CHAIRS

Date: 1\textsuperscript{st} February 2017

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker

Date: 1\textsuperscript{st} February 2017

Member of Parliament: Hon. (Ms.) Jessica Mbalu

Contribution she made on: The Temporary Deputy Speaker

Date: 2\textsuperscript{nd} February 2017

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker

Date: 7\textsuperscript{th} February 2017

Member of Parliament: Hon. (Ms.) Rachel Shebesh

Contribution she made on: The Temporary Deputy Speaker

Date: 14\textsuperscript{th} February 2017

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker

Date: 15\textsuperscript{th} February 2017

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker
Date: 15\textsuperscript{th} February 2017
Member of Parliament: Hon. (Ms.) Jessica Mbalu
Contribution she made on: The Temporary Deputy Speaker

Date: 22\textsuperscript{nd} February 2017
Member of Parliament: Hon. (Dr.) Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 23\textsuperscript{rd} February 2017
Member of Parliament: Hon. (Ms.) Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 28\textsuperscript{th} February 2017
Member of Parliament: Hon. (Dr.) Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 28\textsuperscript{th} February 2017
Member of Parliament: Hon. (Ms.) Jessica Mbalu
Contribution she made on: The Temporary Deputy Speaker

PAPERS LAID
Thank you, Hon. Deputy Speaker. The Departmental Committee on Health handled two Petitions. I would like to first present the brief of the Petition on the Kenya National Nurses Chapter of the National Nurses Association of Kenya regarding the direct employment of degree nurses by the Public Service Commission (PSC).

Hon. Deputy Speaker, this Petition was brought to the parliamentary Departmental Committee on Health by Hon. Abdikadir Ore, a Member of Parliament on behalf of the Petitioner, the Kenya Nurses Chapter of the Kenya National Nurses Association of Kenya on 29th of June.

In consideration, the Committee invited and held meetings with the Member, Hon. Ore of Wajir West Constituency, the Kenya Students Nurses Chapter of the National Nurses Association of Kenya, the Principal Secretary responsible for health, the Chairperson of the Committee of the Council of Governors who, however, did not honour the invitation and the Secretary to the PSC. The meetings were aimed at responding to the issues that Hon. Ore had raised.

The Petitioner had prayed that the National Assembly, through the Departmental Committee on Health, looks at the issues in the following way: One, checks on the fair distribution of available current and future vacant recruitment positions of nurses to reflect all cadres, and secondly, looks at matters regarding the Ministry of Health’s implementation of the scheme of service of the nursing personnel approved in May, 2014 and also makes any other recommendation that may apply.

In response to these prayers, the parliamentary Departmental Committee on Health recommends the following: First, the PSC should provide guidance to the County Public Service Boards on recruitment of graduate nurses to ensure that they are absorbed into the system. Second, the Ministry of Health should consider entrenching the Human Resource for Health Inter-agency Coordinating Committee human resources matters in law by submitting a legislative proposal to be effected through Parliament. Third, the Petition should be referred to the Senate for further consideration of the issues therein since a substantive number of them concern operations at the county governments.

Fourth, the Ministry of Health and the PSC should report to the National Assembly on the implementation of the above recommendations within 90 days from the date of tabling this Report.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Nyamai

Contribution she made on: Alleged Negligence by Mombasa Hospital
Hon. Deputy Speaker, we also had a second Petition and I would like to give a brief on it. This is a brief on the public Petition by the family of Mr. Mohamed Bakari on negligence by the Mombasa Hospital and failure to attend to a patient.

The Petition by this family on the negligence by Mombasa Hospital and failure to attend to a patient was tabled before the House pursuant to Standing Order 225(2)(a) by Hon. Sumra, on behalf of the Petitioner, that is, the family of Mr. Mohamed Bakari on 23rd August 2016.

In consideration of this Petition, the Committee invited and held meetings with Hon. Sumra Irshadali who presented the Petition on behalf of the petitioners, the family of Mr. Mohamed Bakari and the management of Mombasa Hospital. The Ministry of Health submitted their comments through a letter dated 19th October, 2016. The Committee aimed at responding to the issues that had been raised. These include prayers to the National Assembly’s Departmental Committee on Health on matters regarding causes of immediate probe into the matter and establish why the Mombasa Hospital failed to attend to Mr. Mohamed Bakari.

Secondly, he prayed that the Committee ensures and establishes mechanisms to guarantee that patients with emergency cases are attended to within the shortest time possible on arrival at the health facility.

Thirdly, that the Committee ensures that the Petitioner’s plight is addressed the soonest time possible; and, fourthly, that the Committee makes any other recommendations that it deems necessary.

The Committee, in respect to the above prayers, conducted investigations and found no evidence to suggest that Mombasa Hospital had failed to attend to Mr. Mohamed Bakari. The Committee, in respect to the second prayer, took note that Clause 7(1) of the Health Bill, which if enacted gives every person the right to emergency medical treatment including hospital care; stabilising the health status of the individual and, arranging for referral in case the hospital does not have the capacity and the ability to deal with a victim.

Clause 7 of the Health Bill also provides penalties to non-compliant medical institutions with a fine not exceeding Kshs3,000,000. The Committee, however, noted that there are policy, legislative and regulatory gaps that are hindering effective provision of emergency and referral services and therefore directs the Ministry of Health to provide, within 90 days of tabling of this Report, a policy framework defining conditions that give rise to emergency treatment; scope of emergency care; professional indemnity to the provision of emergency treatment; and, financing mechanisms for emergency health services.

On the third prayer, since the Ministry of Health, through the Kenya Medical Practitioners and Dentists Board (KMPDB), had also directed that the preliminary inquiry committee of the Board looks into the matter, the family of Mr. Mohamed Bakari should lodge a formal complaint through the Board. The findings of the Board should be provided to the Committee as soon as it is determined.

On the fourth prayer, which is the last one, the Committee further directs the Ministry of Health, in collaboration with and in consultation with the county governments, to map the capacity of all facilities that we have in the country and in the counties to provide emergency and referral services; and, to establish and disseminate emergency and referral protocols and guidelines.
Those are the two petitions that have been handled by the Departmental Committee on Health. I thank Hon. Members who are in the Committee for their commitment in handling these petitions. Thank you.

DATE: 1\textsuperscript{st} February 2017

Member of Parliament: Hon. (Ms.) Nyamai

Contribution she made on: Papers Laid

Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:
The Report of the Departmental Committee on Health on a Petition by the family of Mr. Mohamed Bakari on negligence by the Mombasa Hospital and failure to attend to a patient. The Kenya Student Nurses Chapter of the National Nurses Association of Kenya regarding direct employment of degree nurses by the Public Service Commission.

DATE: 1\textsuperscript{st} February 2017

Member of Parliament: Hon. (Ms.) R.N. Wanyonyi

Contribution she made on: Motion on Persuasive Voter Registration

Yes. It was an announcement in a function. That is the policy and the instructions which have been issued. This is one of the hindrances which married women are facing when it comes to getting ID cards and particularly those who are married away from where they were born. I think it is a matter which needs to be looked at very seriously.

Secondly, as we encourage people to register as voters, let us have a clear mind that it is important for Kenyans to exercise their right to vote. I am reading between the lines that we want people to register as voters so that one side wins or a certain person wins. That kind of an approach is wrong because we want to use people for our own gain and yet, we want them to realise the importance of their right to vote. We must have the right idea as to why we want to increase the number of voters. For example, I am saddened to hear that people are not allowed to enter certain churches or markets if they do not show their voter registration cards. To me, we are introducing anarchy in the country. We are denying people their right of choice. For example, if a particular person is not convinced to vote, I believe that a person has a right to vote or not, until he or she gets the right candidate to vote for. We must put mechanisms in place which are convincing without necessarily harassing people to register as voters because it is their right. If they are convinced that the candidates are not of their choice, I do not see why we should force them to register as voters.

Let us have the right mindset while we convince the people and tell them the importance of changing policy and the development agenda as far as voting is concerned.
With those few remarks, I want to say that whereas the Motion is good, it is a long-term one and has no urgency. The urgency gives it a wrong meaning. I, therefore, support it for the long-term.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: Motion on Persuasive Voter Registration

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this important Motion moved by Hon. Jude Njomo on Persuasive Voter Registration. Much as it is for posterity, I want to support it because as they say, failing to plan is planning to fail. Therefore, we can as well be planning for the future at this very moment.

Secondly, the Motion also gives us the opportunity to actually do that persuasion. We can persuade our people to go on to register as voters because we have actually noted the voter apathy across the country. Yes, indeed, voting is a human right. It is also one’s choice. That is why this Motion is talking about persuasion other than forceful or mandatory registration. That is why I was a bit worried when one member mentioned here that everyone should be made to vote or else they be taken to jail. I was a bit worried because it would really amount to violating one’s right.

Hon. Temporary Deputy Speaker, allow me to take this opportunity to urge all eligible voters who have not registered as voters to go and register before the exercise closes down on 14th February 2017. Of course, the culture of Kenyans is that they wait up to the last minute, but because IEBC has already expressed the fact that the exercise needs to be closed for the register to be cleaned up and checked, I believe there will be no extension of that period. So, I urge particularly the residents of South Rift to register as voters. That is because the reports on the percentage targets indicate that, that area and especially Kericho County, is doing a bit poorly. One reason why Kericho is doing a bit poorly is because last year in February, when the campaign was on, there was a by-election and many people did not register because they had decided to temporarily halt that registration to allow for the by-election. I do not know why the exercise did not resume or why the exercise is not ongoing. It should not be only during election time.

(Loud consultations)

Hon. Temporary Deputy Speaker, I think there are loud consultations. Can you, please, protect me?

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: Motion on Persuasive Voter Registration
Thank you, Hon. Temporary Deputy Speaker, for protecting me. I just want to repeat that many areas are doing poorly as far as the targets are concerned. I am singling out Kericho County, which has not seen greater percentages because there was no registration last year due to the by-election that was there. One way of persuading the voters to register is actually through civic education. That way, they can really understand why they need to vote because knowledge is power. We need to really find out why exactly there is voter apathy. Is it the way we approach our politics? Is it probably our priorities being upside down, for example, basic needs? I am glad that, at least, there was rain yesterday across the country. However, in the last few months, the country has experienced a lot of drought and hunger and when you tell people to go and register and they are hungry and are out looking for water, it will look like the priorities are upside down.

Secondly, as aspirants seek for votes, they are asking the voters to employ them. Probably, the voters understand that they are just registering in order to employ people who go and earn a lot of money and yet, they remain poor. The way we approach politics should also be issue-based and should be convincing enough to allow that willingness to go and register. We must not dish out goodies. I strongly oppose the idea of using any form of goodies to woo the eligible voters to go and register.

Hon. Temporary Deputy Speaker, issuance of identity cards is going hand in hand with voter registration. I thank the Executive for giving the Executive Order where the process should not demand for documentation such as birth, marriage or leaving certificates. Where the chief can prove that this is a resident of their area, they should simply recommend and allow the young people to get their identity cards. I also want to mention that identity cards are issued free of charge. Allow me to express my disappointment as I toured by county in an area called Kapkelei/Sigorian Location. I want those in charge of registration to take note of that. In that area, the clerks who are issuing identity cards are charging Kshs100 and, if you do not have the Kshs100, you are turned away. That is corruption and action should be taken. I have already talked to the person in charge and if action is not taken, then I will take a further step to ensure that they are charged for corruption. That is because identity cards are issued free of charge.

Secondly, there is harassment. The residents may not know how to place their fingers for the machine to capture the marks. They should be friendly because there are young and old people who need to be served.

As we talk about new identity cards, we have so many uncollected identity cards. Do people really know why they need to possess an identity card and why they need to vote? Why would one apply for an identity card and leave it there uncollected. You can imagine now chiefs are going round saying: “Please, collect you identity cards.” It is just perturbing to know that even after applying, people fail to go and collect those identity cards.

Finally, all said and done, let us assume that one has taken an identity card and registered as a voter. We have also noted that during the voting day itself, only 56 per cent come out to vote. So, we will again be going back to tell people to come out and vote. I think it is a matter of really conducting countrywide civic education. It is about researching to establish reasons why there is that kind of apathy or lack of understanding by the citizens of this country that they are not exercising their human right of voting and choice of leaders and that, as they choose the
leaders, they are actually choosing development. One leader once said that bad leaders are elected by good citizens who do not vote. So, if they do not vote, they should not complain that there are bad leaders. I support the Motion.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: Motion on Persuasive Voter Registration

Thank you very much, Hon. Temporary Deputy Speaker. I will speak briefly so that my colleagues can get a minute or two.

Firstly, we must acknowledge that when we do things the same way and at similar times, we get same results. Year in, year out, we have always had and faced the same challenge where we want to register people at the very last minute. Considering all that is happening in the country such as school fees, climate change and food shortage, that could have contributed to voter apathy. Most importantly, we have political propaganda. As leaders we have to be responsible. We cannot be poisoning our people in the country day in, day out with newspaper headlines speaking of negative development of our country and yet, we expect people to register. We can already see that, across the board, people are not registering.

Having said that, I think this Motion, though a little bit late, is timely. We should support Jude Njomo by offering solutions. One of the solutions as we also identify the problems is: We know our youths are facing economic challenges. Most of them are jobless and others are mobile. Today, if a youth in Nyandarua applies for an identity card, and in two weeks he gets a job in Kisumu or Mombasa, by the time the ID comes out, the youth is not there. This is a challenge that we need to sort out with technology and the Ministry of Interior and Coordination of National Government has to be candid. It is on record and I spoke about this issue. Banks are so efficient when they issue their ATM cards, by sending SMS alerts. When the IDs are ready and the youth are expecting them in seven or three days as the President has directed, there should be an SMS alert informing the youth that their ID is ready. This will prepare the youth not to waste so much time coming from Nakuru to Nyandarwa or Kisumu only to find that there is no ID. So, effectiveness, efficiency and timeliness in all departments which are dealing with IDs should be there.

I also think that we should go the census way and possibly look at the Budget as a House. How do census officials succeed to know the population of the nation? They go door to door. Possibly, it is time that those departments go door to door. Civic education is not enough, but I know awareness is in place. All vernacular radio stations are speaking about this. The President and the Opposition leaders are all speaking about this and so there is awareness. There must be something that is limiting people to register and these are the issues that we need to iron out and find solutions.

When we look at Form Four leavers, they leave in a group. This is where we can catch a number of the students who finish Form Four level to get IDs and, at the same time, register as voters. Why do we not integrate those documents? Why do we have National Social Security Fund
(NSFF) card, National Hospital Insurance Fund (NHIF) card, driving licence and ID card? The list is endless. In my bag, I have AON insurance card, birth certificate and many other documents. These documents are too many. We need to integrate them. Possibly, if we are feeling secure enough, we may opt to use an ID card, but the way this ID card is given should be interrogated. As I conclude, when members of the public want to change their polling stations, it will not be necessarily for voter manipulation. I have employed somebody and that person voted in another area. When they want to transfer, the polling stations are also very far. Distance matters, considering those people are poor. They are facing food shortages and cannot afford Kshs200 to ride on a motorbike in order to change the polling station of their choice. This also brings the issue of persons with disability. We have 1.5 million people living with disability who are potential voters. This is a number that is left out.

On the issue of age, people are also ailing. Today, my father is 70 years old. He was 65 years old during the last elections. If he wants to change his voter’s card, he can no longer walk like he could five years ago. So, the issue of door to door registration has to come in. So far, the chiefs have done well.

As I conclude, if an exam is done and the pass mark is 500 and the first person acquires 200 marks, he will have passed the exam. However, the examiner will say---

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: Motion on Persuasive Voter Registration

It is me who is contributing my dear! The examiner will say the pass mark was far below. For this reason, the exam was not passed. Equally, in the elections that we are about to face, if we expect certain millions of people to register but a certain number of people does not participate, the Independent Electoral and Boundaries Commission (IEBC) will say that the turnout was not good. It will just be the people who got a handful of votes and this will not represent the expected numbers. For that reason, people may continue crying and saying the leadership is this or that way and yet, they did not participate.

For that reason, I urge people to continue registering. As Members, we should continue drumming the message. This Motion is very timely.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Otudo

Contribution she made on: Motion on Persuasive Voter Registration

Thank you, Hon. Temporary Deputy Speaker, for allowing me to add my voice to this debate. This is a very important Motion. However, I agree with my colleagues who have mentioned that it has come a bit too late. We need to look at what the real problem is. Why are people not coming out in their large numbers to register? In my county, being a county at the border, we
have a huge number of people who are unable to register because they do not have IDs. I mean a big number! We have married from the Diaspora and vice versa. We have elderly ladies who are grandmothers with 10 or 12 children. They cannot exercise their rights as Kenyans to vote because they do not have IDs and they cannot be given IDs. When they go to register to get IDs, their children are asked to bring their fathers’ IDs, their mothers’ IDs, a letter from the Luguru and what have you. You find that some of their children do not have ID cards. I think we should be addressing the real problems so that, for example, by the time students complete their fourth form, we should have a law in place that guarantees that it is mandatory that those students walk out of school with ID cards. Once we have the IDs, then we are guaranteed that people will register to vote.

Secondly, to vote is a democratic right. What is lacking is civic education. A voter must be motivated to vote. I should have a reason to want to vote. If we have not done adequate civic education, we should not complain of low registration. I have voters who say: “Ni Waheshimiwa ndio wanataka kuchaguliwa. Kwa hivyo, wanipeleke niende nijisajili kupiga kura.” I should be facilitated by those who want to be voted for. That kind of a voter requires civic education that it is their right to vote. They should be involved in this process; they should participate; they should be engaged. Thereafter, they can demand for services from the leaders they elect; demand for what belongs to them, their right.

We have institutions in this country that are mandated to do civic education. It is not sufficiently being done. We have local radio stations. Even in my constituency, there is a local radio station called Emuria FM. I have not heard anything from IEBC educating and encouraging people to go and register as voters. We approve budgets in this House. I have seen budgetary allocations towards civic education in various ministries and departments. We are seeing very little civic education. We should do civic education so that the electorate can appreciate the importance of voting in the right leaders, voting leaders on merit, voting leaders based on development agenda as opposed to party affiliations, as opposed to hiding behind parties just because the party leader is popular in your region. That way, they will be sure that those leaders will be able to drive the development agenda in their regions.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: Motion on Persuasive Voter Registration

Hon. Temporary Deputy Speaker, I wanted to speak to the next one.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) F.M. Mutua

Contribution she made on: Motion on Persuasive Voter Registration
Thank you, Hon. Temporary Deputy Speaker. Mine will be very brief because most of the things have been covered. One, as Kenyans, we need to ask ourselves why we are last minute people. This is something we should have been doing progressively and continuously. Here we are at the last minute, rushing to register our people and even requesting for more time. We should be prepared as a country always. I am sure before 14th February, you will see many people coming out. I do not know if it is our culture or what happens. We like last-minute things. We need to prepare adequately, especially on voter registration.

We also need to address the issue of voter apathy. It is so much out there. When you tell somebody to get a voters card, they will ask you: “What is in it for me?” They even want you to give them cash. There is a problem. We have Kenyans who do not understand that, that vote will give them development. There is a disconnect between development vis-à-vis handouts. We need to handle these issues seriously and have civic education where people are trained as to why they vote for leaders every five years. Those leaders are supposed to bring development.

The issue of voter importation is also critical and should be addressed. When you bring voters from other countries or areas that are not within your area, it means the people of your area will not get adequate services because you have brought strangers to come and vote for you. We need people to be voted in because of their performance, but not just bringing in numbers to get you wrong leaders. So, the issue of voter importation should be tackled very fast and the people who are doing it should be monitored by those who do the monitoring.

My biggest issue, and I will speak for Busia County, is the issue of women who are married from other countries and counties. Yesterday, I was handling issues where those women are being told by the administration they have to go back to where they were born. Those women have been married for over 50 years and some of them are so old. Some do not even know their chiefs. How do you expect a woman to leave her matrimonial home to go to her paternal home to get an ID? Whatever law that is being used by the chiefs should be looked into by this National Assembly and corrected. That is because it makes our women suffer. It is not their fault that they are married in Busia County. They need to be helped. More so, when women come from Uganda, the things they are needed to do for them to get IDs and they have families here are so long and tedious. That is why, as a community, we need to speak about this. We need women married into various counties to be assisted so that they can vote. I assure you, the number that came out yesterday was so huge. I did not even know how to handle it. I am committed to ensure I transfer those women to their homes. I give them money so that they can go and get voters cards, which is not right.

Hon. Temporary Deputy Speaker, as we move forward, as a country, in future, we need to mandate every Kenyan to vote so that they can access public services. That way, they will vote in the right leaders they want, who will bring them development. We need to slowly do away with the culture of handouts to ensure that our people understand what a voters card can do for them in terms of bringing them good roads. When you have a good road, you have access to the market. When you have a good market, you have access to profit from whatever you selling. We, therefore, need to start creating awareness amongst our people so that they can know the meaning of voting.
Thank you, Hon. Temporary Deputy Speaker. I stand to support this Motion. Most of the things have already been said by my colleagues. I urge the IEBC to provide mobile BVR kits to pastoralists who are now out there searching for water and pasture during this dry spell. I would also want to say that the distances to registration centres in some areas are quite very long. In many instances, the communities keep on asking for transport, especially motorbikes, for them to access registration centres. It is very difficult, especially for women who are expectant, because they cannot ride on motorbikes. It is very difficult for them to get to registration centres.

Lastly, I would like to say that issuance of national IDs to women is quite difficult. Quite a number of them have waited for their national IDs for between five and seven years. I was out in the field. I have realized that quite a number of women cannot even get their national IDs because of the long procedure involved in the process. Many of them have to go to the chiefs, go for vetting, keep on checking and yet, they live in very far places. It should be made possible for women and people in ASAL areas to be registered as voters.

I also want to thank the Government for providing food and water by trucks, especially to people in ASAL areas. This has really assisted in terms of registering the communities because where there is a watering point and food that is provided through the Ministry of Devolution and Planning, it has really made life easy for some of our communities in Isiolo. It is also unfortunate because Form One students have not even reported to school in many parts of our county. When I was there last week, we had two to five different schools which had not received Form One students. Twenty boarding schools had less than 30 students who had reported to school.
Government of the United States of America concerning Cooperation in Threat Reduction Biological Engagement Programmes.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Alleged Involvement in Illegal Activities

Hon. Deputy Speaker, pursuant to Standing Order No.84, I wish to make a Personal Statement regarding my alleged involvement in illegal activities relating to poaching of Uganda nationals to register as voters in my constituency.

On 30th January 2017, wild allegations were levelled against me in sections of print and social media that I evaded being apprehended by Ugandan authorities for allegedly attempting to illegally poach Ugandan nationals to Teso South Constituency to register as voters so as to swing the outcome of the August 2017 General Election results in my favour.

Hon. Deputy Speaker, I want to offer a public alibi that on the said day, I was in my country and was shocked to read that I was in Uganda. I also wish to categorically clarify that I am not aware of any irregular recruitment of foreigners to be registered as voters in my constituency or any other part of this country. It is sad that the imagination that persons not registered as Kenya nationals may be enlisted as voters in the on-going voter registration exercise has become a matter of public notoriety. As a matter of fact, the law on registration of voters in the country clearly outlines that for one to be eligible for enlisting as a voter in Kenya, that person must have a national identification card as proof of Kenyan citizenship.

Hon. Deputy Speaker, to imagine that foreigners who in all manner and intent do not bear national identification cards as Kenyans would be registered as voters in a country where they are not citizens is the highest order of fallacy. I want to refute and condemn in the strongest terms possible the allegations that I am involved in poaching Uganda nationals to register as voters in my constituency. Those are mere fabrications being milled and peddled by my opponents, who have already sensed defeat so as to tarnish my name and portray me as a bad leader ahead of the August 2017 General Election. I also wish to reassure my supporters, friends and the entire nation that I am safe. I was not detained by security agencies in Uganda or in Kenya.

Hon. Deputy Speaker, considering that general elections are usually characterised by high emotions, I wish to implore the security and intelligence agencies to investigate and apprehend persons found culpable of peddling such dangerous rumours that are likely to put the country on the brink of election-related violence.
Finally, I want to take this opportunity to urge all eligible Kenyans to voluntarily go and register as voters so as to have their opinion counted in the upcoming and subsequent general election.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you, Hon. Deputy Speaker. I rise to second the Statute Law (Miscellaneous Amendments) Bill 2016. This is an omnibus Bill that brings together amendments to 36 pieces of legislation on fairly minor matters or what we call matters that are not substantial. The amendments brought together by a Statute Law (Miscellaneous Amendments) Bill usually arise out of the implementation of the parent Acts and many of the amendments in this particular one arise out of the need to align with the new Constitution and the language of the new Constitution. Also, the amendments sought to be brought in by the Statute Law (Miscellaneous Amendments) Bill seek to bring clarity to matters that have arisen during implementation of the Act. The Bill passes the requirements of a Statute Law (Miscellaneous Amendments) Bill in terms of not amending substantial matters. I will just highlight a few laws that are of interest.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you, Hon. Deputy Speaker. I will just highlight a few laws whose amendments are of much more import to us here as Members of the Assembly. The Judicature Act seeks to be amended to clarify and bring to closure the debate on the retirement age of judges. The retirement age of judges under the Judicature Act is now set at 70 years. There is confusion that has arisen with judges appointed before the new Constitution and judges appointed after the new Constitution. That is what the amendment to the Judicature Act seeks to end. From now on, no judge, whether appointed under the new Constitution or the old Constitution, is going to be in doubt on their retirement age of 70 years. The judges were not saved when the Constitution was being written. All the judges now will retire at 70 years. The law suit that the judges brought to try and retire at 74 years that almost killed the Supreme Court is regrettable. This debate seeks to be settled by this House from now on.

There are other amendments in the Judicial Service Act, especially allowing the senior most Supreme Court judge to act as the Chief Justice in the circumstances that affected the country when both the Chief Justice and the Deputy Chief Justice were not available to exercise the functions of the office. The senior most Supreme Court judge would then be appointed to serve
as an acting Chief Justice with the functions of the Office of the Chief Justice. The Advocates Act seeks to be amended to protect clients whenever an advocate who has not attained or acquired a practising certificate is sought to be removed from the roll of the practising advocates.

There are fairly minor amendments on the Insurance Act, the Auctioneers Act and the Income Tax Act relating to issues of wives’ employment, profession and employment income rate. The amendments are fairly minor, but we want to ask the Cabinet Secretary for the National Treasury to look at the matter of combined incomes. When you have both a husband and a wife paying tax, there ought to be some considerations done to that particular institution of marriage. In many other countries, the people who are unmarried pay higher taxes than those who are married. I think it is time that we in Kenya also implemented such rules. The singles should pay more and those who are married should pay less because they are also bringing up children and it is only fair that the taxman has that consideration when they are shaping the rates of tax. We urge the CS in charge of the National Treasury, as he reviews taxes, to also review taxes that relate to a husband and wife in the same institution.

I want to spend a bit of time on the Sexual Offences Act that seeks to be amended. There are areas of concern in this particular law. It is, indeed, true that the implementation of the Sexual Offences Act of 2006 has commenced, has worked and is in progress. There are lessons learnt from the implementation of the Sexual Offences Act, but even as we seek to amend the Sexual Offences Act, a lot of consideration needs to be put on the reasons that we had when the first law passed. The implications of the Act and the emerging question of young offenders who are around 18 years of age need to be looked at. Judges are lamenting that when they have a young man aged 18 years and they have to send that young man to prison for life or for many years and the young man is accused of having had sexual contact with a young lady, there are questions arising out of that. However, the whole intent of the law was to protect women, girls and boys.

As we seek to amend the Sexual Offences Act, the original intent of the law must be kept and the original intents of the law are to create a country that is safe for women, boys and girls. I would want the Kenya Women Parliamentarians Association (KEWOPA) Members in particular to have very serious consideration, actually toothcomb consideration to the amendments sought, especially the one seeking to reduce the age limit from 18 to 16 years. I think that is an area that needs a lot of care and concern. In Kenya, 18 is the age of maturity. It is the age of getting an ID card and the age of registering as voters as we are involved in right now in this country. The age of 18 should be age of consent for sexual conduct. The attempt to reduce the age from 18 to 16 years is very worrying and the Members of this House need to have particular regard to that particular issue.

The question of protecting youthful offenders is already covered by the parent Act. Youthful offenders are supposed to be sent to bolster institutions and not to prison. There is already particular attention paid by the law on the question of youthful offenders. So, in this particular law, the age should remain at 18 and there should be no attempt at reducing this age to 16. Reducing this age to 16 is going to cause a lot of other problems in the society as was intended to be resolved by the Sexual Offences Act. As we debate this Statute Law (Miscellaneous Amendments) Bill, there are many other sections and parts that are sought to be amended. Many of them are not raising as much concern and debate. Many of them align language in our
laws. Before, we had the language of Minister. We used to have Ministers before the new Constitution. Under the new Constitution, we have CSs and it is only fair that we clean up most of the laws that continue to refer to Minister instead of CS.

The Persons with Disabilities Act of 2003 is sought to be amended by making changes to the Council. Many of them are not bad changes, but it is important to note that the whole legislation of the Persons with Disabilities Act needs to be implemented. Even as we seek to amend parts that have come under consideration in the implementation, it is important to note that the whole law has not been implemented. There are sections of that law that allow persons with disability to pay less tax and to import their equipment without paying tax. There are particular sections of the law on how buildings should be constructed so that persons with disability can access them. I think the point to make is that the entire law should be implemented even as we seek to align that which we want to align in this Bill.

Hon. Deputy Speaker, the National Police Service Act seeks to be amended as well to define a member of the Service meaning a police officer from the Kenya Police Service, Administration Police Service or the Directorate of Criminal Investigation (DCI), Special Police, the National Police Reserve and any other service established under this Act. All of those are sought to be brought under the ambit of the National Police Service Act. The point to note is that in the reforms of this country, a time must come when we only have one National Police Service. The dichotomy between the Kenya Police and the Administration Police at a time when the administrators are working differently---

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you. I am almost done. The point to make is that a time has come when we combine the Kenya Police Service and the Administration Police Service and have only one Kenya National Police Service without the dichotomy.

Hon. Deputy Speaker, the other laws that are sought to be amended include the Retirement Benefits Act to introduce the retirement for the Chief Justice (CJ). We have a CJ who has retired. So, the Retirement Benefits Act (Deputy President and Designated Officers) Act are sought to be amended to cover the retirement of the CJ. The package that is considered is sufficient to enable CJs and other persons who retire to leave institutions and to plan well for their succession.

The Water Act has minor amendments. I urge Members to look at the laws that are sought to be amended.

I beg to second the Statute Law (Miscellaneous Amendments) Bill.

DATE: 1st February 2017
Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you, Hon. Deputy Speaker. I stand to support these amendments, but without reservations having seen several issues which are of concern, mainly the sexual offences which Hon. Nyokabi has already pointed out. In this country, we have known 18 years as the age of obtaining an ID card, voting and it is termed as the age of maturity. For this reason, I am sure all KEWOPA members will not accept any minimum age, not even 17 years and nine months.

When I look at the amendment to the National Police Service Act, it is in good order to have police officers, APs and administration police and the rest. Very recently, we have had issues in the counties where the Kenya Police, who are commonly known to be in blue uniform and APs, who are commonly known to be in different uniform, not having a correlation while handling issues. In fact, in my Committee, we have had this issue time and again. We realised that in some counties, conflicts always emerge when the police in blue are in charge of a situation or a place and something happened. There were always issues that the other police were not responsible for. When all members of the Service mean all those other Service members, it will make the work easier.

I cannot fail to point out the issue of persons with disabilities, particularly noting the Persons with Disability Act is of concern. I have amended this Act some time back and I am happy with the media houses because they have already implemented the law. It is working through sign language interpreters. I am very happy with this amendment which says that the representatives should come from different types of disabilities. We have known people with disabilities, particularly physical disabilities as the most visible. People with disabilities like the deaf are not seen because sometimes they are not even able to speak out. When this law makes it mandatory to have different categories represented, that will bring equity.

The issue of the Children Act is necessary, though most of it is clean-up. As I conclude, I cannot fail to speak about the Refugees Act. We have known this country to have hosted refugees for the last 25 years in Dadaab and Kakuma camps. All attempts to close these camps have become a big headache to the Government, considering people living within those areas have experienced several negative effects from the camps. We appreciate this law to be amended to be in line with the current situation.

With those few remarks, I know many Members are concerned because there are several laws. For that reason, I constrain myself to allow other Members to contribute. Thank you.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you, Hon. Deputy Speaker. I stand to support the Statute Law (Miscellaneous Amendments) Bill, 2016, but with very serious reservations on some of the concerns that have been raised.
I support the proposed amendments to the Children Act No.8 of 2001. It is known that when it comes to adoption of children, there are some regulations that are normally followed to ensure that if a family is adopting a child, they are not just doing so for the sake of it or to expose the child to any suffering. Such family must meet some standards. Therefore, I support the fact that the CS is supposed to ensure that there are restrictions, especially in international adoptions. Normally, adoption of children is done before the High Court. That gives it the status that it deserves. Therefore, it would be good if the CS is able to ensure that they sieve the applications that are made.

On the issue of persons with disabilities, our disabled persons have not been given due respect and the dignity that they deserve. It is therefore important so that we can comply with Article 100 of the Constitution. This amendment is being done to ensure that there is equity in representation in the council and in any other place where disabled persons are concerned.

My main reservation is on the Sexual Offences Act, 2006. The particular amendment that has been proposed is really bad for the children, mothers and fathers of Kenya. Hon. Temporary Deputy Speaker, as a nation, we cannot agree to be parties to an illegality. Passing this amendment is accepting an illegality. We cannot reduce the consensual age of a child from 18 to 16 years. A 16-year-old girl is still a child. We have sought to protect our children when it comes to exposing them to sexual matters. The legal age is 18 years. It is, therefore, illegal to even imagine that we can reduce that age from 18 to 16 years. This particular amendment also goes further to seek to protect dangerous offenders. Paragraph (g) states that a person cannot be declared a dangerous offender unless and until they exhaust the appeal process. The moment someone has been convicted of a sexual offence, especially if it is defilement, that person has to be taken to be a dangerous offender. At the end of the day, if they proceed on appeal and the appeal succeeds, then the court and any other person would get to understand if that person is dangerous or not.

However, it cannot be said that offenders are given such a leeway that unless they exhaust the appeal process, they cannot be declared dangerous offenders. The moment someone has defiled a child, he is a dangerous sexual offender. Defilement is different from rape. Rape is when you rape someone who is over 18 years while defilement is when you defile a minor. Therefore, before someone is arrested for defilement, they would have defiled several children. Most of them are repeat offenders. By the time they are arrested, they would have committed the offence several times. It was in the newspapers the other day that someone had committed defilement with three children before he was arrested.

I am praying that this matter be committed to the Departmental Committee on Justice and Legal Affairs so that it can make a report. I believe that the Committee cannot make a mistake to approve this kind of an amendment.

Hon. Temporary Deputy Speaker, I also support the Judicial Service Act amendment as proposed. In the Judiciary, there is the ranking order where we have the Chief Justice (CJ) the Deputy Chief Justice (DCJ) and the senior most judges. However, the Judicial Service Act, as it is today, has no delegation of duty when there is no CJ or DCJ. It is, therefore, important when the Act is amended, to provide for delegation of duty to seek the senior most judge in the unlikely event that the CJ and the DCJ are not present. That is a good amendment because it allows the courts to proceed with the business in case the two heads of the institution are not present.
I also have reservations on the proposed amendments to the National Police Service Act and I beg that the Departmental Committee on Administration and National Security looks at this proposed amendment. It is not enough to say that the Act proposes to amend the status of Deputy Inspector General for the Director of Criminal Investigation (DCI) in the event of any fall out, retirement or someone opting out. When they are employing, the Constitution requires equality in so far as gender is concerned. So, if the Inspector General is a man, the Deputy Inspector General under the law should be a lady.

Therefore, it is not just status but gender. I propose that the issue of gender ought to be reflected in that proposed amendment so that we know that quality in terms of ranking is observed, so that not only the Constitution is implemented but any other laws that relate to the issue of gender. I also support the issue of retirement benefits for the Deputy President and designated State officers, including a retired CJ. Under our laws, there are three arms of Government; the Executive, Legislature and Judiciary. The CJ is the head of the Judiciary. This means that if the head of the Judiciary retires, he or she must be recognised under the retirement benefits so that they also enjoy benefits conferred on the President, the Deputy President or the Speaker of the Assembly. That is a good amendment.

I also support the Court of Appeal (Organisation and Administration) Act 2015. This will enable the Court of Appeal and the High Court to understand their calendars so that when one court is on recess, it must work in harmony with the other. It is not good to have one court on recess and the other court’s mode of operation is not known in so far as the recess is concerned in the Judiciary. That is a good amendment. I also support the Legal Aid Act. This amendment refers to pro bono services. Traditionally, we have situations where advocates offer legal aid free of charge to persons who have been convicted of crimes of capital offences.

As a practitioner, I witnessed that when advocates offer their services they need to be given some stipend to appreciate the service that they conduct.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you, Hon. Temporary Deputy Speaker. You are my learned friend although you came after me. Legal aid is very important but the Judiciary should note when advocates offer their services they need to be given some stipend to appreciate the service that they conduct.

I, therefore, support these amendments but with serious reservations. I am praying that the Sexual Offences Act amendments be committed to the Departmental Committee on Justice and Legal Affairs so that Members can raise issues. This is because it is not a good law. We cannot pass bad law, especially for our children and for posterity.
DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Amolo

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you, Hon. Temporary Deputy Speaker. From the mood of the House, I request that you call upon the Mover to reply.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Statute Law (Miscellaneous Amendments) Bill

Thank you. That is good information. I just want to emphasise more on my point about public awareness of not tampering with a crime scene until the coroner takes evidence. When there is lack of evidence it is difficult to carry out any investigations. I support this so that there is justice.

I will mention a case which I do not know if it fits into this kind of a situation. We have seen deaths occurring in police custody or where a police officer kills an innocent citizen. But, investigations are usually very difficult because the officers are supposed to investigate their own colleagues. We rarely hear about the cases because they are delayed or compromised.

I want to mention a case which occurred in Sotik Constituency where about three weeks ago an Anti-Stock Theft Unit officer shot a young boy who was answering the call of nature and lucky enough the boy did not die. Two weeks later, another boy was shot and up to now no one has updated us on the case. The guardians are just being taken in circles. If the coroner services were here they would have helped. I want to believe that if there was an intention to kill although in this case the boy did not die, they would have handled it. I am just mentioning this as an example of cases where police officers may be involved and, therefore, it may be very difficult to get down to the bottom of the matter in such situations.

Otherwise being a State corporation, of course we have terms of service for the coroners. Therefore, there will be justice for all and it will not depend on who is being served. I want to believe that they will uphold Chapter 6 on high integrity and also be honest in their work and give justice to all people. They should not use their positions to get bribes like we see in many public offices where instead of being offered free services there has to be some inducement of some sort.

As I end, I came in when you were concluding debate on the Statute Law (Miscellaneous Amendments) Bill. I am happy with what the Leader of the Majority Party mentioned on the Sexual Offences Act that they are going to withdraw the offensive clause of reducing the age of consent from 18 years to 16 years. I believe this was just a way of legalising sugar dadys and we do not want them to spoil our children.
I agree with what Hon. Nyikal said that while the girl may be biologically mature, socially and mentally she is not mature. I did not have an opportunity to say this before but otherwise I support this Bill of establishing---

**DATE: 1\textsuperscript{st} February 2017**

**Member of Parliament: Hon. (Ms.) Ng’etich**

**Contribution she made on: The National Coroners Service Bill**

Thank you, Hon. Temporary Deputy Speaker for allowing me to conclude my remarks on this Bill, which I support because it is something which has been established in many countries. Kenya is one of those affected by mysterious deaths which this Service will be investigating. Under the devolved system there will be a coroner in each county and a Coroner-General to serve at the national level which I concur with and support.

On the Statute Law (Miscellaneous Amendments) Bill, I was happy with the sentiments of the Leader of the Majority Party that they are going to withdraw the offensive amendment which was seeking to reduce the consensual age from 18 to 16 years because it was amounting to legalising sugar mummies and sugar daddys.

Thank you, Hon. Temporary Deputy Speaker.

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**DATE: 1\textsuperscript{st} February 2017**

**Member of Parliament: Hon. (Ms.) Ng’etich**

**Contribution she made on: The National Coroners Service Bill**

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to be the first to speak to the National Coroners Service Bill. I support this Bill understanding the fact that the Coroners Service is important.

I had to look at what this coroner does. He is an official who will hold inquest into violent, sudden or suspicious deaths. Any death that may appear unnatural would be the work of the coroner to inquire and investigate.

There are many deaths that occur that are unnatural. Some of them are due to violence. We had the Post-Election Violence (PEV) where several people lost their lives and up to date the 2007/2008 PEV victims have not obtained any justice because of poor investigative services and they are still looking for justice. So, this service will be very specific to the Coroner-General to ensure that investigation is done within a certain limited amount of time for justice to be done.

In today’s newspapers I was reading about a young girl who is claimed to have been battered by her teacher and other pupils for being unable to read. The parent was crying out for justice
because when you are poor sometimes people do not listen to you. I believe this will serve justice to the poor people who may not have a voice in seeking for justice. This investigative service is usually done by the police but we are aware that they have general duties and heavy responsibilities, hence lacking capacity and specialised training to carry out investigations. While these coroners are not necessarily medical officers, they will have investigative skills. Where they will require further investigations, they call in the services of a pathologist or a medical officer to prove their case.

Since they will have the power to even order exhumation of bodies, I believe even those who would have been killed and buried secretly can finalise investigations by exhuming the bodies and allowing detailed investigative services.

I have seen the functions and powers of the Coroners Service and I just want to add to them because they may delegate to other officers. One of the functions which I do not see here is public awareness on how to handle a crime scene. Sometimes you find that good Samaritans go to a crime scene wanting to help but in the process they tamper with evidence. Sometimes a girl may be raped and killed and you find the body being taken to the mortuary without evidence being collected from the crime scene.

On public awareness about people being allowed to---

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The National Coroners Service Bill

Yes, I am willing to be informed.

DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The National Coroners Service Bill

Thank you. That is good information. I just want to emphasise more on my point about public awareness of not tampering with a crime scene until the coroner takes evidence. When there is lack of evidence it is difficult to carry out any investigations. I support this so that there is justice.

I will mention a case which I do not know if it fits into this kind of a situation. We have seen deaths occurring in police custody or where a police officer kills an innocent citizen. But, investigations are usually very difficult because the officers are supposed to investigate their own colleagues. We rarely hear about the cases because they are delayed or compromised.

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although in this case the boy did not die, they would have handled it. I am just mentioning this as an example of cases where police officers may be involved and, therefore, it may be very difficult to get down to the bottom of the matter in such situations.

Otherwise being a State corporation, of course we have terms of service for the coroners. Therefore, there will be justice for all and it will not depend on who is being served. I want to believe that they will uphold Chapter 6 on high integrity and also be honest in their work and give justice to all people. They should not use their positions to get bribes like we see in many public offices where instead of being offered free services there has to be some inducement of some sort.

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DATE: 1st February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The National Coroners Service Bill

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On the Statute Law (Miscellaneous Amendments) Bill, I was happy with the sentiments of the Leader of the Majority Party that they are going to withdraw the offensive amendment which was seeking to reduce the consensual age from 18 to 16 years because it was amounting to legalising sugar mummies and sugar daddys.

Thank you, Hon. Temporary Deputy Speaker.

DATE: 1st February 2017
Member of Parliament: Hon. (Ms.) Amolo

Contribution she made on: The National Coroners Service Bill

Thank you, Hon. Temporary Deputy Speaker. I stand to support this National Coroners Service Bill, being a member of the Human Rights Caucus in this Parliament. This is a very important Bill. The qualifications of this coroner should be very detailed. Just to mention that as much as they are saying that the person should be a holder of a degree in medicine, we need to add that they should also have a degree in law or some law aspect should come in. That is one thing we need to look at to make this person really balanced.

The other issue is the functions of the Coroner-General. They are well stipulated here. This will give us a proper appraisal of performance when it comes to reporting what has happened.

When we look at Section 24, it comes out very clearly that every person who has reasons to believe that the deceased died as a result of something—They have stipulated there to include violence, misadventure, negligence, misconduct or malpractice. All these things appear there. This will come out very clearly when it comes to which type of death needs to be investigated.

Section 28 is on deaths to be investigated by the Service. We know very well that we had this issue of a young girl in Kwale by the name “Kwekwe” whose body was exhumed so that the coroner could look at it. When it was done, we know very well that the officers who were involved were arrested and, I believe, they were jailed.

When you look at Section 323, a coroner shall make a report of every investigation conducted under this Act. The reports will be submitted to the Director of Public Prosecutions (DPP). Just like any other commissions, we know they have to report to the DPP so that action can be taken. There is no way one will hide or come with some other stories because this is a well-researched Bill. It will really help some poor families who cannot afford to pay for investigations when their relatives die. Because they will be funded by the Parliament, this will be a free service to all. Kenyans will really benefit when it comes to this. It has stated very well that if you need extra investigation, you will have to do it at your own cost. It will really help quite a number of families who have been going through hardships of looking into how they can get money to pay for proper investigations.

When you look at Section 39, a police officer or any person who is present during a death should not tamper with the area of investigation. This is very important because we have to be taken through the management of the scene of crime. This goes down to the person who interferes with evidence. It will be looked at as a crime or, as commitment of an offence.

The other thing that makes this Bill very rich is when you look at Section 40; how the regulations will come about. There will be proper regulations. These regulations have not left out the dignity of a dead body and the cultural beliefs of the deceased person. They have not left out where this person’s body will be taken care of. So, the regulations will be very clear. There is room, when you look at this Bill, for the Cabinet Secretary (CS) to make regulations generally for the better carrying out of provisions of this Act. They will regulate how everything will be done.

I believe this will be a very good Bill and I stand to support it.

DATE: 2nd February 2017
Thank you, Hon. Deputy Speaker. I rise to second the Division of Revenue Bill 2017. This is a very important Bill as it lays the foundation for the formulation of the budget estimates and, thereafter, the County Allocation of Revenue Bill. It is very important that we dispense of this Bill so that there are no delays in the consequent Bills that will allow for smooth sharing of revenue between the two levels of government – the county governments and the national Government.

This Bill divides the national Government revenue into allocations for national Government and county governments. The Division of Revenue Bill, 2017 gives us the indicative shareable revenue, the national Government share of revenue and the county government equitable shareable revenue. In 2017/2018 Financial Year, the county governments allocations as proposed by this Bill, provides that the county governments shall receive Kshs323,756 million. That is an increase from Kshs 280,300 million in the last Financial Year, 2016/2017. There will be additional revenues. Besides the equitable share of Kshs291,136 million as indicated in the proposed Bill, there will be other additional allocations which include leasing of medical equipment which will be at Kshs4.5 billion. There is a proposed allocation of Kshs4.2 billion for the Level 5 hospitals. There is also the rehabilitation of youth polytechnics at Kshs2 billion. I am very passionate about this one because in the last financial year, we proposed in the Budget and Appropriations Committee that we ring-fence allocations for rehabilitation of village youth polytechnics. As we speak, in some of the counties, there was no allocation towards rehabilitation of village polytechnics because the Senate reversed the provision to ring-fence these resources to the village polytechnics. I want to urge Members that this time we must protect these polytechnics because they are in deplorable conditions and resources must go towards rehabilitating them.

Some allocations will also be going towards compensation for user foregone fees which is Kshs900 million and we have monies that have also been set aside for the construction of county headquarters. According to the study that was carried out for all the counties across the country by Hon. Senator Muriuki, it was realised that certain counties do not have headquarters. So, monies have been allocated so that we have construction and so that we can bring all the county headquarters to be at the same level with all the others across the country, so that they can have infrastructure facilities for smooth operations of the county governments.

Hon. Deputy Speaker, this Division of Revenue Bill also provides for grants to the county governments resulting from increased fuel levy. They will be receiving Kshs20,416 million towards maintenance of roads and they will also be receiving other monies from the World Bank. We have World Bank loans and we have grants. We have World Bank loans to the tune of Kshs7.9 million and also grants to the tune of Kshs12.5 million. Among the allocations, I also want to comment further on the allocations to National Hospital Insurance Fund (NHIF). In the last financial year, these resources were part of the national Government allocations. We realised that most of the women were turned away from certain hospitals. They could not be given services because of the delays in the reimbursements of these monies by NHIF. So, in this...
Financial Year, in the Budget and Appropriations Committee, we feel that we need to commend the good work that the NHIF is currently doing across the country. To this respect therefore, the Committee deemed it fit to channel funds for Government policy on provision of free maternal health care through the NHIF framework so that this money goes directly to NHIF and it is therefore intended to reach more mothers for both prenatal and postnatal care. This is a very important allocation because it goes towards taking care of health of our mothers and children.

I also want to comment further on the allocation of the Kshs900 million towards compensation to county health facilities for user foregone fees. These monies normally go towards taking care of the fees that used to be charged for basic services like laboratory. This money is reimbursed to those hospitals to take care of those basic costs. We have our poor mothers who cannot afford basic laboratory fees. This money is therefore reimbursed to the hospitals and these are some of the conditional allocations that must be channelled directly by the county governments.

I want to urge all Members, that let us support the Division of Revenue Bill so that we can dispense of it fast enough so that we leave the rest of the work to the county governments. We want them to quickly approve their counties division of revenue so that we can also conclude on our budget estimates.

Hon. Deputy Speaker, I second.

DATE: 2nd February 2017

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: The Division of Revenue Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I rise to support the Division of Revenue Bill and especially the allocations and the manner in which they have been done this year. I congratulate the National Treasury and the Budget and Appropriations Committee for the work we continue to do in improving the sharing of revenue between the national Government and county governments.

The Ksh323,757,000,000 is sufficient amount of funding for our counties in this country. With Kshs323 billion going to the counties, the only regrettable thing is that lives are not changing. We need to ask ourselves why that is so. The accountability question comes to the fore but Kshs323 billion for the next financial year is sufficient allocation for the counties.

We have the question of the formula pending and it is time the second generation formula was used so that we give more allocation to all the 47 counties. The assumption earlier was that if the marginalised counties got a lot more funding, then they would invest a lot of their money in development and catch up with the rest of the country. What we are seeing with the county funds is that corruption is from county No.1 to county No.47. Misuse of funds is from county No. 1 to county No.47. As we look at the second generation formula, there needs to be a higher allocation to those who exercise fiscal accountability better. It is time counties got money according to how they spend it. Counties should get money according to how much they raise.

As we go into the future, some of those matters need to be addressed. But, in the meantime, we await the second generation formula which is going to be a lot more better in terms of how the Kshs323 billion is shared across the counties. As it is now, some counties are getting a lot
more money than they can spend while some counties are getting very little funding that they can hardly keep up with services. My county of Nyeri falls in the latter category. We hardly get enough resources to finance the services that we need to finance for the people of Nyeri County. The formula has really been unfavourable to counties like my own. It is time that this formula is resolved and looked at.

On conditional allocations, most of which are covered well in the Bill, I wish to support most of them. This is leasing of medical equipment where 94 hospitals in all the 47 counties, two in each, are going to get hospital equipment worth the status of Level 5 hospitals. In Nyeri, we await equipment for the Mukurwe-ini Hospital. We hope with the Kshs4.5 billion here allocated, hospitals like Mukurwe-ini will get all the equipment we have been waiting for.

For the Level 5 funding, we have the Nyeri Level 5 Hospital, Provincial General Hospital. We are happy that the funding is sufficient; the Kshs4.2 billion for the 11 Level 5 hospitals. But, a question has remained why these monies cannot be sent directly to the hospitals. Sending funds relating to hospitals to county governments accounts does not help anybody. It does not help the hospitals and the county.

In my county of Nyeri, we have passed a law that requires every hospital to create a board and the office of the CEO where the hospital can receive the money directly and use it for purposes of improving lives and health care in that particular Level 5 hospital. There is a small matter in terms of the laws that we need to change and we in the Departmental Committee on Justice and Legal Affairs, myself leading that process, will be looking at the change of law so that money that belongs to a hospital, goes to a hospital. An allocation that is meant for a Level 5 hospital should go directly there. There is no reason why the money first goes to the county government accounts where the governor starts to make decisions on when to send it to the hospitals and when that money is going to be available at the hospital level.

On the construction of county headquarters, we have very few counties in this country that do not have headquarters. Our neighbour in Nyeri is Nyandarua and I am happy that there is an allocation to construct county headquarters for counties that do not have them.

On the rehabilitation of youth polytechnics, again Kshs2 billion has been provided for in the Budget. I want to urge that some of this money is used to pay the tutors. Tutors of our polytechnics have remained unpaid since the days of the Economic Stimulus Programme (ESP). Many of them were hired under the ESP. It is time that funding like this is also used to pay the tutors in the polytechnics even as we rehabilitate them.

There is the Fuel Levy Fund. Let me also add that the road network continues to be expanded. I think we should have a debate in this House whether the county governments have capacity to do tarmac roads. It has become a big question. What we should do is to allow the county governments to do murram roads. They can do thousands of kilometres with the amount of money that has been allocated to them. The national Government can take up tarmac roads and we should insist that the tarmac roads should then have a unit cost per kilometre. We continue to spend a lot of unnecessary money on some of the constructions that we have.

In our neighbouring countries, the unit cost of building a kilometre of tarmac road is much lower than what we are paying here in Kenya. Having governors do tarmac roads is not helping. The funds that they have are barely sufficient for the services that they need to give.
We also need to look at the question of the doctors’ strike. I was hoping that having received the Petition here in the National Assembly - and I will propose this matter in the Budget and Appropriations Committee - it was time that the Budget adopted a creative solution. Nothing stops the Ministry and the National Treasury from retaining the funds that should be paid to doctors at the national level. Nothing in law also stops the National Treasury from making conditional allocation on funds that should be paid to doctors. If we apply our mind to creative solutions on the doctors’ strike, it is possible for this House and the National Treasury to provide a solution to the doctors’ strike for as long as the doctors are not asking for backdated salaries. If doctors are going to ask for salaries going forward, there is before this House a Supplementary Budget, and there is this Division of Revenue Bill for the next financial year. Nothing stops the National Treasury from making conditional allocations for monies that should be paid to doctors by different counties.

Time has come for us to consider whether it was wise to devolve health in the first instance. We now have a very unhealthy country. We were unhealthy before but we are now twice unhealthy as we were before devolution. Our health standards were at some level before devolution. After devolution, our health standards are on the floor. We must, as a country, also take decisions. One of the decisions we need to take as the National Assembly is to revert the function of health back to the national Government. It will have problems even there but the problems are going to be much less than what we now have. Now we have 47 health problems. We have 47 unhealthy counties. We have 47 times the problems of what we had before in the health care system.

We need to generate a Bill that allows us to consider whether it was wise in the first place to devolve health and if it was not wise to devolve health, return the entire health function back to the national Government. We can split by allowing county governments to have some of the health functions like the dispensaries and revert the Level 4 hospitals and Level 5 hospitals to the national Government and most importantly, put back the entire personnel in the health sector to the national Government. It happened with the teachers. We never devolved education and so it should happen with health as well.

The joke in law has been that when we were writing the Constitution, the doctors were busy in the hospitals and so they did not take part in the constitutional review exercise. The teachers on the other hand, with a very strong Kenya National Union of Teachers (KNUT) were active in the constitutional review exercise that is why matters education are better addressed by the Constitution than matters health. But having passed a very progressive Constitution, other considerations can be done.

A National Assembly like ours can sit and review the matters under concern. A budget process like this one allows the National Treasury to come before us with creative solutions on solving the doctors’ strike, for example, by retaining the money that should be paid to doctors at the national level and proceeding to pay the doctors so that the strike that we have can be ended at the earliest possible time.

We have the question of accountability and the unit cost of doing things. I have been in the Budget and Appropriations Committee. We had community projects funding. I have realised that Kshs10 million can put up a dormitory of 200 students without having middlemen and
contractors. A dam can also be constructed with Kshs8 million when there are no middle men, contractors---

DATE: 2nd February 2017

Member of Parliament: Hon. (Ms.) Kanyua

Contribution she made on: The Division of Revenue Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. Just one minute to complete on the question of the unit cost. As we implement the Budget, we need to bring the unit cost of many of the things that we are doing down. Dormitories, classrooms and water dams should be cheaper to construct. Every shilling that we use in the funding and the Budget should be accounted for. I support the Division of Revenue Bill.

COMMITTEE OF THE WHOLE HOUSE

DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. It is pretty straightforward that you need a secretary in this position who has experience and so, stating that the person should be a State officer suffices. Thank you.

DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Khamisi

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. I want to support this amendment by the Chair because most of the times the casual employees are denied their salaries and are frustrated. Having the terms and conditions will help in catering for their welfare. Thank you, Hon. Temporary Deputy Chairman.
DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Khamisi

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. I am a Member of the Departmental Committee on Administration and National Security. I support Hon. Duale. First and foremost, we need to open up the vacancies available to everyone from the public sector and the private sector. Secondly, the word “thorough” is not appropriate because we cannot measure the level of thoroughness of somebody. Let us use the word “general” so that anybody with basic qualifications can apply. We know very good persons who can take good ideas from the private sector to the public sector. With those remarks, I support the amendment.

DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. I am an affirmative action seat holder having been given that opportunity by the Constitution. I am a beneficiary. So, it is good to acknowledge that affirmative action group should be catered for in any employment opportunity in this country. I support.

DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Khamisi

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. I support this amendment. It is in line with the Constitution according to the Bill of Rights in terms of gender parity, people living with disabilities and the youth. This is also a way of minimizing tribalism in terms of Government appointments. It will ensure fair distribution of Government positions, especially when it comes to decision-making. It will also ensure that we are one country and people.
DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. These amendments belong to our Committee. It is good that you have given me a chance to speak on them. On matters of discipline in every sector, the buck has to stop somewhere. In most times, the people in the public service do not get an opportunity because of lack of clarity on who should handle the issue of discipline. So, this is giving powers to the Commission and making it clear who is responsible on matters of discipline.

Thank you, I support.

DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Khamisi

Contribution she made on: The Public Service Commission Bill

No! I am not a Member. This is a good amendment because we need to have somebody liable for everything and for accountability purposes. I support it.

DATE: 7th February 2017

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The Public Service Commission Bill

Thank you, Hon. Temporary Deputy Chairman. I stand to support. It is good to have clarity of terms which are commonly used in legislation.

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

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

(Clause 75 as amended agreed to)

(Clauses 76, 77, 78, 79, 80 and 81 agreed to)

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Musyoka
Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I want to thank Hon. Florence Mutua for bringing these amendments. This is an important Bill and, therefore, we should not trivialise it. The inclusion of unwanted and intentional body contact in this Bill is timely. This is something women have been victims of for a long time. This Bill will deter the perpetrators of such acts of sexual harassment. It is important that women also become responsible enough and dress decently, so that they do not attract such perverts.

It is also very important for our police officers to be friendly to victims of such crimes by establishing desks for gender crimes. Our policemen should be trained to be sensitive enough to handle such cases with the seriousness they deserve. In many occasions, violated women who went to police stations to report such cases were ridiculed. They were told to repeat the story over and over again. Such women have been embarrassed. Some policemen have even told them to show them what really happened. It has been very embarrassing and difficult for women who want to report such cases.

Therefore, having police stations that are friendly to women, with officers who are trained to handle sexual offences matters will go a long way in helping victims of sexual offences.

The other thing that people keep trivialising is the matter of body contact. It is not just body contact. I wish there was a way of including it in the Bill. There is a song with the words “kula kwa macho”. This is something which has been going on over the social cycles. It means looking at a woman, undressing her and even engaging in the act without the woman’s involvement. This should not be allowed. Even the Bible does not allow something of that sort.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Hon. Temporary Deputy Speaker, let me explain. The song says that if you look at a woman lustfully, you have already done the act.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Hon. Temporary Deputy Speaker, women can explain this. You walk into an office or you are seated concentrating on some work and then somebody stares at you and makes some advances with his eyes thus making you very uncomfortable as you go about your work. I hear that song play in FM radio stations. I believe you have also heard the song “Kula kwa macho.” It is so explicit.
DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I just want to over-emphasise the fact that women need to be treated with decency at work and in public places. We need to have our space and people should not have insinuations, whether verbal, non-verbal or by looking. However, let us leave it at that because there are more important things that are in this Bill. There is lack of knowledge amongst many victims with regard to what one is expected to do after a sexual offence has occurred. Most times, survivors of sexual violence tamper with evidence which could help prove the violation. People land in court without knowing what to do and they lose their cases. So, we need the county governments and the national Government to explain these offences through sex education. They should let the people know what sexual offences are and what people need to do when those offences occur.

I heard one of our Members say that parents should teach their children. I wonder how many of you learnt sex education through parents. We need to have sex education taught in schools and public forums. We should respect one another. Women know what decency means. A decently dressed woman should not be advanced in public places. We should have our space respected.

The issue of soliciting money from victims or their guardians should be taken seriously. There are cases where mothers have been paid as little as KShs1,000 to cover up sexual offences committed against their own children. Such guardians and parents should face the full force of the law. Perpetrators of sexual offences should not be protected. They should get severe punishment for defilement.

With those few remarks, I support these amendments. I hope they will go through because they are important. We need to have the knowledge, so that we know how to conduct ourselves when such offences occur.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Chidzuga

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading


(Applause)
DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

On a point of order, Hon. Temporary Deputy Speaker. I just want to tell the speaker that when admiring a person, it should not be in such a way like you are undressing them. Admiration is just that.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Sorry, I was informing the Hon. Member.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Fathia

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to add to this Bill. This Bill is very important and I support it.

This Bill is very important because there are cases of sexual offences in all our counties. We do not know how to address them because there is no law in place. In the upper classes in primary schools, we need to introduce sex education lessons so that students are taught what happens. There are cases where some young girls are raped and cheated by their classroom teachers who give them sweets and lies to them and most of them do not know that the repercussion is getting pregnant. We need to pass this important Bill. We need to educate our young students. Nowadays, there is Facebook and social media and they will learn many things including
pornography through pictures and videos. We need to teach them very early. We need to talk about it. These are not the old days when we hid those things from our students.

We need to have a police unit that is trained to handle these cases. Whenever those young girls who are victims are affected, they do not know how to talk about it. When they go to police stations, the kind of questions they are asked--- Some of the police ask: “Umekuja kufanya nini? Kwani ulikwama? Ukishikwashikwa kuna ubaya gani?” You need to know that those are young girls. Even if it is an old woman, she has rights. She is the one to allow someone to touch her or not. We should have a separate police unit. We also need to have some units in the counties and special departments to handle such cases, otherwise, things will get out of hand. We even see in the media and on television many girls who have been raped by their teachers who cheat them.

Sometimes, we need to teach our young girls how to dress. Sometimes, you find your daughters seated with their father and uncles in the living room while in very tight skirts. You know men are men. They do not realise that those are their daughters or nieces. Sometimes, as parents and leaders, we need to talk about this either at home or in school.

Lastly, we need to have a law in place so that we know how to curb this. How do we go about the Sexual Offences (Amendment) Bill so that those things can be counterattacked? Things will be happening rampantly. Many victims are ashamed. They cannot report matters to the police just because they do not have an upper hand. People do not know how to handle those cases. I want to stop there.

I support this Bill. We should look into this urgent matter in the country.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Mitaru

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Thank you very much, Hon. Temporary Deputy Speaker for giving me this chance. First, I support this Bill because each one of us has a mother and many of us have daughters, sisters and none of us would wish to see that our children, sisters and friends being sexual victims at 16 years of age or earlier than 16 years. When you go to hospitals today, we find many young girls between 14 and 15 years with babies and in very strange positions because when they are expectant they do not know that they are going to have babies.

This Bill is going to help not just the nation of Kenya, but many girls of the world. Those men who excite and incite and sometimes rape young girls should know that the law is going to be very harsh on them because no man here would wish that his daughter at the age of 13 or 15--
Thank you, Hon. Temporary Deputy Speaker. Mine is to continue saying that we want to support that proposal where we can do amendments to help the girl-child who is the mother of today and tomorrow and is going to be a grandmother of today and tomorrow. The same girl, if harassed at an early stage, will not be able to help her family and the nation at large.

I want to recommend highly that all young men should be given lessons and support to understand and care for their sisters and girlfriends until they are over 20 years so that we have maturity in the families, homes and in our nation. The young girl should not be terrorised and introduced to early sex. Police officers who do not take care of the cases related to sexual offences that have been taken before them should be also be dealt with seriously by this nation.

I want to thank my sister for bringing this Bill that is going to help not just the girl-child but also the parents. We will all know that our daughters are being taken care of by the nation and its laws. Thank you for giving me this chance. I support the Bill.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) F.M. Mutua

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. First, I want to sincerely thank all the Members who have supported this Sexual Offences (Amendment) Bill. I want to thank them for the various amendments that have been raised, which I believe will be addressed at the Committee of the whole House stage.

There are some few amendments that were raised, which I feel I need to clarity as we move to the Committee of the whole House. One hon. Member raised the issue of the boy-child not being covered. The Bill talks about a person; it does not specify the gender. Therefore, the boy-child is already covered.

Before I proceed, I want to categorically speak on two issues that have been raised on the Floor of this House and they are not in my Bill. One is the issue of winking. That is not in my Bill. The issue of kukula na macho is not in my Bill. The issue of people greeting each other as an offence is not in my Bill. I want to beg the hon. Members to stop trivialising this Bill because it is a very serious Bill.

Another hon. Member raised the issue of the fine of Kshs500,000 being a small amount. The proposed fine of Kshs500,000 is against an individual who, while seeking employment as a caregiver, fails to disclose previous sexual offences conviction. The amount is sufficient noting that the employer who violates the same provisions and knowingly employs an ex-sexual offence convict will be faced with a fine of not less than Kshs1 million. It is important to note that the wording of the Act is such that the two figures are the minimum that the court can impose. Therefore, the court is left with a wide discretion to impose a higher fine taking into account the circumstances of each case.

On the issue of having the database of people who have been convicted, we need the Ministry of Interior and Co-ordination of National Government to have a live database where any employer can access the names of the people who have already been convicted of the sexual
offences so that it can make their work easier. We do not want them to end up employing those who are already convicted.

Issues have been raised about the definition of “indecent act” and that the vagueness may land an innocent person in jail. However, the wording of the definition of “indecent act” is very clear. The same refers to “intentional act.” The issue of intention is clarified in law. Looking at the Penal Code, “intention” is described as an act or omission which is dependent on the person’s will. The courts are guided by that definition and, therefore, any accidental occurrences do not constitute an offence. The speaker gave an example of a car breaking hence people’s bodies getting squeezed. That is not intentional but an accidental occurrence, which is not an offence. All cases before a court of law are based on tangible evidence. The same may be direct or circumstantial evidence.

The issue that was raised by one hon. Member about women using trumped up charges to frame men can be sorted out by the court based on the evidence adduced before it. On the issue of maintenance of a child born out of a sexual offence, there are children courts that deal specifically with children issues. The decision to seek maintenance for the child solely rests with the mother but she is also at liberty to move to the children courts for such orders. Section 91 of the Children Act gives courts the orders to grant such powers.

It is important to take into consideration the mental status of a woman victim in relation to whether she could be comfortable with the man who violated her still lingering around in the name of providing maintenance of the resultant child. Such a decision should be left to the individual victims. This issue has raised a lot of debate in the USA with some states granting the perpetrators visitation rights.

The issue of abortion was also raised by one hon. Member. That is, if a lady who has been raped should abort the child. The victims of a sexual offence are at liberty to seek the opinion of a trained health professional. Article 26(4) of the Constitution provides for grounds when an abortion is permitted in law. The Legislature though has the mandate to come up with legislation to permit abortion pursuant to the above articles of the Constitution.

The issue of the DNA samples was raised here. In the offence of gang rape, DNA samples of all the accused are taken and subjected to analysis. The DNA of the convicted person shall then be stored in the databank for dangerous sexual offenders, but the acquitted person’s DNA shall be destroyed. Section 36 of the principal Act is meant to deal with that. Mental case patients are treated as vulnerable witnesses and they are adequately covered under Section 31 of the principal Act. They are accorded special treatment by the courts.

The databank of dangerous sexual offenders shall be kept in such a place as the Cabinet Secretary (CS) for the time being responsible for matters relating to legal affairs and public prosecutions shall determine. Section 36(4) of the principal Act already provides for that. Therefore, this is a policy issue which should be implemented by the relevant Ministry.

Section 47(a) of the principal Act directs the Chief Justice to make rules to aid the implementation of the Act. The timeframe within which cases under this Act may be heard and determined should be left to the directions of the Chief Justice who shall be guided by various factors. The Legal Aid Act provides for legal assistance to the economically challenged accused persons which one hon. Member raised because most people cannot afford lawyers. The victims of sexual offences are well represented by the Office of the Director of Public Prosecutions.
Section 40 of the principal Act provides that the only person who can withdraw a sexual offence case before a court of law is the DPP. This ensures that the perpetrator does not compromise any case with a view to defeating justice. The withdrawal is also further guided by the Constitution under Article 157(8), that any withdrawal is dependent on the consent of the court.

On the issue of the semen, a sexual offence is not only hinged on the DNA test only. The courts rely on various forms of evidence in arriving at a determination. The oral evidence of the victim may be sufficient to convict. Therefore, a rapist who uses a condom may have prevented his semen from being used as evidence but an acquittal will not be automatic. Semen is not the only form of DNA. An hon. Member talked about ensuring that a special cadre of police is trained on forensic science. A proposal in the amendment that a special unit be formed by the National Police Service (NPS) to take control of sexual offences in each county is sufficient in the circumstances, noting that the unit will undergo special training for capacity building. Therefore, forensic training will be expected to form part of that training.

As I conclude, sex education is an emotive topic. The introduction of sex education in the school syllabus is long overdue.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) F.M. Mutua

Contribution she made on: The Sexual Offences (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. Biology teaches students about the reproductive system but it does not go further to elaborate on the dangers of experimenting. Education in Kenya is compulsory but church attendance is not. As legislators, we must guide the country whether we should continue hiding under the guise of culture and morals while moral decadence eats up our society. We respect culture but some cultures are slowly disappearing from Kenya. Therefore, placing reliance on culture to eliminate the scourge of early pregnancies will be foolhardy. We all know that Female Genital Mutilation (FGM) is backward and should be eradicated. We need to have a middle ground as we move to the Committee of the whole House. We need to agree on a point at which to introduce sex education. I want to thank Members. I hope that they will pass the Bill to the Committee of the whole House.

Thank you, Hon. Temporary Deputy Speaker.

DATE: 8th February 2017

Member of Parliament: Hon. (Ms.) Seneta

Contribution she made on: The Livestock and Livestock Products Development and Marketing Bill – Second Reading
Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Bill. I want to congratulate my colleague for having thought of this important Bill. I want to urge my colleagues from all parties to take this Bill seriously. I would not wish to see anybody politicising this Bill. Livestock and livestock products - and mostly livestock keepers - contribute to the economy of this country. They also contribute to the amount of food that is consumed in this country. Therefore, to streamline this sector is a very important move in our country. At the moment, we are facing a very serious situation across the country in many pastoralist communities. Our livestock are dying because of drought and many people are now depending on relief food - which is not something we should encourage as a country. If we could encourage proper management and marketing of those livestock products, we would not be relying on relief food.

This is the right time for this Bill. Many of my colleagues have just mentioned that livestock keepers are facing a hard time, especially in marketing of our products. Right now, there are so many middlemen in the market. The prices of livestock and the livestock products have gone down. For almost five years now, we have not been enjoying the good prices we have always been enjoying during some good rainy seasons. This has contributed to many livestock keepers becoming demoralised and running to other types of commercial investments that may even not be reliable in some areas.

We know that in some pastoralist areas, you can only keep livestock because you may not be able to grow any cash crop because of water shortage or even weather. We need to encourage those livestock keepers by getting markets for them. I visited Namibia and Botswana some other time and it was very encouraging to see very serious structures being put in place by the Government to encourage livestock keepers to get markets. In our country, we also need to look at something we can do to motivate our livestock keepers. Just as one of my colleagues has said, a long time ago when we were young, we used to see the Government dipping our livestock. We used to see it drill boreholes for them. We used to see extension officers visiting them and giving them extension services for free. But today, livestock keepers are facing a very rough time because they have to buy medicine. Any kind of dipping, they have to do it alone. Those products are very expensive. It is high time we got the board in place. We also need to fund the board so that it can be independent and can do the marketing for the livestock keepers in this country.

We also have to emphasise on the implementation of the Bill immediately it goes through. That is because there are so many laws in this country that are put in place but are not implemented within the Ministry level. I also want to encourage the county governments to pass this Bill and harmonise the same Bill within all the counties. As my colleagues have just mentioned, we also need to look into how we can also build some training schools for livestock marketers so that, at least, our people can also be taught how to do modern livestock keeping because of the change of climate that has hit our country.

With that, I support this Bill. Thank you.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) R.K. Nyamai
Contribution she made on: Petition on Investigation into Murder of Mr. Cosmas Mutunga At Kenyatta National Hospital

I hereby present a brief on a Petition by Hon. John Mati MP, on the alleged brutal murder of the late Mr. Cosmas Mutunga at Kenyatta National Hospital (KNH).

Hon. Speaker, this Petition was tabled before the House pursuant to Standing Order No. 225(2)(a) on behalf of the family of the late Mr. Cosmas Mutunga and the residents of Mwingi North Constituency on 10th August 2016. In considering this Petition, the Committee invited and held meetings with Hon. John M. Munuve, MP - representing the Petitioners - the Chief Executive Officer of KNH and the Board of Management of KNH.

The Ministry of Health submitted its written comments on the Petition on 19th October 2016. The Committee had also invited the Inspector-General of Police (IG) to make his submissions, but he did not honour the invitation. The Committee also undertook an inspection visit to KNH on 6th October, 2016. The Petitioner had prayed that the National Assembly, through the Parliamentary Committee on Health:

(a) Causes an immediate probe into the death of the late Mr. Cosmas Mutunga;
(b) Ensures the establishment of a mechanism to guarantee security and safety of patients admitted and those visiting public hospitals, especially those that are under the national Government;
(c) Considers compensation to the family of the late Mr. Cosmas Mutunga and other affected persons as a result of gross violation of human rights of patients under the care and custody of KNH; and,
(d) Ensures that the Petitioner’s plight is addressed.

In response to the prayers by the Petitioner, the Committee made the following recommendations:

(i) The CID Department and the Director of Public Prosecutions (DPP) should expedite the investigations on the murder;
(ii) The Ministry of Health adequately funds KNH as the country’s largest referral facility to enable it offer the highest attainable level of health and care in line with Article 43(1)(a) of the Constitution; and,
(iii) The award of compensation as prayed by the Petitioners is a matter to be determined by the courts.

Therefore, the Committee cannot pronounce itself on the said matter. The Petitioner is, however, at liberty to proceed to seek compensation through the courts and due process should be followed to determine this matter.

Thank you, Hon. Speaker. I would like to thank the members of the Departmental Committee on the commitment they showed in investigating this matter.

Thank you.

DATE: 9th February 2017
Member of Parliament: Hon. (Ms.) R.K. Nyamai

Contribution she made on: Papers Laid

Hon. Speaker, I beg to lay the following Paper on the Table of the House, today Thursday, 9th February 2017:
The Report of the Departmental Committee on Health on its consideration of a Petition regarding alleged brutal murder of the late Cosmas Mutunga at Kenyatta National Hospital.
Thank you, Hon. Speaker.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Privatisation (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. Sorry. I am raising my hand because I do not have my card. For once and which is very rare, I agree with the Leader of the Majority Party. When you are talking about consideration, and when the House makes a consideration, it can be either way. It can either approve or disapprove. But when you say the House considers and approves, it means the House can only go one direction. This is the case and yet this House is not obliged to go one direction. We can either approve or disapprove. The amendment, as it is, is good.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Juma

Contribution she made on: The Privatisation (Amendment) Bill


DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Hon. Temporary Deputy Speaker, is Hon. Wamunyinyi in order to assume that the House is empty when the Member for Mbita is equivalent to 50 Members? How can he assume that the House is empty? It is not empty. We are here, as Members. I represent about 50 Members. He should withdraw and apologise.
DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Yes, I am. In fact, I represent about 100 Members.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Movable Property Security Rights Bill – Second Reading

I am a tsunami. I am equivalent to 100 Members.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Peris Tobiko

Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. One correction is that my constituency is Kajiado East. The IT people need to correct that because it has been going on for quite some time that I am the Member for Kajiado South. My constituency is Kajiado East.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Peris Tobiko

Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. The economy in this country particularly for the common mwananchi has been run by SACCOs. Many Kenyans save in SACCOs and are acquiring credit in fair terms from SACCOs. I know this Bill will positively affect a number of Kenyans. This includes those in regular employment, those in the business sector and those who are low-income earners, including the Jua Kali people and mama mboga. I know that when movable assets are used as collateral, possibly the greatest beneficiaries will be the women in this country. Not many women have collateral like title deeds. Many women have no access to such collateral. I remember one time I walked to the African Finance Corporation (AFC) office to access some credit. It was difficult because they needed title deeds which are not in the possession of many women. I know those regulations. Having movable property as collateral will really benefit women. Women are very faithful borrowers. They run a bit of this economy, albeit at a lower scale but the magnitude of the transactions in the usual merry-go-rounds is high. Many Kenyans go to shylocks to access fast money.
This Bill is timely. It will definitely assist to regulate the market. It will enable more Kenyans access credit using movable assets. This is very good. Women have been running merry-go-rounds in this country.
Hon. Temporary Deputy Speaker, there is a lot of noise---

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Peris Tobiko
Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Hon. Temporary Deputy Speaker, yes, because nowadays it is very rare to be in this House. The ground is becoming hot. Getting such moments is good. We should take this time.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Peris Tobiko
Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Hon. Temporary Deputy Speaker, I support this Bill. It is timely. It will assist many Kenyans, particularly those low-income earners and the women of this country. This is because many women are yet to get access to other forms of collateral like title deeds. This is very timely and the regulation is welcome.

DATE: 9th February 2017

Member of Parliament: Hon. (Ms.) Juma
Contribution she made on: The Movable Property Security Rights Bill – Second Reading

Asante sana, Naibu Spika wa Muda kwa kunipa nafasi hii ya kuchangia Mswada huu. Nataka kuunga sana mkono Mswada huu mwanzo kama mwakilishi wa vijana katika Bunge kwa sababu Mswada huu utawasaidia wale ambao ni wanyonge zaidi katika jamii kama wanawake, vijana na walemavu.
Mswada huu unaruhusu wananchi kuomba mikopo kutoka kwa benki za kawaida kwa njia ambayo ni rahisi. Kawaida wananchi wakiwa wanataka senti ama mikopo, inabidi waende kwenye vyama vidogo vidogo vinavyoitwa microfinance katika lugha ya Kiingereza ambavyo wakati mwingine vinalipisha faida kubwa sana ama interest.
Kitu kingine ni kuwa, kwa sababu katika Serikali, hivi sasa hatuna mambo ya elimu bure mpaka shule za upili na kadhalika na kwa sababu pia mambo ya afya yamekuwa ghali sana, unapata
inawabidi wananchi waende kwa watu wa rehani kwake mali yao ili waweze kupata mikopo. Watu wa rehani huwa wanalipisha faida nyangi na badala ya kumsaidia mwananchi, inamweka kwenye umaskini zaidi.


**DATE: 14th February 2017**

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

**Contribution she made on: The County Early Childhood Education Bill**

Hon. Temporary Deputy Chairman, I support this insertion. It is very necessary. It should have been done like yesterday but it is better late than never.

I beg to support.

**DATE: 14th February 2017**

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

**Contribution she made on: The County Early Childhood Education Bill**

Thank you, Hon. Temporary Deputy Chairman. I support this amendment because it aligns the Bill to the requirements of the new Constitution. It also brings out clarity in ensuring that every child, irrespective of their disability, has a right to education. The Bill says that the CEC Member shall ensure that adequate facilities to assist children with disabilities are put in place.

**DATE: 14th February 2017**

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

**Contribution she made on: The County Early Childhood Education Bill**
Thank you, Hon. Temporary Deputy Chairman. I support this amendment. I am a member of the Departmental Committee on Education, Research and Technology. We support all the children of this nation so that Kenya will be a better place for all of us.

DATE: 14th February 2017

Member of Parliament: Hon. (Ms.) Shebesh

Contribution she made on: The Privatization (Amendment) Bill

Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the Privatization (Amendment) Bill (National Assembly Bill No. 27 of 2016) and approved the same with amendments.

DATE: 14th February 2017

Member of Parliament: Hon. (Ms.) Shebesh

Contribution she made on: The Public Appointments (County Assembly Approval) Bill

Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014) and approved the same without amendments.

DATE: 14th February 2017

Member of Parliament: Hon. (Ms.) Shebesh

Contribution she made on: The County Early Childhood Education Bill

Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the County Early Childhood Education Bill (Senate Bill No. 32 of 2015) and approved the same with amendments.

DATE: 14th February 2017

Member of Parliament: Hon. (Ms.) Shebesh

Contribution she made on: The County Early Childhood Education Bill

Hon. Deputy Speaker, before we conclude this matter, I would like to be on record that we have Members of Parliament who consistently sit here to see Bills through Committees of the whole House – the most important part of the law-making process in this country. It is important for Kenyans to know that there are Members who sit through the most complicated stage of the law-making process. The Chairs of Departmental Committees have to sit throughout a session as they move amendments on the Floor of the House. It is about time we recognised them for
taking their time to ensure that the legislative process is completed. Therefore, on behalf of the Office of the Speaker, and yourself, I thank the Members of Parliament who are seated here today to pass three very crucial Bills, which will change the lives of Kenyans in one way or another. That is my opinion Hon. Deputy Speaker and I am sure you share the same sentiments with me.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Livestock And Livestock Products Development and Marketing Bill

Hon. Deputy Speaker, my point of order is on what Hon. Pukose has said regarding the quality of meat from ASAL areas. He has said that the quality of meat is low. The quality of meat from ASAL areas is higher than that from other regions because it is considered organic beef. For him to say that the quality is lower is a clear indication that his expertise is in human medicine and not livestock production. Livestock produced in ASAL areas is considered to be of higher quality beef because it is organically produced.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Livestock And Livestock Products Development and Marketing Bill

Thank you, Hon. Deputy Speaker, for giving me this opportunity. First, I would like to congratulate Hon. Abdnner for bringing this Bill to assist Kenya's wealthy paupers. Today, Hon. Pukose’s contribution is a clear reflection as to why Kenya is unable to be a net exporter of beef. It is said that 80 per cent of Kenya is ASAL. Indeed, that is where organic beef can be produced. Every policy direction in this country has been led by persons whose understanding of the meat market is confined to slaughtering dairy cows. That is why you will have somebody in a National Assembly of a country that is 80 per cent arid and semi-arid declare that livestock from ASAL areas is of poor quality.

The livestock that you see dying during famine is as a result of poor policy from the top. The madness is doing the same thing over and over again and expecting different results. The reason we cannot break this cycle of our livestock dying during drought is because every decision-maker has a mindset that does not understand business.

Hon. Chachu shared the fact that you get better prices in Ethiopia than in Kenya. The reason is that in Kenya, we do not support farmers from the ASAL areas with the right vaccines at the right time to ensure that their animals do not die. I worked in Somalia, which is free from Rift Valley Fever, and so they can export their livestock. We have scientists who can ensure that we have disease-free zones, so that we can qualify to export our livestock. Because our policies are confined in the mindsets of the people in policymaking positions, we cannot think outside the
box. That is why we cannot export our livestock. Today, Botswana, a highly ASAL region that was learning from us, is exporting livestock because of making simple policy decisions. We should make our country disease-free. We cannot go to the market with things that do not comply with international standards. Unless we stop thinking like how Hon. Pukose was while making his contribution, we are not going to solve this problem. I want to suggest that we pass this Bill, so that it can affect other policy areas. We do not have a well-thought-out livestock policy in this country.

We should go back to the drawing board and review our livestock policy to ensure that our livestock farmers are supported through a hay scheme. They should be given hay on credit, so that their livestock do not lose weight. The management of the KMC should also be looked into. The Member for Mavoko might not have noticed how the Kshs450 million was utilised because his dying livestock were not bought by the KMC. Our livestock were bought by the KMC and we know how the money was utilised.

I want to urge the Departmental Committee on Agriculture, Livestock and Cooperatives to ensure that the conflicting legislations that would make the Livestock Marketing Board not perform properly are dealt with.

With those few remarks, I look forward to the Ministry, whose focus is to establish disease-free zones, making Kenya free of Rift Valley Fever and looking for market for our livestock. The Ministry should also kill cartels in Kariobangi and improve the bad prices that slaughter houses are giving to our livestock farmers. They should ensure that we have an efficient KMC that can compete with private slaughterhouses, so that Kenyans can get better prices.

I support.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Leshoomo

Contribution she made on: The Livestock And Livestock Products Development and Marketing Bill


Tukipata bodi, tunaomba iangalie ma mbo ya maji zaidi katika pande za wafugaji kwa sababu hiyo ndiyo shida nyingine wakati wa ukame. Pia mambo ya ugonjwa, vile wenzangu wamesema. Magonjwa mengi sana hudhuru wanyama.

**DATE: 15th February 2017**

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

**Contribution she made on:** The Livestock And Livestock Products Development and Marketing Bill


**DATE: 15th February 2017**

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

**Contribution she made on:** The Clinical Officers (Training, Registration And Licensing) Bill –Second Reading

Thank you, Hon. Temporary Deputy Speaker. From the outset, I support this Bill purely because the principles on which it is based seek to encompass the principles of the Constitution of Kenya 2010. Those principles being gender representation and representation of marginalised groups in appointment into boards. That is the main reason I am standing to support this Bill.

A lot has been said by Members before me, but I would like to put this on record. I have sat here this morning just to get a chance to say that I am standing in defiance. It is in defiance of the fact that there are doctors on strike at the moment and there are people who think that Members of Parliament (MPs) benefit from such activities. It is as if MPs have doctors to go to when those doctors are on the roads; as if we are a special breed of people that can get treated by aliens if we are not treated by the same doctors. I want it to be noted that we and especially me, I am standing here in defiance. I do not wish to speak on this Bill anymore because of the present situation in the country.
I hope this situation sorts itself out very quickly and the people concerned come together, on one table, to sort this matter out as soon as possible, as soon as tomorrow morning or as soon as now. With those few remarks, as I said, I stand in defiance. Thank you very much.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Musyoka

Contribution she made on: The Clinical Officers (Training, Registration And Licensing) Bill –Second Reading

Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank Hon. Sang for this Bill. I support it. What is happening in this country and what was done by Dr. Matiang’i is good for this country as far as education is concerned. When it comes to clinical officers, I think we need regularization and standardisation. The institutions that are working to produce clinical officers must be sound, well-regulated and of good standard. Clinical officers play a very important role in this country. We have seen at this time when doctors have been on strike, they have done their best to keep the patients that they can alive.

On the doctors’ strike, as a doctor, I am really disturbed. I feel very sad that it has been more than 70 days and the doctors are still on strike. It is important that, even as we talk about the role clinical officers play, the issue of doctors is resolved immediately. We do not want to know what the CS and PS have issues with. It is important that doctors go back to work. I have lost two very close relatives just because the doctors are on strike.

In Machakos Level 5 Hospital, we have all the equipment. We have good dialysis machines but they cannot work without the doctors. We have all manner of equipment but we need doctors back to work. It does not pay to continue having counter accusations and hard stance.

Putting doctors in jail was something unforgivable. I am glad they are out but that is not enough. It is important that the CS sits down and puts the doctors back to work. Patients cannot wait any longer. We have already done enough injustice in this country and it is important that we see a solution arrived at. Unless we are saying that the Ministry of Health is moribund, we need to see action. Action must be taken now. We do not need to wait for things like referendums. We also do not want to wait for issues of the Constitution. This is like an emergency that has taken too long to be resolved.

Hon. Temporary Deputy Speaker, thank you for giving me a chance to air this. I feel that we have grieved enough as a country. We are in a state that we cannot continue anymore and a solution has to be arrived at immediately. As one of the Members said, the buck stops with the President. So, we appeal, even as we ask for votes and running around asking people to register that we need to address this immediately as an emergency. If possible, we should see our doctors back to work as early as yesterday.

Thank you very much.

DATE: 15th February 2017
Member of Parliament: Hon. (Ms.) Mbalu

Contribution she made on: Measures to Create an Enabling Environment For Teaching and Learning in Schools

Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that education is an important tool for empowering Kenyan youth who actively participate in national development towards the realization of Kenya Vision 2030 and Sustainable Development Goals (SDGs); noting that conducive and enabling working environment for teachers is fundamental in enhancing efficiency and safety of learning materials; cognizant of the fact that teachers in public schools and Early Childhood Development Centres ECDCs work from poor staffrooms or marketing facilities at both levels of governments, including ECD centers, some of which have no staffing or storage facilities for equipment or books; further concerned that teachers and students in most learning institutions have no internet infrastructure for accessing online learning resources; concerned that such poor working conditions constrain optimal service delivery by teachers and expose learning materials, including books purchased under the Free Primary Education and subsidized secondary school capitation funds to destruction and theft; this House urges the national Government and the county governments to initiate a comprehensive programme to ensure that all public primary and secondary schools and ECD centers have standardized staffrooms for teachers and safe custody of learning resources and internet connectivity for accessing online learning resources.

I thank you.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Motion on Adoption Of Report On Vetting of Nominee for Appointment as Chairperson of CRA

Thank you, Hon. Speaker. I stand to second. As a member of the Committee, I must confess that we have interviewed nominees in the past for various positions, but we were very impressed by this nominee, Dr. Jane Wangui, whom we vetted for the position of Chairperson, CRA. We vetted her and when you look at her credentials, it is needless to repeat what has already been pointed out by the Vice-Chair. We felt that the nominee was over-qualified for the position. We were also quite impressed by her wealth of experience, which she is going to bring into the Commission. She has worked both in the public and private sectors. She started her career at a very young age at the Ministry of Finance and National Treasury as a senior economist. When you listen to her explain or elaborate as she responded to the various questions that we asked, we were quite impressed and felt that the candidate is qualified for the position that she has been nominated to.

So, Hon. Speaker, I second.
DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Chidzuga

Contribution she made on: Motion on Adoption of Report On Vetting of Nominee for Appointment as Chairperson of CRA


Kwa hivyo, hii nafasi mkipatia daktari, itabidi tuwe na imani kwamba utakuwa wa usawa bila upendeleo. Shukrani kwa Rais wetu kwa kuwa katika nchi na kumpatia mama hii nafasi, na sisi Wabunge tunauunga mkono kwa pamoja. Shukrani, Bwana Spika.
Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 5 and substituting therefor the following new clause —

5. Section 10 of the principal Act is amended —

(a) in subsection (1)—

(i) by inserting the words “Speaker and” immediately after the words “report to the relevant” and the words “Article 114 of the Constitution,” immediately after the words “making reference to” in paragraph (g); and

(ii) by inserting the following new paragraphs immediately after paragraph (h) —

(i) undertake monitoring and evaluation of movement programmes and projects with a view to informing the legislative budget and economic analysis;

(j) produce the Budget Options Paper which shall be the basis of evaluating the Budget Policy Statement and annual estimates; and

(k) review the County Fiscal Strategy Papers and the Controller of Budget Reports with a view to informing the relevant Committees of Parliament on revenue allocation.

(b) by inserting the following new subsection after subsection (2) —

(3) A public officer or national government entity shall upon request in writing by the Parliamentary Budget Office, provide information in such manner as may be specified by the Parliamentary Budget Office for the better carrying out of the functions specified under subsection (1).

The justification is that the proposed amendment in 5(a) seeks to entrench the provision of Article 114 of the Constitution as well as to facilitate key legislative mandate of proper oversight of the budgetary resources by providing empirical information to Parliament for informed decision-making.

In addition, the proposed amendment in 5(b) intends to enhance the role as well as empower the Parliamentary Budget Office to seek any information from any relevant institution needed in the performance of its statutory function of advising Parliament on the national economy, public finance and Budget matters.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Hon. Temporary Deputy Chairlady, yes, I want to move the amendment in the amended form.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Otucho
Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 5 and substituting therefor the following new clause —

5. Section 10 of the principal Act is amended—

(a) in subsection (1)—

(i) by inserting the words “Speaker and” immediately after the words “report to the relevant” and the words “Article 114 of the Constitution,” immediately after the words “making reference to” in paragraph (g); and

(ii) by inserting the following new paragraphs immediately after paragraph (h) —

(l) undertake monitoring and evaluation of government programmes and projects with a view to informing the legislative budget and economic analysis;

(j) produce the Budget Options Paper which shall be the basis of evaluating the Budget Policy Statement and annual estimates; and

(k) review the County Fiscal Strategy Papers and the Controller of Budget Reports with a view to informing the relevant Committees of Parliament on revenue allocation.

(b) by inserting the following new subsection after subsection (2) —

(3) A public officer or national government entity shall upon request in writing by the Parliamentary Budget Office, provide information in such manner as may be specified by the Parliamentary Budget Office for the better carrying out of the functions specified under subsection (1).

(Question of the amendment proposed)

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

I agree because we had a similar proposed amendment. The Constitution is very clear as well as the Public Finance Management (PFM) Act. We do not want a law that weakens the role of Parliament in making decisions. What we are deleting was seeking to weaken our powers as the National Assembly when it comes to approving withdrawals from the Consolidated Fund.

I support.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:
THAT, Clause 16 of the Bill be deleted.

This amendment seeks to delete this clause which amends Section 60 on authorisation of payment of guarantees. The justification here is that the proposed provision that the Controller of Budget shall receive a certificate from the Attorney-General as sufficient authority to approve withdrawals from the Consolidated Fund for purposes of payment of guarantees is against Article 249(2)(b) of the Constitution on the independence of the Office of the Controller of Budget.

DATE: 15th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

I accept the amendment for obvious reasons. We are protecting the revenue, so that it is not withdrawn directly from the County Revenue Fund without passing through the county assembly for the assembly members to approve.

COMMITTEE OF THE WHOLE HOUSE

DATE: 16th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Hon. Temporary Deputy Chairman, I beg to move:

THAT the Bill be amended by inserting the following new clauses immediately after clause 9—Amendment of section 25 of No. 18 of 2012.

9A. Section 25 of the principal Act is amended—
(a) in subsection (2) by deleting the word “February” and substituting therefor the word “January”;
(b) in Subsection (7) by deleting the word “fourteen” and substituting therefor the word “thirty”; and
(c) by deleting subsection (8) and substituting therefor the following new subsection—

(8) The resolution passed under Subsection (7) shall form the basis of the budget for the relevant financial year.

DATE: 16th February 2017
Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. New Clause 9A seeks to amend Section 25 of the principal Act by deleting the word “February” and substituting it with the word “January”. The main import of this amendment is to increase the period of consideration of the Budget Policy Statement (BPS). It is also to ensure that the resolutions of the House on the BPS form the basis of the annual estimates for the succeeding financial year.

DATE: 16th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. I wish to withdraw the amendment to New Clause 9B because it has a similar import to the amendment to Section 33 of the principal Act by deleting “February” on debt management.

(Proposed New Clause 9B by Hon. (Ms.) Otucho withdrawn)

New Clause 14A

DATE: 16th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Clause 14 is an amendment seeking to delete the clause that amends Section 42 of the Act on processing of the Division of Revenue Bill and County Allocation Revenue Bill. We dealt with this extensively yesterday and the gist of this amendment is to ensure that the National Assembly and county assemblies retain the power to approve withdrawals from either the Consolidated Fund or from the County Revenue Allocation through this Bill. That is the gist of this amendment.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)
DATE: 16th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Hon. Temporary Deputy Chairman, I think I read Clause 14 instead of New Clause 14A. Allow me to make the correction.

DATE: 16th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

Hon. Temporary Deputy Chairman, this Clause amends Section 46 of the Act on the functions of the Cabinet Secretary for National Treasury. The main reason for the proposed amendment is to ensure that Exchequer Issues are reported as per the programmes and projects for effective monitoring and evaluation.

DATE: 16th February 2017

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: The Public Finance Management (Amendment) Bill

New Clause 35A amends Section 117 of the Act on the County Fiscal Strategy Paper. The main aim of this amendment is to extend the period of consideration of the County Fiscal Strategy Paper by county assemblies from 14 days to 30 days.

DATE: 21st February 2017

Member of Parliament: Hon. (Ms.) Birdi

Contribution she made on: The Sacco Societies (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker. Would I be in order to ask that the Mover be called upon to reply? There seems to be a lot of repetition. I think the debate on this Bill has been exhausted even though I would have liked to talk about Hon. Sumra’s SACCOs. He started a Tuk co-operative society in Embakasi. However, I will have to reserve my comments.

DATE: 21st February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: The Sacco Societies (Amendment) Bill
Could I, please, ask that the Mover be called upon to reply?

DATE: 22\textsuperscript{nd} February 2017

Member of Parliament: Hon. (Ms.) Mitaru

Contribution she made on: The Clinical Officers (Training, Registration And Licensing) Bill – Second Reading

Thank you very much, Hon. Deputy Speaker, for giving me this chance. I support the Bill because in the Kenya of today, we, as parents of many children and as Members of the National Assembly, have seen how clinical officers have supported our young people, the elderly and the nation at large. They have helped maintain good health amongst our people. I am happy the Member of Parliament has brought up these issues. I want to support it because we have lost many people for lack of treatment. I have been to my county where private clinics and hospitals are overcrowded because our doctors are on strike.

I have been wondering whether we made a mistake to devolve certain services, especially health services. Clinical officers have continued to offer services in every place in this nation. It is not just the clinical officers who should be supported this way, but also the nurses and all the people who are interested in learning about health issues in our nation.

I know many doctors are wondering why for more than three months, we have not sat down, as a nation, to listen to them and to one another, so that we can help our people. I feel very sad when I see mothers crying because they do not have money to go to private hospitals. Those who can afford the cost of private clinics feel bad when they go there only to find very many people. In fact, there are situations where more than three patients are sharing a bed in private hospitals because clinicians are not able to help the way doctors would.

Even as clinicians are trained, they should learn more so that they can act in place of doctors. They should be able to operate on patients as well as nurses. They should help Kenyans through the Ministry of Health and this will create a healthy nation. I want to support the Bill with all my heart and ask the Members to pass it, so that we can come up with a law that will help, not just clinicians, but also the people of this nation.

DATE: 22\textsuperscript{nd} February 2017

Member of Parliament: Hon. (Ms.) Seneta

Contribution she made on: The Clinical Officers (Training, Registration And Licensing) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also contribute to this very important Bill. I also want to add my voice to this Bill. It has come at the right time. It is high time we regulate that very important sector. Health is a very important basic need. We need to make sure that we regulate that sector so that Kenyans can be served in a proper way.
Clinical officers should be trained and given licences to operate without giving them a hard time. When we go round in our counties, we see many people who are either opening clinics or chemists. They are running them without proper licensing. This Bill is a way of regulating that so that we make sure that clinical officers operate in an orderly way and can serve without having many problems. I also concur with my colleagues that, most of the time in our clinics, it is clinical officers who are on duty throughout. They are the ones who are accessible. They need proper training and registration. We need proper data on how many clinical officers we have, how many of them are operating and at which levels. That is because today, we just see nurses and a few clinical officers who are not even well paid.

This Bill has come at the right time when we need to improve our health sector. We also need to have sanity in our health departments. I also concur with the rest of my colleagues that what has been going on in our counties for the last 70 days - having our doctors on strike - is a very sad situation. Many Kenyans are suffering. Many of them are rushing to the private hospitals and they cannot even afford or manage. I think we made a mistake by devolving health. We may need to think of returning health to the national Government because county governments may not have the capacity to handle doctors’ issues. We need to sit together and agree as Kenyans on how best to tackle it. Some of our counties argue that they do not even have the monies, while some say that they have the money to pay doctors. We shall get into a situation where there is no standard in handling issues in the health sector.

With regard to the issue of infrastructure, we now have a situation where we do not have proper standards in our counties. You find some counties constructing small dispensaries with no medicine or staff and other counties doing it properly. The health function should have remained with the national Government.

This Bill has come at the right time. We need to set standards for training our clinical officers, registration and also licensing so that they can operate in a conducive manner when they are serving Kenyans.

I support the Bill.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Tobiko

Contribution she made on: The Clinical Officers (Training, Registration And Licensing) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker and also the Mover for giving me one minute.

This Bill would not have come at a better time. Our health sector is in a crisis. We so much need regulations and standards to be raised and Kenyans to be served well. Clinical officers require training and their practice regulated. They also need to operate within certain disciplinary measures so that Kenyans can be treated better and receive medical attention.

The country is in a crisis. Women and young children are suffering. I call upon all who are concerned to put a humane face in this on-going crisis. There is nothing a human being requires more than medical attention.
I support this Bill because it has come at the right time and we need to serve Kenyans appropriately. Thank you, Hon. Temporary Deputy Speaker.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) B.N. Nyaga

Contribution she made on: The Clinical Officers (Training, Registration And Licensing) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill by my friend, Hon. Sang. It has come at the right time. Clinical officers are the backbone of the medical profession. For example, this time when the doctors are on strike, clinical officers are working day and night to save the lives of our people. They work under very difficult conditions; say, without proper facilities and equipment. But they still manage to save lives.

It is also very important for qualified clinical officers to be given licences so that they can operate privately. Those who intend to remain in public service can be supported by the Government. At this time when the doctors are on strike, it is the clinical officers who are taking care of our people.

The profession of clinical officers has been forgotten. I support what my colleagues have said to the effect that we need to have a referendum where we can revert the health sector to the national Government. That is because the governors have failed this country. They have not been able to take care of the health sector. It is high time it was taken back to the national Government. I support this important Bill.

Thank you, Hon. Temporary Deputy Speaker.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: The Statute Law (Miscellaneous Amendments) (No.2) Bill – Second Reading

Thank you, Hon. Speaker, for giving me this chance to add my voice to the Statute Law (Miscellaneous Amendments) (No.2) Bill. As has been said before, included in this Bill are amendments to various Acts. There are 12 Acts to be exact, with the exception of the one which the Mover has withdrawn. I would just like to make some brief remarks to this Amendment Bill, which I think would add some substance to our debate.

At the outset, there are some very straightforward amendments that have been made to those Acts. For example, there are amendments to the Betting, Lotteries and Gaming Act. I have noted that the penalties seem to be increasing. Overall, the point of interest is that the betting, lotteries and gaming industry is one that is worth billions. Even though as a society we recognise that it is a vice, we find that many of our youth engage in this activity frivolously and even lose
their lives over it. It is a very good move to raise the amount of fines because it is about time people took responsibility and we brought some sanity to that particular section of our society. As regards the Dairy Industry Act, the Bill talks about the requirement of milk dispensers and so on. At the outset, I know we are in a very forward and modern society and so, we have added goats and camels. But I do not know if I would be in order to propose a further amendment, perhaps, to add donkeys as well. As you know, donkey milk is one of the top types of milk that can be consumed today. As it has been noted recently in the media, it has been a source of income for various people in the rural areas.

I agree with the previous Mheshimiwa who has mentioned that we will be hurting the small-scale farmers if we charge them a levy when they transport their milk. Perhaps, it is something that needs to be looked into.

There is also the Clinical Officers (Training, Registration and Licensing) Act. I remember when this Bill was being debated on the Floor of the House, I stood in defiance and said that I did not wish to comment on the Bill although it was good. I did not wish to comment on it because of the current state of the doctors’ strike. That was my feeling at that time and it is still the same. However, the amendments are noted and they are in good taste because they are just streamlining the Bill.

Of course, there are other amendments. The one which is of most interest to me is the amendment to the National Employment Authority Act which focuses on the rights of Kenyan migrants who are working abroad. It is about time we, as a country, reached out to our citizens who are working away from their families; toiling away and yet, they do not have any other way and means of getting justice and reaching out to their countrymen. Many cases have been reported in countries like Dubai, where our people are stuck in inhumane conditions. An amendment to this is seriously in order.

The Copyright Act was recalled and so, it was not included. Apart from that, I have mostly talked about what I needed to add to this Amendment Bill. I would like to thank you for giving me this opportunity.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Statute Law (Miscellaneous Amendments) (No.2) Bill – Second Reading

Thank you, Hon. Speaker, for giving me this opportunity. At the outset, I support the Bill. I am happy that the Bill is largely in conformity with a recent court decision that stated that most of the miscellaneous amendment Bills should concentrate on miscellaneous issues and not substantive ones. I have looked at this Bill and it does that.

I just want to comment briefly since it is largely straightforward. With regard to the Betting, Lotteries and Gaming Act, I am happy that we are doing a lot in this House to try and streamline that sector. While speaking from a Mbita perspective, I know one of my constituents who was given money to pay school fees but, instead, went to bet. It is not just one case. Many such cases are prevalent. I do not think it would be in order for private businesses to take over
people’s lives. Even though we want to protect private businesses, we must be conscious of the need to protect our young people. I, especially, support the efforts of enhancing the penalties.

I also wish to contribute to the Dairy Industry Act. Like my colleague has said, it is a welcome move to include camel milk and goat milk. I only want to say that beyond that, it is not just enough to include camel milk and goat milk, we must provide standards that will ensure that our products reach international markets. In the last Parliament, I was in a select committee that worked on those issues and I have not seen us doing enough. Even now, I am in the Departmental Committee on Agriculture, Livestock and Co-operatives, and I have not seen us doing enough that would ensure that our dairy and agricultural products are competitive internationally, especially livestock products.

My constituency is largely a fishing community, but it has also other aspects of agriculture, especially goat rearing, which is very welcome among the people of my community.

Hon. Speaker, in relation to the Kenya Institute of Curriculum Development Act, how I wish there would be a further amendment so that the proposed appointment by the Cabinet Secretary (SC) is done competitively! Otherwise, I do not see any major issue here. The Mover should bring an amendment to make the appointment competitive. We are bound to create semi-dictators out of the CSs when we give them powers that are unchecked.

On the Crops Act, there is a Board of Trustees that is being formed. I know that counties have a role in crops. I am just wondering why we do not have, in this law, a provision for a representative of the Council of Governors or a provision on some role that the Council of Governors would play in the Board of Trustees.

Again, I wish to comment on the National Employment Authority. I would like the Mover to explain why there are many amendments that take away opportunities for the youth by generalizing them. However, if I remember well, the idea behind the National Employment Authority, even though it focuses specifically on national aspects, was to deal with youth unemployment. So, when we make it general, it loses the very essence of this Act which, in the first place, was to focus on the youth. When there are amendments taking away the focus on the youth— I wish Hon. Sakaja was here. I do not know whether he has already been consulted on this or not. He was very passionate about this Act. I wish he could look at it and advise why we are moving the focus from the youth to now generalizing everybody. Some of us have either got opportunities or have missed the train at some point.

Our focus has been the youth. We have said it here that the situation of our youth is a ticking time-bomb. In fact, they are already a bomb! They are no longer ticking. They are already blowing all over the place with all manner of negative things. It is important that we arrest the issue of youth unemployment by focusing on them.

The new insertion in Clause 8A is very welcome, especially for our women who get mistreated in the Middle East countries. If you look at the media, hardly a month passes before you see a case of a Kenyan woman in the Middle East who has been thrown off some building, maimed, has died, has been detained without identity or has been mistreated in various ways. This law is very welcome. The only thing I would want to say is that they need to counter-reference it to the Counter Trafficking Act that I moved in this House because it talks largely of the same issues, especially as relates to women and girls.

The provisions which are included under this sub-clause are very welcome and I support.
Thank you, Hon. Speaker.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Mathenge

Contribution she made on: The Statute Law (Miscellaneous Amendments) (No.2) Bill – Second Reading

Thank you, Hon. Speaker. I beg to support the Statute Law (Miscellaneous Amendments) (No. 2) Bill of 2016.

I will speak on only two items. One of them is Section 8(a), on employment, which speaks about registration and maintaining integration of all Kenyan immigrant workers. We have had a lot of issues with our young people, especially when they go to some countries. We hear that some of them have come back in coffins. Section (d) approves pre-departure programmes and ensures that Kenyan migrants undergo the relevant pre-departure preparation. This is relevant because as we understand, we cannot employ all our young people. We need to train them and create awareness so that as they go out in search of employment, they understand that when they are in distress, our Government is in a position to take care of them and ensure that they return home. That way, the distress that the families of such victims, and victims themselves, are likely to suffer will be less.

The other item I would like to speak on is Section 54 on gaming. It is important for us to look at this Act very carefully so that we do not throw away the bath water with the baby. Some of the major developments in South Africa have been done by the gaming authorities. As we look into this law, it is important that we do so in a very positive way because betting, gaming and lotteries have a lot of positive sides even though they have a bit of negativities. One of the positive aspects I would like to dwell on is the age limit for eligible participants. Hon. Midiwo’s Bill puts it at 25 years. Therefore, this amendment should stick to the 25-year age limit. Many of our young people, including some who are 25 years old, are dependent on their parents. Therefore, gaming should not be one of the priorities that should concern them. Let us maintain the age of 25. We should also ensure that the gaming places are properly regulated with a view to reducing their numbers, so that they are not on every street. For example, he kept on saying that in Nyeri Town, gaming places are everywhere, which is true. We must regulate this sector and make sure that only licensed outlets undertake gaming activities.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Mathenge

Contribution she made on: The Statute Law (Miscellaneous Amendments) (No.2) Bill – Second Reading

I am guided, Hon. Speaker. I will wait for Order No.16 to debate the matters raised therein. In the meantime, I support the Statute Law (Miscellaneous Amendments) Bill (Bill No. 2 of 2016).

Thank you.
DATE: 22\textsuperscript{nd} February 2017

Member of Parliament: Hon. (Ms.) Mathenge

Contribution she made on: Motion on Sessional Paper on National Building Maintenance Policy

Thank you, Hon. Temporary Deputy Speaker. Today is my lucky day. I support this policy. Maintaining buildings ensures that there is longevity in buildings. It also ensures durability and sustainability. I, therefore, thank the Committee for ensuring that this Sessional Paper has come at this time. I am sure within the policy the safety of users is included. In doing that, it also includes persons with disability and people who need wide spaces or ramps to move their wheelchairs, and those who need bars on the staircases, so that they can have something to hold on to. Maintenance is important in all buildings. It means that those who invest in buildings can have good returns on their investment without spending a lot of money in repairing the buildings if proper maintenance is done.

As I listened to the Chairman, he talked of health and looking into dilapidated buildings. I just want to remind him that I brought a petition to this House regarding the use of asbestos. As we know, asbestos cause cancer in most places. I hope the Policy Paper will also address the issue of buildings which still have asbestos, so that we can replace all asbestos to reduce cancer in the country. We know that the cost of treating cancer is much higher than the cost of replacing asbestos roofing or fittings in houses.

I also want to commend the Committee. I hope they can also introduce building maintenance in TVET programmes in polytechnics, so that our young people can be retrained on maintenance of buildings. This is a core subject for those who have done Land Economics. When you go out there in the field and you want somebody to maintain your building, many times they do not seem to have the knowhow. You need to incorporate the policy into the curriculum of TVET, so that we can have training on maintenance as a subject.

I support the policy. I hope we will see its implementation as soon as possible.

DATE: 22\textsuperscript{nd} February 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution she made on: Motion on Sessional Paper on National Building Maintenance Policy

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I am happy to contribute to this Sessional Paper because I support it. Buildings, like the clothes we wear, require maintenance. We need to keep on improving on them and making sure that they are usable at all times until their time has expired. Buildings in this country are beautiful. We have very good buildings, tall and small, bungalows and skyscrapers. However, if there is no maintenance, then, we stand the risk of suffering in the sense that they are not upgraded and are too old and insecure for occupancy. Whether they are
privately owned or Government owned houses, they all need to be maintained. That also means that as we do maintenance, we need to put money aside which means that the Budget must also be considered along those lines.

When a building has been occupied for several years, a time comes when it needs to be maintained, renovated and improvements done. As my colleague said, some improvements may require a lift being put into a tall building that never had one before or some staircases have cracked or the paint has fallen off and the building requires painting. That must be factored in the Budget that we normally have in this House when we come up with budgets for various items.

Another reason for maintenance is that you also want to clear the environment and make it clean and healthy for occupants. Sometimes, we may need to maintain a building for historical purposes. It may be a very old building like Fort Jesus and you do not want to do a modern Fort Jesus. You just want to make it look old, because it is old, and has a historical background and that many people visit the site. We can maintain it and keep the old image of the building because it has that historical aspect.

As we talk about maintaining buildings and putting money aside to do that, we must also look at the aesthetics of it. What does it bring about historically? What do we want to preserve? What do we want people to remember the building for? If it is a museum, let it be old looking, but well looked after. If it is a modern skyscraper, let it be a modern type. All the same, whatever we do with a building, it must be safe, clean and healthy for the people who occupy it.

I support the Sessional Paper.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: Motion on Sessional Paper on National Building Maintenance Policy

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Motion on the policy on maintenance of buildings. The reason I am supporting this Motion, and I thank the Chairman of the Committee on Transport for the good work done, is because there are so many buildings which are not habitable. There are people, including the disabled persons, living in buildings that are in bad shape and they do not know what to do or where to turn to. Even some Government buildings have leakages all over, including in toilets and yet people are forced to use them in that bad state. This is dangerous. Some owners of buildings are not keen on maintaining them. They get rent but they do not care to maintain the buildings. This Motion is very important. Actually, it has come too late in the day. It should have come yesterday. We want our Government and all Kenyans to think about how a human being can live a better life. The Government should check out all buildings, including hospitals. You will be surprised most buildings do not have toilets. What is more, the buildings leak and so one would fear to use the toilets in them. People who use them do so because they have no alternative. So, it is very important to maintain the buildings.
Even when tourists come here, one would wonder how they stay in poorly maintained buildings. So, it is very important to maintain your building. I am happy that Mr. Kamanda has come up with this Motion. I am here to support it. We, therefore, ask our Government to maintain public houses so that our people are protected. I sometimes wonder what goes on in the mind of builders and owners of buildings. They must understand that we have people who cannot walk on their own and so they use wheelchairs or crutches. So, we need buildings to be maintained so that our people are taken care of.

With those few remarks, I beg to support the Motion. Thank you.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: Motion on Sessional Paper on National Building Maintenance Policy

Thank you, Hon. Temporary Deputy Speaker, for giving this opportunity to support this Motion. In supporting the Motion, I want to say that it is anchored under Article 42 of the Constitution that talks about a clean and healthy environment; Article 43 that talks about accessible and adequate housing, and Article 69 on sustainable management and conservation of environment. I, however, want to raise a concern that we are also anchoring this policy on Bills or draft regulations, including a draft Bill on National Housing, draft regulations on building and draft regulations on building surveyors. You know we are not sure whether all those regulations will pass before this House. I would really want to say that it is ill-advised that we anchor this policy on such regulations and a draft Bill. We should anchor the policy on the Constitution and on existing laws, not on draft laws.

However, I want to say that I am happy that the draft policy recognises one of the purposes of maintenance as aesthetics. Where I come from, aesthetics is very important. It is not just about the issue of health and safety that other Members have mentioned here. It is also about the historical purpose of the economy. Maintenance of buildings is also linked to historical purposes. Where I come from, aesthetics is very important. I have visited certain countries like Namibia. If you look at the way the capital city of Namibia is structured and the way the houses are maintained, you will realize that streets have buildings coloured the same way. I do not know why in Kenya we think we cannot deal with that.

I would also want to say that with regard to the drafters of this policy, sometimes we just want to justify, perhaps, the money that we were given for consultancy. As a country, we need to be realistic about certain issues. For instance, if I were the one drafting this policy, I would only have done two pages. I would have put here the root cause only and not all these long stories about apathy being one of the root causes of poor maintenance of our buildings and what I would call the broken window syndrome.

In this country, when one person drops a little piece of paper, by the time you come back, say, four months later, you will find a heap of papers. That is the situation in Kisumu. There is a lot of garbage there that is now an eyesore. I keep wondering, whenever I pass there, whether or not somebody noticed the garbage piling up in that city. In Nairobi it is the same thing. Every single
city has that broken window concept that we are hoping somebody will fix it. Who will fix it? We really do not care. We do not give a damn.

Secondly, there is lack of maintenance culture. I am told that in our mother tongue vocabulary the word ‘maintenance’ or ‘monitoring and evaluation’ does not exist.

Thirdly, another root cause is lack of budgetary allocation, which is also influenced by the first two, that is, apathy and lack of maintenance. I would only give two solutions: training the public for a mental paradigm shift and adequate budgetary allocation. Let us forget about all these irrelevant English and writing 40 pages in documents which mean nothing. We should just do a one-page policy that tells Kenyans to change their attitude, fix things when they are wrong and then take their own environment seriously. We should then tell the Government to allocate money for maintenance. I do not see why we are putting a lot of stories in this Policy Paper and yet we know what the problem is and how to solve it. I, therefore, want to support but how I wish we would shorten it and deal with the problem as it is! Look for the eye of the bull instead of going round in long stories. That is the problem with Kenyans. We talk too much yet act little. It is time to move from rhetoric to action.

Thank you and I support.

DATE: 22nd February 2017

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: Motion on Sessional Paper on National Building Maintenance Policy

Thank you, Hon. Temporary Deputy Speaker. I will keep on struggling because I am battling with my lost voice. Thank you for giving me an opportunity to contribute to this very important Motion about the National Building Maintenance Policy. There is a famous saying in Swahili that Usipoziba ufa utajenga ukuta. This means that if you do not repair a cracked wall in time, one day it will come down and obviously it will be too expensive to put it up again.

Indeed, it is very embarrassing to see the state of most of the public facilities. I want to concur with my colleague, Hon. Millie Odhiambo, that this is really about the apathy or the I-do-not-care attitude amongst us. We tend to look at public facilities as another person’s responsibility and not our own responsibility. This policy has come at the right time. In fact, it ought to have been there a long time back. Whenever we construct buildings, we should know that they should last for a number of years. This is because you cannot keep on constructing new buildings every time. The way to make them last longer is to maintain them. Of course it is very expensive to construct new buildings and that is why we need to prolong the life of existing ones. That way we will avoid the cost of pulling down buildings and constructing new ones.
However, we cannot also maintain buildings that were not constructed in the right manner in the first instance.

Hon. Temporary Deputy Speaker, it is good that we now have the Engineering, Technologists and Technicians Act, 2016, which regulates the construction industry. We do not want to continue witnessing buildings under construction coming down and killing people. It should start from regulating construction and progress to maintenance. You cannot maintain a building that was not properly constructed in the first place.

I want to talk about poor physical planning in Kenya. We have visited countries like the USA, where old buildings belonging to municipal authorities and cities are well planned. There are areas which are specifically set aside for construction of skyscrapers while other areas are for construction of bungalows. They are very appealing. In Kenya, buildings are constructed in haphazard ways to an extent of blocking access ways. When buildings catch fire, it becomes difficult to salvage anything from them due to lack of access roads for use by fire engines to reach the buildings. Sometimes it is even impossible to expand the sewage and water systems.

I hope this policy will help in controlling exploitation by landlords. Landlords are nowadays pushing maintenance to tenants by telling them that they should leave their houses as new as they found them when they moved in. I do not think that is in order because the rent collected over time should be used to maintain such premises.

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I thank the Committee which presented the Sessional Policy Paper No.2 of 2016. This Paper has come at the right time.

We all know that our urban areas are full of slums which are swelling every day. People in the slums live in poor conditions. They live in structures which cannot even pass the definition of a house. They use wood, paper and cartons to protect themselves from cold and rain. So, if we upgrade these slums, the population that stays there will have a place to call home. The only slum that was upgraded a few years ago is part of Kibera even though the people who were initially staying in the slum could not afford to stay in the upgraded buildings. So, we did not meet the target group.

Secondly, we lack infrastructure in slum areas. There is no water, toilets, electricity and fuel. People living there cannot afford clean water. They do not have toilets that fit human usage and instead of using electricity for cooking, they use firewood. They cook from outside the
structures because they are small and smoky. They use kerosene for lighting. You will not be surprised to come across “flying toilets” such as the ones we saw in Kibera. It is the same story in Huruma and Langas, which are the biggest slums in Eldoret. There is no sign of upgrading of these slums. This policy is going to help a large number of Kenyans who are slum dwellers in the 15 towns that we have been told of.

Slums are marred by violence. Most of the youth in the slum are idle. They have nothing to lose and so, they are very likely to spearhead violence in the area. Therefore, if we want to live in a peaceful environment, we have to cater for the youth by upgrading slum areas, so that they can also live in comfort like other human beings.

With those few remarks, I support.

DATE: 23rd February 2017

Member of Parliament: Hon. (Ms.) Ombaka

Contribution she made on: Noting of Reports by the President

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. This is a very important Motion that deals with the national values and principles of governance. When you talk about values, so many things come to my mind. They are things that guide us to be members of the human community. The values that human beings are expected to have are like honesty, kindness, supporting one another, being Kenyans and being people who live in peace, love and unity, so that we can relate with each other in society. When you look at them, you do not see this happening. Right from the top leadership to the lowest level of leadership, you can see that we do not have any values in this country. We are not honest people in Kenya. That is why there is a lot of theft, killings and bad things that happen to women, children and everybody. It is a society that is really languishing in violence. It is a society that has been rated worldwide as having a huge rate of police killings and extrajudicial killings.

I have just been reading a small article in my phone which says that Kenya is leading in extrajudicial killings in the whole of Africa where 122 out of 177 crimes that are committed in Africa happen in Kenya. That means that Kenya is a very violent society that has no respect for peace, love and caring for each other. If the police system, which is supposed to protect us, is actually killing people, then we have lost the kind of values that we should have. We really are unsafe.

We are people who discriminate against each other. There is no nationhood among us. There are no values that we admire in our country because we are not a united nation where people speak for each other. We bring down one another. We play politics of kumalizana and that kind of thing where you must attack and bring down somebody. There is no love and unity that we used to see when we were little children. Those days, the leaders brought the nation together, but today, leaders are fighting in public. They abuse each other. Leaders are accused of corruption and killing. What sort of values are these if we are going to promote our national values and principles for good governance that we speak about?

The country is polluted with so much violence and stealing. That is why we cannot forget the many corruption deals that we have seen in the past. We have the National Youth Service (NYS) corruption deals, the Eurobond and many others and we do not see anybody taking action against the culprits of these economic crimes. Names are mentioned, but there is no system
that deals with these problems. Economic crimes should be acted upon. We have laws that 
should arrest, investigate, imprison and punish criminals that are involved in various forms of 
crimes, but the system seems to be failing because we are getting more disappointed that there 
is no action being taken. This means that we do not have systems or institutions that can arrest 
some of these behaviours such that we can talk of values. We really do not have values. Look at 
what is happening. Doctors have been on strike for more than 80 days. People are dying. They 
are sick.

In yesterday’s newspapers, you saw children dying yet nobody is taking any action. Nobody is 
sympathetic to what is happening and no action is being taken by the various institutions to 
ensure that the problem of doctors is sorted out. We should have a system to deal with these 
evils. We just watch helplessly as people steal money for children, people living with disabilities, 
women and the youth. We must emphasise the areas that require proper values. What values 
do we have when we watch children die, when children and women are raped in the streets, 
when boys and girls do not have proper education and are jobless? What are we doing as a 
nation? What are our values about education? Why do we have so many children dropping out 
of school? What are we doing about that? These are the values that I cherish. These are the 
things that I feel must be addressed.

We are talking about an education system that should bring in certain values, but within the 
school system, you find teachers not being paid and children going hungry and we are talking 
about good education. What is good education when children go without eating? We 
must talk about values that can sustain human nature and keep us alive to enjoy human life. 
We are not enjoying anything. We are sick all the time and the doctors are not there. We are 
going to school, but the teachers are not there. We are looking for jobs, but there is joblessness. 
What values are we talking about? I am looking for ways in which Kenya will have values. We 
really do not. Nobody is leading this nation towards these values. We talk loudly every day in 
newspapers and television, but the language we use does not promote friendship, love or living 
together as a nation.

All the time, we talk about tribalism, ethnicity and terrorism. In this country, we use the 
language of violence. We need to have values such as love and peace among ourselves and the 
Government should help in promoting these values. However, the Government is watching 
helplessly. It cannot do anything. That is why we are where are. When we are rated amongst 
other nations that have values and good governance, we are at the bottom of the list. There is 
no way we will be anywhere. If you talk about extrajudicial killings that I have just referred to, 
122 out of 177 crimes committed in Africa happen in Kenya. The whole of Africa is not at peace. 
We are at war with each other and Kenya is leading. Kenya is the one with the worst indexes of 
all kinds of crimes that are committed today.

In conclusion, I just want to say that we still need time to address the challenges that we have in 
terms of leadership and good governance. We cannot trust the Government anymore when we 
see crimes committed and it is helpless. When the President cannot even address corruption 
and he gives up, then, we have lost the war. We have lost the values that we aspired to have in 
the Constitution. We need values and they must be part of our attitude towards our 
relationships with one another. It is part of the practices that we should engage with as leaders 
and citizens of this country. We have lacked values because there are no role models in the 
country. We do not have leaders who role model others and help us to enjoy the kind of values 
that human race is expected to have. We are completely on the opposite side and we are 
sinking day by day.

Thank you for giving me this opportunity. I support what we are discussing.

DATE: 23rd February 2017
Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: Noting of Reports by the President

Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to congratulate His Excellency the President on the Report he brought to this House. I know measures have taken and progress has been achieved in the realisation of national values and principals of governance. These principles are entrenched in Article 10 of our Constitution. I must admit that they are very important principles that must be followed and adhered to for any Government to have stability to lead, be sanctified to be with the people and give them services. I am particularly concerned about various issues that were raised by the President in terms of principles of governance.

As Chair of the Departmental Committee on Regional Integration, I am delighted to note that when our President was the Chairman of the East African Community (EAC), we ensured that various pillars of the EAC were met and ratified. One of the pillars was the Monitory Union Protocol and the Common Markets. These are values that are entrenched in the integration process. I can state with confidence that when our President was the Chair, he ensured that matters integration happened and the EAC has come together. I just hope that we will move towards getting to understand our next step in as far as the Political Federation is concerned and whether we, as East Africans, will move as one people towards one destiny.

In our Constitution, we talk about principles of equity and the rule of law and matters of gender equality. This House was expected to have satisfied the constitutional requirements of the two-thirds gender rule, but I note with concern that much as the President lobbied Members of this Parliament to ensure that we pass the law that would have seen the 12th Parliament comply with the two-thirds gender rule, that never came to be. I congratulate the women Members of this Parliament, namely, the National Assembly and the Senate, for doing all they could to ensure that a Bill was passed to ensure compliance of the two-thirds gender rule, even though it never came to pass. As late as this week, that Bill was defeated in the Senate. It is unfortunate, disappointing and failure on our part. I only pray and believe that it is going to happen. There has not been any amendment to the Constitution that then stops that law from being adhered to.

I, therefore, pray that the two-thirds gender rule will be realised at some point much as the timelines have already been overtaken by events.

I also take this opportunity to thank His Excellency President Uhuru Kenyatta for ensuring that women representatives in this House finally get an allocation that is known as the National Government Affirmative Action Fund. We fought a very big battle to ensure that we get a fund from the date we joined this Parliament in 2013. We have been trying to persuade this House to give the Women Representatives a fund and through the persuasion of His Excellency the President and the Deputy President, Women Representatives can finally afford a smile especially now that we are about to go to elections. We shall ensure that we implement the pledges we made to our electorate as far as table banking, support for vulnerable children in our community with bursaries and provision of other social facilities in our communities are concerned. I believe our Kenyans will look at Women Representatives in a different way in terms
of provision of services because we were given this opportunity to lead Kenyans. I came to understand that it is very difficult for an elected leader to offer services without a fund. Now we can afford a smile.

I can see the Temporary Deputy Speaker is also smiling because finally we can offer services to our people through the NGAF. Through this, I believe 100 per cent of the Women Representatives will be re-elected to the 12th Parliament. I thank the President, the Deputy President and Members of this House for that favour and for passing that Fund. I call it a favour because if it was left to other people, it would not have passed. It took the goodwill and the faith the President has in the women of Kenya for him to allow us to have this Fund. I thank him. I hope he is watching me and he is going to talk of me when the right time comes.

It is through this Parliament that we have seen the realisation of the digital literacy programme. I have attended functions in my county where we have supplied tablets to children in Class One to ensure that they are digitised. We can agree, as per the manifesto of the Jubilee Party, that we are going to be digital and not analogue. I thank the President and persuade him that this programme should continue. I have seen our children being very excited that finally they have received iPads and tablets and they are making use of it. Whether it is in the village or in urban areas, they can afford a smile for using the tablets. Because of this Digital Literacy Programme, the Rural Electrification Authority (REA) has been able to install electricity in most of our schools, even in the rural areas. I believe the Government is going to ensure this has been done and all schools are supplied with laptops.

Hon. Temporary Deputy Speaker, I also take this opportunity to thank the Judiciary. It is another arm of Government that is very important in matters of access to justice and provision of justice and the rule of law. We are required by law to ensure that in every county there is a High Court that is served by a judge. I thank the Judiciary because they have really tried to ensure there is a judge in every High Court but, I also say that justice in Kenya is not cheap. For one to access justice you must pay dearly but I agree that in the Constitution, we have Article 22 that allows a person, who is a pauper or someone who does not have money, to file proceedings in court and proceed without payment of filing fees or any other fees. That allows people to access justice where, in any other case, they would not be able to pay the filing fees or even have the legal fees paid by such persons in society.

I am concerned by the current strike. I note that in the Presidential Address he talked about provision of health services. We know that there is a strike. We know there are negotiations that are going on. I request that the Chairperson, my sister madam Kagwiria Mbogori and the Law Society of Kenya (LSK) where I am still a member, to ensure that this strike does not continue. It is very important that this issue is settled and our doctors return to work.

DATE: 23rd February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: Noting of Reports by the President

Thank you, Hon. Deputy Speaker. I was caught by surprise because I was listening very intently to what the previous speaker was saying. I was listening to him speak on matters corruption. He
is so sure that people have been eating. From the start, I wonder if I would be in order to direct him to the Ethics and Anti-Corruption Commission (EACC) so that he can report those matters directly instead of holding them in his chest. I would like him to have a good night sleep so that he can move on.

DATE: 23rd February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: Noting of Reports by the President

Hon. Deputy Speaker, I would like to add my voice to the Report that has been moved today and in particular the state of national security. I would also like to mention that apart from Bunge TV, there are other bloggers out there who are twitting and helping to send a message of Members of Parliament in this House on this Report. Kenyans are receiving the message very clearly. The message is that there is a genuine feeling of unhappiness from every direction. People are not really very happy. On the face of that, we are dealing with it and doing a good job.

As far as radicalisation and violence extremism are concerned---

DATE: 23rd February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: Noting of Reports by the President

I understand that, but I really needed some peace so that I could focus on what I need to say. Thank you, Hon. Deputy Speaker. Out of the points that have been made, the one I feel for most is radicalisation and violent extremism. This is something that has been on-going not only during the Jubilee Administration but way before it. There has been an avalanche of radicalisation. It is something I believe not only the President and the Government should fight, but even communities, the youth and women should hold hands together to fight it. This is something that needs great attention. As far as radicalisation is concerned and because much of it is put on the shoulders of leadership, leadership of all communities and churches including ethnic minority groups such as Hindus, Sikhs, Jains and Buddhists should all be involved in nation building. Irrespective of the challenges that we have, we are all involved and we must be, if we are not already.

The other thing I would like to talk about is cattle rustling. The Government has said that it intends to take steps to liaise with county governments. I have said that there should be a
points-based system in order to see which county is doing better than the other so that we are able to monitor which governor is doing better than the others. Instead of naming and shaming, it would be nice if all governors compete so that we see which county is doing better than the others in the spirit of competition. I am not sure whether that will sort the problems that we have, but I know that when somebody takes responsibility generally he tends to fair better than the others. That is what we need in our lives, communities and in our country right now. We need leadership where everybody is accountable. A points-based system will help.

There has been mention of violent crimes. It is surprising to see that gender-based violence has increased by 16 per cent. Rape, defilement and incest have increased immensely. In 2014, 239 cases were reported. In 2015, it had increased to 333 cases. What does that say about community and society we live in? As a result, bigamy--- How do I point my finger at Government or at a leader when I am not able to keep order and instil discipline in my house? It begs to point a finger at oneself. Recently, Hon. Joyce Lay and I handed over a home and a shopping unit to a lady called Jackline Mwende. As you know, her hands were chopped off by her ex-husband. That was a despicable act. Any act of violence is despicable. I was shocked to read the comments made by people. They actually glorified the fact that her hands were chopped off because she is now expectant. I felt that it was very inhuman because, still there is absolutely nothing that can justify such a form of injustice. Gender-based violence falls under violent crimes and criminal activity and is on the rise. This is a challenge that needs to be tackled head-on.

Wildlife crimes have been talked about and it has been said that concerted efforts need to be made by all stakeholders---

Transport and road safety has been touched. It has been said before that negative attitude and resistance to change is something that contributes to the way people behave and giving in to giving a bribe to a police officer so that one can get away with an offence. You get to see many things on social media these days. It is despicable that we have come to that point where we feel that it is better to give a bribe than to be answerable for something.

I would like to talk about reforms in the immigration services. As you know recently, there was a Petition. E-citizen is working very efficiently and I applaud the Government for putting it in place.

Overall, this Report is welcome, but I would like to see---

DATE: 23rd February 2017

Member of Parliament: Hon. (Ms.) Wanyama

Contribution she made on: Noting of Reports by the President


DATE: 23rd February 2017

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: Noting of Reports by the President

Thank you, Hon. Deputy Speaker for giving me this opportunity to add my voice. I would like to speak to food security because the Government is trying so much to ensure that people get food. However, I am worried. As a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, I know that if we do not get enough rainfall, we will not have food. When people plant their crops, they cannot get good harvest. I would like to request the Government not to license people to cut trees. In the Mount Kenya region, where I come from, there is no forest anymore. I have been there for a long time. I used to see people being given alternative land to do farming and plant trees. After the trees grew, they would be given land in another area. Nowadays we no longer have such an arrangement. That is why we no longer get enough rainfall. Where I come from, we used to have River Gura, which used to have a lot of water flowing down from Mount Kenya. Now there is no water since people are doing irrigation. Irrigation is good because people want food, but if we allow trees to be cut in our forests, this
country will become a desert. We ask foresters, when they are giving people licences, to make sure they are planting trees.

The other thing is about security. I can say thank you to the Government. We know there are many problems because of security but, security begins with me and you. When we see something is going wrong, what can we do? The reason I am saying the Government has tried and I thank them is because last year we used to get news on *Al Shabaab* having done something but, these days when we read newspapers, they are arrested before they have done something. So, we can say thank you to the Government. There is no need to say the Government has not done anything. They are trying and we are telling them that we better try.

The ordinary people in the villages are the ones killing each other because of our problems. When we go into politics this time, we ask the Government--- Even if somebody somewhere is an opponent, there is no need to send thugs to kill them.

Thank you, Hon. Deputy Speaker. May god bless this country.

**DATE: 23rd February 2017**

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

**Contribution she made on: Noting of Reports by the President**

Thank you, Hon. Deputy Speaker for giving me a chance. I really wanted to thank our President for coming up with this Report and giving it to us as leaders of this nation.

I was thinking he has worked very hard to help us, especially with the fight against illicit brews and gender violence. For example, somebody yesterday removed the clothes of a young woman. A man and a woman were fighting and people just watched them instead of calling the police to find out if any of them had committed a crime, so that action could be taken in accordance with the law. We also have the two-thirds gender rule that we have not complied with. We are not co-operating as men and women of this nation to help our youth, women and old people. We have not been able to work together as a team in order to reduce corruption and take services closer to our people. We have to help the President accomplish the Government’s agenda. There are people who keep a lot of cattle, and who are food-insecure. Right now, those who have a lot of resources should share with those who are dying of hunger and malnutrition.

**DATE: 28th February 2017**

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

**Contribution she made on: Statement on Attempts To Remove Alliance Boys High School Principal**

Thank you, Hon. Speaker, for giving me this chance. I am a Member of the Departmental Committee on Education, Research and Technology.

Pursuant to the provisions of Standing Order No.43, I wish to make a Statement regarding the impending forcible removal of the Principal of Alliance Boys High School, Mr. David Kariuki. Teachers of this nation have been and continue to make substantial contribution in imparting
skills and building the nation’s capacity for economic development. Article 41 of the Constitution of Kenya as read together with the Labour Relations Act, entitle every Kenyan, including teachers, to fair labour practices. Accordingly, the law provides that the legal mandatory retirement age for civil servants is 60 years, with the option of voluntarily retirement at 55.

It is disturbing that some forces within the Ministry of Education, Science and Technology are piling undue pressure on Mr. David Kariuki, one of the country’s celebrated school principals who is currently at Alliance Boys High School, with a view of hounding him out of office before he attains his retirement age. The masterminds of the plot to remove Mr. Kariuki are alleging that he has violated fees guidelines and failed to manage bullying of students by other students in the school, which they have not substantiated. It is in public knowledge that the Principal of Alliance Boys High School has been managing the schools’ affairs with utmost integrity, thereby making it impracticable to imagine that such acts would have happened under his watch.

The dangerous move to remove Mr. Kariuki will not only destabilise the school, but is also likely to negatively affect the performance of Alliance Boys High School. I, therefore, request that the matter of the impending forcible removal of Mr. Kariuki as the Principal of Alliance Boys High School be urgently looked into by the Departmental Committee on Education, Research and Technology. I have been called by very many parents and teachers who have requested that this House and the Departmental Committee on Education, Research and Technology help the teachers.

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: Statement on Attempts To Remove Alliance Boys High School Principal

Thank you, Hon. Speaker. The Committee will look into the matter. However, I also want to inform my colleague, Hon. Mitaru, that we do not deal with issues of school management at the Committee level. We will look into the issue, but it is also not fair to suggest that when one head is not in a school, then it will not perform. It is important even for the parents to appreciate that teachers are also transferred within the Teachers Service Commission (TSC). It is good that we give leeway to the TSC to do its work. At the same time, if there is unfairness and issues that were not tackled very well--- I know the teacher personally and I know he has served Alliance Boys High School very well. As a Committee, we will look into the matter. It is also important for the parents to be comfortable. They should know that the teacher can be moved from one school to another and that, it is also good for him to serve other schools. We will look at the matter and report back to the House within the next one week.

COMMITTEE OF THE WHOLE HOUSE

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Abdalla
Contribution she made on: The Hydrologists Bill

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in Clause 6 (1) by –
(a) inserting the following new paragraph immediately after paragraph (h) –

“(ha) a representative of the National Environment Management Authority;

(b) inserting the words “who shall be an *ex officio* member of the Board” immediately after the word “Registrar” in paragraph (i).

We are inserting a representative of the National Environment Management Authority (NEMA) and we are also saying that the Registrar shall be an *ex-officio* member of the Board. That is what we are amending in Clause 6.

*(Question of the amendment proposed)*

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Hydrologists Bill

Hon. Temporary Deputy Chairman, this Hydrologists Bill is to include the registration of the same. We feel that NEMA or their representative would enrich the process. The Registrar of that organization has been included as a member and yet, he should not have voting powers. So, we are saying that he is an *ex-officio* member. That is the basis of our amendment.

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Hydrologists Bill

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in Clause 13 (i) by –

(a) deleting the phrase “assistant hydrologist” appearing in paragraph (b) and substituting therefor the phrase “hydrological assistant”;

(b) deleting the phrase “consulting hydrologist” and substituting therefor the phrase “consultant hydrologist”

This is an amendment that we intend to have in the entire Bill. We are replacing the words “assistant hydrologist” which can be confused to be a junior hydrologist and junior in experience to the actual person we have proposed to hold that office - a hydrologist with a diploma. We are also deleting “consulting hydrologist” that is appearing to be a temporary situation to a
“consultant hydrologist” so that we are consistent throughout the Bill. The amendment to Clause 13 will be throughout the Bill and starts from Clause 2.

Thank you.

(Question of the amendment proposed)

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

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

(Clause 13 as amended agreed to)

(Clauses 14, 15, 16 and 17 agreed to)

Clause 18

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Hydrologists Bill

Hon. Temporary Deputy Chairman, I beg to move:
THAT, the Bill be amended in Clause 18-
(a) in sub-clause (1) by

(i) deleting paragraph (a) and substituting therefor the following new paragraph –
“(a) is a holder of a degree or a post graduate diploma in hydrological sciences:”
(ii) inserting the following new paragraph immediately after paragraph (b)-
(c) has had not less than two years practical experience in the hydrological field.
(b) in sub-clause (2) by deleting the words “assistant hydrologist” wherever it appears and substituting therefor the words “hydrological assistant”;
(c) in sub-clause (3) by deleting the words “consulting hydrologist” wherever it appears and substituting therefor the words “consultant hydrologist”.

This is to give the qualifications of the hydrologist to be more inclusive by including a postgraduate diploma in hydrological sciences.

(Question of the amendment proposed)

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Sunjeev

Contribution she made on: The Hydrologists Bill

Thank you, Hon. Temporary Deputy Chairman. Being a Member of this Committee, this is one clause that we really looked into and had a long debate on. I agree with this amendment because we need this level of education to be implemented at this level for the hydrologists.

Thank you.

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

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

(Clause 18 as amended agreed to)

(Clauses 19, 20, 21, 22 and 23 agreed to)

Clause 24

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Hydrologists Bill

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in clause 24 –
(a) by deleting the words “consulting hydrologist” appearing in sub clause (2) and substituting therefor the words “consultant hydrologist”;
(b) by deleting the words “assistant hydrologist” appearing in sub clause (3) and substituting therefor the words “hydrological assistant”;

Hon. Temporary Deputy Chairman, this is a consequential amendment and it seeks to replace the titles, “assistant hydrologist” with “hydrological assistant” and “consulting hydrologist” with “consultant hydrologist”.

(Question of amendment proposed)

DATE: 28th February 2017

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Hydrologists Bill

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in clause 33 by deleting the words “assistant hydrologist” and “consulting hydrologist” wherever they appear and substituting therefor the words “hydrological assistant” and “consultant hydrologist” respectively.

Again, this is a consequential amendment to the titles of the positions of assistant hydrologist and the consulting hydrologist.

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

THAT, clause 2 be amended by –

(a) deleting the words “assistant hydrologist” appearing in and substituting therefor the words “hydrological assistant”;

(b) deleting the words “consulting hydrologist” and substituting therefor the words “consultant hydrologist”; and

(c) inserting the following new definition -

“hydrological sciences” includes hydrology, hydraulics or fluid dynamics or computational or applied mathematics.

The amendment to Clause 2 is a consequential amendment. This is the beginning in defining “assistant hydrologist” and “consultant hydrologist”.

(Question of amendment proposed)

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

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

(Clause 2 as amended agreed to)

(Clause 1 agreed to)
Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion.

In this Report, about three areas have caught my eyes and heart. The increment of Kshs4.5 billion to the Development Estimates for Secondary Education Programme is a good idea. The education sector has faced a lot of inequalities in the sense that children who go to Alliance High School, Dol Secondary School and other small schools in this country are subjected to one national examination and yet they do not have the same facilities.

I used to teach Chemistry just like President Pombe Magufuli. You will agree with me that it is very difficult to teach a practical subject theoretically but that is what happens when teaching sciences in a school without a laboratory and other essential equipment. I hope this programme will uplift the education standards in schools across the country. This is especially in those areas where students learn as if they are not in Kenya.

We have been treated to drought every five years. There is a lot of resource-based conflict in the arid and semi-arid areas. Pastoralists in Baringo, Laikipia and Samburu are fighting over a commodity that is life in itself – water. I hope the resources allocated to the department responsible for drought mitigation will be used to implement projects, and not just do them on paper.

Three weeks ago, the President visited my constituency and issued a directive that all dams and water pans should be desilted. He also directed for construction of more boreholes. I am not sure whether they are waiting for this Supplementary Budget because as I speak, that has not been done. I want to ask the Chairman to ensure that the resources allocated to those projects are utilised to benefit the common Kenyan and not just the entrepreneurs.

I want to comment about the Kshs215 million that has been allocated for settlement of the landless people in Lekiji. I come from that small village in Laikipia North but since Independence, my people have never known what it means to own land. It is sad because we have had conflicts between the squatters and the purported owners of the said land.

A few years ago, several people lost their lives as the security agencies tried to forcefully evict them. I want to applaud the Committee for that allocation. I hope the people in Lekiji village will be resettled before I come back to this House in August, 2017.

Hon. Temporary Deputy Speaker, we must reallocate funds from areas that cannot absorb them fully to areas with serious shortages. I have also seen an increment of Kshs1.4 billion to the Ministry of Sports, Culture and Arts. Sport is an important aspect for our youth. Our youth are abusing drugs due to joblessness. They have a lot of time to do wrong things. As we warm up to the 2017 General Election, there are evil politicians with a lot of money out there, who want to spoil our youth and make them cause chaos. If we develop a sports programme with this allocation, I believe we will tap talents in our youths. We are all worried because in this country, money is allocated for various projects but it finds its way into the pockets of other people. I want to support the Supplementary Budget and plead with my colleagues to support it because it has a lot of benefits for Kenyans. I support.