JUNE 2016 KEWOPA MEMBERS HANSARD [NATIONAL ASSEMBLY]

CHAIRS

Date: 7th June 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date: 8th June 2016
Member of Parliament: The Deputy Speaker
Contribution she made on: Chaired the Session

Date: 8th June 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date: 18th June 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date: 21st June 2016
Member of Parliament: The Deputy Speaker
Contribution she made on: Chaired the Session

Date: 22nd June 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)
Date: 23rd June 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date: 29th June 2016
Member of Parliament: The Deputy Speaker
Contribution she made on: Chaired the Session

Date: 29th June 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

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

COMMITTEE OF THE WHOLE HOUSE

DATE: 7th June 2016
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: The Water Bill
Hon. Chairman, our report has things to reject and Clause 2 is one of them. Can I go ahead and explain?
Thank you, Hon. Temporary Deputy Chairman. I wish to propose the rejection of Senate amendments to Clause 2 because it purports to define the word “wetland” and yet, the word is not used in the Bill.
Thank you.

DATE: 7th June 2016

Member of Parliament: Hon. Florence Kajuju

Contribution she made on: The Water Bill

Hon. Temporary Deputy Chairman, welcome back from the recess.

I am welcoming specifically the Chairman.

I support the rejection of that amendment because legally speaking, when you put any word or name in the interpretative clause of any Bill, the purpose is to help Members to understand the content of the Bill or the Act. If it is not in the content, then it cannot be put in the interpretive section of the Bill.

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

(Senate Amendment to Clause 2 negatived)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

(Clause 8)

Hon. Temporary Deputy Chairman, my Committee proposes that the Senate amendment to Clause 8 be rejected based on the fact that they are asking us to add the words “for domestic use” immediately after the words “water works” and yet, water works has been repeated severally in this clause.

In essence, we do not know where to put it. Looking at all the options, it does not make sense to put that anywhere. I will seek for that amendment to be rejected.

Hon. Temporary Deputy Chairman, I propose that the Senate amendment to Clause 8B be rejected. The production of that water resource strategy is supposed to take five years. The Senate is saying that we also take five years to review. So, the period of time for producing the strategy will clash with the period of review. We want it to remain as passed by the National Assembly which stated that you take five years to produce a strategy and three years to review the same. The Senate amendment would be clashing with the period of time. We seek its rejection.
Hon. Temporary Deputy Chairman, we beg to agree with the Senate proposal to amend Clause 19 because they are introducing the need to have the information collected to be geo-referenced. As a digital Government, this is a progressive thing and we support the Senate amendment.

Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment by the Senate. The amendment is asking us to allow the county governments to approve members of the water boards that are from their county. This is in line with good practice of vetting persons proposed to this body. We support the Senate amendment.
Contribution she made on: The Water Bill

Clause 25

Hon. Temporary Deputy Chairman, the Committee urges the House to approve the Senate amendment to Clause 25 in appreciation that water services are a shared function. The Authority needs to advise both the national Government and the county government. So, we support the Senate amendments to this clause.

(Question of the amendment proposed)

DATE: 7th June 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: The Water Bill

Hon. Temporary Deputy Chairman, the explanation by Hon. Amina Abdalla is straightforward. I support.

DATE: 7th June 2016

Member of Parliament: Hon. Esther Murugi

Contribution she made on: The Water Bill

Hon. Temporary Deputy Chairman, I also want to support the Senate amendment simply because the water issues are devolved. Therefore, involving people from the country government in the management is a wise idea.

Thank you.

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

(Senate Amendment to Clause 25 agreed to)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 30
Hon. Temporary Deputy Chairman, the Committee proposes that we reject the proposed amendment by the Senate. They are asking us to give the Water Harvesting Authority powers to make rules and regulations. The powers to make rules and regulations have already been put under Article 140 of the same Bill. That is the function of the Cabinet Secretary and not a Semi-Autonomous Government Agency (SAGA) under a ministry. We oppose that amendment.

**DATE:** 7th June 2016

**Member of Parliament:** Hon. Cecilia Ngetich

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

Thank you, Hon. Temporary Deputy Chairman. I want to support the proposed amendment by the Senate. The rules and regulations will articulate the implementation of the provision of the service.

**DATE:** 7th June 2016

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

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

Thank you, Hon. Temporary Deputy Chairman. I want to support the Chairlady of the Committee because she has just indicated that the rules and regulations have already been captured in the Bill

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

(Senate Amendment to Clause 30 negatived)

**DATE:** 7th June 2016

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

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

Clause 63

This is just to clear an error because previously, we had water boards and we forgot to amend it with the new terminology for those bodies that we are now calling agencies. We support this amendment because it is just correcting an error.

(Question of the amendment proposed)

(Senate Amendment to Clause 63 agreed to)
DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 64

Hon. Temporary Deputy Chairman, we wish to reject the Senate amendment to this clause because it creates ambiguity as to where the chairperson of the development agency should be appointed from. The amendment states that the chairperson will be appointed from the respective county. For instance, the Coast Water Board will appoint a person from Mombasa County and not from the entire basin. We want to improve it. We are not refusing that the chairperson should come from the counties in that basin, but not the county where the headquarters is based.

(Question of the amendment proposed)

We are rejecting this amendment to allow us negotiate for a better proposal. We are not rejecting that the chairperson should come from counties covering that area. With this amendment, if the water board is based in Kakamega County and covering Bungoma and Busia counties, it can be interpreted that the chairperson should only come from Kakamega County. We are going to negotiate with the Senators that the chairperson should come from any of the counties of the entire basin. If we do not reject it, we cannot mediate on it. The best way is to reject the Senate amendment for purposes of improving the law.

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

(Senate Amendment to Clause 64 negatived)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 72

The Committee agrees with the proposed amendment by the Senate. Essentially, it is using a more appropriate word “licensing” as opposed to what we previously had.

(Question of the amendment proposed)

(Senate Amendment to Clause 72 agreed to)
DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 73

Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment. It is consequential. If we change “accreditation” to “licensing”, we have to continue doing that in the subsequent clauses.
I support the amendment.

(Question of the amendment proposed)

(Senate Amendment to Clause 73 agreed to)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 74

Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment by the Senate. It is a consequential amendment of substituting the word “accreditation” with the word “license”.

We support the amendment.

(Question of the amendment proposed)

(Senate Amendment to Clause 74 agreed to)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 75

Hon. Temporary Deputy Chairman, the Committee proposes the rejection of the Senate amendment to this clause. The Senate is making it mandatory that each county should
establish a water services provider. This will create a monopoly. It will also make it mandatory that each county must do it only once. So, we feel that this amendment is prohibitive, especially in counties which are very big. They are supposed to establish one water services provider. We also feel that making it mandatory would not be necessary. So, we reject this amendment.

(Question of the amendment proposed)

(Senate Amendment to Clause 75 negatived)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 102

Hon. Temporary Deputy Chairman, we propose the rejection of this amendment by the Senate. Basically, the Senate is saying that we can have any water user made responsible for the execution of the maintenance of services. The word “water user” is very broad. It should only be confined to people who are licensed to maintain the same. So, we propose the rejection of this amendment.

DATE: 7th June 2016

Member of Parliament: Hon. (Dr.) Naomi Shaban

Contribution she made on: The Water Bill

Thank you, Hon. Temporary Deputy Chairman. I stand to support the Chair’s position so that we stop having these ambiguities in our law. Therefore, I stand by the rejection of the Senate amendment.

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 109

Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment to Clause 109 because it is the same as the one for geo referencing. It is important to have data geo-referenced.
Hon. Temporary Deputy Chairman, the Committee rejects the proposed amendment by the Senate. What the Senate has done in this amendment is to substitute the word “community” with the words “community scheme”. This is in line with water resource management projects in underserved and urban poor areas.

So, Hon. Temporary Deputy Chairman, first of all, the words “community schemes” are not defined in the Bill and the Committee felt that using them would hinder poor people from registering into a scheme and benefiting from water projects.

So, we propose the rejection of that amendment and the retention of the word “communities”.

Hon. Temporary Deputy Chairman, the Committee proposes that we reject the proposed amendment by the Senate.

Essentially, what the Senate is saying is that the Water Trust Fund that is supposed to give water to underserved areas where it is not economical to have water services providers and the like should neither receive money from the Equalisation Fund nor from the counties. We are rejecting that because the Water Trust Fund, sometimes, gets funds from donors who require matching funds. If a county or region feels that a water project is important enough for them to provide a portion of the Equalisation Fund, this deletion by the Senate would deny the Water Trust Fund that money.

Water is a shared function. For the Senators to refuse the counties to contribute to the Water Trust Fund, it means that they are assuming that water for underserved areas or areas where water provision cannot pay back for itself, should be the function of the national Government and not shared by the counties.
So, for those reasons, we propose that the House rejects the Senate amendment to deny the Equalisation Fund and counties from contributing to the Water Trust Fund.

*(Question of the amendment proposed)*

DATE: 7th June 2016

Member of Parliament: Hon. Mary Seneta

Contribution she made on: The Water Bill

Hon. Temporary Deputy Chairman, I support the position of the Chair to oppose the Senate amendment.

*(Senate Amendment to Clause 115 negatived)*

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 117

Hon. Temporary Chairman, the Committee agrees with the proposed Senate amendment to Clause 117. Essentially, what it does is to delete unnecessary words and makes the law neater.

*(Senate Amendment to Clause 117 agreed to)*

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 130

Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment by the Senate. What this amendment does is that it demands that the income received from water permits will not only be used for water management, but also for conservation. This is a welcome inclusion.

*(Question of the amendment proposed)*

*(Senate Amendment to Clause 130 agreed to)*
DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 139

Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment. It indemnifies the county government the same way it indemnifies the Cabinet Secretary from being charged if there is a problem with the works they have inspected. So, it broadens it especially because water is a shared function. So, you cannot just indemnify the Cabinet Secretary and leave the county government.

(Question of the amendment proposed)

(Senate Amendment to Clause 139 agreed to)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 140

The Committee agrees with both the amendments proposed by the Senate to Clause 140. The first amendment to sub-clause (2)(a) corrects an error in that clause. The second amendment to sub-clause (2)(h) empowers the Cabinet Secretary to make regulations with respect to keeping of records. We welcome that. We urge the House to approve both amendments to Clause 140 as proposed by the Senate.

(Question of the amendment proposed)

(Senate Amendment to Clause 140 agreed to)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Clause 154

Thank you, Hon. Temporary Deputy Chairman. The Committee agrees with the proposed amendment by the Senate because it adds a more inclusive word.
DATE: 7th June 2016

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: The Water Bill

Thank you, Hon. Temporary Deputy Chairman. I support what the Chairlady has said.

(Senate Amendment to Clause 154 agreed to)

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Senate Amendments to the Water Bill (National Assembly Bill No.7 of 2014) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

REPORT OF THE WHOLE HOUSE

DATE: 7th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Water Bill

I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Ottichilo to second the Motion for agreement with the Report of the Committee of the whole House.

(Question proposed)

(Question put and agreed to)
SPECIAL MOTION

DATE: 7th June 2016

Member of Parliament: Hon. Mary Emase

Contribution she made on: Approval Of Financing For The Development Of The Second Container Terminal Phase II

Thank you, Hon. Temporary Deputy Speaker. I speak as a member of the Departmental Committee on Finance, Planning and Trade. We visited the site where KPA wants to develop the second terminal. I think we need to understand why. One of the reasons they gave is that KPA would like to expand capacity beyond demand. It is part of KPA’s strategy and continued effort to expand cargo handling capacity at the port. We are all aware that KPA is one of the key institutions, in line with Vision 2030, that is meant to drive the economy of this country. Besides expanding capacity, the terminal will enable the port to match future trends and stay competitive when it comes to cargo handling and go a long way in boosting the economy.

However, we asked questions with respect to the financing. Our Committee referred this Motion to the House so that the representatives of the people can give it an approval. What this Motion is asking is for the Government to approve that borrowing because when the Government approves the borrowing then it is going to be a guarantor for the borrowing. So, our concern as a Committee given our debt levels was: Is KPA as an organisation financially stable? How sound are their financial statements? Are they able to repay the loan? Have they gone through due diligence to make sure that, that has been analysed and evaluated? There was a representative from the National Treasury and we were told that that has been done and that KPA is sound and able to repay the loan. So, what the Government would do here is just to guarantee the borrowing, but the repayment is not coming from the taxpayer but KPA. But our concern was: In an unfortunate event that KPA is unable to repay this loan, then it would become a liability to the Government and it is only at that point that the Government would have to repay this loan.

However, we also raised other concerns. We also have plans to build Lamu Port. With the construction of the Lamu Port and we already have another berth that was just completed which has not been operationalised and when we were at the port we also did not notice any congestion at the port, we were wondering whether we really need this second terminal at this point in time. Those were questions we raised, but we were told that we need to expand. This is a long-term development that will take some time. We do not need to wait as a country until when demand arises and then we begin to look for money to build another berth. We need to do it early so that we increase capacity to allow more vessels to dock at the same time. If you have a port where vessels have to queue before they can berth and offload, then investors would prefer another port where they are able to berth immediately and offload.

I think the idea is good and we should support it as long as KPA is able to pay. Government is just giving a guarantee. Considering the benefits of more vessels berthing, the income that
will be generated and with the SGR, it would require that the vessels are able to berth in time. That will enhance efficiency in terms of operations at the KPA.

Thank you, Hon. Temporary Deputy Speaker.

DATE: 7th June 2016

Member of Parliament: Hon. Rose Nyamunga

Contribution she made on: Approval Of Financing For The Development Of The Second Container Terminal Phase II

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. As a Member of the Departmental Committee on Finance, Planning and Trade, I also had opportunity to visit the port. My colleagues have already raised the issues that we raised as a Committee at that time. We did not feel that it was necessary to start another terminal at this time because they have not even started using the existing one that is completed. Initially, the Committee felt that it was not necessary, but they managed to convince us.

First, they were saying that the cost of doing another berth is very high, but right now the Japanese Government is ready to give them a loan at an interest rate of almost 1.6 per cent which we thought is a very good rate. Secondly, they were arguing that if they leave it for another four years, the cost of money will have increased. Those are some of the reasons why they are in a hurry to start another one. Also, it takes like four years to complete one. The amount of work that will pass through the port is increasing. Trade between Kenya and other countries like even Uganda and Rwanda is increasing. More and more goods are being transported. We should also take into account the fact that the railway is also coming up and the port is connected to the railway. That will make our goods move very fast.

The other issue is that of one window at the port. Right now, we have the one window system, meaning that clearing goods is very fast. That will make us have a lot of goods and do a lot of passages of goods. Those are some of the issues that they raised. On the issue of the debt burden on Kenya, the argument was that Kenya is only guaranteeing the loan for KPA and they are not going to be directly liable. However, just in case something goes wrong, then the Kenya Government will automatically take over.

So, those are some of the issues that we raised with them. We asked them why they are in a hurry considering the fact that the one that they have just completed is not operational. We
argued and at the end of it all, we thought it was important and right for us to have the loan approved for them.

We also raised the issue of the Lamu Port. We wanted to know why we cannot diversify and do the Lamu Port instead of adding more and more berths at the Mombasa Port just in case something goes wrong and we need to use another port. Those are some of the issues that we raised. Looking at all the issues that were raised and the pros and cons, we decided, as a Committee, that it is good for us to approve this loan, so that they start doing the work earlier than later.

I support and thank you so much.

DATE: 7th June 2016

Member of Parliament: Hon. Grace Kipchoim

Contribution she made on: Approval Of Financing For The Development Of The Second Container Terminal Phase II

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I support the Motion. We should support KPA in borrowing the loan, so that we can expand our infrastructure. This country is growing. When we open up our infrastructure and get more ports, we will enhance trade and the economy will grow. I support the idea that KPA be given opportunity to get the loan so long as they are in a position to repay it. We are now building the SGR and once it is complete, it will link us with our neighbours like Uganda, Rwanda and Southern Sudan. We shall need more terminals to dock cargo since investors will be using our ports. This will also create employment opportunities for our youth. More terminals will also increase our revenue as a country.

With those few remarks, I support. Thank you.

DATE: 7th June 2016

Member of Parliament: Hon. Prof. Hellen Sambili

Contribution she made on: Approval Of Financing For The Development Of The Second Container Terminal Phase II

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to the Special Motion. I would like to begin by acknowledging the support that we continue to get from the great nation of Japan. My constituency has benefitted from funding from Japan in the construction of Oldebesi Secondary School, which gives a second chance to girls who had dropped out of school because of various reasons. We truly appreciate the support that we continue to get from this nation. However, I have some concerns with this particular request.
from the KPA for the Government to guarantee the borrowing of Kshs27.3 billion. I feel that this is not justified at the moment, particularly because there are issues that have been raised by some of the Members of this Committee in the summary of this Motion. We were told that the interest rate is 0.11 per cent per annum. However, one of the Members has said that the interest rate will be 1.6 per cent per annum. So, I wonder what is the right percentage that we will repay the loan at.

Thirdly, we were told that the money for servicing this loan will not come from the taxpayer. Even if the money will come from the KPA, this money should be used for more urgent projects.

Finally, since Phase 1 of the Second Container Terminal has not been fully utilised, let us consider and be frugal in using our resources. We should not be very generous in approving loans that will burden the future generations of this country.

So, despite the appreciation of the support that we have had from Japan and the good relationship that we have, I oppose this particular construction of Phase II of the Second Container Terminal.

**MOTION**

**DATE:** 7th June 2016

*Member of Parliament: Hon. Joyce Emanikor*

*Contribution she made on: Approval of Nominees To Constituency Committees*

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion knowing the importance of the NGCDF in Kenya, particularly in the rural areas. Delay in approval of these committee members is tantamount to denying the citizens of Kenya their right to services. We know the impact that the NGCDF has had on the lives of Kenyans. It has been a cross-sectoral impact. It has touched the lives of many Kenyans, looking at water projects, health, security and bursaries. Thousands of students, if not millions, across the country have gone through NGCDF to attain higher levels of education. It is very important that this Motion is approved so that we fast-track the projects that await this approval. Any local person in the village would really know and identify with NGCDF and the work NGCDF is doing.

The NGCDF, being a model that is envied across Africa and indeed the whole world, should get a boost through more funding. It is a pity that some people have the guts to sue NGCDF and also the Affirmative Action Social Development Fund because I do not think a right thinking Kenyan will go that far. I beg that this House gives the same support in the same spirit to the Affirmative Action Social Development Fund because these funds are the same.

**DATE:** 7th June 2016
Date: 8\textsuperscript{th} June 2016

Member of Parliament: Hon. Cecilia Ngetich

Contribution she made on: The Kenya National Examination Council (Amendment) Bill

Thank you very much, Hon. Deputy Speaker for this opportunity. I stand here to second the Motion that seeks to amend Section 10 of the Kenya National Examination Council Act that deals with the functions of KNEC. This Bill proposes that besides setting, administering or conducting national examinations, KNEC should rank individuals and schools based on their performance. From the outset, the exercise of ranking is a double-edged sword. It is a necessary evil. This exercise used to be done before, but it lacked structure. It was not fair that different types of schools were ranked on the same platform. You cannot compare a national school such as Alliance High School and one of the schools in the remote and marginalised parts of the country.

Examinations serve three purposes. First, they are used for certification. Second, they are used for selection. Lastly they are used for accountability and motivation. With regard to certification, examinations test what was in the curriculum and how it was taught. In essence, they reveal the interaction between the pupil and the teacher and if, indeed, what was set out in the syllabus was taught. They evaluate teachers and students. Therefore, teaching and learning will be taken very seriously. When this is done, teachers only concentrate on the examinable subjects as opposed to imparting other value-skills. I remember at one time there was a unit of social ethics which was taught in Form One and Two, not necessarily to be examined, but to instill and inculcate the culture of discipline and hard work in the students. Secondly, those who fail to pass or get good marks are sometimes stigmatised because they are branded as failures. In this country, we had a situation where a pupil committed suicide simply because she could not attain good marks to propel her to secondary school. Teachers, on the other hand, are usually blamed for sleeping on the job when students do not pass examinations. Passing or failing examinations is a complex issue. There are certain social, cultural and other physical conditions that contribute to whether pupils or students pass examinations.

Socially, we have nomadic communities. In some parts of the country, you may go to school in second term only to find that only half the class is present. The rest have migrated to the neighbouring country. There are other communities that have not fully embraced the idea of education and therefore, see no value of education. They do not encourage their children to go to school.
Physical facilities, books, libraries, laboratories and classrooms are required. In this country, we have always been shown pupils learning under trees. You cannot compare them with other pupils who have classrooms and other physical facilities. There is an acute shortage of teachers in this country. As a result, many schools have organised with parents to employ stand-by teachers, who are Form Four leavers, which they can afford to pay. You cannot compare such schools with those that are overstaffed. This could be the reason we have seen teachers resisting to sign the performance contracts. It will be unfair to look at the teachers as a reason for failure of students.

Hon. Deputy Speaker, this kind of situation is what led to the Ministry of Education, Science and Technology abolishing ranking. On the one hand, we need to motivate teachers and on the other hand, we need to have a selection mode. We have places in secondary schools, but we do not have enough places in universities. If we do not have an examination or a selection mode to say one is joining secondary school or university, we will be doing that in futility. Ranking is good and bad, but let us look at the good side. We can rank schools in the right way. This Bill proposes that the CS in charge of education should come up with regulations to govern the ranking of schools and not just rank in a way that compares schools which are not equal in terms of staffing, physical facilities and even regional disposition.

I agree with the proposal to include ranking as one of the functions of the KNEC. We will be asking the CS in charge of education to come up with regulations that will structure ranking of schools so that we can continue with this motivation. The country will then see how to plan for increasing or expanding secondary schools and universities.

Already, you are aware of a proposal by the Ministry to completely abolish national examinations for the reason of several malpractices even as we talk about ranking. Parents and other officials encourage cheating. It is parents who buy leaked papers. There is a proposal to emphasise on school-based assessments, practical examinations, projects and other modes of assessing students. Take the example of KCPE. Suppose a pupil loses his or her mother on the exam day, they will definitely be affected. It has been wrong sometimes. We should assess pupils right from Standard Four all the way to Standard Eight. We can have a better way of doing this. However, that is still under discussion. We are also moving towards encouraging technical vocational education that will change this country and enable us to attain Vision 2030.

I wish to urge the Members to support the Bill as it is. We should recommend a structured way of assessment. The way it has been done condemns and discourages others. We want a situation where every pupil is given a fair chance. As I end, I received a transfer request from a teacher over the weekend which stated that “if I am in school “A” and the pupils do not perform, I will never be promoted. I want a transfer to a school where I can be promoted”. This has been used wrongly. Let us structure ranking and use it well.

I second
Date: 8th June 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: The Kenya National Examination Council (Amendment) Bill

Hon. Deputy Speaker, I support the Motion. The issue of ranking of schools is very critical as other Members have said. It is important that we rank schools as per the categories available. We have private schools, national schools and Government schools. I think it is important that we rank them according to their specific categories.

The issue of ranking is very critical in setting standards. It is important that students and teachers are evaluated, so that we can know whether teachers should be promoted or not. It is also important for the students to have a spirit of competition. If there is no ranking, the spirit of competition is killed and many of the students do not even know where they belong or where their intellectual capacity falls.

Therefore, I encourage us to support the issue of ranking of schools. I would also want to say that as we categorise schools, we also need to invest in education. Most schools in the rural areas or in hardship areas, for example, Isiolo, have experienced shortage of teachers over the years. Looking at my constituency, Isiolo, we have a lot of staff balancing issues because many of the teachers would not want to teach in schools in the rural areas because of hardships. Some of the hardships include lack of accommodation facilities for teachers and lack of communication. Many areas in my constituency lack mobile network coverage. They cannot even communicate with their children and families.

The issue of transport is also a big problem in some of the areas. There is insecurity and many times, the students do not have time to cover their syllabuses. Many schools in rural areas even lack sitting facilities leave alone books. Sometimes ranking them along with other schools that are well established, old enough and have set traditions for performance is also very difficult.

My take on this is that we should ensure that we rank schools according to their classifications. Otherwise, I support the Motion.

Date: 8th June 2016

Member of Parliament: Hon. Cecilia Ngetich

Contribution she made on: The Kenya National Examination Council (Amendment) Bill
Thank you, Hon. Deputy Speaker. I rise to also support this Bill. It is long overdue. The way my colleagues have spoken, we need ranking. This will motivate our children and head teachers. I support the Bill because it is also going to make school managements to work very hard and develop programmes which will enable our children to perform better. I also support this Bill, so that the Ministry can come up with regulations for the provisions of this Bill to be felt by our schools.

One of my colleagues has spoken about motivation...

Thank you for protecting me, Hon. Deputy Speaker. This Bill is also going to motivate stakeholders in academia so that they can make sure they have good programmes to enable schools perform better. This country has passed through so many challenges when it comes to examinations. It is also going to ensure that we close the loopholes that are used by some schools to cheat in examinations.

I wish to support the Bill.

Date: 8th June 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: The Kenya National Examination Council (Amendment) Bill

Thank you, Hon. Deputy Speaker, for giving me this chance to lend my few thoughts to this very important amendment Bill. From the outset, I would like to appreciate the young students who are with us in the Gallery listening to this debate because it concerns them. I hope when they go back home today, they take what Parliament is talking about ranking. Ranking is based on performance and everybody knows that. Even when a young person, man or woman, goes to apply for a job, the first thing that the company asks is the grades. The better grades you have, the better chance you have to get the job. So, ranking has been put in place as a tool of measure in many forms of life. Many Members of Parliament have mentioned this. It goes to say that without ranking, we would not be able to differentiate an apple from an apple. So, where is the problem? The problem is that ranking brings extraordinary pressure to children. I have never been an intelligent student but when it came to arts, I was exceptional. That is how many students are.

The fact is that with this ranking, when many students get under a lot of pressure, it brings out a different nature in them. Do we support this ranking? Unfortunately, we do. At the moment, we have world’s top 20 projects which rank over 200 nations. It monitors education systems for students and development from ages of 3 to 25. So, you can imagine they rank these students from the age of three and you can imagine the extraordinary pressure that is put on the child from that age, but they have to do so, so that these children can grow up in the spirit of competition. This competition is instilled in them from a very young age. I must commend the children who work efficiently under this pressure.
I would also like to mention that this ranking system is going to demand a lot of accountability. As has been mentioned before, it gives teachers a lot of pressure so that the school can perform. In my opinion, if a public school that does not have many resources is doing very well in terms of ranking, then you will find children who are coming from better social backgrounds being admitted to that school because they want to be taught by the best teachers and be amongst the best performing children.

Kenya ranks strongest in personal freedom and choice in a social progress index. This says a lot. People say that Kenya is not doing very well in many instances but it is doing well as far as personal freedom and choice is concerned. Citizens from other parts of the world like China would like to come to Kenya because they get a better choice in personal freedom.

Therefore, I support this Bill and I would like to commend the Cabinet Secretary for his efforts.

I support this Bill. Thank you.

Date: 8th June 2016

Member of Parliament: Hon. Dorcas Kedogo

Contribution she made on: The Kenya National Examination Council (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. Ranking is very important. Some complain that there will be a lot of cheating. For the last two years ranking has not been done but the number of the student who cheated was very high. So, that should not be an excuse. We will come up with regulations so that cheating is minimised.

Competition is all over even in athletics or games. There is ranking. It is everywhere. Even in classes in schools, students are given exams and given positions after from the first to the last one. So, if we now say that ranking should not be done, it should start from the classroom itself. Ranking is very important.

I remember last year Members of Parliament, County Women Representatives and other people were ranked. We should not say that ranking is bad. It is always good to know what is happening or which position you are. How do you measure your performance if there is no ranking? You must evaluate yourself. Even teachers rank themselves after a lesson. They evaluate themselves to find out how they taught a lesson whether it was well done or not and then correct themselves.

I would wish that the Government makes sure that it facilitates by giving funds to schools to equip laboratories and provide the facilities that are needed so that everyone is at par. It is now giving textbooks to schools. So, we cannot complain that some schools are getting textbooks while others are not. There is a cash transfer that is given to each student. From that they buy books which are given to all schools. If the Government facilitates and gives that money for buying equipment, there will not be any problem.
Ranking motivates students to compete and also enables them to find out where the problems are and easily avoid them. If schools are ranked, we will find out what happens in a school that does not perform well. We will have to assist so that each one is at par.

In my culture, sometimes ranking is done depending on the number of children one has. One becomes a hero because of the number of children. Ranking has always been there. We should not say that it is a bad thing. If we continue ranking schools, we will know where we are coming from and where we are going to.

Thank you, Hon. Temporary Deputy Speaker

Date: 8th June 2016

Member of Parliament: Hon. Alice Chae

Contribution she made on: The Kenya National Examination Council (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity. I stand to support this Bill by saying that there are so many things that made us to do away with ranking of schools after exams. When we again talk about ranking, it means that what made us to say no to ranking is going to be addressed. I hope that we are now going to have categories of ranking of schools.

Where I come from, we have national, county and district schools. But when it comes to ranking, you find that there is no separation. We rank them jointly, knowing very well that some schools lack many facilities which make them not to perform like national schools. Furthermore, the teachers in those schools are not the same. Government district schools do not have enough teachers. Most of them are employed by Board of Governors (BOG) and what they are paid to enable them to work properly and ensure that students pass examinations is wanting. If we are going to rank schools fairly, we need to ensure that all of them have Government teachers who are equally paid, are determined to work and change the lives of students. When I was in school, I went up to Form Four. After that, there were those who made it to the university and others joined Government diploma colleges. Those who did not go to Form Five and Six went to primary teachers colleges and community nursing. There was ranking that could sieve people. That criterion is no longer there. You find that after students do their Form Four examinations, with a grade of “C” plus (C+), they join universities if they can manage to go for parallel studies and others are admitted by the Joint Admissions Board (JAB). There is also a category of students who are not taken care of. We need to look for a way of closing that gap so that there are intermediary colleges and a good criterion is put in place to ensure that students go to those colleges and serve the community. I believe that ranking raises the morale of teachers and students regardless of negative issues. Also, we have departments in schools like science and humanities and teachers from various schools come together and come up with ways in which they can better the students’ performance in those particular subjects. But without ranking, I no longer see those departments coming together and having conferences in various places.
Therefore, ranking will ensure that teachers are committed, determined and measured because they will have to prove they are good in various subjects. Teachers who do well will be respected and promotion will be evident. In local schools, teachers stay there for ages and students do not perform. Remember that students who join local schools are those who did not perform well and were not admitted to national, provincial or county schools. They, therefore, attend those local day schools. How then are they going to be ranked? That is why we need to have criteria of ranking our schools.

With those few remarks, I support.

Date: 8th June 2016

Member of Parliament: Hon. (Ms. Munene)

Contribution she made on: The Kenya National Examination Council (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker. I rise to support the ranking of schools. It is better to rank our schools. You must get number one and two. If teachers know that one time they have failed, they are going to put more effort so that their schools can be ranked number one or two. It is better to think of how we are going to support the teachers. They should be given enough money to make sure that our children pass exams. Nobody can steal exams if the Government puts measures to curb cheating. It is good for this country. If we are not going to rank schools, we are going to make some teachers to just work ordinarily because they will not be competing with anybody. Even as Members of Parliament, we have competitions. We know what we want to do in order to be elected again. So, it is better to rank our schools. When the students know their school needs to be number one, they are going to put more effort. Even if we say we are not going to rank schools, during prize-giving days, students are given presents. So, we can know which students have done well. So, we are cheating ourselves that we are not ranking our schools. It is better to think of how we are going to make sure that all the schools in this country have enough teachers, including the schools which employ Board of Management (BoM) teachers. We need to ask our Government to make sure that education is given priority in this country. So, let us do something for every school. Let us employ more teachers so that even when people get out of our schools, it is known that qualifications from Kenya are good. It is better not to condemn ranking. I beg the Cabinet Secretary to go back to the ranking of schools.

I am saying that because I know that in my constituency of Othaya, we used to have girls’ and boys’ schools which used to do better. But those days are long gone because they know that they will not be ranked and so, they do not work hard. Let us have competition between the girls and boys in schools. Even the least developed schools are going to be given categories so that they can work better. It is good to make sure that the schools are ranked.

I support this Bill and thank Hon. Chris Wamalwa for bringing it.
PETITIONS

Date: 8th June 2016

Member of Parliament: Hon. Esther Gathogo

Contribution she made on: Ban of Prayer Days in Public Schools


PROCEDURAL MOTION

Date: 8th June 2016

Member of Parliament: Hon. Florence Kajuju

Contribution she made on: Reduction Of Publication Period Of IEBC (Amendment) Bill

Thank you, Hon. Speaker. I rise to second this Motion. I note that this is a matter of national importance. In view of the fact that the issues we are seeking to move amendments concern the electoral process, and especially the matters of the tribunal, because during elections we have had conflicting jurisdiction between the IEBC and the Political Parties Tribunal, these amendments are going to bring a lot of clarity so that at the time of electoral disputes, parties are able to sort them out without necessarily going into a lot of confusion. Also, any other issue for which we are seeking amendment will be subjected to public participation so that members of the public are able to present before the Committee issues that they would like us to take up and be able to resolve.

I, therefore, second.
Date: 9th June 2016

Member of Parliament: Hon. Rose Nyamunga

Contribution she made on: Notice Of Motion on Establishment of Training Institutions and Fish Processing Plants

Hon. Speaker, I beg to give notice of the following Motion:-
THAT, aware that Kenya’s high seas and inland fresh water bodies are a key resource for diversification of the country’s economy through fishing; noting that most fishermen and women use traditional methods of fish harvesting, preservation and processing; conscious that there are few training institutions that offer studies in fisheries, oceanography and maritime technology in Kenya; further noting that huge losses are incurred due to lack of proper post-harvest management and inadequate fish processing plants in the country; concerned that this lacuna has contributed to relegation of the otherwise lucrative fishing industry to a Jua Kali sector; deeply worried that lack of training and inadequate fish processing facilities have resulted in meagre earnings for many Kenyans, including women who depend on fishing, this House urges the Government to establish both inland and coastal training institutions and processing plants with a view of building capacity for fishing communities to maximize their returns from the lucrative fishing sector.

Thank you, Hon. Speaker.

Date: 15th June 2016

Member of Parliament: Hon. Janet Wanyama

Contribution she made on: THE VALUE ADDED TAX (AMENDMENT) BILL

Thank you, Hon. Temporary Deputy Speaker. I rise to support the amendment Bill which has been brought by my colleague, Hon. Wamunyinyi. The reason I support is because I am a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives. We have discussed the sugar industry for a long time. The sugar industry has cartels which import sugar into the country. Even managers of the sugar factories also have cartels and know what they do. The people who suffer are the ordinary small-scale farmers who grow the sugarcane. It stays long in the farms before it is taken to the factories and thus loses many kilogrammes.

We thank our Government because it has done a good job in supporting the sugar industry and farmers by providing fertilizer. The Government should help the ordinary farmer who tries to get daily bread from farming. It is not the sugar industry alone. Even the coffee and dairy industries suffer. We have not seen the Government put effort in them. Agriculture is the pillar of this Government. If the farmers do not farm, we will not go anywhere.

These days, we see that when we sell our coffee outside the country, it is number one but, people are no longer growing coffee. They are opting for real estate. Soon we will not have any cash crop to sell outside the country. We should sit with the Government and think of a way forward to help farmers to see the need to grow maize or tea. In tea growing areas, we have small plots of land so we buy maize to eat.

We want to look at all sectors and the Government should help us. If we help farmers in this country, Kenya will progress. The problems in the sugar industry are the cartels. I do not know what we are going to do about them. The managers of sugar factories do something that ensures that we do not go far even if the Government tries to help the sugar industry.
I want to ask Kenyans when they elect leaders at the factory level or at the tea factories, they should elect people who are willing to serve them and who are not corrupt. Corruption is the biggest problem in this country. Corruption comes from the bottom. It is not perpetrated by senior people. Even ordinary persons at the factory level want to steal kilogrammes of coffee from farmers so that he sells more. When he comes to farmers, he tells them the number of kilogrammes they sold yet they sold more. I have seen it in my place where they said that coffee had been stolen but it had not. It is better for the Government to pull its stockings and help ordinary Kenyans who have elected us: They are the people who rise up early in the morning to line up to elect the Government. They are suffering now. They are unable to take their children to school and they do not get enough to eat. This is very bad.

I rise to support the amendment Bill by Hon. Wamunyinyi. Thank you. I know the Government will help us. I am a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives and we have seen many problems. When we tried to solve them, we were threatened that we would lose our lives. But we do not fear because we were elected to serve the public. We need to ask the people who manage sugar factories to think because they cause many problems. We have talked about sugar factories for three years without getting a solution. I hope the Government will now get a solution.

Thank you, Hon. Temporary Deputy Speaker.

Date: 15th June 2016

Member of Parliament: Hon. Grace Kiptui

Contribution she made on: THE VALUE ADDED TAX (AMENDMENT) BILL

Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I rise to also support this discussion. I have listened since I came in and heard my colleagues talk about several issues affecting the sugar industry and, by extension, the agricultural sector in this country. It is unfortunate that 50 years down the line, we are still struggling with issues of management and corruption. Every so often, we see the Government bailing out governmental factories or institutions. Until and unless we deal with the corruption aspect and we develop discipline in business, there is no point setting up huge factories and we do not manage them the way a business is supposed to be managed. I wonder where the minds of people who still from such factories are. They are creating poverty in the country. They steal and invest. Very soon we will find a lot of discontentment from the common 

wananchi

who are being exploited. It is a fallacy that somebody is investing thinking that he will be secure with his property when the majority of Kenyans are wallowing in poverty. I wish they would be sensible enough to know that by distributing wealth and taking care of those farmers, they will be securing their own futures.
Recently we travelled to Turkey for a humanitarian summit and we came face to face with running refugees from Syria. Every so often we see on television so many buildings being bombed and tumbling down mercilessly. It is the result of people who are bitter with those who have. I want to plead with those Kenyans who are siphoning money from any institution thinking that they are going to be secure themselves to stop. I want to congratulate my brother Hon. Wamunyinyi for this Bill. Members of Parliament from the regions that grow sugar need to form a bloc and try to see that even those who are put to manage the factories have mercy on farmers. I have seen so many farmers whose cane is wasting on the farm and they have nothing to eat and no money to pay school fees. It is a very unfortunate scenario. I hope Hon. Wamunyinyi will lead the caucus to deal with this issue. Thank you, Hon. Temporary Deputy Speaker.

Date: 15th June 2016

Member of Parliament: Hon. (Ms.) Shakila Mohamed

Contribution she made on: THE VALUE ADDED TAX (AMENDMENT) BILL

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to first of all thank Hon. Wamunyinyi for bringing this Bill. Sugar is a very essential commodity which you cannot afford to do without in any household. Removing tax on sugar will be doing a favour to everybody hoping that it will not only benefit the farmers but consumers of sugar. In this country, it is unfortunate that we have not been able to properly feed our people. Most areas in this country are languishing in poverty and we need to come up with a programme of feeding the nation without depending on relief food or a situation where people do not afford a kilo of sugar. As a grown up person, I can take tea without sugar but children cannot. Sugar is an essential commodity and we need to subsidise tax on it to make it available and affordable to every person in this country.

I want to thank the Member who brought this Bill because he thought of what we can do to help farmers and Kenyans to benefit from this commodity. The Government should remove the cartels that are bringing corruption in the sugar industry because even if we subsidise and remove taxes, the cartels will still look for ways of bringing corruption to the sugar market in the country.

Date: 16th June 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: COMMUNICATION FROM THE CHAIR- PRESENCE OF THE THIRD NATIONAL CHILDREN’S GOVERNMENT ON SPEAKER’S GALLERY
On a point of order, Hon. Speaker... Thank you, Hon. Speaker. Before I raise my point of order, a Member of the Speaker’s panel is threatening me that I will go to jail on hate speech.

First of all, I congratulate the young persons who are members of the Children’s Cabinet. I would like to bring to the attention of the House that today is the day of the African Child which commemorates the day many South African children were massacred as they were demonstrating.

Date: 16th June 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: COMMUNICATION FROM THE CHAIR- PRESENCE OF THE THIRD NATIONAL CHILDREN’S GOVERNMENT ON SPEAKER’S GALLERY

Especially when it is the Member for Mbita.
Hon. Speaker, I was just saying that today marks the day of the African Child. As a champion of children, it is the day the world commemorates the day several children were killed in South Africa as they were demonstrating against the Afrikaans language. They wanted to speak a language of their choice in schools. Many of them were killed. So the whole world is today commemorating the day of the African Child. In fact, this morning we had a very beautiful meeting between the Parliamentary Caucus on Children and Parliamentarians for Global Action, both of which I am the chair with the children. They also sent us a memorandum whose theme is “Conflict and its effect on Children”. They shared very beautifully. The strong message they gave is that even when we disagree, let us do so peacefully.

My other point of order is that there is a day we came to Parliament and found a list of documents out there. One had my name. It showed that I owed an imprest of Kshs100--- When I went to the imprest office, they said that it was a mistake. I do not owe any imprest but, because Kenyans love me, it is in the social media which I do not mind. What I mind and need clarification on is whether that amounts to hate speech. I was even researching whether my name “Millie” is hate speech. I looked at the root, its style and its intonation whether it amounts to hate speech. When I walk out there - I was in court in the last many days, that is why I have hardly been in the House - I was shocked at the interpretation of what hate speech is. I do not know whether my style - I am wearing Calvin Klein boots today – is hate speech? I would love to know from the House whether that is hate speech, but do I say, Hon. Speaker.

Date: 16th June 2016

Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: The Finance Bill, First Reading.

The Member for Mbita is almost spoiling the very good message she had about children and the African Child. Hon. Millie Odhiambo, that matter was raised on the Floor of the House last week by Hon. Gumbo who is the Chairman of Public Accounts Committee. He too, notwithstanding the fact that the Auditor-General’s Report goes to his Committee and the Deputy Speaker, were included. We called for a correction. It has since been corrected. That newspaper chose to make the correction in the last Saturday edition. I am sure not many of you may have seen it but they made that correction. Subsequently, after the Auditor-General came across it, the matter was explained and cleared. There is no Member who owes any imprest. That is the truth of the matter but again, this calls to question the issue of imprest around the end of the month of June which causes that kind of complications. The Auditor-General has since promised that he will be making closer checks to ensure that it does not include names of Members. Even the newspaper picked the names from the Auditor-General’s Report. Indeed, it should never have reached there. Those are matters that were resolved long ago. I agree. Knowing that something is likely to happen on the second Tuesday of August of 2017, it is my responsibility to ensure that such things do not reoccur particularly in subsequent reports of the Auditor-General. The staff have been accordingly instructed. The Commission sat and examined that Report after Hon. Gumbo raised it. It is a matter that has been addressed. I believe and hope it will not recur.

I cannot answer the issue of the origins of your name or whether it amounts to hate speech. I do not think that your name is a speech. It could be hate but I am not too sure that it is speech. I cannot respond to that, Hon. Millie Odhiambo.

We can go on with the rest of the business.

Date: 16th June 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Motion of Adoption on the Budget Estimates for the Financial Year 2016/2017

Hon. Speaker, whereas I do not oppose the proposed amendment by the Chair of the Budget and Appropriations Committee, this is a House of records. Some of the statements that have been made here are incorrect and I want to correct them.

The Committee on Environment and Natural Resources, though I did not Chair that session, was told by the Ministry of Environment and Natural Resources that the Lake Basin Development Authority’s (LBDA) mall was going to be auctioned if that money was not paid. As a Committee, we could not find money in the Budget to pay. We then presented to Hon. Mutava what is popularly known as a wish list that if money was found anywhere, they should consider paying some of the pending bills of the LBDA. In fact, the justification we provided is that in the last two financial years, we have been paying pending bills for other regional authorities including the Ewaso Nyiro North Development Authority (ENNDA).
We said that if it is true that the LBDA mall would be auctioned because of a bank loan, they should consider it. It was in our wish list. How the Budget and Appropriations Committee would get the money was their responsibility. If they think that money will not be well spent and should stay at the National Treasury, that is not a bad idea. If the mall is auctioned, it will also include the building where this institution is housed.

Whereas I do not wish to oppose, it is wrong to say that this is not a priority. The caliber of staff that our Budget Office has, in my view, is more qualified than what the National Treasury has. It would be wrong for you to say that such an amendment would have come from people out of the system. If others are lobbying, then yes, that money should be withdrawn and left at the National Treasury. If they confirm that there are no issues that require them to lobby and there is no corruption, they should pay.

I really wanted to clarify that this matter did not come from anywhere else, but from the Ministry itself. In fact, it was the person in charge of regional authorities and this is not the first time this request has been made. In the last financial year, a similar request was made and the argument was that if we have done it for other agencies, let us also be fair to the LBDA and reduce their pending bills. Even though you refuse to pay, please, do not bring misinformation.

Date: 16th June 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Motion of Adoption on the Budget Estimates for the Financial Year 2016/2017

I will give him two minutes.

Date: 16th June 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Motion of Adoption on the Budget Estimates for the Financial Year 2016/2017

Thank you, Hon. Temporary Deputy Speaker, for the opportunity. From the outset, I want to take this opportunity to recognise and thank the Office of the Speaker, the Office of the Clerk and our Budget Office for their effort, and the Hon. Members who have contributed to this Motion. This is not forgetting my very able Chair who has led the Committee on Budget and Appropriations to bring this entire process to fusion.

Members have given their varying views and opinions with respect to allocations to various departments and Ministries. I agree with most of them. As the Budget and Appropriations Committee, there were certain areas which we felt needed more allocations, for example,
the Office of the Auditor-General. With the increased responsibility and devolved units, this Office needs more funding to recruit, oversee and do monitoring and evaluation, which we require them to do. Because of the constraints of the resource basket, we were not able to do that. Those are some of the departments that we feel going forward, probably in the Supplementary Budget, need to be considered.

The National Treasury, Parliament and the Judiciary did not adhere to the ceilings as was approved by a resolution of this House. That is a concern and just like we reiterated in last year’s financial Budget, we requested the Executive to make consultations with the various ministries, departments and agencies, before presentation of the Budget Policy Statement (BPS). By doing this, they would agree on critical areas and programmes that need to be factored in the BPS so that by the time they present the Budget Estimates there is adherence. That was one of our concerns and I feel that I should mention it.

Secondly, Members have raised concerns with respect to perceived overfunding to certain departments, for example, the Ministry of Interior and Coordination of National Government or the security sector. I think Members will agree with me that considering what this country has gone through under the hands of terrorists, it is important for that sector to be sufficiently funded so that they can address issues of building technical capacity, improving and upgrading their equipment, improving morale of the uniformed officers and not forgetting their general welfare.

I think that is an area we should be proud of because we need to protect this country and build our image internationally to improve our tourism sector. I also want to say something about infrastructure or roads. I agree with the Member who said that there are areas in this country especially North Eastern which have never seen tarmacked roads. Tarmacking is now being done across the country, including in my constituency of Teso South. The road connecting Malaba and Busia is in this Budget. I think there are many areas in this country that are realizing development and are going to have infrastructure.

If you look at the energy sector, you will find that we have electricity in our villages today. I think a lot of funding has gone towards building this sector. I want to go back to what my friend, the Leader of the Minority Party, has just said. Members keep referring to Singapore because it has surpassed Kenya in terms of development. I agree with him and think that Kenya is headed towards the right direction, looking at our budget, roads, energy and infrastructure. I think that is where we are headed to because you cannot industrialize and attract investors if you do not have a stable energy supply.

These are some of the things this country is focusing on and our problem is inefficiency in the administration of our resources. If we address issues of corruption, improve on management of our resources and put in place systems to ensure that we are collecting enough revenues as projected and make sure that our projected estimates are realistic, I believe we will be headed in the right direction. To that extent, I agree with members on those comments that they have made. I have just said that none of the departments or ministries adheres to ceilings. On the national deficit arising from increased expenditure, this Budget records a deficit of Kshs775.7 billion, which is going to be financed through
borrowing and grants. What I want to reiterate here is that the National Treasury should ensure that whatever money we borrow must go towards development. There should be tangible outcomes. We are telling the Auditor-General that he needs to get into what we call value-auditing and not just looking into adherence and compliance to the regulations and laws like the Public Finance Management Act. Can we see the outcomes out of the budgets that we provide?

There is need for the National Treasury to ensure that the borrowing goes towards development projects and when borrowing, they should give us a list of the programmes that show that the borrowing has gone towards development so that we do not get ourselves into the problem we had with the Eurobond. That will be a good thing going forward.

As I conclude, I also want to say that there is need for enhanced monitoring and evaluation. The mandate of the Budget and Appropriations Committee as provided for under Standing Order 207(3) is to investigate, inquire into and report on all matters related to coordination, control and monitoring of the national budget. I think this Committee should be properly financed and capacitated to be able to undertake that role. Besides that, we are supposed to discuss and review the Estimates and make recommendations to the House.

I must also go on record, as a Member of the Budget and Appropriations Committee, that I am a bit disappointed. I do not understand exactly what our role is. What is to discuss and review? The Budget and Appropriations Committee is being blamed for every mistake in the allocations and yet it does not originate any estimates. The Estimates are originated by the ministries and departments guided by the ceilings that have been provided by the National Treasury. After that, the Estimates are submitted to the Departmental Committees for scrutiny before they are forwarded to the Budget and Appropriations Committee for us to give our review. However, from experience, for the last three years, the tradition in the House is that the Budget and Appropriations Committee has been turned into a rubber stamp. What is the point of having a Budget and Appropriations Committee that does not have teeth to bite and that cannot review or change the position of the Departmental Committee? We need to relook at Standing Order 207 and define exactly the role of the Budget and Appropriations Committee. We cannot review or change a figure. If we do that we face the wrath of this House on this Floor. What is the purpose of having the Budget and Appropriations Committee?

We visited the Mexican Parliament on a bench-marking trip just to see what they are doing in that country. The Budget and Appropriations Committee is the ultimate decision maker. They make the final decision. In that country, if a department or ministry misappropriates any funds, the Budget and Appropriations Committee has power to reduce the value of the next budget by the same amount. That is an area of concern. As the Budget and Appropriations Committee members, we need to know exactly what the role of the Budget and Appropriations Committee is.

With those few remarks, I beg to reply.
Date: 21st June 2016

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: Motion Of Adoption Of Report On The Budget Estimates For The Financial Year 2016/2017

Hon. Deputy Speaker, I rise under Standing Order No.53(3). I seek the indulgence of the House and the Speaker to defer debate on Order No.8. This is in accordance with the Standing Orders. I am asking for deferment of the debate under Standing Order No.53 (3).

(Motion deferred)

Date: 22nd June 2016

Member of Parliament: Hon. Florence Kajuju

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Hon. Deputy Speaker, I beg to move that the Motion be amended by inserting the following words:-
(a) “Meru County” immediately after the phrase “North Rift regions”; and,
(b) “defiled/rape victims” immediately after the phrase “orphaned children”.

Hon. Deputy Speaker, the reason for seeking to make this amendment, with your approval is that Meru County, on the eastern of Mount Kenya, has suffered a lot of cattle rustling in five out of its nine constituencies. This is because of its neighbourhood. It is important that this is reflected. As we sit, there is a petition before the Departmental Committee on Administration and National Security on issues of insecurity in Meru.

For this Motion to be more comprehensive and inclusive, it is important that women are heard. They are the ones who suffer when there is cattle rustling. I have had instances in Meru where women are raped and children defiled. It is of concern that gender is not factored in this Motion. When we speak about cattle rustling, we cannot just speak about loss of life or destruction of property without looking at other victims of cattle rustling, namely women and children. They suffer a lot of mental torture, anguish and pain. In the course of setting up a special fund, it is important we specifically mention and indicate that women and children are victims of cattle rustling.

The amendment does not change the substance of the Motion. I pray that Hon. Sunjeev Birdi seconds it. Of course, I have the support of my leader and boss, the handsome Hon. Aden Duale.

Date: 22nd June 2016

Member of Parliament: Hon. Sunjeev Birdi
Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, Hon. Deputy Speaker. I second. Let me reiterate that it is a historical fact that children and women are affected.

Date: 22nd June 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

On a point of order, Hon. Deputy Speaker... Thank you, Hon. Deputy Speaker. It would be very sad for us to personalise issues of cattle rustling to Meru County only. Cattle rustling is a national disaster. It affects all counties across the country.

Date: 22nd June 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, Hon. Deputy Speaker. I understand that there is a lot of interest in this Motion. I just second by saying that it is historically proven that children and women are the most vulnerable people in war incidences. I understand why Hon. Kajuju has brought up this matter.

I second.

(Question, that the words to be added be added, proposed)

Date: 22nd June 2016

Member of Parliament: Hon. (Ms.) T.G. Ali

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, Hon. Deputy Speaker. I stand to oppose the amendment. This amendment is targeting Meru County only. Cattle rustling is a national disaster because it affects people all over the country. It is important we look at it nationally instead of dealing with it as if it affects only one county.

My county neighbours Meru County. While I support the issue of gender, it should have a national outlook.

I oppose.

Date: 22nd June 2016

Member of Parliament: Hon. Grace Kipchoim

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster
Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute to the Motion. This is a Motion we have been waiting for.

First of all, I would like to thank my colleague, Hon. Cheptumo, for bringing this Motion to the House. This is the right time. When we talk about cattle rustling in our regions, blood stops flowing.

Date: 22nd June 2016

Member of Parliament: Hon. Grace Kipchoim

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, consumer of cattle rustling. Hon. Deputy Speaker, I was thanking Hon. Cheptumo for bringing this Motion to the House. This is a Motion we have been waiting for. When we talk about cattle rustling, what comes to mind is the destruction that it has brought in our constituencies, especially in the North Rift region. We have gone through untold suffering. Cattle rustling has been happening for a long time. It has left children maimed, families suffering and properties destroyed. The menace has devastated the region. We have lost so much, including closure of schools. I hope this Motion will, in the process, assist the victims.

Hon. Deputy Speaker, as Hon. Wario has put it, we need to look at the measures that the Government will put in place to stop cattle rustling. Paying the victims and letting the problem to persist will not help much. The Committee on Implementation should ensure that measures are put in place to stop the menace and ensure that victims have their livelihoods restored.

Hon. Deputy Speaker, as we speak, there are about seven schools which are yet to open due to the menace. I have an officer who operates an Armoured Personnel Carrier (APC) which was sent to my constituency about two days ago due to cattle rustling. The officer is nursing head injuries because of the menace.

That menace has not only affected the people living in the region, but it has also affected security officers who do not know the issues behind cattle rustling. They do not own cows. They do not know anything about cattle rustling, but they are suffering because of this menace. Cattle rustling is no longer a cultural practice, but a menace that has brought a lot of problems to the people. The perpetrators of that menace should be dealt with accordingly. Punitive measures should be taken against the perpetrators. They should be considered as murderers. The law should not only compensate the victims. It should punish the perpetrators who burn houses, destroy schools and other properties. People who steal cattle and have no respect for humanity should be declared to have committed offences equal to robbery with violence and murder. They should face the law.

The victims have suffered so much. Children have been raped, women have been left as widows and men as widowers. Children have been orphaned and subjected to a lot of suffering.

Thank you.
Date: 21st June 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, Hon. Temporary Deputy Speaker. I am really grateful that I have this opportunity to speak to this Motion. This is because I come from one of the pastoralist communities. However, there is a difference between my community and the communities from the north. I come from the Maasai community which historically embraced cattle rustling as a way of life, but I am proud to say that it is a converted community; a community that has embraced education. It is a community that has addressed other ways of economic empowerment and it is a community that believes in women as leaders even now. I would like to tell our brothers from the north that cattle rustling is nothing to glorify. Cattle rustling is something to be ashamed of. It is something that leaders from those areas must bring to an end. I sympathise with the victims, particularly women and children, because whenever there are such issues, the people who are affected most are women. By supporting or setting up a fund for cattle rustling victims and declaring cattle rustling a national disaster, we will be oiling the wheels of the cartels that perpetuate this menace. We are made to believe or understand that this menace is an economic crime that begins right from Nairobi to those areas. The Government must put mechanisms in place to follow and investigate the crime to its logical conclusion and know those who are perpetuating it. Most times, it is perpetuated by those who are able against those who are not able. I urge my colleagues to look at it differently as something that must be brought to an end. I would appreciate it if our colleagues, pastoralists from other areas, would talk about a fund for drought management than a fund for compensating cattle rustling victims. I also know that Government officers in other places perpetuate this crime. During the dry season, when our cattle go towards Tsavo National Park, around Chyulu Hills at a place called “Oloirien”, you find that the Kenya Wildlife Service (KWS) rangers are the ones who use guns to take cattle from the community. From there, it becomes a perpetual problem during the dry season. This is not a problem of the community but a crime. We cannot glorify it. I urge the Government to guarantee security to the victims. It is unfortunate that Kenyans continue to live in fear or in a situation of want. I urge Cabinet Secretary, Maj-Gen. (Rtd.) Nkaissery - I know he is doing a very good job - to continue handling this situation. It has normalised in a few areas. Hon. Grace Kipchoim, who is a Member of the Committee on National Cohesion and Equal Opportunity, has reported to the Committee that there is progress. If we continue in that direction, we will be able to address the issue of conflict. We will also be able to address the issue of cattle rustling and build infrastructure in those areas. We will bring those communities of this country - Kenyans who are very deserving - to the level where other communities are. Although I sympathise with the victims, we cannot help to perpetuate the crime.
Date: 21st June 2016

Member of Parliament: Hon. Mary Seneta

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also contribute to this Motion.

Cattle rustling is a culture we should contain and not glorify. It is a backward behaviour and practice that has cost very many communities in terms of property and life.

Hon. Temporary Deputy Speaker, I concur with my colleagues who have said that declaring it a national disaster is making the Government announce and affirm measures to contain it. I am also looking at a way of creating a fund which will encourage people to quit the practice. As communities, we need to think deeply about this practice. It really saddens me when I see our leaders make this practice tribal. Let us reason along this together. Let us look at measures we can put in place to prevent it and make sure that we stop it in Kenya.

I am thinking about our security personnel. Our administration should put measures in place to control this menace because it is like any other crime. It is like stealing in banks and killing people through any other crime. We need to strengthen security and put measures in place to control this problem. It is also good to look for ways of empowering the affected communities so that they can have alternative livelihood.

As my colleague has just said, the Maasai people in Kajiado used to practise cattle rustling like any other pastoralist community long time ago. It is because our youth have embraced education and other means of livelihood. We have seen this practice come to an end. I urge colleagues and leaders from other pastoralist communities to empower their people to look at alternatives. Let us empower them economically and educationally so that we stop this menace.

I am also looking at whether we, as the Government, have put measures in place to criminalise this activity. It should be criminalised instead of creating a fund for it. A fund can be established to assist in drought management or assist the pastoralist communities in restocking rather than paying victims of cattle rustling. We can create another fund that will be like the Internally Displaced Persons (IDPs) Settlement Fund. Everyone in Kenya wants to be an IDP because they want to be paid some money. If we set up the proposed fund, we must be careful not to embrace this practice.

Thank you, Hon. Temporary Deputy Speaker

Date: 21st June 2016

Member of Parliament: Hon. Fathia Mahbub

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster
Thank you, Hon. Temporary Deputy Speaker. I support this Motion by Hon. Cheptumo. Being a Member of Parliament from the pastoralist side, I know it is very important. This has become a culture and a practice. It should be avoided. I support the proposal of setting up the fund for the victims. I blame the Government and the Ministry of Interior and Coordination of National Government. If we declare cattle rustling a national disaster, what will we call terrorism? What has happened? We really allocate a lot of money to the Ministry of Interior and Coordination of National Government but they are not working well as expected. How will they deal with terrorism which has become the in-thing and the cancer in Kenya? I support this Motion. I feel that the ministry in charge of security is not performing as par the budget allocated to it.

Date: 22nd June 2016

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

Contribution she made on: Motion of Declaration of Cattle Rustling a National Disaster

Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I thank the Mover for giving me the one minute. Cattle rustling is a practice that should be highly condemned. This is a practice that has left many children homeless and without education and security. We need to talk to our Government to ensure that we have security in this country. We say that we want to grow our economy, but how can we grow it when teachers are not teaching, farmers are not doing what they are supposed to do and children are not going to school to get education? There is no way we can grow our economy when we are not doing what we are supposed to do.

In my county of Tharaka Nithi, men do not sleep. They are always outside protecting their families. They sleep with livestock in the same house because the moment the livestock are left out they are taken away.

Date: 22nd June 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: The Kenya Roads Bill

Thank you, Hon. Speaker. I rise to support this Bill. Infrastructure in this country is very important. We cannot overemphasise the same. If development of infrastructure was distributed equitably to every part of this country, we would have all the roads in all parts of this country being developed. I believe all Kenyans are hard workers and we would be able to move on in terms of development.

As you are aware, quite a number of constituencies are suffering because of the issue of classification of roads. We have had the Council of Governors (CoG) going to court to stop Kenya Rural Roads Authority (KeRRA) and other national agencies from doing a number of roads. So, for quite a while our constituents have suffered because we are unable to tell which roads to do and we have been subjected to the whims of governors so that if you are in a
working relationship with them, they will allow you to do a road and yet we are elected and we have our own mandate from the people. It is sad that anybody would go to court to stop development in their own counties. We have suffered and our constituents have suffered and we feel for them.

My constituency is one of the newly created constituencies. These are areas that had been left out of development completely. Kajiado East has no tarmac road. Sometimes we benefit from Mombasa Road and the road heading to Namanga, but we do not have a single tarmac road. We have eagerly been waiting for the launch of the Isara-Mashuuru-Kajiado Road. The people of Kajiado East also hope that---

Date: 22nd June 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: The Kenya Roads Bill

Thank you, Hon. Speaker. I was talking about the importance of this Bill. We cannot over-emphasise the necessity of infrastructure in all parts of this country especially the road network. This is what promotes development.

I had gone ahead to state that Kajiado East Constituency is one of the constituencies that does not enjoy a single tarmac road. We have been looking forward, waiting and praying that, at least, the Isara-Mashuru-Kajiado Road will be done during this term of the Jubilee Government. If we will be fairly considered to have Isinya-Konza Road which is heading to the Konza City, I am sure many Kenyans will benefit. I believe that if we were to have Kitengela-Tuala Road tarmacked, the constituents of Kajiado would elect the Jubilee Government until Jesus comes. We will not ask anything more from the Jubilee Government if our roads are done. That is because we suffer.

There is confusion on the ground about the roads which belong to the county government and the ones which belong to the national Government. I am aware that the other day, sand harvesters from my constituency were protesting because of the Imaroro-Kiu Road. The Governor said that the road belongs to the national Government. That is not the case. The county governments continue to collect a lot of money from the sand harvesters. They should use the same money to maintain the roads. County governments are running away from their obligations and responsibility. It is not fair to our constituents. It is not fair to our people.

We also have our towns in a mess. Kitengela has a road network that needs to be dealt with, so that we can save the residents of Kitengela from a lot of dust. There should also be planning of sewers that spoil the roads. The county government has a lot of to do. Kenyans should be educated on the roles of the county government because they do not know. The county government should be planning the towns, maintaining the sewer systems and also the road networks in town. The county governments have used the national Government as a cover for not doing their work.
I stand to support this Bill because it is important. Class “C” and “D” should be done by the Kenya Rural Roads Authority (KeRRA) and National Secondary Roads Authority (KeNSRA) for the benefit of Kenyans.

Thank you.

Date: 22nd June 2016

Member of Parliament: Hon. (Ms.) Zainab Chidzuga

Contribution she made on: The Kenya Roads Bill


Kama Wabunge, Mswada huu utatupa mwangaza kutekeleza majukumu yetu ya kuangalia jinsi hela inatumika pande zote mbili - Serikali kuu na serikali za kaunti - kinyume na vile magavana waniambatia kuchunguza matumizi ya pesa katika kaunti.


**Date: 22nd June 2016**

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

**Contribution she made on:** The Kenya Roads Bill

On a point of information, Hon. Temporary Deputy Speaker.

**Date: 22nd June 2016**

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

**Contribution she made on:** The Kenya Roads Bill

Thank you, Hon. Temporary Deputy Speaker. I want to inform the Member on the Floor that he is dealing with Madam Speaker and not Mr. Speaker.

**Date: 22nd June 2016**

**Member of Parliament:** Hon. Jessica Mbalu

**Contribution she made on:** The Kenya Roads Bill

Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity and, of course, chasing away the Member for Kaiti.
I support the Bill on roads given the importance of infrastructure in our country. I represent Kibwezi East Constituency and I am known for search of roads even through demonstrations. As I speak, it is a shame that the only Kibwezi-Kitui Road in the history of this country has never been tarmacked. It is a shame that we have a road that even the Government is aware of, but which has not been attended to. I hope this Bill is going to take care of some of this marginalization.

I must appreciate and support this Bill because it will give classification in terms of who is going to do which road between the national Government and the county government. Of late, we have had a lot of debate between Members of Parliament, county governments and the national Government on classification of roads and who is supposed to deal with them. In terms of KeRRA and the NGCDF, which are under me in my constituency, I have seen a lot of social impact in my people. Even as I look forward to the Budget, I have just received a message from my constituency talking about Metava Road which we have tarmacked and the fact that it has enabled many children to attend school.

I do not see why Members of Parliament are proud of some developments in their constituencies. In Kibwezi Constituency, we do not even have a single centimeter of tarmac road. I held demonstrations and three tear ganisters were thrown at my car and I told them to add another one. From these demonstrations, the President and his Government came to Makueni and promised to construct a road that has been discussed in this Parliament many times. Some contractors had already assessed the road before. I hope this time, the cries of the people of Kibwezi, Kitui and Ukambani, to open up the area, will be heard.

Part III provides for the classification of trunk and county roads. It gives the separation of roles between the county governments and the national Government. It also talks about standardisation. One Member has talked about the standards of the roads that have been tarmacked. I want to support the Member for Kathiani who talked about some pot holes being filled by the county government and they term the roads as fully done. That is why we are saying “no NGCDF, no Budget”. From the little money that we get as Members of Parliament, as much as they have tried to remove some roads from our jurisdiction, we can show the social impact in our people.

Infrastructure brings development. I call upon the governors, as they undertake their mandate, not to marginalise some areas. I was surprised to hear the Mover of the Bill, Hon. Duale, talking about 10 and 20 kilometers of tarmacked roads. In Makueni County, this is history. We are Kenyans. We do not want to think that these roads are in areas where the residents sing and dance some party positions. Development is our constitutional right. We should live in the Kenya that we want residents of counties like Makueni, Kitui and Machakos to have a taste of the cake.

Financial matters have been very well put in Part IV. It provides for the financial years, annual estimates, accounts and audits of the authorities and classification and formation of the board. I hope that when the board comes into place, constituted as provided by the Bill, we will get a fair jurisdiction and application of matters.
Part V provides for the appointment of the chairperson in terms of the qualifications. Some of the loopholes and miscalculations are because of the qualifications. This is provided for in Part V of the Bill. On the memorandum, the whole objective of this is to propose an amendment to the Kenya Roads Board Act, 1999, Cap. 4, to repeal the Roads Act 2007 and the Public Roads and Roads Access Act 1920.

The people of Mitasiano, Kikunduku and Nzeveni in Makueni County can say that the NGCDF must stay for the benefits they have enjoyed from the little money their Member has had through the CDF. Many Members have spoken about the benefits we derive from proper infrastructure, but let us have all proper roads in all our areas. The 10,000 kilometres of road that have been promised by the Jubilee Government must be equally distributed. I will be happy if the Mtito Andei-Nthongoni Road that we proposed during the public hearing is done. The road to the university in Kibwezi should also be done so that the people can recognise that they have a Government. Otherwise, we will keep on crying and doing what it takes for us to be given what is duly ours.

I hope this Bill is going to shed some light and make a difference in terms of development in our areas. If KeNHA, county governments, NGCDF, MCAs and the national Government can all do their bits, we can develop this country. Let us not compete for resources that are not ours. We should deliver resources to the right people. The Kibwezi-Kitui Road needs to be attended to as soon as possible.

With those few remarks, I support.

Date: 22nd June 2016

Member of Parliament: Hon. Jessica Mbalu

Contribution she made on: The Kenya Roads Bill

Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to voice my opinion on yet another very important Kenya Bill, namely, the Kenya Roads Bill, 2015. All the Members are privileged to be here this time round because we happen to be at a time when the Government is actively engaged in the development of our country.

We just heard the Member for Kapenguria say that people from his area do not know who the President is. It is true that a large part of our citizens are living in places which are underdeveloped. Many of them travel long distances either on foot or using means which indicate that infrastructure is very difficult to access. So, this Bill comes at an opportune time and should have been passed as early as yesterday. Nevertheless, I hope Members will raise their opinions and we shall pass the Bill. Road infrastructure has been in confusion. I cited a case this morning of a Petition that had been brought to my office one-and-a-half years ago. Industries have been squabbling over a certain road since the 2007/2008. Such industries are stuck in a situation where they finally submit to powers because there is nothing they can do. This increases the cost of production and manufacturing tenfold and they are left with no other possibility rather than getting out of where they have been based so that they can get better resources as far as infrastructure is concerned. So, my heart goes out to such industries.
which have done their best in terms of providing jobs to the people and they cannot do better than that because of poor infrastructure. This Bill comes at an opportune time where we can demarcate the duties of the national Government and the county governments.

This Bill talks about private developers. In a city like Nairobi where development is moving at a very fast rate, we need to understand where the duties and responsibilities of a private developer lie. Private developers’ trucks ruin roads that have been constructed by the county government. They finish their development and move out. The question then is who is responsible for the destruction of that road? This Bill clearly states that if a road is defaced, there is a general penalty of not less than Kshs100,000 or imprisonment of not less than two years or both. That is commendable because somebody should be held responsible for a road that is ruined in the process of development. It is a step in the right direction.

Clause 57 states that the Authority shall require the owner of any land to remove, trim trees or shrubs to its satisfaction. I find it a bit contentious because authorities like the Kenya Power Company (KPC) will not allow an owner to touch any trees without a licence. One is not allowed to trim or cut their trees. This Bill states that the Authority shall require the owner to trim trees. So, they are throwing this responsibility to a person who might not even have the resources to do so. This is a clause that I might have to approach the Committee to try and amend at the correct stage.

From the outset, many Members have voiced their opinions on roads in their constituencies and counties. On behalf of the people of Nairobi, the state of roads is not only shocking, but they are seriously congested. The problem of roads in Nairobi is not just tarmacking, but they need a facelift and a proper development strategy, so that they do not just put tarmac upon tarmac, but they need to look at them at a large and broader scale. They need to understand that roads attract tourism. Proper infrastructure is going to bring development not only in Nairobi, but in its environs. I will also raise a flag for industries surrounding Lunga Lunga Road in Industrial Area where you can get stuck for three hours simply because of traffic and the nature of the road. It is one lane and it needs to be done. That is not the only road that needs to be done, but that cuts across the board. Most roads in Nairobi are congested. People get stuck in traffic for many hours when they have flown to Nairobi within a few hours. This is ridiculous.

I welcome the Bill. I support.

Date: 23rd June 2016

Member of Parliament: Hon. Florence Kajuju

Contribution she made on: Statement on Preparatory Meeting of Parliamentary Forum

Thank you, Hon. Speaker. As you are aware, the preparatory meeting to the parliamentary forum preceding the second high level meeting of the Global Partnership for Effective Development Co-operation (GPEDC) was held on 12th June, 2016. It was hosted by the Namibian Parliament as part of the agenda of the ACP-EU Joint Parliamentary Assembly in Windhoek, Namibia. We attended the meeting as a delegation. The Deputy Speaker of the
National Assembly, Hon. Joyce Laboso, was also present. Several resolutions were made because various parliamentarians attended. Kenyan parliament will host a similar event in Nairobi in November. There are several resolutions which were made by the Sitting in Namibia.

Basically, and as a summary of what was debated, we need a closer relationship in matters of development as parliamentarians. Therefore, we will be engaging much more with the ACP and various other institutions to ensure that Parliament plays an active role towards development.

Another important issue which I would like to highlight is that the speakers of parliaments of the countries likely to be affected by the Economic Partnership Agreements (EPAs) deadline of October 2016, were urged to explore the avenues of collectively writing to counterparts in the respective EU States Parliaments expressing the concerns raised with the coming to effect of the EPAs, with the aim of postponing the deadline for ratification of EPAs, and allow Parliament to be fully engaged in the process.

Hon. Speaker, we also resolved, as a matter of urgency, to ensure that we prepare, as Parliament, for the meeting that shall be held in Nairobi in November. One of the issues that we shall be looking at is that parliamentarians need to engage with their constituents to bring democracy, local and regional focus into the implementation of development and humanitarian objectives which will be missing if their voices are not heard.

Overall, the meeting resolved that Parliament should have a unified force and speak with one voice at the parliamentary forum preceding the high level meeting in Nairobi. This will present the necessary momentum for parliaments to be mainstreamed in the SGG processes through development planning, resource mobilization, monitoring and oversight.

The participation of the Kenyan Parliament was noted and it is important that in November 2016 in Nairobi, all parliamentarians participate because it is something that is important and is going to give Parliament the centre stage in matters of development.

Thank you, Hon. Speaker and thank you for the opportunity to head the delegation to Namibia.

Date: 23rd June 2016

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

Contribution she made on: Motion on Declaration of Cattle Rustling as a National Holiday

On a point of order, Hon. Speaker... Hon. Speaker, I can see people are trying to make me the Speaker by seeking my opinion on whether it is the “Nays” or the “Ayes” that have it. That is not the reason for my rising on a point of order. I just wanted to get your direction. The Motion that has passed is urging the Government to move in a given direction. This House has already passed a similar Motion which is more substantive. A Select Committee in the last Parliament tabled this Motion and it was passed just before Parliament was
dissolved. Will that Motion be considered alongside this or will we ignore it and only deal with this?

Date: 23rd June 2016

Member of Parliament: Hon. (Ms.) Ngetich

Contribution she made on: Consideration To President’s Reservations To The Engineering Technologists and Technicians Bill

Thank you, Hon. Temporary Deputy Speaker. Actually, I am the owner of the Bill and I am grateful for an opportunity to add a word to it.

I want to thank Members for having passed the Bill and accepted the Presidential Memorandum as it is. I want to take this opportunity to allay the fears of my friend Hon. (Eng.) Gumbo, that, indeed, these are not newly introduced functions.

In the amendment stage, there was a technical error such that, at the end of it all, we had two clauses dealing with the composition of the Board in Clause 4 and 5. Initially, it was meant to switch places for the composition of the Board to go to Clause 4 and then the functions of the Board in Clause 5. But during that moment, an error occurred.

In the Bill, the functions are very clear. What a technologists will do will be different from what an engineer will do. Maybe to use his own words--- Okay. I will not take too much time. I just want to tell Hon. (Eng.) Gumbo that at no time will an engineering technologist be an engineer and vice versa. I support and thank Hon. Members for passing the Bill as it is.

Date: 23rd June 2016

Member of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: Consideration To President's Reservations To The Engineering Technologists and Technicians Bill


Date: 23rd June 2016

Member of Parliament: Hon. (Ms.) Ombaka
Contribution she made on: The Kenya Roads Bill

Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support this Bill. I have my comments, most of which are very negative, but they are meant to improve the Bill.

It is good to classify roads to know those that are going to be constructed by the national Government and those that are going to be constructed by the county governments and NGCDF. However, while there is good intention to make good roads, so much is left undone and that is most disappointing.

There are a lot of delays. When construction takes place, one never gets to know how long it will take. It takes centuries to finish a particular road. I have in mind a road in my county, which is between Rang’ala and Siaya Town. It has taken over three years to be completed. Right now, the contractor has left the scene of the construction. They left it at a bridge. The other day, one could not pass through or access the other side of the town because the bridge was almost falling apart. The contractor is not on the site. It forces motorists to take a long route to get to Siaya Town, simply because that bridge has not been completed. One never gets to know when it will be completed. There is a time I was using the road to get to Siaya Town. I found youths almost rioting, looking for the contractor to come and complete the bridge. Soon, the Governor came and told them that it was not going to be long before the road would be done. Up to now, nothing has happened. That was last year. I am worried about the time it takes to construct a road and finish. Even the contractors come and disappear. They leave the public wondering what is happening.

It is not just delays, but even the kind of work that is done is poor. The bit that has been done is already getting destroyed because of the rains and everything is falling apart. It becomes very sad that even when they have finished the road and put bumps, the bumps are so small that people come and scrape them off, especially when an accident has happened in that area. The public take the law in their hands and erect their own bumps. They put rocks and vehicles cannot pass. Who then is responsible for constructing those roads and ensuring that the job is well done?

The public takes control. Sometimes, when the roads are in a bad shape, the youth bring soil to cover up the potholes. So, they make money along the road as they fill the potholes. Apart from that, there are no zebra crossings. These are basic things that a road needs whenever there are many people around there, especially schools, hospitals and markets. Zebra crossings are not there. Even if they are there, motorists just pass through. Again, that is a problem with motorists. The road constructors do not consider certain things that are good for purposes of good driving and security of the people along the area, such as the labeling of the roads. Where are the bumps and signs for sharp corners? You must tell us what to do as motorists so that we are able to make use of the road adequately. There are no public lights at night in the rural areas. We need some lights along the lanes to shine so that one is able to drive safely.
These are my observations. I just feel that whether it is the national or county government constructing the road, let us put some common sense in putting up the roads so that there is safety in the way we drive, and for pedestrians and cyclists. Cyclists need their special lane on the road so that they can be safe as they ride. We need certain lanes for wheelchairs and hand carts. Roads are being constructed, but nobody is taking care of safety on those roads. Last week, I went home and a road was being done around my home area. I am able to access the tarmac road and move to a murram into my home, but I can only access it from the other sides. I found the contractors had put sand, little stones and cement and blocked my way. They blocked both sides. I was not able to drive in. I was forced to follow a certain route home. I had to beg them to allow me to pass through their home to get to my place. Do the contractors not have some common sense that the road is used by motorists, even though they are repairing it or constructing it properly? I thought there is way in which you put the materials on one side and let the people use the other side so that there is the use of that road all the time, until the road is completed. What was sad was that I was blocked from both sides and was not able to get home until I had to go through a particular home within the area to access my own house. It was difficult. Those are my observations about road construction – little basic things that improve the security and use of our roads should be considered every time a construction is going on. That is my contribution and I support the Bill. Thank you.

Date: 23rd June 2016

Member of Parliament: Hon. (Ms.) Ngetich

Contribution she made on: The Kenya Roads Bill

Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to add my voice to this very important Bill. I rise to support the Kenya Roads Bill, 2015. It basically talks about classification of roads. This is a long overdue exercise, but it is not too late. There is always the right time for everything. Infrastructure is one of the basic services comparable to those of health, education and water. Now that we know who is supposed to do which roads, it will enhance the idea of accountability. Before this classification, as mentioned by some Members, you would find a road that had been done by KeERRA being redone by the county government. They ended up with very few kilometres being done as opposed to expanding the roads network in the rural area. As they embark on providing or developing infrastructure, priority needs to be given to inroads that serve very important facilities such as health centres. In Bomet, very many roads are impassable and prospective mothers really suffer. You can imagine an expectant mother in labour pain being transported on a boda boda. One can only expect what would happen.
We have also seen roads that serve primary schools being impassable. During the rainy season like what is going on now, streams cut off the roads and the young ones cannot cross the gullies that are created by the flowing water. This classification will enhance service delivery and citizens will hold into account those who are responsible for the particular roads.

I am happy with the Bill particularly Clause 94(2)(e) which talks about quality. It says that regulations will be developed to ensure that those in charge of developing roads will do so in accordance with the national standards. In Bomet, roads which are made are narrower yet there is a standard width of a road. However, unqualified contractors narrow the road such that you cannot have two vehicles moving towards the opposite direction. One will have to stop for the other one to pass. They are poorly done and narrower than expected.

I want to mention one particular road from Kapkwen to Kagawet to Ngocho and to Soliot. I had to cross a very risky manmade bridge on foot and walked another one kilometre to get to an area which would have taken me very few minutes to reach. From the point I alighted, it took me much time to walk one kilometre as opposed to if the road was well made.

Clause 92 has also clearly brought in the idea of private-public partnership and public participation. Public participation will ensure that citizens will value this service. It hurts when you find people, especially the youth, purposively destroying a road. We have seen youth rioters digging out the tarmac. We have seen others uprooting a whole railway line. In fact, if you were to tell them to assist you to uproot it, they would not do it, but during riots, they uproot it. Guardrails are destroyed or stolen. Through public participation and sensitisation, citizens will be made to see the value because there is a purpose of having road signs. There is a purpose of having guardrails. They, therefore, expose motorists and even pedestrians to danger.

The road levy should be used to maintain roads. We have a culture of neglecting roads until they are totally impassable and then we redo them afresh. There is a popular Kiswahili saying that *usipoziba ufa utajenga ukuta*. I do not know why we wait until the very last minute.

The Authorities concerned should use the road levy to repair and maintain roads frequently to avoid doing them afresh.

I am also happy with Clause 92(b) that talks about compensation. Sometimes members of the public are requested to surrender their pieces of land for the purpose of constructing roads to the right width. I emphasise that before the roads are constructed, the owners of the land should be compensated. For example, the second phase of the Sotik to Ndanai Road is from Ndanai to Gorgor. I do not have the full information, but speculations are that the owners of the land used in the second phase have partly been paid while those who were affected by the first phase are still waiting for compensation. It is good for us to have public participation for people to know the rates used, so that they do not say that their big pieces of land were taken away for free. They should not say that they received less while so and so received more. This is simply because of lack of information. The idea of
compensation for land used on road construction has been raised over and over again and it needs to be seriously looked into.

I thank the Jubilee Government because of their commitment to construct 10,000 kilometres of roads across the country. In Bomet County, we benefited from that and got one major road that will cut across four constituencies from Daraja Sita, Chebole, Kanusin all the way to Chebuno and Emurua Dikirr. For record purposes, one of the constituencies in Bomet does not have even a metre of tarmac road and I am waiting to see how the people will be excited when they see this particular tarmac road.

Finally, Kenya at 50 years, we should seriously think about bypasses to avoid the serious traffic jams that we experience daily. This is costly in terms of fuel used, time and emissions. This is a very good Bill. For it to succeed, we should ensure that counties and the national Government do their job. We also need to give them resources for them to do that.

Date: 23rd June 2016

Member of Parliament: Hon. (Ms.) Changorok

Contribution she made on: The Kenya Roads Bill


Ninapoza asilimia hivi asilimia kubwa ya barabara katika nchi hii hivi ziko katika hali mbaya. Tunapoangalia sehemu nyingi katika Kenya, tunaoa kwamba watu wengi hutatizika na hata vyakula kuharibika wakati wa mvua kwa sababu ya barabara mbaya. Unakumbuka kwamba mara nyingine mithihi inachukua muda na inakosa kufanya siku ile imepangwa kwa sababu ya kutokouwa na barabara nzuri katika sehemu ile.


Tumesikia kwamba kuna wale ambao wamepewa kandarasi ilhali miezi mingi imepita na kazi hajjaanza. Tukiangalia mambo ya daraja, tunakuta kwamba watu wanafariki ng”ambo nyingine ya mto kwa sababu ya kutokouwa na daraja.

Akina mama wengi wamepoteza maisha yao wakati wanajifungua kwa sababu ya barabara mbovu na hawawezi kufikishwa hospitalini. Miezi miwili iliopita, tulipoteza mwaliimu wa Shule ya Msingi ya Lomut kwa sababu hawangeweza kumvukisha mto kwa sababu mvua
Thank you, Hon. Temporary Deputy Speaker. I rise to support this very important Bill. Infrastructure, especially roads, forms the backbone of the development of a nation. In areas which are inaccessible, people are not able to get their products to markets. For example, in Kiambu County, we literally have no roads. The roads that were constructed in Githunguri were done during Mr. Magugu’s time. This is more than 15 years ago. If you go to Magina area in Lari Constituency, you will be shocked. You will wonder whether you are in Kenya.

This Bill provides the legal and institutional framework for the management of the road network in this country. I wish to commend the Jubilee Government, especially for its initiatives on the road network in the whole country. The even distribution of development in this country is commendable. It is no longer necessary that we must vote for one party in order to get development. This Bill ensures that the ambitious and extremely good
development programmes – the 10,000 kilometres Road Annuity Programme that the Government has chosen to implement – are accessible.

The qualification of office holders raises the standards. We cannot have any form of development if we do not have a standard and hold people accountable. It is much easier to hold people accountable if we define who should hold office and what their responsibilities are. The issue in this country is not necessarily lack of laws but lack of enforcement. The powers of the authorities that have been defined make a significant difference.

There are many blame games that go on within counties. Most people want to take credit for national Government projects. A Member of a County Assembly (MCA) will put up a billboard and say that they are the ones who have constructed a road when it is a national Government project. So, this delineation of where the responsibilities lie will now provide clarity in people’s minds. If there is any issue that has provided serious problems for many Members of Parliament, it is the issue of defining who is responsible for which road. This will finally clarify who is responsible for a road.

The Bill also attempts to address the issue in terms of transition and consequential amendments to this Bill. I strongly support in light of my colleagues who would like to contribute. I will end my contribution there.

Thank you.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: Motion on Adoption of Report on The Second Supplementary Estimates for 2015/2016 Financial Year

Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to the Second Supplementary Budget. I wish to begin by congratulating Hon. Mutava and his team for a job well done in a very short time. I want to echo the sentiments by my colleague Hon. Makali Mulu. It is very clear that apart from this business of our shilling depreciating, there are very little concrete arguments why we should have this Second Supplementary Budget. As a Chair of a Committee who has set up a system to monitor development activities and projects, it has come to our notice that some of the decisions we make on the Supplementary Budgets are not translated back to the implementing agencies on time but, in essence, end up creating new pending bills.

Let me give you an example of the First Supplementary Estimates. We reduced the budget of Northern Water Board by Kshs90 million and the Treasury proposed an additional Kshs100 million. So, the House agreed that we will not fund the new project they are suggesting, but fund the existing projects so that we do not end up having pending bills. But that information did not percolate down and so, the implementers started implementing the new projects and not the old ones. In the end, we were giving confusing information back to the implementing agencies because of the short span of time we are giving the
review of these Supplementary Estimates. So, as we congratulate Hon. Mutava, we must note that it is a very difficult job to approve things here that we do not have the capacity to check down there, whether they have been implemented. So, these late Supplementary Estimates are causing confusion in implementation that we, as a House, and especially our Budget Office, needs to come up with a process that it will give to the Treasury on the format and timelines so that we do not get confused.

I am also concerned about the different interpretations of the Public Finance Management (PFM) Act about the 10 per cent changes per budget line. It is Treasury’s view that they look at it as the effect on the overall Budget and not a specific budget line. However, when you change a budget line of any institution by over 30 per cent, it ends up disrupting that institution. That is what had happened in First Supplementary Budget under mining. There was no need to have a ministry if we remove 30 per cent in their budget. So, some of these discrepancies in our interpretation should be ironed out through the amendments to the PFM Act.

I want to congratulate the Budget and Appropriations Committee for rejecting Treasury’s recommendation on the transfer of the Kshs4.52 billion from the State Department of Water that was earmarked for the National Irrigation Board (NIB). I would like to urge the Hon. Leader of the Majority Party to look at the fact that NIB financially is under the Ministry of Water and Irrigation but, under our Standing Orders, it is under Agriculture, Livestock and Fisheries. The problem is that agriculture deals with activities that are one off. If it is buying fertilizer, they will buy and it will end there. But NIB as an infrastructure institution has projects that require being funded multi-yearly. In the end, when they are housed in a place where things are done annually, their budget allocations and reallocations are done in the manner the Ministry is used to. So, since this is an institution that is infrastructure-related and funds activities multi-yearly, it is inappropriate for NIB to be in the Ministry of Agriculture, Livestock and Fisheries. This is the reason why they are suffering and currently are having a pending bill of Kshs4 billion. It is because of the changes that do not appreciate that their budget is multi-yearly. You cannot start doing 100,000 cubic meters of a dam and expect it to end in one financial year.

So, I appreciate the fact that despite the fact that we as a Committee did not have the time to comment on this, the Budget and Appropriations Committee has done a good job to appreciate that, that movement would not be an appropriate moment. So, in light of the short time to the end of this financial year, I would join my colleagues in supporting the Budget and Appropriations Committee Report but urge our very competent Budget Office to bring up proposals on amending the PFM Act and give the Treasury a format that would make it easy for us to monitor the implementation of development projects and to give timely Supplementary Estimates.

With those many remarks I beg to support.

Date: 29th June 2016
Member of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: Declaration Of Kamukunji Grounds A Protected National Monument

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also add my voice to this Motion. I wish to start by congratulating Hon. Yusuf Hassan for thinking about Kamukunji Grounds which is very important in the history of this nation. Kamukunji is historical in the sense that all the struggles for multipartism took place there... Hon. Temporary Deputy Speaker, I want to add my voice in saying that Kamukunji Grounds is historical in the sense that most of the struggle for multipartism took place there. Hon. Yusuf Hassan is not new to the struggle of multipartism. He has been there for a long time. At a certain point in time, he had to live outside the country because he had been declared persona non grata in this country.

I happen to know this because a number of people from my county like Hon. Mwandawiro, who was a Member of this august House in the 9th Parliament, were in that struggle. There are a few others who people do not talk about like Eng. Mizrahi who comes from my constituency and many others who were in the struggle. As we discuss this very important Motion, it is important for us to not only pass it, but for the Government to implement the restoration of this place as a recreation area and monumental site where Kenyans will not only go to relax, but to appreciate the struggle and journey we have walked through in our country.

Such grounds are all over the country and it is important that an inventory is taken. All the areas which have been a source of struggle for our country and liberation should be looked at with a view of developing them and preserving the history of our country. During the World War II, one of the areas which were prominent is Taveta Constituency. A hundred years memorial was celebrated there. It is not just enough to celebrate, but to take an extra step in making sure that the historical nature of that area is preserved for it to form part of our history for future generations.

A major problem that we have in this country is that we are trying to revive our tourism sector by branding, but it is not being done in the right way. When you visit a country like South Africa at Robben Island and Cape Points, you will understand what branding is all about. I think Kenyans need to borrow a leaf from South Africans. Looking around, there is nothing much. They do not have a rich history like ours. We have so much that we can show yet we have not taken advantage of it. I think Kamukunji Grounds should be a starting point for the Kenyan Government to do something about our political history. The other areas to be covered should be useful in terms of building our tourism sector.

I beg to support.

Date: 29th June 2016

Member of Parliament: Hon. Sunjeev Birdi
Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my words to this very important Motion. It was brought to the Floor of this House by the able and respectable Member of Parliament, Hon. Yusuf Hassan. Let me start by quoting the words from a speech that was given at Kamukunji Grounds many years back when our country was feeling and tasting freedom.

“Today, we are tasting freedom. This is the first time most of you are attending a political meeting of your own choice. This is the first time you are truly happy to remember that we struggled for Independence and won”.

These are the words of the famous and respected Hon. Jaramogi Oginga Odinga.

Date: 29th June 2016

Member of Parliament: Hon. Sunjeev Birdi

All right. Hon. Temporary Deputy Speaker, I thought she wanted to interrupt. Anyway, let us move on. There is nothing wrong with quoting famous words. The point I am trying to drive home is that these famous and important words were spoken at Kamukunji Grounds at a time when Kenya was tasting, but not testing freedom. In comparison, if you go to India, there is a museum in Parliament. In that museum, there is a special section where people can sit and listen to famous words which were spoken by Mr. Nehru before India gained freedom. You hear words like “At the stroke of midnight hour when the world sleeps, India will awaken to life and freedom”. This is narrated in that museum. People listen and feel with nostalgia a percentage of what it felt like when people were struggling for freedom. People lived and breathed under the pressure of not knowing what tomorrow would be like. People from all walks of life go there. Kamukunji Grounds lack that. If we had that today, we would not be struggling to teach our history to our children. We are struggling because we spend our time teaching them Science and Mathematics, but all of them are important. Teaching our children history is also very important.

We cannot teach people patriotism, but it is instilled in people. You cannot force patriotism on somebody. It comes willingly from a human being. If we make Kamukunji Grounds historical site, that can resonate with the very important words that were spoken so many years ago. It can make people understand where our country has come from.

I agree that we need to support this Motion. It should be supported. The Mausoleum Bill is at the First Reading stage before the House. As Hon. Yusuf has suggested in the Motion, we should ensure that Kamukunji Grounds is protected against developers and land grabbers. These days, you need an inch of an opportunity in Nairobi to put a foot on and that land becomes yours overnight. We know that for a fact because we are citizens and leaders in Nairobi City. You only need an opportunity to go about what you want.
It is about time that we, as Members of Parliament, did something useful as this one so that future generations will remember us for the good work that we have done and the achievements we have made to protect our historical sites. It is plausible. I find it very painful because the general perception of a Member of Parliament is negative. The people and the media have negative thoughts about a Member of Parliament. It is so distasteful. It is painful because people cannot see the good work and positive things which Members of Parliament do.

With those few words, I support the Motion. I congratulate the Member for taking this initiative.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Khamisi

Contribution she made on: Declaration Of Kamukunji Grounds A Protected National Monument

yao. Hapa kwetu tunawakumbuka tu wakati tuna siku zetu mwafaka za kihistoria kama Madaraka Day na tunasema tunawakumbuka wale waliopigania Uhuru. Tunapokumbuka siku hizi za kihistoria, inafaa tuwapatia mashujaa wetu heshima na kuwaweka katika njia itakayowapatia hadhi kwa kazi waliofanya.

Ninaunga mkono swala hili kwa sababu vizazi vyetu vichanga ambavyo viko sasa, ikiwa vitaweza kutembelea sehuma kama hizi na kuelezewa historia ya viwanja kama hivi, vitaweza kujenga uzalendo. Uzalendo ni jambo ambalo linaingia katika nafsi ya mtu na kupata haki zetu mwafaka za uf MAKEITU KWA KIZNdi ya kijini. Uzalendo ni jamabo ambalo linaingia katika nafsi ya mtu na kupata haki zetu mwafaka za uf MAKEITU KWA KIZNdi ya kijini. Uzalendo unafaa tuweke kathiri kwa sababu vizazi vyetu vichanga ambavyo viko sasa, ikiwa vitaweza kutembelea sehuma kama hizi na kuelezewa historia ya viwanja kama hivi, vitaweza kujenga uzalendo. Uzalendo ni jambo ambalo linaingia katika nafsi ya mtu na kupata haki zetu mwafaka za uf MAKEITU KWA KIZNdi ya kijini. Uzalendo


Kiwanja hiki kimetumika sana. Mpaka sasa, watu wanaopigania haki za uhuru kama Maina Kiai, Khalif kutoka Pwani na wengine wamekuwa wakitumia viwanja hivi. Hivyo basi, inafaa tukae katika viwanja kama tunapofanya maombi ya kitaifa haswa kwa wakati huu ambapo tunaelkeea wakati wa uchaguzi. Lazima tuonyeshe uzalendo kama Wakenya na kumwe ni kujenga uzalendo. Uzalendo kama Wakenya na kumwe ni kujenga uzalendo. Uzalendo

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Gathecha

Contribution she made on: Declaration Of Kamukunji Grounds A Protected National Monument

On a point of order, Hon. Temporary Deputy Speaker... Thank you, Hon. Temporary Deputy Speaker. Kindly, remember that Kamiti Prison is in Kiambu County, Ruiru Constituency. It is not in Nairobi County.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Gathecha
Contribution she made on: Declaration Of Kamukunji Grounds A Protected National Monument

Thank you, Hon. Temporary Deputy Speaker. We see misallocation of land and encroachment by developers who have no regard to the history of this country and where we have come from. Any country that does not recognise its heroes and their contribution to development is enslaved and will never grow.

I congratulate Hon. Yusuf and thank him for introducing this Motion, to widen the scope and ensure that all areas of this country that have contributed to the freedom of this country are allocated to the National Museum as historical grounds for protection, so that they become grounds where we continue to learn about the history of this country. Kenyans can take pride of where we have come from.

When we look at Kenya’s contribution internationally, we continue to draw monumental accolades, but when it comes to recognising our heroes and where we have come from, we have a very poor record. I hope with this Motion, we will allocate a significant part of our Budget to the maintenance of those monumental historical places to ensure that we focus on that.

I support the Motion.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: Declaration Of Kamukunji Grounds A Protected National Monument

Thank you, Hon. Temporary Deputy Speaker. I would also like to congratulate Hon. Yusuf for bringing this Motion.

As my colleagues have said, we need to respect our heroes because they have made it possible for us to be here today. We can name many after our heroes because they have worked for this country. If the Government allows it, we have many places in Nyeri County where tourists can visit and see how the Mau Mau used to do their work. There are many heroes in Nyeri and Meru counties. There is Mutungi, Mwariama and Ndung’u Gicheru who used to shoot planes from the sky. Nyeri County is a good tourist site. It is in the Mount Kenya region where freedom fighters would sit to discuss how to get freedom. The house in which Dedan Kimathi met with the Mau Mau is a historical site. We also have Mathenge Mirugi from Othaya. We also have the place where Mzee Jomo Kenyatta would meet with the freedom fighters in the forest, which is a good historical site. We must tell our people not to grab land like Kamukunji. Kamukunji has its own history as a place from where we got a multiparty system of government. It is better for us to ask the Government to declare Kamukunji Grounds a historical site.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) F.M. Mutua
Contribution she made on: Delayed Consideration of Petition on Emergence of Militia in the Country

As I stand to contribute on the Statement that has been made by Hon. Ichung’wah, it is important to know, as a country, that we have very many unresolved murders up to date. It is of great concern when one Member of Parliament (MP) speaks about his life. He has spoken about the militias that have come up, especially when we are approaching elections. We have militias in Busia and Mombasa. We will have militias everywhere especially when we are approaching the election period. So, it is an issue that should be taken seriously and that Petition should be looked into by the concerned Committee as fast as possible.

Hon. Ichung’wah has spoken about the lawyer who has disappeared and it is a big concern. A human being cannot just disappear for two or three days without his family knowing where he is. That has been a big concern. Now that he has talked about his life, it is more worrying. We immediately need to have Hon. Ichung’wah’s security beefed up so that he can be secure. His constituents do not have the power to protect him. So, it is important that the Cabinet Secretary (CS), Maj.-Gen. (Rtd.) Nkaissery, looks into that matter and protects Hon. Ichung’wah. It is also important for us Kenyans to be told if the cameras that were installed in Nairobi and all the other areas work because we never get any feedback on whether those cameras capture anything. So, it is important for us Kenyans to know if those cameras are working or the taxpayers’ money just got lost.

So, I request that Hon. Ichung’wah’s life be protected. The CS Nkaissery needs to focus more on security issues because Kenyans need to be secure in all their areas of life. We have important matters on security. We have the conflict that is going on in Nandi and Kisumu. We all need to be protected. We need to be secure. There are other important issues than looking at the Coalition for Reforms and Democracy (CORD) issues.

Thank you.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Florence Kajuju

Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

Thank you, Hon. Speaker. I rise to support the Report by the Departmental Committee on Finance, Planning and Trade. I looked at the Privatisation Act against the CV of the seven persons who have been nominated and found that under the Privatisation Act, they qualify to be appointed to the Commission. The Privatisation Commission is supposed to look at the public assets that are held by the Government of Kenya and see how they can be privatised. It also looks at the shares that the State holds in State corporations and guides the country on the way forward. We know that the President ordered that the various parastatals be looked at for purposes of mergers and working out the best way to manage the affairs of the State in as far as privatisation is concerned. This is a very important Commission, especially within the Jubilee administration. To ensure that this work is done, this Commission will be required to offer the
formulation and implementation of a privatisation programme to deliver the mandate under the Privatisation Act. I believe that these are the people who are going to do so.

Looking at the various persons who have been nominated, there is a good blend of diplomats, persons with a background in finance and two lawyers. I feel good that our profession of the learned persons is properly represented. One of the lawyers, Mr. John Joseph Tito, is an arbitrator and a member of the Arbitration Board. This means that in the event of disputes, this arbitrator will find the best way to get out of situations. A nominee like Mohammed Isaak was the Mayor of Nakuru. He was involved in the privatisation of water services within Nakuru Municipality. These are persons who have experience. The Chair has said that Zipporah Mukoruru adds a breath of freshness. That is a good blend that will support the Commission in delivery of its mandate.

The Hon. Member has raised the issue of regional balance in as far as commissions are concerned. That is an issue that came to us in the Departmental Committee on Justice and Legal Affairs. We have vetted various members of commissions including the Kenya National Commission on Human Rights (KNCHR) and the National Cohesion and Integration Commission (NCIC). When that issue was raised in our Committee in the course of the vetting, we agreed as a Committee - and the Report was tabled here - that this is an issue that cuts across all commissions. You cannot just pick one commission and expect all the tribes in Kenya to be represented in it. If you look comprehensively at all the commissions including the Office of the Ombudsman, the Independent Electoral and Boundaries Commission (IEBC), KNCHR and the Privatisation Commission, you will find that they represent the face of Kenya. We cannot pick on one commission and say that it must represent all the tribes in Kenya. We are supposed to look at all the commissions outlined in our Constitution and agree that there is regional and gender balance.

I strongly urge that we support this Motion.

Date: 29th June 2016

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

Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

Thank you, Hon. Speaker. I rise to oppose this Motion and I will explain why. At an appropriate time, I will bring a Motion to this Floor that the House allows me to get a wife for Hon. Ng’eno. (Laughter)

That wife will be my sister. With such excellent ideas---

Date: 29th June 2016

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

Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission
Speaker, I am going to show right now how relevant it is. First, if he marries---

Date: 29th June 2016
Member of Parliament: Hon. (Ms.) Odhiambo-Mabona
Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

Yes, Hon. Speaker. I oppose this Motion because it does not address the issue of national cohesion.

Date: 29th June 2016
Member of Parliament: Hon. (Ms.) Odhiambo-Mabona
Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

Hon. Speaker, noting that the demand for my sisters is high, I presume they are looking at me as a sample. That is why there is high demand for my sisters. Having said that, the sister I promised Hon. Cheboi is intact and younger. The one I am promising Hon. Ng’eno---

Date: 29th June 2016
Member of Parliament: Hon. (Ms.) Odhiambo-Mabona
Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

No, she does not have a child. In fact, they are twins. So, do not worry. The reason I am supporting Hon. Ng’eno is that this country needs unifying leaders. Even though he was speaking about serious issues in jest that is what this country needs. When the new Government came in, and despite the fact that I did not support them, our silent whispers in the Coalition for Reforms and Democracy (CORD) were that we were going to have a problem with these two. The reason we thought we were going to have a problem with them was because they looked like they had started on a good note, but they have missed the mark. Where they have missed the mark is because they are not doing what the Constitution and the National Cohesion and Integration Act have provided. This is part of what we need for national cohesion and integration; seeing the face of Kenya in appointments.
I know my dear sister, Hon. Kajuju has said that we need to look at the commissions in totality. That applies to Chapter 15 Commissions. Even if we were to look at the ones which are not Chapter 15 Commissions, I can assure you, from prima facie, that we are not compliant with both the Constitution and the National Cohesion and Integration Act. I will further bring a
question so that we get the composition of these commissions and boards and you will see that what we are saying is true. I want to challenge the President and the Deputy President that came on a platform of change and youthfulness. Youthfulness and change must include the face of Kenya. Looked on its own and in totality, this composition is unconstitutional.

Date: 29th June 2016

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

Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

Yes, I do not mind being informed.

Date: 29th June 2016

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

Contribution she made on: Adoption of the Report on the Vetting of Nominees For Appointment to the Privatization Commission

Thank you, Hon. Speaker. That is actually very good information. So, I do not need to bring it. In the last Parliament, we did it. We need to see in this Parliament. Our leaders must be corrected on where they are going wrong.

In the last Parliament, we discovered that both the President and the then Prime Minister had surpassed the legal provision by one person each. We forced them to comply with the law. So, in the same manner, we must compel the President and the Deputy President to abide by the law. These are the issues that wars are made of; when people feel that they are not included in a country. That is why we have the crisis with the United Kingdom (UK) and the European Union (EU). People want to move away when they feel their issues are not addressed. If we do not deal with these issues, we will very quickly hear people say that they want to go the federal process so that we can also be in our own corner and manage our own issues if they cannot be included. However, if you want a country that includes everybody, let us include everybody. I oppose this Motion because it does not comply with Article 27 of the Constitution on the issue of gender, and especially the one-third rule.

Hon. Speaker, I know that you have challenged us that if it is to point something, how do you ensure we address it. Out of seven, what is the most logical thing to do? Would it be to give the lower or the higher? If it is 2.5 and the people who are selecting are not too sure how to deal with the point five, then choose a short woman. A short woman can fill the point five part. You do not have to appoint a tall woman. If the tall woman is a whole woman, get somebody of the size of Hon. Millie Odhiambo. That can be a point five woman.

This issue of always giving women less numbers when a constitutional provision says that it must be one-third is not right. It is unconstitutional. I would have been happier for once if it was
the opposite. It would have been nice for once if we saw that there are five women and two men so that the men can also argue. Let us also have another point five man for once. It cannot be that even small things like these, we cannot get women who have degrees or masters in this country. This is totally unacceptable. I hope that the whole Supreme Court will go. They are the ones who have created confusion with a very poor advisory opinion on the issue of gender. I hope that if they do not go, at least, the teasers under the Katiba Institute that are focusing on the wrong thing, which is the National Government Constituencies Development Fund (NGCDF), will turn their attention on this issue of gender, which is a more serious issue because we violate it every day. I am sure in the next world we will violate it again. At least, the only saving grace is that we have included a person with disability but from the CV that were being read, I am almost sure there is none of these people who is less than 35 years. So, we have excluded the youth and the women. We are excluding all the people that we should be including by virtue of the Constitution. Therefore, I wish to vehemently oppose. Let us remember that this country belongs to the women, to the men, to the youth, to the aged, to the young, to the children and to everyone. I oppose.

Date: 29th June 2016

Member of Parliament: Hon. (Ms.) Florence Kajuju

Contribution she made on: Adoption of the Report on Vetting of Nominees For Appointment to the Competition Authority

Thank you, Hon. Temporary Deputy Speaker. From the proceedings so far, we find it fit to invoke the provisions of the Standing Order No.95 and request that the Mover be called upon to reply.

Date: 29th June 2016

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: The Supplementary Appropriation (No. 2) Bill- Report and Third Reading Stage

Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.23 of 2016 and approved the same with amendments.