services. This means that every consumer is entitled to the goods and services that are provided. Therefore, in the education reforms, it has recognised three levels of education. We have basic education which is governed by the Basic Education Act of 2013. We have the Technical and Vocational Education and Training (TVET) and the TVET Act of 2013. Then, we have the Universities Act of 2012. Now this is to emphasise the need to have the TVET focussed on as one of the education reforms. The reason is particularly the TVET. We are talking of education for all. We are also talking about promoting access.

Many a times when the Kenya Certificate of Primary Education (KCPE) results are released, so many join Form One. About a third proceeds to Form One but for the two thirds, one will always ask where exactly they go. Similarly, when they get to Form Four again, about a third joins the
universities. You ask yourself: “Where are the other two thirds?” So, the answer here lies on the fact that we have not rightly promoted TVET because parents and students do not quite understand it. It is because we have given it negative publicity. Whenever a student does not qualify to join a university or a secondary school, he or she can be told to join a village polytechnic. The student can feel like this is a place for rejects or for those who cannot proceed. This is very different. TVET allows all to join an institution. It is possible for one to join a technical institution and then proceed to university and even become a professor. It is possible for one to join the youth polytechnic or vocational education and training centres, pursue an artisan’s certificate, then a diploma or a degree even up to the PhD level.

For our developing country, this is what we need. We have a very big problem of unemployment. We have a blueprint - Vision 2030 - which talks about innovation and industrialisation. There is no way that we can achieve this if we do not produce the right persons to man our industries. I want to give an example of Malaysia. Malaysia chose to emphasise on TVET. They said: “We are going to specialise on one thing which is making handkerchiefs.” They specialised in that. Next, they went to another item. I bet that in Kenya, if we are to be asked what exactly we are specialising in in terms of production, then for sure, we may not identify a single item that can be associated with our country. These days, if you visit any supermarket like Nakumatt, Tuskys or Uchumi, all you will see is imported furniture. What happened to our own local human and physical resources? I remember one time when you needed furniture; you would go to Prisons and purchase very good furniture. These days, even for leather, we export the raw materials and then buy the items expensively. As an example, the paper clips---

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Ngetich

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Ngetich: Thank you. I stand guided, Hon. Temporary Deputy Speaker. I want to simply say that, as I mentioned earlier, the Bill seeks to have a regulatory body to regulate the engineering technicians and technologists. At the moment, there is no such body. We have had problems even in the courses that are being undertaken at the Technical University of Kenya because once they graduate, they cannot get employment due to that fact that they cannot be recognised because there is no registration body. Just like any other Bill that forms a regulatory body, the Bill has got sections. One section is for who exactly is to be registered. We still have a step further, during the Third Reading, where we can do amendments. I will call Members to amend such that there are clear roles that will be specific for the engineering technicians and technologists.

Hon. Temporary Deputy Speaker, the Bill also provides for disciplinary action on those professionals who will have flouted the set out standards that are provided. Take for example, the collapsed buildings. If this was done by someone who is already registered, it is very easy to call the person. There are disciplinary procedures that are set out in the Bill on how the registered persons can be disciplined. I have taken more of my time because of the passion that I have on this, but this is not a money Bill. There will be a fee just like any other for those who are registered. That money will be
used to run the affairs of the board. Therefore, there should be no fear at all as to whether this is a money Bill or not.

I call upon Members to support this Bill. I considered it good to move with global practice. Once we produce professionals, we are not only producing professionals for our country alone. Sometimes, they seek for jobs outside Kenya. The only way you will convince people who are out there that you are a professional and you know your work is when you are registered with a body that is recognised. So, this is a way of ensuring that the high unemployment rate is minimized. They can work locally or outside the country. The best practice is that all professions should be regulated. This is one of the professions that I am seeking to regulate.

Just as a parting shot, I want to tell Members that we looked at various options of regulating this. As I mentioned earlier, the Engineers Board of Kenya (EBK) does not have the clause for technicians. It was removed. In other countries, they form an umbrella body but they have the various professions under that registered separately. I want to end there because I can see Members need more time to debate this. I also need to hear the views of Members. I want to call upon Members to support the Bill.

I want to end there and call upon the Seconder, hon. Kobado, to second the Bill.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Kanyua

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Kanyua: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill and to really congratulate my colleague and friend, Hon. Cecilia Ngetich, for this particular piece of legislation. It has not been easy. She has conveyed consultative forums and sessions to take Members through the Bill and I really want to congratulate the Member for this step that we are now on. In the House Business Committee, we have proposed that Private Members who bring legislations like this that cure a legal lacuna are invited to the assent session and the pen that the President uses to assent to the Bill is given to the Member like Hon. Cecilia who has brought a legislation like this. More importantly, when awards are being given in this country, Members like Hon. Cecilia are considered for a Moran or a Spear or whichever of the other awards. It is indeed, an innovative law that we are discussing today.

In supporting this Bill and looking at the legal gaps, I have looked at the various elements that the law provides and we do not have any provisions that relate to engineering technologists and technicians in Kenya. The way the country is going now is to professionalise every industry. Every industry needs to be professionalised. Recently, we had an engagement like this when we were professionalising the media and we passed in this Parliament the Media Council of Kenya Act. It is time now to look at the engineering technologists and technicians.

Hon. Temporary Deputy Speaker, in professionalization we cover issues around the board that will be doing the registration. The Bill covers that one. Most importantly, and this is an area of challenge for Hon. Cecilia, the Bill must cover training. You cannot have a profession where training is not defined. One element of a profession is the entry criteria; that entry criteria needs to be detailed. When we were doing the Media Council of Kenya Bill, it was such a challenge because we had comedians who are in the media industry and yet we were trying to professionalise it. So, that issue of training and entry qualifications is critical. With regard to practise and code of conduct those have been well covered.

I agree with the Members who were saying that we do not have enough engineers in Kenya. That is, indeed, true. If you look at the Asian countries and many other countries that are developing, their
levels of engineering are very high. Not just the engineers themselves but also the technologists like
the ones were are seeking to professionalise today.
Hon. Temporary Deputy Speaker, the country will not attain Vision 2030 by not investing in the
technologists like we are seeking to do today. So, even for the reasons that the country needs to
develop and grow, then we need legislation like the one we are discussing here this morning.
Let me end with the issue of competition in professions. My own legal profession is another one
that loves to close doors. Professions are about closing doors. I do not understand that. There will
be no reason, in a country of 42 million, to worry about the number of professionals that we have.
In a country of 42 million, we have sufficient market. With the East African Protocol and East African
countries we have the other countries like Rwanda, Uganda and Tanzania. So, there is absolutely no
reason for the engineers in this country to fear that the doors of competition are going to be
opened. We must allow those doors to be opened and every professional is going to compete on
merit. Every professional is going to be judged on what they produce for their country. So, for fear
of competition by the engineers, I do not think that is sufficient reason for us not to legislate on this
law today.

For the universities that are already taking these courses, I think it will be useful for Parliament to
pass this law and allow the students who are already in those universities a chance to come and
practise the profession that they have been studying. Borrowing from the medical profession also,
there would be no reason for the people at the top to fear, say, nurses or the technicians.
Thank you, Hon. Temporary Deputy Speaker. I support the Bill.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Otuko

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Otuko: Thank you, Hon. Temporary Deputy Speaker for this opportunity. I wish to join
my colleagues and congratulate my friend Hon. Cecilia for this Bill which is very important for the
future of this nation.
This is an area that has been forgotten. I am surprised listening to the engineers in the House. I
wonder whether they are sincere with their sentiments. If the commitment and the goodwill was there
to accommodate the technologists and the technicians, they would not have removed the only clause
that was attempting to accommodate the technologists and the technicians in the Engineering Act of
2012. I, therefore, want to congratulate Hon. Cecilia for addressing that lacuna because as we are all
aware, when you open a newspaper, you will read that a house has collapsed somewhere. We have
quacks in the industry. The industry needs to be regulated.
Secondly, this country is growing. We must agree it is not easy to grow a nation to a developed and a
prosperous one. It takes ages to grow a nation. For those nations that have developed, they have had
to develop science and technology. When we look at nations like Switzerland and Germany, you will
find that 40 to 70 per cent of their post high school degrees are in the technical field. So, as we
embark on building the TVETs and technical universities, it is important that we give Kenyans
confidence.
We were sharing with the principal of Technical University and what came out is, they are not even
able to get sufficient applicants for the establishment that they have been given as a university. There
is a lot of negativity out there, yet we know today there are so many respectable, well compensated, upwardly mobile careers that our young people can engage in if only this profession can be recognized, given the legal standing that it requires, credibility and then Kenyans begin to believe in education. This is a very important Bill.

When you look at this nation, there is so much unemployment among our young people. The reason is because they graduate from high school with no sufficient skills to enter the workforce. If they choose not to go to college or they are not able to join colleges, they cannot be able to--- Most employers are looking for people who are hands on. That is where we are moving towards. We are moving towards industrialization. So, this profession needs to be appreciated, recognized and regulated. That is why I support this Bill by Hon. Cecilia.

The Engineers Act that is being proposed for amendment compared to the other one, this has a more holistic approach. It attempts to accommodate all these professions. Maybe engineers should be included in this particular Bill, so that they can accommodate engineers, technologists and the technicians. But I want to say that we need to support this Bill, because this is the Bill that is going to make this country achieve Vision 2030. This is the Bill that is going to address poverty in this country. The gap between the rich and the poor is widening every day. The world today is becoming like a global village as a result of globalization. We must embrace technology so that we can equip our young people and create the much needed employment as well as having the ability to employ themselves. But if there is no confidence and regulation and the profession is not recognized we cannot achieve our Vision 2030.

I support this Bill and I want to appeal to all hon. Members in the House, to do so.

**Date 30th September, 2015**

**Member of Parliament: Hon. (Ms.) Chebet**

**Contribution She Made On:** THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

**Hon. (Ms.) Chebet:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. From the onset, I would like to appreciate Hon. Cecilia Ngetich for bringing up this Bill. It is long overdue. Technicians and technologists in this country have been working without a body to regulate their activities. This Bill will give us a body that will regulate the operations of the technicians and technologists, so that we can know their number in the country and their qualifications. We can also hold them responsible in case of safety problems like the ones we experience in Kenya when houses collapse in urban areas. When this happens, nobody takes responsibility. With a body like this, we are able to hold the technologists and the technicians responsible for such occurrences.

Engineers should not fear this Authority. We are not interfering with their work in terms of design. They design and the technologists and technicians implement the designs. The technologists and technicians who are trained should be certified, so that they can participate in the construction of the Standard Gauge Railway (SGR), so that when the Chinese leave the country, they can maintain our railway lines.

Secondly, the Bill has come at the right time when Kenya is working towards the Vision 2030. As we work towards that, we need to have technical support from our technicians and technologists. The Government has put a lot of money in our counties and constituencies, so that we can have technical institutes to produce technicians and technologists. If we do not have an Authority to regulate the
graduates from those institutions, it is going to be a big problem. This Bill has come at the right time, so that the public can be assured that when they send their children to learn in technical institutions, they will get employment at the end. At the moment, it is very hard for this cadre of technicians and technologists to get employment in the country because they do not have a regulatory body that can certify their certificates.

We have a case which has been circulated. There is a young man called Mr. Boas Muiya. He did his course at the Technical University of Kenya. In his fifth year, he could not continue because he did not see the future of that course and the university is no longer taking students of that category. If a student or students lose five years of their lives in a situation like that, then it means that that course will never be taken by Kenyans. Kenyans will lag behind even as we compare ourselves with other countries. If we measure our standards, we will always lag behind because for every engineer that we have, we need 22 people who have technical knowledge to assist them.

Finally, I want to appeal to this authority when it is established to have apprenticeship skills recognised and certified, so that the many Kenyans who have done those courses even outside college can be---

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Ombaka

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. First, let me congratulate my colleague, Hon. Cecilia Ngetich for this Bill. Time has come for us to look at becoming an industrialised nation. That has been sung all over. Everybody talks about Vision 2030, and how Kenya is moving towards industrialisation. This is one of the processes that must be considered. This Bill, therefore, comes at the right time.

We know that we have had institutes of technology. There was a time in the 1970s and 1980s when the whole country was doing Harambees for institutes of technology. We were going to have students going to study artisan courses which were then missing. Then, we had so many of them and at a certain point, artisans disappeared. We do not see many of them. Nobody is going for this training; if they do, they are not recognised.

As it has already been said, a number of artisans, or technologists, who have existed in this country have suffered in terms of recognition. There are no standards set. There is no recognition. There is a lot of discrimination. So, many young people no longer want to go for studies in the area of artisanry, or technologists, because jobs are also not there. The people who have dominated this area of profession have been those top notch engineers who are produced in the universities. This is the group that Mhe. Gumbo was talking about. These are specialists. The engineers who graduated from university are good but they are high level. They are mainstream engineers. There are engineers of technology, civil engineers and electrical engineers. They are top notch but they always work together with artisans. They have been consultants. They construct but they do not do the work on the ground. They employ artisans to help them. They work together as a team. I do not see why we should now discriminate, so much that we do not allow them to also have a body that can regulate their work. Many of them are not regulated. They are also messing up. That is why there are many accidents.

When I was building my house, I did not use top notch constructors. I used these middle level ones. They did a perfect job but if there were to be a problem in that house, I would not sue the person, or
demand my rights as somebody whose work has been messed up. The board is going to regulate this group of people that has been neglected for a long time. We will be able to inspect their work, regulate it and say that these are young people who are getting jobs because they are now professionally recognised. A body such as this is good enough for them because it will make them more professional. All the professions in this country, or all over the world, have middle level professionals in their areas; we have cited doctors here. You have a surgeon and then you have those who are technologists dealing with medical issues at a lower level. Then, you have much lower ones. Community nurses are also there and they are all recognised as medical professionals.

Hon. Temporary Deputy Speaker, the same applies to teachers where we have early childhood development (ECD) teachers, primary school teachers, secondary school teachers, college level teachers, and university teachers. They are all recognised as teachers and have professional bodies. That is why it is necessary for the low level technologists and artisans to be recognised within a body proposed in this Bill. I support this Bill because people who belong to the body referred to here are Kenyans whose professions must be recognised even at their level of education.

I would like to thank Hon. Cecilia because this Bill has come at a time when Kenya is moving towards industrialisation. To be industrialised, we need to consider the role of technologists and technicians.

Thank you, Hon. Temporary Deputy Speaker.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Gathecha

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Gathecha: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Engineering Technologists and Technicians Bill presented by Hon. (Ms.) Cecilia Ngetich. I would like to thank her for taking such a great step forward in this country with 11 million unemployed youth, who need something to do. It is important that we regulate that industry. It is the industry that carries the majority of the youth and people engaged in construction in this country. They are people who will not necessarily find formal employment in offices, or have opportunities to better their lives. The enactment of this Bill will ensure there is regulation in this industry. Currently, those who graduate from technical, industrial, vocational and entrepreneurship (TVET) schools in carpentry, masonry, plumbing and other skills are desperately needed in this country. In my county, the area of construction is, probably, our largest occupation that will help us employ many people.

The majority of our people are not skilled and do not have papers. Most of these people end up being paid Kshs200 per day whereas anybody with a TVET certificate earns between Kshs1,500 and Kshs2,000 per day. This Bill will not only ensure that at least standards within industry are regularised and harmonised but will also ensure that colleges offering these courses use one curriculum that will apply to all people throughout the country. We can only say that it is one of the best things that will happen in this country. We are a developing country; we are viewed as one of the top countries in Africa in terms of industrialization, and so we must ensure that we have a regulatory body. If you look at most of the areas where construction is taking place, buildings are falling down. Why is that the case? There is nobody to question the contractor on the materials used and anything to do with standardization. This is because we do not have a body that should ensure that high standards are attained. It is selfish of the Engineers Regulatory Authority (ERA) to say that we have 28,000 engineers in this country who are not regularised. If they were honest they would tell us that we only have 1,500 engineers who have certification. It is a big shame considering that our
population is moving towards the 50 million people mark; they want to continue holding on to this industry and keeping other people out for their own selfishness. We must bring everybody on board and regulate areas that are going to participate in the growth and development of this country. We need to ensure that the youth of this country are employed. That is how we will create opportunities for all.

I support this Bill and thank Hon. Cecilia for bringing it forth. It is a testament that women in this country, especially women Members of Parliament, are contributing significantly to the growth and development of this country.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Khamisi

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Khamisi: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. First, I want to support and congratulate my sister Cecilia for coming up with this Bill. This Bill has come at a good time. In this country, we have about six laws on medical practitioners; they talk about nurses, clinical officers, pharmacists and even dentists.

I do not see anything wrong in having another regulatory body in the engineering profession. Kenya will not be the only country which has come up with two regulatory bodies in the engineering profession. We have other countries like Canada, Malaysia and USA, which have two regulatory bodies. We just need to have this other body, so that we ensure that the other cadre of people who have not been recognised by the ERB are recognised.

In our country right now, we have about 26,000 engineers. Only 2,000 have been registered by the ERB. This is something which we cannot accept at all. In our country where we depend mainly on the informal sector, we have about 600,000 technologists, technicians, craftsmen and even artisans. But this group of people is not recognised.

The ERB has just recognised a few people in the engineering profession, and left out the rest of the people with all their professional qualifications. I know that there was an attempt to amend the Engineers Act 2011 to ensure that it accommodated other cadre of people, but there was a lot of hostility to the extent that engineers have called technologists spanner boys. This is not something we cannot agree on, or even accept. Be they called “spanner boys” or by any other name, they are Kenyans, have undergone professional training and have to be recognised.

Section 6A(3) of the Engineers Act, 2011 contravenes Chapter Four of the Constitution of Kenya and the Bill Rights. It states that one has to be a corporate member of the Institution of Engineers of Kenya (IEK). You have to be a corporate member for you to be recognised by the Engineers Registration Board (ERB). But the Constitution says that one should not be forced to be a member of a club or an organisation without his or her consent.

We need to say that for you to be forced into a private club so that you can be recognised is unconstitutional. That is why we are saying that we need to have another regulatory body. Also in the Engineers Act, they also say that you cannot refer to yourself as an engineer, or engineers, if you are not a corporate member, or are registered with the ERB. We have so many graduate engineers right now but they cannot call themselves so because this Act is really bad, biased and discriminatory. We need to support this Bill so that the majority of technologists, technicians and artisans have their rights protected.
The ERB or the engineers who have been registered with it are not sincere in saying that they want to have an amendment, so that they can accommodate the rest of the cadres. They also removed Section 11(5) from the Engineers Act, 2011. For them to be sincere they should even say that we also need to have technicians, the craftsmen and even artisans. They removed that section and showed that they were not sincere. That is why I advocate that we have another body to regulate the engineering profession.

I know the ERB is part of the East Africa Community (EAC), and there is a mutual recognition agreement. If you are an engineer in Kenya you are recognized in Tanzania, Uganda and other countries in the East Africa Community. We also need technologists, technicians and artisans also to be recognised in the EAC and also globally. For them to be recognised, we need to have a body which will recognise all of them. After that we can also come up with an agreement to also make them part and parcel of the EAC.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Muia

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Muia: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. I am not going to repeat what most of my colleagues have said. We are not going to have a field for very selfish people who want to dominate this profession, and say that other people cannot be registered. I wish our colleague was here; I would tell him that those people, or groups, actually do not have the technology which is there now. Once they try to lock out our young people who are preparing to become engineers, they will be discouraged; once they are out there no one will consider that they are qualified. These are people who are qualified; most of the graduates taking engineering courses are pursuing other professional courses like marketing. I want to give an example of my constituency. When I request an engineer to come up with a bill of quantities (BQ) for a borehole, he is not the same person who is going to do that job. He will come up with a BQ and leave the work to other people to do. So, it is selfish for engineers to dominate the field and say that they are not able to work with other professionals. It is high time this House looked into this issue. We should support other bodies to come on board. We should not allow a group to dominate the field to the extent that they want nobody to do whatever they do.

We also have the body for registration of architects and quantity surveyors. They have formed a body bringing other professionals on board, so that they can work together. Any engineer without the current technology is not a serious engineer. If they are not going to recognise other fields and the need to work together, they will not learn. They should include those they have left out, because people learn through experience. Without any experience, those young people will be left out doing their own things. At the end of the day they may turn out to be the best, because some of them use other technologies. Things are changing. Our country has changed. For example, you cannot be a senior politician in one day. You start as a junior politician and continue growing up until you join Parliament. At the end of the day you are called a senior politician because you started somewhere and you have grown.

So, this group of 2,000 people, as other colleagues have said, has left out a very big group. Today you might think you are the best until a certain time when you sit down with other people and realise there are a few things you lack. Once you put your minds together, you come up with a professional body that Kenyans can trust.
I do not want to repeat what other colleagues have said. I support this Bill.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Munene

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. We know some engineers do not want other people to be recognised. We need to have more technical universities in this country, which can train people to get degrees. We should also regulate them, so that our young people who are now in universities learning about engineering can be accommodated; they will catch up with old engineers. We have so many young people who are doing engineering courses in our universities and technical institutions. We also have qualified technicians who are doing carpentry work.

The reason why we are saying this is because of technical institutions in Malaysia. I went to one of the technical universities in Malaysia and saw the way they are helping their young people. When they graduate, they go to a board and they are given certificates which show that they are qualified engineers. So when they leave the universities, they get jobs. As Hon. Gumbo has said, some engineers do not want to see young people come up. I do not know what they fear. This is because we pay a lot of money for our students to go to universities and be engineers and technicians, so that we can sustain ourselves in this country. When we want to build roads and big factories, we can use our people instead of getting people from outside. We are not saying that they are not good. We also want our people to get money from our country. This is because foreigners come with their people and give our children small jobs. Chinese who are not engineers get more money than engineers in Kenya. This is because the engineer in Kenya is not registered as an engineer. I thank the Mover of this Bill. Our Government needs to upgrade more technical schools to universities, so that they can train our people on how to make cars.

We can see some people trying to make aircraft. If those people are trained and sponsored by the Government, we can actually make our own aircraft and vehicles. That is why I support this Bill. I know our people are going to be happy. Since we are the ones who make laws, it is better to regulate this sector, so that our people can be accommodated. I ask my colleagues to support this Bill. We also ask our engineers to help young people come up, so that they will be there in the future. If they are not going to be there, then we will not have enough engineers.

Thank you very much, Hon. Temporary Deputy Speaker.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Emanikor

Contribution She Made On: THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. First, I would like to congratulate Hon. Cecilia Ngetich for bringing this Bill. The issue here is inclusivity. As it is now in Kenya, it is only the engineers who are regulated, yet we have the technologists, technicians, operators and artisans. These are the people who have caused a lot of havoc to construction work in Kenya because of lack of regulations. If we bring on board others who
are left out and they are regulated, we will solve the problem. The requirement is that any profession touching on human safety, health and public welfare has to be regulated.

Hon. Temporary Deputy Speaker, we live in an age of global competitiveness, professionalism and expertise. We have global conventions that govern the practices. With regard to this, we have the Washington Accord, the Sydney Accord of 2001 and the Dublin Accord that recognise the various qualifications in engineering. This has also to be taken into account. If passed, this law will regulate standards and practices. It will set the qualifications required for registration. It will save us from quacks, who have dominated this industry. It will also transform this country and recognise new courses that blend engineering with new technologies such as information and communication technology (ICT), aeronautical engineering, aviation engineering, environmental engineering and irrigation engineering.

Hon. Temporary Deputy Speaker, I believe that this is the way to go. This Bill is very important for this country.

Thank you.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Ngetich

Contribution She Made On: The Engineering Technologists and Technicians Bill

Hon. (Ms.) Ngetich: Thank you very much for this opportunity once again. Before I reply, I want to give three minutes to Hon. Chanzu.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Ngetich

Contribution She Made On: The Engineering Technologists and Technicians Bill

Hon. (Ms.) Ngetich: Thank you very much, Hon. Temporary Deputy Speaker. It is my time now to reply.

In replying, I want to address a few issues that were raised particularly by those who were opposing the Bill. Before then, I want to take the opportunity to sincerely thank the Members. I was making a record and a majority of Members, who were about 27, supported and only three opposed the Bill. So I want take this opportunity to sincerely thank the Members for taking their time to study the Bill. Initially, I was worried that it being a very technical Bill and knowing that many people may not be in the line of sciences— I thought I would not find a lot of support. Thank you very much. Those who have opposed have their right to opinion. But I want to say that they proposed amendments to the Engineers Act. As earlier said here, the Engineers Act, before it was amended in 2011, had a clause that accommodated some group of technicians, but they removed it completely. I am now wondering why the change of heart to incorporate technologists and the technicians into the Act.

It is also good to note that since Independence, The Engineers Board of Kenya, have only managed to register 1,868, to be very specific out of more than 26,000 graduates who have graduated from the various universities. This is something in the public domain. Initially we used to have University of Nairobi as the only university offering the course, but with the establishment of another 22 public
universities, most of which are now offering engineering courses, there is a population of about 3,000 engineering graduates graduating yearly.

I tried to do some calculation. A registration of 1,868, gives an average of about 30 registered per year. If they were to embark on registering their own engineers, who are about 26,000, it will take another 866 years to register them at that rate.

Thirdly, I would not think that we need to go that route. Even the hon. Members who had a different opinion, rightly put it that engineers are very different from engineering technologists. It is like doctors blocking the nurses from being registered. It is as clear as that. They have said it clearly that courses done by the engineering technologists and engineers are very different. One then wonders why try to stop another profession from being regulated, yet you have recognised the fact that they are very different. We have had a very good example here of Hon. Kigo who is in the accounting profession. Initially, the intention was to have one profession for holders of the Kenya Accounting Technician Certificate (KATC) and other level of accountants, but now we also have the Certified Public Accountants. The KATC people have been completely swallowed up. They have no say. When it comes to voting, they cannot get positions even to represent their profession. I, therefore, caution that this is not the way to go.

Indeed, this Government is currently constructing a technical institute in every constituency. What has been budgeted for is Kshs50 million per institute. I am wondering where these students will go thereafter.

We have the Vision 2030, which talks of making Kenya a middle income country with better life, through industrialization. The only way to achieve industrialization is to have room for such students registered in order for them to be legally recognized, and be able to participate rightly in their areas of training.

I want to end by saying that indeed this is the right time to pass this Bill, so that students who have rightly pursued various courses – which we are going to mention – can be registered.

We have 10 technical universities in Kenya, including the Technical University of Kenya and Technical University of Mombasa, among others. Students who qualify for Bachelor of Technology degree, among others, should be registered by the Engineers Registration Board. Those who do not qualify should not be registered.

As we move forward, I appreciate that there are areas of this Bill which will require amending. This will be done during the Committee Stage. I will propose some amendments.

With those remarks, I beg to reply.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Shebesh

Contribution She Made On: CONSIDERATION OF THE SENATE AMENDMENTS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Hon. (Ms.) Shebesh: Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Senate Amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013) and approved the same with amendments.
Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Kanyua

Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)

Hon. (Ms.) Kanyua: Hon. Temporary Deputy Speaker. I beg to move that the Statute Law (Miscellaneous Amendments) Bill (Senate Bill No.6 of 2014) be now read the Second Time.

Hon. Temporary Deputy Speaker, this Bill was considered by the Departmental Committee on Justice and Legal Affairs, pursuant to the provisions of Standing Order No. 199(6). The Bill originated from the Senate and it was sponsored by Senator Amos Wako. Upon being passed on 7th August 2014, it was referred to the National Assembly for further scrutiny in line with Article 110 of the Constitution. After the First Reading of the Bill, it was committed to the Departmental Committee on Justice and Legal Affairs. The Committee received the Bill on 20th August 2014, and considered whether to hold public participation on the Bill.

Since the Senate had already done public participation, the Committee did not find it necessary to repeat the exercise. The Committee considered the Bill on 20th March 2015 in Committee Room 9. The report was considered by the Committee on the 24th March. The Adoption of the report was proposed by Hon. T. J. Kajwang’ and seconded by Hon. Priscilla Nyokabi. There were no dissenting voices to the adoption of the report. The minutes of the Committee sitting are attached to this report.

A Statute Law (Miscellaneous Amendments) Bill is in keeping with the practice of tabling one Bill consisting of various amendments to various Acts, which do not warrant individual Bills. The principal purpose of the Bill is to correct the apparent unconstitutionality arising from the enactment of various Acts without taking into account the role and functions of county governments, as set out on the Fourth Schedule of the Constitution of the Kenya. The Bill seeks to amend the following statutes:

(i) the Cancer Prevention and Control Act No. 15 of 2012;
(ii) the National Transport and Safety Act No. 33 of 2012;
(iii) the National Authority for the Campaign against Alcohol and Drug Abuse Act, No. 14 of 2012;
(iv) the Sports Act, No. 25 of 2013;
(v) the Pyrethrum Act, No. 22 of 2013
(vi) the Prevention, Protection, and Assistance to Internally Displaced Persons (IDPs) and Affected Communities Act, No. 16 of 2012 and,

(vii) the National Honours Act, No. 11 of 2013.

The Bill concerns county governments in terms of Article 110(a) of the Constitution as it contains provisions affecting the functions and powers of county governments as set out in the Fourth Schedule of the Constitution of Kenya. The Bill is not a money Bill within the meaning of Article 114 of the Constitution. The Bill does not delegate legislative powers, nor does it limit fundamental rights and freedoms.

In consideration of the Bill by the Committee, I want to state that the Committee largely agreed with the Senate in many of the provisions. We have very few areas of discordance or lack of agreement with what the Senate had already passed. The Committee considered the Bill and proposes the following amendments:

In the Cancer Prevention and Control Act, No. 15 of 2012, the Committee proposes that the Bill be amended in the Schedule in the proposed amendments to the Cancer Prevention and Control Act by
deleting the words “national end” appearing immediately after the words “with the” in the proposed new section, and substituting therefor the words “Cabinet Secretary” and “relevant authorities”. The Cabinet Secretary (CS), in the thinking of the Committee is the representative of the national Government. The institute may also not require to consult with all county governments. The feeling of the Committee is that since the CS is the representative of the national Government, the matter of participation is catered for. He does not need to consult with all the 47 county governments. That is the proposal for the amendment which we will be moving at the Committee of the whole House Stage.

The second law that the Committee considered is the National Transport and Safety Authority Act, No. 33 of 2012. The Committee proposes that the Bill be amended in the Schedule in the proposed amendment to the National Transport and Safety Authority Act, by deleting the proposed “new Section 53(a). The new Section 53(a) was found to be unnecessary because it restates the functions of county governments, which are well spelt out in the Constitution. They do not require to be restated in a statute like the one we have here.

The section merely restates what the Constitution already provides by stating as follows: “No provision in this Act shall prevent a county government from undertaking its functions as provided for in the Fourth Schedule of the Constitution”. The law does not need to restate the obvious. It is obvious that every county government can perform the functions in the Fourth Schedule. There would be no reason for the National Transport and Safety Authority Act to restate that position, when it is already in the Constitution. So, the Committee proposes that, that particular new Section 53(a) be deleted.

The other law that the Committee considered is the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) Act No. 14 of 2012. The Committee proposes that the Bill be amended in the Schedule in the proposed amendments to the NACADA Act by deleting paragraphs (b) and (c) of the proposed new Section 5. The new Section 5 intended to insert the words: “and the Council of County Governors” immediately after “the Houses of Parliament” appearing in paragraph (j). In sub-paragraph (c) the intention was to insert the words: “Council of County Governors” at the end of paragraph (l)

The Committee also proposes to delete paragraph (a) of the proposed amendment to Section 5 and paragraph (a) inserts the words “and Senate” immediately appearing after the words “National Assembly” in paragraph (a). The rationale of the Committee in proposing these deletions in Section 5 is that it unnecessarily requires the Cabinet Secretary (CS) to submit reports to the Council of Governors, (CoG) and also unnecessarily empowers the CoG to assign roles to the Authority without providing funding for its work. The Committee takes the view that the CoG cannot be allowed in this law to start assigning duties to NACADA.

The proposed amendments to Section 6 of the Act unnecessarily subject the approval of the Chairperson of NACADA to both Houses of Parliament. The Committee sees no reasons why appointment of the Chair of NACADA should go to both Houses of Parliament. The appointment of the Chairperson of NACADA, so far, is a function of the National Assembly. There is no reason to subject that appointment to both Houses of Parliament. The discussion in this country when the Senate and the National Assembly were being set up was not about having two Houses that duplicate each other’s work. The Senate is making a very grave mistake by continuing to insist on being a duplicative House to the work that the National Assembly does. There would be no reason absolutely in our Constitution to do that. Our Constitution intended that we have the National Assembly undertaking national duties and we have the Senate looking at the interests of counties. Where matters of counties are concerned, that is jurisdiction of the Senate. Where matters of national nature are concerned, the jurisdiction is that of the National Assembly. The idea of the Houses duplicating each other’s work is really one that must be resisted. So, in proposing the deletions, that is the
rationale the Committee had in mind - every House should stick to its mandate as provided within the Constitution.

The other Act that we have looked at is the Sports Act No. 25 of 2013. The Committee proposes that the Bill be amended in the Schedule in the proposed amendments to the Sports Act No. 25 of 2013 by deleting the words “liaison with the national and” appearing immediately after the words in Section 4. The Committee also removes the requirement for consultation with relevant departments. The Committee also proposes deletion of many of the new proposals that introduce more confusion on matters of sports in this country. The provisions that the Committee considers better are contained in a new amendment which is to be inserted; we will delete and replace with a new Section 5 as follows:

On powers of Sports Kenya, Section 5 gives the powers of Sports Kenya as follows:-

“Sports Kenya shall have the power in consultation with the county governments to:

a) erect buildings and structures and carry out works necessary or desirable for the purposes of sports in Kenya;

b) appoint agents and attorneys;

c) engage persons to perform services for Sports Kenya;

d) obtain commercial sponsorship for Sports Kenya and participate in marketing arrangements involving endorsements by Sports Kenya of products and services associated with sports;

e) provide whether by sale or otherwise any article or thing bearing a mark, symbol or writing that is associated with Sports Kenya;

f) regulate the provision of services and use of facilities of Sports Kenya;

g) act as an agent for any person engaged whether in Kenya or elsewhere in the performance of services or the provision of facilities of a kind similar or complementary to those performed by Sports Kenya;

h) undertake construction or execution of any works on land vested in Sports Kenya;

i) make regulations with the approval of the CS relating to the use, safety or maintenance of the stadia falling within its responsibility:

1) relating to the erection of structures on, near, over or under the stadia falling within its responsibility;

2) for drainage of streets, lands, compounds and buildings adjacent to the stadia;

3) for inspection of the level with and construction of stadia and playgrounds;

4) for removal, demolition or alteration of any projection, structure or thing obstructing stadia or likely to cause damage or inconvenience to sports facilities where users are concerned.”

The reason we are going into length on the functions of Sports Kenya is to show that all they need is to consult the relevant county government. But as far as we are concerned, Sports Kenya, which is set up by an Act passed by this House in 2013, already sufficiently covers matters of sports and what should be done in furthering our sports in this country. Allowing the county governments to take over this role at this point in time may not be very helpful for the country at a time when we have Sports Kenya. The rationale is to ensure that counties allocate and appropriate monies for the benefit of Sports Kenya where Sports Kenya carries out the works, or rather, roles for counties and to ensure that sports continue to be furthered in our country.

As you know right now with the young people, we hardly have any sports to speak about in our counties, and we hardly have a comprehensive or coherent policy on sports in our country. What we need is for the county governments to work with Sports Kenya for the purpose of furthering sports in our country.

So, the amendments and the rationale are to delete some of the issues that will muddy this process, and require that the annual report is submitted to the relevant county governor. Every county should have autonomy to deal with Sports Kenya as opposed to the CoG. A particular county that needs to work with Sports Kenya should enter into an arrangement under a consultative session with Sports
Kenya in terms of furthering sports. That is the proposal of the Departmental Committee on Justice and Legal Affairs.

The other Act that is in the Statute Law (Miscellaneous Amendments) Bill is the Pyrethrum Act, No. 22 of 2013. The Committee proposes that the Bill be amended in the Schedule in the proposed amendments to the Pyrethrum Act by making some deletions, especially the one requiring consultations with the CoG and the ones that require a CS to have some roles. The rationale of the Committee is that to require consultation between the CS and the CoG in the nomination and the appointment of the Chairperson of the Board is acceptable by the Committee. It is only in consultation with the CS and the CoG in the nomination and appointment of the Chair of the Board. That is a matter that those interested in pyrethrum in this country should have regard to. These are some of the products whose growth we need to look into as a country. All the Members from the pyrethrum-growing areas should look at the Pyrethrum Act and see whether the proposals suggested by the Committee fit in well and protect the pyrethrum industry.

The final Act that the Committee looked at is the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act (No. 56 of 2012). The Committee proposes some amendments to that Act pursuant to the amendments that were proposed by the Senate. The Committee’s rationale in proposing its amendments is to limit the need for consultations to only the relevant county governments. There would be no reason for the matter of IDPs, who are situated in one county, to be taken to the council of Governors (CoG) or to the whole nation. The negotiations and consultations on particular IDPs and affected communities should be with the relevant county governments where those persons are based.

Those are the proposals that the Departmental Committee on Justice and Legal Affairs made in terms of the Statute Law (Miscellaneous Amendments) Bill from the Senate. We urge the House to debate and consider the various proposals that have been put on the table. A Statute Law (Miscellaneous Amendments) Bill, unfortunately historically, carries in it many laws. It is an omnibus Bill, but it is possible for a Member to isolate and identify a law that relates to their area. If the proposed amendments are on the NACADA Act, the Sports Act or the Pyrethrum Act, Members can make their views regarding the proposals. We would urge the House to agree with the Committee based on the Report filed and tabled before this House on 25th August 2015, which Report is available to Members, as they consider the Statute Law (Miscellaneous Amendments) Bill (Senate Bill No. 6 of 2014).

The only other interesting thing to note with the Senate is that this is their Bill No. 6. In the National Assembly, we are doing much better in terms of our law-making processes. So, we would urge the Senate, as they originate their Bills, to continuously originate Bills that relate to county governments and to forward them to the National Assembly. Indeed, we still have many legal lacunas as far as county governments are concerned.

I beg to move and I request Hon. Waiganjo to second the Bill.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Chebet

Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to say one or two things about sports. I recognize that sports are a very important activity for Kenya and also for the counties. Respective counties nurture sportsmen and women differently.
There are those who perform athletics while others play football and other games. So, we have different counties nurturing different types of sportsmen and women. We should accord them the opportunity to do them properly. We are proud as Kenyans when we see our people excelling in the field when they are doing their sporting activities. Therefore, I still feel the recognition of sports activities should be taken up by both the national Government and the county governments; the county governments being the preparation areas while the national Government takes the responsibility of recognizing and even celebrating the heroes and heroines that we have in Kenya. If we can do that, it means that we can have some money coming into the country through those activities. We can also earn some money at the county level. So we want each of the levels to occupy the specific areas and play their roles well.

When we talk about Internally Displaced Persons (IDPs) in Kenya these days, we are talking about people who have been displaced because of political upheavals. However, we also know - and I agree with the Member who has just spoken - that we have people who have been displaced by disasters, encroachment by other people and forcible eviction by the Government. For example, the Ogiek were removed from the forest many years ago and now they are displaced.

We are also looking at activities of the national Government like what we have in the Fluorspar Company of Kenya in Elgeyo-Marakwet County, where the Government took over the mining area and later on transferred it to a private company. The people who are occupying that land are now IDPs. They may not be using the word IDP, but they are people who have been taken hostage. They cannot move around freely on their land or cultivate it. So, those are some of the things we need to consider before apportioning responsibilities to either the county governments or the national Government. In that respect, the national Government should take the responsibility of resettling the people because the county government does not have the means.

Thank you, Hon. Temporary Deputy Speaker.

**Date 30th September, 2015**

**Member of Parliament: Hon. (Ms.) Chebet**

**Contribution She Made On:** THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)

**Hon. (Ms.) S.W. Chege:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak. At the outset, I support this Bill, especially on matters pertaining to health. I am just from my county where I had gone to bury one of my supporters who had died of cancer. The issue of cancer is serious in the Republic of Kenya. Cancer is killing more people in Kenya than even HIV/AIDS. I am glad that the national Government can discuss this. My proposal is that we should have cancer centres in every constituency and not every county. This is one of the diseases that have made our people poor. It has made many families suffer as their relatives die silently. So, I really support and I hope that county governments will come in handy and start cancer centres. I also hope that the national Government will come in and equip them. When hon. Members go to their constituencies, they should create awareness especially on screening of cancer for women. They can be screened for breast and cervical cancer to prevent many women from dying.

I am also passionate about the issue of sports. I am concerned that our sports sector has not been managed very well in this country. We have the World Cup for women and I have not heard or seen big support for women football clubs in Kenya. I hope that county governments can start having football teams for women, where we can support women in that level. If our men have failed to go to the World Cup, I am very sure the women can qualify and go to the World Cup and represent not only Kenya, but also Africa.
On the issue of NACADA, it is very sad that we are fighting drug abuse. I like the Member from the Coast region who has said that NACADA has not been seen to work. We have actually fought very much. It has really affected the Central region. It is very sad to report to this House that when we are fighting the second generation alcoholic beverages, we have one of our main brewers in this country boasting of making a lot of profit in terms of billions. There is one beverage called keg that our young men have gone back to. It is frozen. They are consuming it in cups and small glasses and it is cheap. It is now killing our people more than the second generation alcohol. I hope that we will amend the Alcoholic Drinks Control Act so that we can protect our youth. We should also not allow hawking of alcoholic beverages. Two days ago in Kiambu County, we had some young men who lost their lives. They were taking that beverage and also adding different ones because they were just buying it with a cup. We really need to take care of our young people.

I hope that licencing, which is being done by the county governments, will help us in becoming very strict on how many bars we licence and even when we licence them, we should monitor what is being sold in those bars.

I support the issues of transport. Sometimes, I am really disappointed when I go to the villages and find that the road that the Member of Parliament is using the Constituencies Development Fund (CDF) to build is the same road that has been allocated money by the governor. We are really misusing our resources. I hope this amendment will help the national and county governments to plan so that they can complement each other and not compete or outdo each other.

Finally, I want to comment about the issue of internally displaced persons (IDPs). Even if we are doing the amendment, my sincere hope is that we will not have persons in this country who are internally displaced. I pray that we have peace and the county governments will come in and bring harmony and preach peace among communities so that we can have one Kenya and one community.

Thank you, Hon. Temporary Deputy Speaker. I support.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Chepkwony

Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL No.6 OF 2014)

Hon. (Ms.) Chepkwony: Thank you, Hon. Temporary Deputy Speaker. I want to comment about the IDPs. We know the word IDP started with the post-election violence. Because of the peace which has come to the country, most of IDPs are now settled. But we find that some other IDPs have been created. Some of those are the ones who were removed from the Mau Forest. As we are speaking, we know the El-Nino rains are coming. We do not know what is going to happen to the IDPs who are languishing in their areas. For the prosperity of the country, we would like the government to take stern action so that those IDPs are settled. We have different IDPs. For example, there are people who were evicted because of settling in other peoples’ land as squatters. We need them to be settled immediately. To create harmony in the country, those people should be settled. We should not say that those people must be the same as the others. At least, let them have a comfortable life that is provided by the Government of this country.

Sometimes, there are some who pretend to be IDPs. We need the Government to take stern action against them. That is because others are trying to make themselves IDPs and yet, they are not. So, the Government should account for the real IDPs and punish those who are just pretending to be IDPs.

As leaders, we should identify the IDPs with the county governments. That is because the government has now been devolved. It is now easier for the county governments to identify who the
real IDPs are within their areas. It will make the work easier for the national Government because it takes time to identify them. We have the administration right to the ground, but there must be a strong force to make sure that those people are really identified and are proven to be real IDPs. On the roads sector in our country, especially in Kericho County, there has been a lot of duplication in constructing them. For example, in Kericho County, we have areas where we grow tea. We have money which is given by the Kenya Tea Development Authority (KTDA) for rehabilitating the roads. We have the CDF money and county funds but, sometimes, there is a lot of duplication. For example, a road which can be maintained using Kshs1 million or Kshs1.5 million has been duplicated by the county government and the cost inflated to Kshs10 million. That is where we are saying that the county governments should be very accountable in what they are doing. You can still find that the same road is being maintained by KTDA. So, you wonder what all that duplication is for. The CDF committees and the county governments should sit together to identify which roads should be made by each of them. We are wasting a lot of money on that issue, Hon. Temporary Deputy Speaker. I have been very particular in my area and so, I have been complaining. Look at the roads which are being duplicated and yet, nobody is talking about it! It is only a way of draining our cash. There should be a law mandating the national Government and the county government to sit together and identify the activities that are to be done by each side. I still want to talk about the roads. With that duplication, they should determine one thing. Either the county governments should construct all the roads except tarmacking--- The county government could be given that mandate so that the Constituencies Development Fund (CDF) money is used for construction of building and other things. With that, I support the amendments. The Senate should be very careful and stern. It should supervise the counties rather than coming to supervise Members of the National Assembly. You will find that Senators are not even in their areas, but are just here talking without even supervising the governors. Senators are the supervisors of governors. They should make sure that they supervise what is going on, on the ground. They should not come here to complain. They need to identify the problems facing the counties rather than complain that “this law should be done by both the national Government and the county governments.” So, Hon. Temporary Deputy Speaker, there should be a lot of clarity in this matter concerning the devolved government and the national Government.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Kanyua

Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)

Hon. (Ms.) Kanyua: Thank you, Hon. Temporary Deputy Speaker. Let me start by thanking all the Members who have contributed to the debate on the Second Reading of the Statute Law (Miscellaneous Amendments) Bill, Senate Bill No.6 of 2014. I want to thank all the Members who have contributed extensively to the various sections of this Bill. We will be able to capture some of the issues that Members have pointed out when we bring the amendments in the Committee of the whole House. However, we would urge Members who are individually affected by some of the legislations captured here, and have had some very good views to also bring independent amendments on the different sections. The Committee will support the amendments brought by Members who have contributed in the Second Reading of the Bill.
The Cancer Prevention and Control Act has attracted quite a number of concerns and has attracted fairly good debate in terms of counties having powers and setting aside resources to deal with cancer matters and counties prioritizing matters around health. The House will have a good chance to debate matters of health when the Health Bill comes before this House. The Health Bill has been in circulation for quite a number of weeks. We will have a chance to ventilate on matters health that relate to counties when the Bill is brought before the House. We will also look at the necessary legal provisions in matters health in counties. On the Cancer Prevention and Control Act, the views that have been raised by Members will be captured in as far as matters referring to cancer are concerned and the amendments proposed by the Senate and further amendments proposed by the Departmental Committee on Justice and Legal Affairs.

There was a lot of debate on NACADA Act. Those concerns will also guide the Committee because we are going to ask for a report of the HANSARD and look at the contributions that the Members have made, but the part on NACADA is also very critical. The fight against alcohol and drug abuse in our counties is something that cannot be understated. Those of us from Central Kenya had a very intense campaign against alcohol and drug abuse especially fighting second generation alcoholic drinks and illicit brews. The term “second generation” means water and poison. There was no generation of alcohol because we know how alcohol is prepared. This fight needs to continue. When the Central Kenya Caucus has a meeting with the President of the Republic of Kenya, we will ask that this campaign is sustained and taken to every part of our country. It is good that coast region has started the fight against drug abuse. We have learnt lessons from Central Kenya that the people who prepare these alcoholic drinks are also very clever at reading the system. They kept away alcohol during the weekend of the campaign. Two or three weeks after, many of them are bringing back this alcohol. Some of them are now even bringing back expired alcohol. So, NACADA is an institution that we need to focus a lot on. A country that is drunk or consuming drugs is a country that cannot develop. All of us need to be very concerned about the matters of alcohol and drug abuse in the counties.

There was also debate on the Sports Act and the amendments that need to go into this Act. The Committee will look at that matter again. Sports are central to our country. Even though aspects of sports are devolved, there is still a big role and relevance for Sports Kenya in terms of harnessing talent and making Kenya a sports country. This will be achieved by pursuing sports for employment, development and other purposes. On the provisions relating to sports, we are going to look at the role that the relevant county governments play in matters sport. This has been read in the Constitution as a residual function; that the function is both at the national and the county levels. So, we will get a good balance of what role the relevant counties can play as we look at matters of sports in Kenya. The other law that attracted a fair amount of comment is the Pyrethrum Act. We are going to relook at this Act. I am also not sure, as Members have raised here, whether there is any role by the Council of Governors (COG) in the nomination and appointment of the Chairperson of the Board. The Board is national and pyrethrum is an international product. I am not sure whether the COG is relevant. I think that the Cabinet Secretary (CS) should be able to appoint the Chairperson of the Pyrethrum Board. That Board should then guide activities of the pyrethrum industry in our country. So, we will look at our amendments again and see whether the CS has sufficient powers to appoint the Board Chairperson to guide matters pyrethrum. It is very regrettable that counties that were growing pyrethrum before are no longer growing it. We urge those counties - Nyandarua was mentioned a lot here - that they go back to growing pyrethrum. Some of these crops that we all grew knowing are economic crops that need to be part of the economic activities that we have in our counties.
The prevention, protection and assistance to Internally Displaced Persons (IDPs) and Affected Communities Act No.56 of 2012 also received a lot of attention from the areas with high numbers of IDPs. When we look at the provisions in the Committee, we will be guided by the views that have come from the Members.

Most importantly, we want to look at the question of IDPs vis-à-vis the Restorative Justice Fund that the President announced on the Floor of this House. This is a Kshs10 billion Fund. In the first year, we followed this with the National Treasury and Kshs1 billion was put in the budget for the Financial Year 2015/2016. The money is not sufficient but we have to start somewhere. If the kitty for the Restorative Justice Fund can start functioning, the IDPs and other affected communities can start to benefit from it. There would be guidelines that we are expecting from the Attorney-General’s Chambers. It is not true to say that Government has abandoned the IDPs; the Government has done everything it can over the years to redress the IDPs but more still need to be done. Sufficient legal provisions are still necessary as what is proposed here in the Report that we are discussing---

On the question of IDPs, the Restorative Justice Fund that is going to be set up already has Kshs1 billion but in total a commitment of Kshs10 billion, should see us move some distance in matters of IDPs.

In some counties, my county included, we had what we call “invisible IDPs” where people went back home and started to live with their relatives. There will be other measures that will be proposed in terms of redressing IDPs including giving scholarships and facilitating them to earn a living where they are. We will be looking at all those measures in the Restorative Justice Fund.

Again, I want to thank the Members of this House and the Members who contributed and participated. I also want to thank the Departmental Committee on Justice and Legal Affairs, the Senate and the Senate Committee that looked at this Bill before. We hope that our country will get proper legal framework that we need to make sure that devolution is moving in the right direction. As we look at the laws around devolution, we should ensure that all the actors are playing their roles and none of the actors is moving to a mandate that is not theirs.

Bodies that are new like the CoG will have to settle in our legal system. We have the Senate and the National Assembly. Have those ones settled on their mandate? Increasingly, the other new bodies that have come onto the scene also get their mandate but none of the bodies affects or interferes with the mandate and powers of the national Government in terms of running the affairs of this country.

We thank you and urge Members to support the Bill in the Committee of the whole House and in the Third Reading and make sure that these Bills see the light of day and become law.

Thank you.

Date 30th September, 2015

Member of Parliament: Hon. (Ms.) Kanyua

Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)

Hon. (Ms.) Kanyua: I will urge the Members to support the Bill in the Committee of the whole House, during the Third Reading and to make sure that these Bills see the light of day and become law.

I beg to reply.
Member of Parliament: Hon. (Ms.) Chepkwony

Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)

Hon. (Ms.) Chepkwony: Thank you, Hon. Temporary Deputy Speaker. I would like to support the Report. We went to that area especially Muri Farm. On that farm, we found many squatters who have settled on it. I cannot call them squatters because they have really settled in a nice way. They have constructed schools, administrative buildings like the DO’s office and chief’s offices and even dispensaries. So, I cannot call those people squatters. They are only squatters because they have not been issued with title deeds.

It is not that all these people are troublesome or rude to the AFC but they had given suggestions that they pay the principal amount of money to AFC. As a Committee, we really supported them. If the coffee farmers’ debts are waived, why can the Government not also waive the money they owe the AFC? These people never refused to pay. They accepted to negotiate with AFC that they can pay them and allow them to take a certain portion of their land. So, here, I wanted to remind Members that when they will be talking about this issue they bear in mind that these people have not refused to pay. They only want to pay the principal amount. They cannot pay the interest which amounts to Kshs400 million. Surely, for those people who were one time squatters why can we not waive for them that amount and they pay the principal? We found that these people are not wild to anybody. They are good and understanding. So, we recommended that they only pay the principal amount. So, we want the House to make sure that it approves that recommendation.

For the other three farms namely Mathengeta, Tumutumu, Riakanau and Drake, we found squatters are on other people’s land. But the issue we have here in Kenya, as the Member for Kisauni has said is that people buy properties or land and leave them vacant. This is the case and yet we have people who have no land. Obviously, they will settle on that land especially if they are people from that area. You cannot expect them to stay on the streets when there is vacant land there. Those people who are there saw that this land is vacant. The people who bought the land never developed those farms. We are saying that since they have the title deeds, let the NLC go there, investigate and give them an alternative settlement area. You cannot take anybody’s land. We need the NLC to make sure that they compensate these squatters because they are very many to an extent that they cannot again be sent to the streets as IDPs. We are trying to make sure that the issue of IDPs is limited. We do not want to create more IDPs in this country and as a result we really need to settle those squatters. If possible, the NLC can compensate the owners of the land because the squatters are many. The squatters could be over 40 times the number of owners of the titles. We need to move with speed so that they are settled. We do not want issues to come up. We found that those people could not go to their farms because of squatters, which is really serious. They could be having eviction orders, but there is no way they can go and settle on those farms. So, we need the Government to make sure that these people are settled or the owners of the land are compensated because they are fewer than the number of squatters. The Government should move either way to bring peace in that area.

Everybody in Kenya is eligible to buy land in any part of the country. We want to urge the buyers to also make sure that wherever they buy a property in the Republic of Kenya let them utilise it. They should not leave their land empty. The moment they leave their land empty, obviously squatters will go and settle on it. If it is a plot, the buyer should develop it. If it is land, the buyer should construct their home on it and stay there. Buyers should utilise their farms so that no one invades the farms. I support the Report.
Thank you, Hon. Temporary Deputy Speaker.

**Date 30th September, 2015**

**Member of Parliament: Hon. (Ms.) Kanyua**

**Contribution She Made On: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL No.6 OF 2014)**

**Hon. (Ms.) Kanyua:** Thank you, Hon. Temporary Deputy Speaker. I also wish to join the previous speakers in support for the Report of the Departmental Committee on Lands and to congratulate the Committee for the work that it has done not only with this Report, but in the last couple of days we have seen many Reports brought forward by this Committee. They have even come up, in the House Business Committee, as a Committee that had a lot of pending Reports which we needed to give priority for debate here on the Floor. So, mine is to appreciate the work of the Chairperson and that particular Committee on the difficult task that they have had with the many Reports that they have to bring to the Floor of the House.

On this one, I think it is very good that the Committee has looked at the question of resettlement of squatters in three areas: Muri, Mathengata, Tumutumu/Riakanau, Drake and Kaseku farms in Masinga. That is extremely commendable because there are people in our country who we tend to forget all the time. Those people are squatters. If you look at the work we have done in this Assembly, hardly has the word squatter featured. It is really commendable that the Departmental Committee on Lands has brought a Report on the resettlement of squatters in the three farms to this House. Of course, we hope that they bring more because we are aware that we have very serious questions on the squatters and other landless persons. They are questions that we need to continuously ask and look for answers to them.

On the recommendations that the Committee has done, I will really commend the approach that they have taken. It is an approach of dispute resolution, engagement and consultation. It is an approach that puts the NLC in the centre of the solutions. I am particularly looking at the Mathengeta, Tumutumu and Riakanau farms and the proposals that they have given. The recommendation that the NLC solves this matter once and for all after investigations is one that I support. Asking the NLC to look at the plight of squatters living on the farms is a recommendation I also support. One of the things that we will be following very closely is the implementation of the recommendations of the House.

As a country, we rarely implement what we say. Both the current Speaker and those we have had before have ruled that the House does not act in vain. The House does not debate or pass recommendations in vain. If the House passes the recommendations today, they will have to be implemented and NLC will have to look at this Report and follow what the Committee is asking it to do not only in the case of Mathengeta but also in Tumutumu and all of the other three cases. We will be urging the NLC to also continuously engage on matters of resettlement of squatters in this country after looking at the Report.

It is very regrettable to see the NLC, a Commission that we all had a lot of hope in terms of settling land disputes in this country--- Instead of getting into the task of handling land disputes in our country, we have seen the NLC spend a considerable amount of time battling with the line Ministry which is the Ministry of Lands. Those squabbles are not helpful. The work we want to see is the work that relates to squatters, historical injustices and work that should be done on lands. Even as we talk about the issue of resettlement of squatters, we also want to urge the country to look at new models. Looking for land in Kenya is going to be an old fashioned thing. It might be better now to look for housing. Our country needs to invest in urban and modern housing and slum upgrading. On the many of the squatters who are sitting on very prime land, the option for the
Government would be to buy that land, put up houses for the squatters and extra houses for the middle class and people who can afford.

As we discuss the question of squatters we need to become creative on solutions. Solutions around land seem to be running out of fashion. Land is what we call “a finite resource”. The land that Kenya has is finite. It comes to an end at a certain point. What we need to do is to look at how to maximise on land. If you look at where Kibera sits, you will see how good slum upgrading would help us in an area like that. We would put up houses for those who live in Kibera and for many other people in Nairobi who would need housing. The land that Kibera sits on is fairly prime land and is fairly big. It is land that can be used more creatively to make housing for those who live there and leave land for social amenities like primary schools, colleges and hospitals. Those are the solutions that we should be asking as we look at this question of squatters.

Hon. Temporary Deputy Speaker, I am also happy that very soon, the House will be debating the Community Land Bill together with other land laws. The Community Land Bill provides an opportunity for some of the land that is held by squatters to get a community land title. The pieces of land where squatters settle are sometimes very small that they are not viable for an individual title. But when the Community Land Bill comes, there will be an opportunity to look at the possibility of giving those areas a community land title. With that community land title, development can proceed and many other options on land can be taken by those groups. The House will have an opportunity very soon to debate the Community Land Bill.

The other law, which I have not seen on the list, and we will be asking the Chairperson of the Departmental Committee on Lands when they propose to bring it, is the law on evictions. If you look at this Report, you will see painful stories by the squatters on the evictions that they have suffered including death and loss of property. Our country continues to suffer inhumane evictions which are not allowed in the 21st Century. The country needs an eviction law. Even where squatters are on the wrong piece of land, the eviction should be humane, guided by notice, come after the court order and should not be violent.

The police for heaven’s sake, should stop beating our squatters and shooting them. The Chairperson of the Departmental Committee on Lands owes this House a law on evictions to guide humane evictions because increasingly, we are going to have squatters who are settled on the wrong piece of land, sometimes private land or public land. The evictions that should follow from that wrongful occupation should be humane.

Let me end with the point that the Member for Kericho County raised with regard to compensation of the title owners of land where squatters have settled. I would support that move. If we have 5,000 squatters on a piece of land and one title holder, the sensible thing is for the Government to acquire that piece of land and give it to the squatters. Pay the title holder the compulsory acquisition amount that would accrue from that process and let the title holder go and buy another piece of land.

Some of the squatters have their relatives buried on the pieces of land where they occupy. Removing them from those pieces of land causes a lot of inhumanity, injustice and pain. The reasonable thing to do would be to buy the piece of land where the squatters are settled, give the title holder the amount of money and allow the squatters to live where they are.

For many people who are holding land for speculation, a time has come to tax any land that is not used. All land held for speculative purposes should be taxed so that we do not have people who keep vacant land while many Kenyans are seeking where to settle.

I support the Report and again congratulate the Committee. Thank you.