JANUARY 2016 HANSARD [NATIONAL ASSEMBLY]

CHAIRS

Date 17th February 2016
Member of Parliament: Hon. Joyce Laboso
Contribution she made on: Chaired the session (Deputy Speaker)

Date 17th February 2016
Member of Parliament: Hon. Racheal Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

Date 18th February 2016
Member of Parliament: Hon. Jessica Mbalu
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

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

Date 24th February 2016
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Chaired the session (Temporary Deputy Speaker)

COMMITTEE OF THE WHOLE HOUSE

Date 24th February 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: On a point of Order

'Thank you, Hon. Temporary Deputy Chairman. I just want to put this for purposes of record. I am concerned that my Bill was No.2 yesterday and today it is No.3. I have been pushing for it to come. If you notice, it is a Bill from 2014. I just wanted to go on record so that should we not reach it, it will be given priority. I do not understand what the process of

the House business is, but I am hoping that we do not consider other factors when prioritising Bills.

Date 24th February 2016

Member of Parliament: Hon. Aminba Abdalla

Contribution she made on: Consideration Of The Senate Amendments To The Climate Change Bill

Replying to a point of order, 'Thank you, Hon. Temporary Deputy Chairman. We have not gone to mediation. We, as a Committee, have three amendments to the version that came from the Senate. So, what he is raising is that our amendments are not listed on the Order Paper. In the interest of time and given that they are only three, we can just proceed with what is in the Order Paper. I will explain each amendment. They are only three and we explained them yesterday.'

On *Clause 2*

Senate Amendment; THAT, Clause 2 of the Bill be amended in the definition of the word "Cabinet Secretary" by deleting the words "Cabinet affairs" appearing immediately after the words "responsible for" and substituting therefore the words "matters relating to climate change".

Hon. Abdalla: 'Hon. Temporary Deputy Chairman, the Committee agrees with the proposed amendment because it clarifies the Cabinet Secretary (CS) responsible. This shifts the responsibilities from the Cabinet Affairs CS to the CS responsible for matters relating to climate change. We support.'

On clause 3

THAT, Clause 3 of the Bill be amended in Subclause (2) by inserting the word "and" immediately after the word "intergenerational" appearing in paragraph (e).

She agreed: 'Hon. Temporary Deputy Chairman, the Committee agrees with the Senate amendment because it is able to differentiate between "inter-generational" and "gender" which had been put together without adding a separation "and".

We support the amendment.'

On *Clause 5*

Senate Amendment

THAT, Clause 5 of the Bill be amended in Subclause (2) by inserting the following new paragraph immediately after the introductory clause –

*(*a) the Deputy President who shall be the vice-chairperson to the Council;

Hon. Abdalla: 'The Senate Amendment basically adds the Deputy President to be the Vice-Chair of the Climate Change Council. The Committee agrees with the Senate on this matter.'

Date 24th February 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: Consideration Of The Senate Amendments To The Climate Change Bill

'Thank you, Hon. Temporary Deputy Chairman. This amendment is very simple. As simply and clearly explained by the Chair of the Committee on Environment and Natural Resources to which I belong, the participation of the civil society in the council is very important. In addition, the civil society has a constitutional requirement in participating in all matters of law in this country.

With those remarks, I support.'

Date 24th February 2016

Member of Parliament: Hon. Reginalda Wanyonyi

Contribution she made on: Consideration Of The Senate Amendments To The Climate Change Bill

'Thank you, Temporary Deputy Chairman. I stand as a member of the Committee to support my Chair and oppose the amendment by the Senate. The civil society plays a very key role in regulating climate change activities, especially in carrying out discoveries, providing innovations and in being change-specific. This is a group of people in a position to effect very small changes as far as climate change is concerned. Balancing the membership to include the civil society, to me, is paramount.

I oppose the Senate amendment and support the Committee's position.

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

'The Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended by deleting Clause 3 and substituting therefor with the following new clause–

"3. Section 18 of the principal Act is amended by deleting subsection (1) and substituting therefor the following sub-section–

(1) The functions of the County Education Board shall be to–

(a) facilitate the full realization of the right of all children to access quality basic education;
(b) ensure that all children and youth of school-going age attend and complete basic education and training;
(c) ensure all institutions of basic education and training have a conducive learning environment and are provided with appropriate and adequate infrastructure;
(d) collaborate with the national and county governments, the Teachers Service Commission, parents, the civil societies, international and local organizations in planning, promotion, development and coordination of innovations, research, and in the provision of educational infrastructure and instructional materials for basic education;
(e) oversee the establishment, operations, management of public and private youth polytechnics, home craft centers, pre-primary, primary, secondary schools, any other institution of basic education and training operating in the county, and the implementation of projects and programs in collaboration with the county government and other stakeholders;
(f) establish and maintain a disaggregated data bank on learners, teachers and all service providers in institutions of basic education and training in the county;
(g) vet nominees for board of management members and managers for private institutions;
(h) compile a priority list of schools infrastructural development annually within the county and send to the National Education Board;
(i) transfer and discipline learners and non-teaching staff employed by Board of Management;
(j) monitor and evaluate–
(i) general performance of institutions of basic education and training, ongoing programs and projects in public institutions, and achievement of learners;
(ii) conduct of national exams and institutional based assessments;
(k) coordinate adult and continuing education programs in the county;
(l) maintain a data bank of all students who are ranked in the first quartile in the constituency in the national examination at the primary level and who due to inability to pay school fees fail to gain entry into or complete education in a public secondary school; and
(m) perform such other functions as may be necessary for the promotion of basic education under this Act or any other written law.” ’

Date 24th February 2016
Member of Parliament: Hon. Cecilia Ngetich
Contribution she made on: The Basic Education (Amendment) Bill

'Thank you, Hon. Temporary Deputy Chairman. I am a member of that Committee. This section, as amended, provides the details of the functions of the County Education Board.
I support the amendment.'

Date 24th February 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: The Basic Education (Amendment) Bill

'Thank you, Hon. Temporary Deputy Chairman. I support the proposed amendment. I missed your earlier rider about clauses that will convert this Bill to one that concerns county governments. I do not know if this clause relates to that. But in terms of its content in that it ensures that children are better protected, I support it. I just wanted to find out whether this is one of the clauses that you had earlier spoken about.'

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

'The Temporary Deputy Chairman, I beg to move:-
THAT, Clause 4 of the Bill be amended in the proposed Section 20(1) –
(a) by deleting paragraph (c) and substituting therefor the following new paragraph –
"(c) County Executive in charge of education;"
(b) in paragraph (f) by deleting sub-paragraph (ii) and substituting therefor the following new sub-paragraph – "(ii) Kenya Conference of Catholic Bishops; and"
Currently, even if this clause touches on the counties, the formation of county education boards still includes both national Government and county government officials. The purpose of the amendment is to ensure that the county education board is lean for ease of decision-making.
The inclusion of the county executive in charge of education is to ensure that the Bill expressly indicates which officer from the county government should sit on the county education board. Currently, the county government was supposed to have a representative sitting on the board, but there was no indication of who in the county government should sit in the board. The County Executive Director in charge of education may then decide who to represent him or her on the county education board.
The inclusion of the Kenya Conference of Catholic Bishops in the county education board is in recognition of the immense role it has played in the development of education in this country.'

'Hon. Temporary Deputy Chairman, I just want to clarify something before we vote. Even if we vote no, the county government will still be there. It is only that we have not said who is going to be there. What the Committee did was to say, for clarity, who is supposed to in the board. Currently, the County Education Board and the county government are in it. If we vote no, we will still have them, but we will not have said who. That is the position. It is just for the Members to know. So, we are not introducing it. It is something that already exists.'

Date 24th February 2016

Member of Parliament: Hon. Dorcas Kedogo

Contribution she made on: The Basic Education (Amendment) Bill

'Hon. Temporary Deputy Chairman, the county executive committee must be there because we have the ECD which is already devolved. So, they should be there, so that they can know what is being done in education. On Muslim Education Council, we consulted and it is in place. So, we feel we did our work well.

Thank you.'

Date 24th February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Basic Education (Amendment) Bill

'Hon. Temporary Deputy Chairman, mine is a suggestion. I have a different vote for each of these two amendments. I do not support the county executive committee, one, because I do not want this Bill to go to the Senate. But I support the inclusion of the Catholic Church. When you lump them, you are making my vote inconsequential.'

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

'Thank you, Hon. Temporary Deputy Chairman.

I beg to move:- THAT, Clause 5 of the Bill be amended–

(a) in the proposed section 25A by deleting the proposed sub-section (2) and substituting therefor the following new sub-section–

"(2) Every Sub-county Education Board shall consist of a chairperson and twelve other persons appointed by the Cabinet Secretary and shall include–

(a) the Sub-County Education Officer who shall be the secretary to the Sub-County Education Board;

(b) a representative of the County Executive in charge of Education;
(c) a representative of the Teachers Service Commission;
(d) a representative of the association of private schools ;
(e) two representatives of a trade union representing the interest of teachers;
(f) where applicable one person each representing–
(a) jointly the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
(b) the Kenya Conference of Catholic Bishops; and
(c) the Muslim Education Council.
(g) one representative of persons with disability;
(h) two members nominated by the Primary School Head Teachers
Association and the Secondary Schools Principal Association;
(i) the deputy County Commissioner.
(b) by deleting the proposed section 25B and substituting therefor the following new section–
" 25B (1) The functions of the Sub-county Education Board shall be to put in place measures to–
(a) facilitate the full realization of the right of all children to access quality basic education;
(b) ensure that all children and youth of school going age attend and complete basic education and training;
(c) ensure all institutions of basic education and training have a conducive learning environment and are provided with appropriate and adequate infrastructure;
(d) initiate policy reform proposals for the County Education Board;
(e) establish and maintain a register of all public and private youth (Village) polytechnics, home craft centres, pre-primary schools, child care centres and any other institution of basic education and training operating in the county;
(f) generate and maintain statistics in all education matters including all students who are ranked in the first quartile by the constituency in the national examinations at primary level, and submit the report to the County Education Board; (g) generate a priority list of public schools with infrastructural challenges within the sub-county;
(h) nominate board of management members and managers for private institutions;
(i) coordinate adult and continuing education programs in the sub-county; and
(j) perform such other functions as may be necessary for the promotion of basic education under this Act or any other written law.
(c) by inserting the following new clause immediately after clause 25C-

(25D**)** The members of the Sub-county Education Boards shall be paid such allowances and disbursements for expenses as may be approved by the Cabinet Secretary in consultation with the Salaries and Remunerations Commission.

The new Clause is intended to further decentralise the management of education and to bring it closer to the sub-county. In the mother Act, the sub-county education board was not recognised and the role of the Member of Parliament was not also recognised. The sub-county education board is expected to provide reports to the county education board which is then expected to provide the same information to the National Education Board who will in turn advise the Cabinet Secretary for Education, Science and Technology on priorities and necessary policies.

This clause will also touch the county because already the constitution of the County Education Board has members of the county assembly who are part of the County Education Board. This is also goes to the sub-county. It is also important to note that polytechnic as per Schedule IV of the Constitution and the ECDs are part of the management of education that is done by the county government.'

Date 24th February 2016

Member of Parliament: Hon. Christine Ombaka

Contribution she made on: The Basic Education (Amendment) Bill

'Thank you for this opportunity. The boards are a very good representation at the county level because they are quite relevant and very close to the people. I support this amendment because this is the right representation.'

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

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

THAT the Bill be amended by deleting Clause 7 and substituting therefor the following new Clause–(7) Section 27 of the principal Act is amended by–

a) deleting paragraph (a) and substituting therefor the following paragraph–

"to participate and offer proposals on matters regarding syllabus, textbooks, digital content and other instructional materials and teaching aids during curriculum review;"

b) deleting paragraph (e) and substituting therefor the following paragraph–

"(e) to offer material and financial support to institutions in regards to infrastructure improvement or any other project to support academic programs."

c) inserting the following new paragraph immediately after paragraph (e)–

"(f) to participate in the process that may lead to change of status of a public sponsored institution of basic education and training."

This amendment is intended to ensure that the role of the sponsor is only meant to give proposals in curriculum review. This will give the Teachers Service Commission (TSC) independence to operate.

(Question of the amendment proposed)

Date 24th February 2016

Member of Parliament: Hon. Cecilia Ngetich

Contribution she made on: The Basic Education (Amendment) Bill

'Thank you, Hon. Temporary Deputy Chairman. I support this amendment because it clarifies the original one. I am a Member of that Committee and, indeed, this is meant to make it clearer so that it can be understood.'

Date 24th February 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Basic Education (Amendment) Bill

'Thank you, Hon. Temporary Deputy Chairman. I also rise to support the amendment because it gives more room for participation in terms of matters regarding the syllabus. It also emphasises the fact that education changes. It is not static. It gives an opportunity for people to participate. I feel that sub-clause (e) is important because it gives the sponsor a higher role beyond what it is in the initial draft.

Thank you.'

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

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

THAT the Bill be amended by deleting Clause 8.

The amendment may not be attainable since it will be a huge financial burden to the Ministry. Free primary education only covers public schools. Attending private school is a

choice, hence persons willing to attend private schools should support themselves. The Government provides free primary education and free day secondary education for public schools.'

(Question of the amendment proposed)

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

THAT, the Bill be amended by deleting Clause 11 and substituting the following new clause–

(11) "Section 35 of the Principal Act is amended in sub-section (2) by inserting the words "except with the concurrence of the parents or guardians" immediately after the word "class".'

(Question of the amendment proposed)

Date 24th February 2016

Member of Parliament: Hon. Grace Kipchoim

Contribution she made on: The Basic Education (Amendment) Bill

'Thank you, Hon. Temporary Deputy Chairman, for giving me the opportunity to contribute. I want to support the amendment. Most of the students are made to repeat classes. Teachers have that tendency. We say "no" to such rules unless parents and guardians accept.'

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

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

THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new clause–

(12) Section 39 of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (h)–

(ha) put in place measures to ensure that children who meet the criteria for admission to a public secondary school but fail to gain entry into or are likely to drop out on account of inability to pay school levies are supported to complete secondary education";

(hb) in consultation and cooperation with the County Education Board, Sub-County Education Board, the county government and other stakeholders mobilise resources for the provision of bursaries to deserving but needy students";

The amendment is meant to ensure that the Cabinet Secretary for Education, Science and Technology is duty-bound to seek ways and means of ensuring that bright and needy

children are supported to complete education. The Constitution gives the right to free and compulsory equal education to all learners. Hence, learners should not drop out of school on account of lack of financial capacity.

The Cabinet Secretary should ensure that he works closely with the county and sub county education boards and all stakeholders to provide funds to support needy students who have passed and are not able to join high school. There must be a proper vetting process of needy children, which should be done in collaboration with all the other stakeholders including the local administration. This will ensure that only genuine needy students are targeted and helped to attain basic education.'

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

THAT, the Bill be amended by deleting Clause 13 and substituting the following new Clause–

(13) Section 40 of the Principal Act is amended by inserting the following new subsections immediately after subsection (4)–

(5) "Every head of a public institution of basic education and training shall, not later than 28th February of each year develop and submit to Sub-County Education Board and a copy to the County Education Board, a list profiling the performance and conduct of learners in their institution in the preceding year whose parents or guardians are unable to pay school levies and therefore more likely to drop out."

(6) "The Sub-County Education Board in collaboration with the Parents Associations and other stakeholders shall vet all the learners submitted under subsection 40(5) to ensure that only needy and deserving learners are supported to complete their studies."

(Question of the amendment proposed)

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

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

(Clause 13 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:- THAT, the Bill be amended by deleting Clause 14.'

(Question of the amendment proposed)

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

(Clause 15 deleted)

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

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new Clause– (16) Section 56(1) of the principal Act is amended by deleting –

(a) paragraph (a) and substituting therefor the following paragraph–

"(a) four persons elected to represent parents of the pupils in the school or from the local community;"

(b) paragraph (c) and substituting therefor the following paragraph–

"(c) head of the institution who shall be the secretary of the Board;"

(c) paragraph (d) and substituting therefor the following paragraph–

"(d) two representatives of the sponsors of the school;"

(Question of the amendment proposed)

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

put and agreed to)

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

be inserted, put and agreed to)

(Clause 16 as amended agreed to)

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

THAT, the Bill be amended by deleting Clause 17. This is also to retain what is provided by the parent Act.'

(Question of the amendment proposed)

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

put and agreed to)

(Clause 17deleted)

'Hon. Temporary Deputy Chairman, I beg to move:- THAT, the Bill be amended by deleting Clause 18. This is also to retain what is provided by the parent Act.

(Question of the amendment proposed)

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

put and agreed to)

(Clause 18 deleted)

'Hon. Temporary Deputy Chairman, I beg to move:- THAT, the Bill be amended in Clause 19 by deleting the phrase "(c)" appearing at the end of the clause and substituting therefor with the phrase "(e)".

(Question of the amendment proposed)

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

put and agreed to)

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

put and agreed to)

(Clause 19 as amended agreed to)

'Hon. Temporary Deputy Chairman, I beg to move:- THAT, the Bill be amended by deleting Clause 20. This is also to retain the provision in the parent Act.

(Question of the amendment proposed)

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

put and agreed to)

(Clause 20 deleted)

'Hon. Temporary Deputy Chairman, I beg to move:- THAT, the Bill be amended by deleting Clause 21. This is so as to retain what is provided by the parent Act.

(Question of the amendment proposed)

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

put and agreed to)

(Clause 21 deleted)

'Hon. Temporary Deputy Chairman, I beg to move:- THAT, Clause 2 of the Bill be amended–

(a) in paragraph (b) by deleting the definition of the word "manager" and substituting thereof the following new definition–

"manager' means a person who—

(a) is the proprietor or is nominated by the proprietor of private institution of basic education and training;

(b) is registered by the County Education Board as provided for under section 78 of this Act;

(c) oversees and implements the education programs, policies and guidelines issued from time to time; and

(d) may perform any other delegated teacher management functions.; and

(b) in paragraph (c) by deleting the definition of "sponsor".

(Question of the amendment proposed)

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

put and agreed to)

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

put and agreed to)

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

'Hon. Temporary Deputy Chairman**,** I beg to move that the Committee doth report to the House its consideration of the Basic Education (Amendment) Bill (National Assembly Bill No.35 of 2014) and its approval thereof with amendments'

(Question proposed)

(Question put and agreed to)

Date 24th February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Consideration of The Senate Amendments To The Climate Change 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 Climate Change Bill (National Assembly Bill No.1 of 2014) and its approval thereof with amendments.'

(Question proposed)

(Question put and agreed to)

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Basic Education (Amendment) Bill

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

'Hon. Deputy Speaker, I beg to move that the Basic Education (Amendment) Bill (National Assembly Bill No.35 of 2014) be now read a Third Time. I also request Hon. Melly to second.'

(Question proposed)

Date 24th February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Consideration of The Senate Amendments To The Climate Change Bill

'Hon. Temporary Deputy Chairman, the proposal from the Senate was rejected by the Committee of the National Assembly. The Senate wants to remove the civil society representative in the Climate Change Council. We are disagreeing with them in recognition of the contribution of the civil society to the issue of climate change. However, at the point of voting, Ayes were in support of the Senate's amendment and they were more. So, we want you to reconsider this because we believe that it would be wrong and it will be a loss to the Council for the civil society not to be represented. So, I urge that we reject the Senate amendment by saying no to the Senate amendments.'

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: The Engineering Technologists And Technicians Bill

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

THAT**,** Clause 3 of the Bill be amended by deleting the words "Engineering Technologists and Technicians" and substituting therefor the words "Kenya Engineering Technology".'

(Question of the amendment proposed)

Hon. Sabina moved several amendments as follows:

THAT, the Bill be amended by deleting Clause 4 and substituting therefor with the following new clause–

4. (1) The Board shall consist of–

a) The Chairperson who shall be appointed by the Cabinet Secretary from amongst the members appointed under paragraph (c);

b) The Principal Secretary in the Ministry for the time being responsible for matters relating to Engineering Technology;

c) Eight persons appointed by the Cabinet Secretary as follows—

(i) one chairperson from any of the recognized professional institutions responsible for engineering technologists and technicians;

(ii) one person representing Technical and Vocational Education and Training Authority (TVETA);

(iii) one person who shall be a public officer from a public corporation responsible for engineering technology curriculum development;

(iv) one person who shall be a public officer from a public corporation involved in offering engineering technology services and products;

(v) one person who shall be a representative of Technical Universities offering engineering technology programmes in Kenya;

(vi) one person who shall be a representative of Technical Training Institutions offering engineering technology programmes in Kenya; and

(vii) one person who shall be from the private sector dealing with matters related to engineering technology;

(d) The Registrar of the Board.

(2) A person appointed as a member of the Board under this Act, other than an ex officio member, shall serve for a term of three years and shall be eligible for re-appointment for a further and final term of three years.

(3) A member of the Board, other than an ex officio member, may –

(a) at any time resign from office by notice in writing to the chairperson;

(b) be removed from office if the member –

(i) has been absent from three consecutive meetings of the Board without permission of the chairperson;

(ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;

(iii) is convicted of an offence involving dishonesty or fraud;

(iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or

(v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Board.

This is just to ensure that assigning of functions to the Board as per the Bill comes immediately after the setting up of the Board.

(Question of the amendment proposed)

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

put and agreed to)

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

put and agreed to)

(Clause 4 as amended agreed to)

(Clauses 5, 6, 7 and 8 agreed to)

THAT, Clause 9 of the Bill be amended by deleting the words "at any meeting of the Board" appearing immediately after the word "vote" in subsection (3).

The amendment has been introduced for consistency. It is clear that under no circumstances is the Registrar expected to take a vote in a matter being deliberated by the Board. He or she is merely there for the effective carrying out of the functions of the Board. This is the tradition in several other boards with more or less similar functions.

(Question of the amendment proposed)

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

put and agreed to)

(Clause 9 as amended agreed to)

(Clause 10 agreed to)

THAT, Clause 11 of the Bill be amended by inserting the words "through a competitive process" immediately after the word "staff". This is in line with the Constitution of Kenya.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted,

put and agreed to)

(Clause 11 as amended agreed to)

(Clauses 12 and 13 agreed to)

THAT**,** Clause 14 of the Bill be amended by–

(a) deleting the words "Chief Executive Officer" wherever it appears in subsection (2) and substituting therefor with the word "Registrar"; and

(b) deleting the words "Chief Executive Officer" wherever it appears in subsection (3) and substituting therefor with the word "Registrar".

The term that properly applies in this case is "Registrar" and not "Chief Executive Officer".

(Question of the amendment proposed)

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

put and agreed to)

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

put and agreed to)

(Clause 14 as amended agreed to)

THAT Clause 15 be deleted and replaced by the following new clauses –

15A. (1) A person may be registered in the engineering technology profession as—

(a) Professional, which includes—

(i) Professional Engineering Technologist; or

(ii) Certified Engineering Technician.

(b) Candidate, which includes—

(i) Candidate Engineering Technologist; or

(ii) Candidate Engineering Technician.

(2)A person may not practice in any of the categories contemplated in subsection (1), unless he or she is registered in that category.

(3) A person may only practice in a consulting capacity if registered in the category of consulting engineering technologist.

(4) A person who is registered in the category of candidate must perform work in the engineering technology profession only under the supervision and control of a professional of any category as prescribed.

15B. (1) A person intending to apply for registration in the engineering technology profession may make such application in the prescribed application form to the Board for registration in any of the categories referred under section 15 (1).

(2) The application form referred to under subsection (1) shall be accompanied by the prescribed fee.

(3) The Board may register the applicant in the relevant category and issue a registration certificate to the successful applicant in the prescribed form if, after consideration of an application, the Board is satisfied that the applicant—

(a) In the case of a person applying for registration as a professional—

(i) has demonstrated his or her competence as measured against standards determined by the Board for the relevant category of registration; and

(ii) has passed any additional examinations that may be determined by the Board;

(b) In the case of a person applying for registration as a candidate or a candidate in a specified category, has satisfied the relevant educational outcomes determined by the Board for this purpose, by—

(i) having passed accredited or recognized examinations at any educational institution offering educational programmes in engineering technology; and

(ii) having passed any other examination that may be determined by the Board; or

(iii) presenting evidence of prior learning in engineering technology.

(c) In the case of a person applying for registration as a consulting engineering technologist in a specified category, that person must–

(i) have practiced in a specialized engineering technology field as a professional for at least five years or any period determined by the Board; and

(ii) have achieved a standard of competence to enable him/her to practice as a consulting engineering technologist personnel in that particular specialization

15C. (1) The Board may refuse to register an applicant—

(a) If the applicant has been removed from an office of trust on account of improper conduct;
(b) Has been convicted of an offence and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
(c) If the applicant has, subject to paragraph (b), been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
(d) If the applicant is declared by the High Court to be of unsound mind or mentally disordered,
or is detained under the Mental Health Act;
(e) If the applicant is an un-rehabilitated insolvent whose insolvency was caused by his or her negligence or incompetence in performing work falling within the scope of the category in respect of which he or she is applying for registration;

(2) For the purposes of subsection (1) (c), the Board shall take cognizance of the prevailing circumstances in a foreign country relating to a conviction.
(3) The Board shall provide the applicant with a notice of a refusal.

15D**.** (1) Subject to the provisions of this Act, a person shall be eligible for
registration—
(a) as a professional engineering technologist, if that person—
(i) is registered as a candidate engineering technologist and has obtained practical experience of at least three years for the degree holder or at least four years for the Higher Diploma holder in the relevant area;
(ii) has passed professional assessment examination conducted by the Board; and
(iii) is a full member of a professional society/association recognized by the Board;
(b) as a consulting engineering technologist, if that person—
(i) holds a Master's degree in the relevant discipline from a
recognized University or Institute or first degree with outstanding contributions to engineering technology;
(ii) has practiced in a specialized engineering technology field as a professional engineering technologist for a period of at least five years; and
(iii) has achieved a standard of competence to enable him/her to practice as a consulting engineering technologist in that particular specialization.
(c) as a certified engineering technician, if that person—

(i) is registered as a candidate engineering technician and has obtained practical experience of at least two years in the relevant area;

(ii) has passed professional assessment examination conducted by the Board; and

(iii) is a full member of a professional society/association recognized by the Board;

(2) Subject to the provisions of this Act, a person shall be eligible for registration —

(a) as a candidate engineering technologist, if that person is a holder of a bachelor of technology degree or higher diploma or its equivalent from a university, polytechnic, institute, college or school of engineering and technology or any other institution recognized by the

Board; and

(b) as a candidate engineering technician, if that person is a holder of diploma in engineering or its equivalent from a university, polytechnic, institute, college or school of engineering and technology or any other institution recognized by the Board.

(3) The persons referred to in subsections (1) and (2) shall be Kenyan citizen or permananet residents of Kenya.

15E**.** (1) Subject to the provision of this Act, a person may register an engineering technology consulting firm if—

(a) the firm is a legal person duly registered or incorporated under the written law for the time being in force;

(b) the firm has at least one partner or principal shareholder who is registered as a consulting engineering technologist and who has a valid license in a specified discipline;

(c) at least fifty one percent of the shares in the firm are held by Kenya citizens; and

(d) fulfills any other condition as may be stipulated by the Board.

2) The Board may register engineering technology consulting firms in different categories and disciplines based on criteria as shall be established by

the Board.

(3) A person intending to register an engineering technology consulting firm under this Act shall apply to the Registrar in the prescribed manner.

(4) An application under subsection (3) shall—

(a) be accompanied with—

(i) such documents as are necessary to prove qualification for registration and any other document that the Board may prescribe;

(ii) the curriculum vitae of the partners or directors of the firm;

(iii) a written commitment that the Board shall be allowed to verify the suitability of the firm for the purposes of registration;

(b) list the firm's profile of activities;

(c) be accompanied by the prescribed fee.

(5) The Board may require the applicant to furnish such further information or evidence of eligibility for registration as it may consider necessary and may require the applicant to appear in person for an interview before it.

These amendments are necessary for making clear provisions for the categories of persons to be registered by the Board within the Engineering Technology profession.

(Question of the amendment proposed)

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

put and agreed to)

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

put and agreed to)

(Clause 15 as amended agreed to)

THAT, Clause 16 of the Bill be deleted.

(Question of the amendment proposed)

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

put and agreed to)

(Clause 16 deleted)

(Clause 17 agreed to)

THAT, Clause 18 of the Bill be deleted and replaced by the following new clause –

18. (1) A foreign person or body of foreigners shall not be registered as professionals in any categories under section 15 (1) or engineering technology firm under section 20B unless—

(a) in the case of a natural person—

(i) that person possesses the necessary qualifications

recognized for the practice of engineering technology as a

professional in any category under section 15 (1) in the country where he or she normally practices, and that immediately before entering Kenya, he or she was practicing as a professional in any category under section 18 (1) and holds a valid license; and

(ii) he or she is a resident of Kenya with a valid working permit;

(b) in the case of a firm, the firm is incorporated in Kenya and a minimum of fifty-one percent of its shares are held by a citizen or citizens of Kenya.

(2) If the conditions stipulated under subsection (1) are not fulfilled, the person or firm applying for registration may be considered for temporary registration under section 23.

(Question of the amendment proposed)

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

put and agreed to)

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

be inserted, put and agreed to)

(Clause 18 as amended agreed to)

(Cause 19 agreed to)

THAT, Clause 20 of the Bill be deleted.

(Question of the amendment proposed)

(Question, that the words to be left out

be left out, put and agreed to)

(Clause 20 deleted)

(Clauses 21, 22, 23, 24, 25,

26, 27, 28, 29 and 30 agreed to)

THAT, Clause 31 of the Bill be amended in subsection (4) by inserting the word "name" immediately after the words "removal of a person's".

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted,

put and agreed to)

THAT, Clause 32 of the Bill be amended in in subsection (1)(a) by deleting the words "and the Cabinet Secretary for the time being responsible for matters relating to finance".

(Question of the amendment proposed)

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

put and agreed to)

(Clause 32 as amended agreed to)

(Clause 33 agreed to)

THAT, Clause 34 of the Bill be amended in subsection (2)(a) by deleting the words "members and".

(Question of the amendment proposed)

(Question, that the words to be left out

be left out, put and agreed to)

(Clause 34 as amended agreed to)

(Clause 35 agreed to)

THAT, the Bill be amended in Clause 36 by deleting the word "Treasury" appearing immediately after the words "or banks which the" and replacing therefor the words "Cabinet Secretary for the time being responsible for matters relating to finance" in sub-section (1).

(Question of the amendment proposed)

THAT, Clause 38 of the Bill be amended in paragraph (c)(iv) by inserting the word "or" immediately after the word "rights".

(Question of the amendment proposed)

(Question, that the word to be inserted

be inserted, put and agreed to)

(Clause 38 as amended agreed to)

(Clause 39 agreed to)

THAT, the Bill be amended in Clause 40 by deleting the word "under" appearing immediately after the word "licensed" and replacing therefor the words "within six months after enactment of".

This is to provide for a new transitional clause for the person to comply with the provisions of the Act once enacted.

(Question of the amendment proposed)

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

put and agreed to)

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

(Clause 40 as amended agreed to)

(Clause 41 agreed to)

THAT, Clause 42 of the Bill be amended–

(a) in subsection (3) by deleting the word "minister" appearing immediately after the word "may" and replacing therefor the word "administer";

(b) in subsection (8) by inserting the word "thousand" immediately after the word "fifty";

(c) by inserting the following new Clause 42A –

(Question of the amendment proposed)

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

put and agreed to)

(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)
(Clause 42 as amended agreed to)
(Clause 43 agreed to)

THAT, Clause 44 of the Bill be deleted.

(Question of the amendment proposed)
(Question, that the words to be left out be left out,
put and agreed to)
(Clause 44 deleted)
(Clauses 45 and 46 agreed to)

THAT, the Bill be amended in Clause 47 by deleting paragraph (g).

(Question of the amendment proposed)
(Question, that the words to be left out be left out,
put and agreed to)
(Clause 47 as amended agreed to)

THAT, the Schedule to the Bill be amended by in paragraph (5) –
(a) by deleting the words "at which he is present but," and replacing therefor with the word "and"; and
(b) by deleting the word "numbers" appearing immediately after the words "elect one of their" and replacing therefore with the word "members".

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

THAT, the Bill be amended by inserting immediately after Clause 42 thereof a new clause as follows:-
42A. There is established a Disciplinary Tribunal which shall be composed of the following persons appointed by the Cabinet Secretary -

(a) a person who specializes in the professional field relating to the complaint for which the Tribunal is formed;

(b) a professional who has appropriate experience in engineering technology ; and

(c) a person qualified in law and who has appropriate experience.

(Question of the new clause proposed)

(New clause read the First Time)

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

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

(The new clause was read a Second Time)

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

THAT Clause 2 of the Bill be amended –

(a) by deleting the definition of the word "accredited checker";

(b) in the definition of "Board" by deleting the words "Engineering Technologists and Technicians Registration" and substituting therefor the words "Kenya Engineering Technology";

(c) in the definition of Cabinet Secretary by deleting the word "technology" appearing immediately after the word "engineering";

(d) in the definition of "engineering consulting firm" by deleting the words "this Act" and substituting therefor the words "engineering technology consulting firm registered under section 15A";

(e) by deleting the definition of "engineering technology" and substituting therefor the following new definition –

"is part of the engineering profession in which knowledge of applied mathematical and natural science gained by higher education, experience and practice is devoted to application of engineering principles and the implementation of technology education for the professional focusing primarily on analyzing, applying, implementing and improving existing technologies and is aimed at preparing graduates for the purpose of engineering technology practices closest to the product improvement, manufacturing and engineering operational functions";

(f) by inserting the following new definitions in the proper alphabetical sequence –

"candidate" refers to any person registered in any of the categories in subsection 15A (1)(b)";

"certified engineering technician" means a person registered as under section 15 (A)(1) (ii);

"Engineering Technology Personnel" means any person registered under section 15 (A)(1) as an Engineering Technologist or Technician;

"foreign national" has the meaning assigned to it under section 2 of Kenya Citizenship and Immigration Act, No. 12 of 2011;

"prescriptive standard" means a document that states procedures or criteria for carrying out a design, or a construction or production activity, relating to engineering; and the application of which, to the carrying out of the design, or the construction or production activity, does not require advanced scientifically based calculations;

"professional engineering technologist" means a person registered as such under section 15(A) (1)(i);

"professional engineering technology service" means an engineering technology service that requires, or is based on, the application of engineering principles and data to a development, implementation, construction and production activity, relating to engineering technology and does not include an engineering service that is provided only in accordance with a prescriptive standard;

"Professional engineering technology works" includes professional service, consultation, investigation, evaluation, planning, designing or responsibility for supervision of construction or operation and maintenance in connection with any public or privately owned public utilities, building, machines, equipment, processes, works or projects that requires application of engineering principles and data.

(Question of the amendment proposed)

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

put and agreed to)

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

be inserted, put and agreed to)

(Clause 2 as amended agreed to)

THAT, Clause 1 of the Bill be amended by deleting the word "technologists" and replacing therefor the word "technology".

(Question of the amendment proposed)

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

put and agreed to)

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

put and agreed to)

(Clause 1 as amended agreed to)

(Title agreed to)

Date 24th February 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: The In-Vitro Fertilisation Bill

She proposed amendments to clause 5 the bill as follows:

I wanted to propose further amendments because his amendments go up to (h) and (i) also has IVF. So, I was wondering if he can put the same in

(i). It says: "disseminate information to the public on reproductive health that may relate or affect in-vitro human fertilization." So, instead of leaving it at (h), if it can also be assisted reproductive technology at (j), that would be good so that we are consistent in language.

That is my further amendment.

THAT, the word "confidential" be inserted after the words, "establish and maintain a" and before the words, "national database on persons receiving".

Hon. Temporary Deputy Chairman, the purpose of that is to ensure that information that is kept by the authority, because of the very nature of the information, remains confidential.

(Question of the further amendment proposed)

(Question, that the word to be inserted be inserted,

put and agreed to)

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

THAT in Clause 20 the words "in-vitro fertilisation" appearing after the words "donor for the purpose of" and before the words "unless the donor of the material has given written consent" be deleted and replaced with the words "assisted reproductive technology."

This is so that we adopt the same language that we are using for the entire Bill.

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

put and agreed to)

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

be inserted, put and agreed to)

(Clause 20 as amended agreed to)

THAT, Clause 24 be amended by deleting the words "in-vitro fertilisation" and replacing with "assisted reproductive technology".
Hon. Temporary Deputy Chairman, I am sorry, I was a little bit distracted. This stage in legislation takes too long. You have to go through it exactly the same way we were doing. You cannot just say any other place it appears.
THAT, Clause 27(b) be amended by deleting the words "in-vitro fertilisation" appearing in line one of 27 (1)(b) and replacing with "assisted reproductive technology" and further that we delete the words "unless the services are being provided for the woman and the man together and both parties have consented to the treatment" and replace with the words "without his consent."

'I am suggesting that we delete that and say "a person shall not in the cause of providing assisted reproductive treatment services to a woman use the sperm of any man without his consent".

That just takes into account the fact that sometimes the man and the woman may not be appearing together. We have sperm banks and after having been educated for long by the doctors I am a bit more informed. That is why I am suggesting that in the course of providing assisted reproductive treatment services to a woman, use the sperms of any man without his consent---What we are looking for is the consent of the man who may be a donor. A donor does not necessarily have to be a person you are married to.

'I beg to move that the Committee doth report to the House its consideration of the In-Vitro Fertilization Bill (National Assembly Bill No.36 of 2014) and its approval thereof with amendments and seek leave to sit again.'

Date 24th February 2016
Member of Parliament: Hon. Susan Chebet
Contribution she made on: The Engineering Technologists And Technicians Bill
She seconded the bill.

Date 24th February 2016
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Consideration of the president's reservation to the National employment authority bill

'Thank you, Hon. Temporary Deputy Chairman. I rise to oppose the amendment. The reason I want to oppose is not because of the substance, but the process. Whereas the proposed amendments are very good especially in ensuring transition and that the youth will get employment, my worry is that we are having a very lazy side of the Executive. This is something that would ordinarily have come by way of amendment, either by the Leader of the Majority Party or a Committee. You cannot have the President saying he is reserving by bringing a further amendment that agrees with the Bill. This is totally un-procedural and you are making the President look bad and lazy; just like the way you are making him look bad in the Tunoi Case. Hon. Temporary Deputy Chairman, there is somebody who is sleeping on the job. I oppose.'

Date 25th February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Senate Amendments To

The Climate Change Bill

'Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Senate Amendments to the Climate Change Bill (National Assembly Bill No.01 of 2014) and its approval thereof with amendments.'

(Question proposed)

(Question put and agreed to)

BILLS

Date 10th February 2016

Member of Parliament: Hon. Priscilla Nyokabi

Contribution she made on: The Legal Aid Bill

'Thank you, Hon. Speaker. I beg to second the Legal Aid Bill. It is a Bill that the Departmental Committee on Justice and Legal Affairs had occasion to look at. Just picking up from the Mover, it is, indeed, a big question of whether justice is on sale in this country. If it is on sale, then clearly the poor will never afford it. Given the rate at which it is going, it sounds very scary.

If you use the ratio that is in the public domain and assume that Kshs200 million is the going rate for a governor's seat, it means those of us who are preparing for election

petitions then need between Kshs50 million and Kshs100 million to secure justice in the next election. We cannot have a country that runs that way. We expect a lot more from our Judiciary in terms of the way they handle that particular case and all other cases of corruption. Justice is something that the Constitution of Kenya, 2010 addresses itself to. There should be justice for all Kenyans. It is, indeed, true that a country like ours, with the ethnic composition that we have, can only work with a central set of rules that are enforced in a similar way in every part of the country. For those rules to be enforced in a similar way in all the parts of the country, access to justice becomes important. So, the Legal Aid Bill that we are moving today becomes a really important part of that architecture of justice in our country.

It is a Bill that has been in the pipeline for a long time. It has been worked on since the days of the National Steering Committee on Legal Aid. There have been efforts by the Executive to provide legal aid and systems that avail legal aid in the Executive and Judiciary as well but we need a legal framework that provides for legal aid in our country. We need a legislation that houses and covers all the matters that relate to legal aid. That is what the Legal Aid Bill seeks to do. The various efforts that have existed, including the many other methods there have been of availing legal aid, will now come under one umbrella of legal aid service providers. The Board will regulate the practice in a manner that befits the dictates of Article 48 on access to justice and Article 50, which requires that if substantial injustice will result in a criminal proceeding, the person who stands to suffer the substantial injustice receives legal aid at the cost and expense of the State. Those are the matters and details of the Constitution that the particular Bill will be addressing.

Hon. Speaker, it is important for us also to note that the law follows very closely what is happening in our continent, especially in South Africa – which is way ahead on matters of legal aid. A couple of other countries in the region have also passed the Legal Aid Bill. So, Kenya which is a leading democracy in our continent, will be joining the legion of states that have passed this particular law. Those of us who practise law are aware of the practice and the problems of the *popus* briefs. They have traditionally gone to younger lawyers and given to clients who cannot afford legal fees. Many times, those clients do not get justice. We have been in court where a *popus* brief lawyer comes with no documents and memorandum of appeal and he attempts to appeal orally. Some come without amendments to any appeals that have been filed. The representation at that level has not been adequate. We want to urge that as the Legal Aid Bill comes to pass, the representation that goes to poor clients must be of sufficient standard. So, regulation and accreditation of the legal aid providers is going to be a very important process. The fact that somebody cannot afford legal fees does

not mean that they are entitled to inferior justice. They are entitled to justice nonetheless. So, the scheme will have to ensure that the standards of representation are very high and well maintained, and that the accreditation system works well to ensure that the legal aid providers do a good job as they provide legal aid.

Hon. Speaker, we are also in a country where only the offence of murder has traditionally received legal aid. We have three other offences that attract the death penalty. It has been particularly important for the death penalty offences that legal aid is provided. It is not a small matter to lose your life to the State as it happens in the penalty. In our country, in the offences of robbery with violence stroke 2, the death penalty is mandatory. Once the judge or the judicial officer has convicted a suspect, they have no choice but to issue and decree the mandatory death sentence. In a situation like that, it becomes very important that the accused persons are given legal aid so that they can go through fair trials and be able to test the evidence.

In our country, if two robbers go into a household, whether they use violence or not, they will be arrested for robbery with violence. It is a law which should be re-visited by this House at some point in time. Our law assumes that a robber must be alone. So, when the robbers are two, they are taken to stroke 2. When they go to stroke 2 with the trials that we have without sufficient legal advice, many of them are subjected to a trial that sends them straight to the death penalty without them ever understanding what it is that they are facing. The court sometimes gives them a lawyer at the Court of Appeal, but that would be too late because a lot of the evidence already would have been accumulated.

I hope that the Legal Aid Bill that we are passing today will not only deal with murder cases but also robbery with violence. Most importantly, it will deal with cases of attempted robbery with violence. We have an attempted robbery with violence crime, which is not a successful robbery but one is tried. Even just the attempt to steal can attract the death penalty. That would require that persons going to be subjected to the death penalty receive legal aid so that they can have fair trials. They should be provided with lawyers at the State's expense to ensure that such trials proceed as they should because we, indeed, need to decry the rate of robbery in our society. We have to deal with robbers who are robbing honest citizens. However, as we deal with the robbers, we must also ensure that they get fair trial as the country is fighting crime. The Legal Aid Bill will sort out that problem.

The other question around the death penalty is the moratorium. We also have questions on life sentence. A legal aids scheme can begin to allow us to test those legal questions in our Judiciary and in our legal system. The sexual and gender-based violence victims, rape, defilement and child sexual abuse need to receive legal aid for the victims and for the

perpetrators. Our Sexual Offences Act, as we all know, is very punitive, so that if you go to our jails, you will find many people in jail on sexual offences.

As the offences are tight, so should the trial. The trial ought to be done in a way that those who get convicted for sexual offences have, indeed, received fairness and justice in the process. In that process, the victims need to receive fair and good advice as well. In Kenya, to convict for the offence of rape is one of the most difficult things to ever do. As we continue to look at those laws, we will have to look at the crimes. I have particularly felt very sad that rape can only be proved after ejaculation. That is way too late. The crime is finished. If we are waiting for semen to come and show that rape happened, I think there is a problem. In those trials of rape, the legal tests are so severe that both sides need to receive legal aid. The perpetrator and the victim need to receive legal aid.

The Bill is well drafted and it covers the aspects that we would all want it to cover, but the Committee has a comprehensive report on some of the amendments that we propose. The Committee particularly proposes amendments on who is eligible for legal aid - leaving it to indigent citizens, Internally Displaced Persons (IDPs) and the really marginalized groups in our society. The Committee has also done a lot of clean up of the provisions to ensure that the law promises our country a good legal aids scheme and a legal aid mechanism. In some of the matters around resettlement of IDPs, evicted persons and contracts, there will also be opportunity for the legal aid to keep developing and growing in that direction. I urge colleagues in the House to pass this particular Law.'

Date 10th February 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: The Legal Aid Bill

'Thank you, Hon. Speaker for giving me this opportunity. I take this opportunity to also wish every Hon. Member a Happy New Year.

I want to support this Bill. I have worked in the area of access to justice for many years. I was in the taskforce that was established to come up with a legal aid scheme. We worked on a draft bill for many years. In many respects, this Bill has a bit that quite relates to what we discussed. I am really happy that this Bill has come to the Floor of the House when I am in Parliament. This is one of the areas that I am really passionate about - the issue of access to justice, especially for women and children.

Having practised for many years representing indigent persons, you can never truly say that we have equality in law, if you have one side having representation against another side that does not. I want to give an example of a case I once dealt with. That was one of the

reasons that prompted us to come up with the Sexual Offences Act. We were in court representing a six year old girl who had been gang-raped. The law allowed for cross-examination on the sexual history of the six year old girl who did not have legal representation. The other side had legal representation. They were all cross-examining the girl about her sexual history at six years. Of course, that spiraled to a lot of amendments in the other areas of law. This is one of the areas which is still remaining, and which is on access to justice. Therefore, I am really happy. I will be supporting this Bill, but with some proposed amendments. This law is seeking to harmonise the provision of legal aid. There are several organisations that have been providing legal aid in this country; where I have worked, including CRADLE, Federation of Women Lawyers in Kenya (FIDA), International Centre for Jurists (ICJ) and many other institutions. They provide different forms of aid. Some provide advice, some provide representation, others provide advocacy and others provide awareness. I am glad that the definition of legal aid in this Bill takes into account all that. It seeks to standardise issues of para-legalism. Even as we are offer training, you find somebody who has been trained as a para-legal for two days qualifies as a para-legal officer. Others train as para-legals for three years. You will find someone saying that he is qualified to offer some level of legal advice or representation and yet, he has only been trained for a day, while another person has undergone several months and years of training. Those are very different standards. I am glad this Bill will set standards. The other issue that I am happy about is the broad definition of legal aid, as I have indicated. I am also happy that there is provision for grant-in-aid to voluntary social services institutions. This is because we have organisations that provide legal aid and they rely solely on donor funding. This is a tragedy because access to justice should be the sole responsibility of the Government that is the duty-bearer to the citizens. However, I will be seeking an amendment so that we do not indicate it as a provision of grant-in-aid to voluntary social service institutions. This is because there has been a very clear definition of who a legal aid provider is. The grant-in-aid should be to legal aid providers.

In Clause 9, I would want to encourage that we be specific such that organisations that will be in the board of service include organisations that work for women and children. It would be a tragedy if we leave this open-ended and then you find organisations that do not have expertise in this work.

Hon. Temporary Deputy Speaker, it will be a tragedy if you do not include the Federation of Women Lawyers (FIDAs) and CRADLE of this world in this scheme and yet, they have always been there. The way it is currently defined, virtually any organisation would fit in here and beat the purpose to which this was set up.

Hon. Temporary Deputy Speaker, one of the other things that make me happy about this Bill is the recognition of public litigation. The Government, through this initiative, will try to ensure that as many people as possible access justice. Sometimes, even when you provide many lawyers, just as is the case with doctors in hospitals, they will not be in a position to provide ample representation. Even if we trained half of this country's population to become lawyers because of the number of cases that are in our courts, we cannot provide adequate representation. Those of us who have worked in the access to justice area know that the issue of public interest litigation has worked. I am, therefore, very happy that this Bill is trying to ensure that we elevate public interest litigation. If this Bill works in tandem with other laws passed by this House, such as the Small Claims Courts, many Kenyans will be able to access justice.

We can borrow from examples of countries that have made steps in this direction. When I was in the taskforce, someone shared with us the experiences of Zambia, the UK and the US. Sometimes, there is a tendency to give a token approach. I would like to encourage that this scheme be truly a legal aid scheme that strengthens existing schemes and takes indigent persons seriously, so that when they proceed to access the scheme, they will be assisted properly.

When I was studying in the US, I was honoured to learn that they have gone a step further to ensure that in one case, you can have one lawyer representing different needs of one client. You can have a lawyer representing your psychological needs and another one representing your economic needs. We will someday get there. Before we get there, I would say that this is a step in the right direction.

With those remarks, I support and thank the Mover for presenting the Bill.'

Date 17th February 2016

Member of Parliament: Hon. Alice Chae

Contribution she made on: The Legal Aid Bill

'Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to also contribute to this Bill.

It is time that we looked for a legal framework to ensure legal representation of the poor. You seated there, you know what women are going through in our constituencies. They are too vulnerable. We have many rape cases, domestic violence and other issues that women face. Most people fear making a complaint because when you seek representation and you happen to be vulnerable or poor, you may not get these services. The enactment of this Bill is going to help the poor to access justice, which is a right.

Looking at the formation of the board, I concur with what my brother, Hon. Okoth, has said. They have only mentioned women in terms of the chair in that if the chair is male, then the vice-chair will be a woman. They should also ensure that there is gender balance in the nomination of the board members. The two-third gender rule has to prevail, so that when they deliberate on issues that affect various people across the country, decisions are well thought out and they benefit the people at the grassroots who need services.

One of the functions of the National Legal Aid Service is accreditation of legal aid providers. They should ensure that this is distributed across the counties, that the legal aid providers are available. People should be sensitised, so that they can know that these services are available. People should be aware of where to go to access justice. Many people have been offering these services, but sometimes, we tend to think they are doing it because they are funded from outside. This framework is going to ensure that legal aid is offered from our Kenyan perspective. We are going to ensure that justice is accessed by all categories of people, from those who are able to those who are not able to access this fundamental right. The National Legal Aid Service should be affordable, accessible, sustainable, credible and accountable. However, without this framework, it will not be felt.

This Bill has come at the right time. As Members of Parliament, we should ensure that the gaps that have been mentioned are worked on. Once the National Legal Aid Service begins to function, everything should be in place and working properly to enable our people to get what they deserve. It would be perceived that the Government and legislators remember the people who sent us here to represent them.

The issue of appointment is also contentious because it is a matter for the Judiciary. When we leave it to the President to appoint, we will be narrowing the perspective. It should be wide. The Judiciary should determine the people who are credible and can properly manage legal aid services in order to manage the divides that we have in the country. We should address these divides as much as possible. We should deviate from the divides and ensure that legal aid services penetrate down to marginalised groups who need to be assisted.

I support the Bill.'

Date 17th February 2016

Member of Parliament: Hon. Zuleikha Juma

Contribution she made on: The Legal Aid Bill

'Asante sana, Naibu Spika wa Muda kwa kunipatia nafasi hii kuchangia kuhusu hii sheria ambayo itaweza kuwasaidia maskini kupata msaada wa mawakili wa Serikali.

Hii sheria ingepitishwa kama juzi. Kwa hakika, ni miaka 50 tangu tupate Uhuru. Pia, ni vizuri kuwa tumeweza kufungua macho yetu kwa wakati huu kuweza kuleta sheria kama hii humu chini. Kwa mfano, hata leo, nimepigiwa simu na mama mmoja kutoka Kaunti ya Kwale ambaye mtoto wake amebakwa. Kijana mshukiwa alishikwa kisha akawachiliwa. Kesi ni kesho na haelewi atafanya nini ama ataenda vipi kumsaidia mtoto wake na yeye mwenyewe waweze kupata haki.

Kwa hivyo, tukiwa na mawakili ambao wanalipwa na Serikali itawasaidia sana wale walalahoi nchini kwetu ili kupata msaada, hususan wale ambao wanadhulumiwa kiasi kama hicho na zaidi. Kwa mfano, pia, kuna wanawake wengi Kwale ambao mara kwa mara wanakuja kwa sisi viongozi wakitaka msaada kuwatoa vijana wao ambao wameshikwa na wamefungwa gerezani na hawajui vipi watawatetea watoto wao. Wengi ambao wanashikwa huwa ni vijana wa kiume kwa bahati mbaya na afisa wetu wa polisi kwa maswala ambayo hayaeleweki mara nyingi, katika mambo ambayo tunayaita misako. Maafisa wa polisi wakimpata kijana anatembea tu, wanamshika. Wakati mwingine wanamua kwa muda kushika watu ama kuingia kwa nyumba za watu na kushika vijana bila hatia yoyote. Halafu kina mama ndio wanaumia kwa sababu hawawezi kuwatetea vijana wao.

Kitu ambacho nitaomba kibadilishwe, na pamoja na wenzangu tutaleta mabadilisho, ni Ibara 9(a) ambayo inasema kuwa Rais aweze kuandika mkurugezi wa bodi ambayo itasimamia sheria hii. Tunaona ni afadhali Jaji Mkuu aweze kumchagua atakayesimamia bodi kama hii. Pia, tunaona kuwa Wakili Mkuu wa Serikali amewekwa hapa pamoja na Wizara ya Haki, ambayo hivi sasa hatuna. Kwa hivyo, pengine angewachwa mmoja peke yake.

Kuna jambo lingine ambalo limenifurahisha sana. Huko Kwale, tuna kabila linaloitwa Makonde. Makonde ni watu ambao wanatoka Mozambique ambao walikuwa hapo miaka na mikaka. Wamezaliwa hapo na wanaishi hapo. Jambo la kusikitisha ni kuwa Serikali ya Kenya bado haijaamua kuwatambua watu hawa ijapokuwa hivi sasa tuko kwenye harakati za kuwasaidia watambulike kama Wakenya. Karibu wote hawajui vile watarudi. Hawana mtu wanaomjua huko na nchi yao ni Kenya. Hivi sasa, hawana vitambulisho na hawatambuliki kabisa.

Jambo nzuri katika sheria hii ni kuwa watu ambao hawana nchi ama kwa Kiingereza “stateless persons”, wataweza kupata msaada wa mawakili ili kusaidika katika kesi zao tofauti tofauti. Pia, ingekuwa vizuri kama wangeweza kupata msaada ili kuwatetea pia wao waweze kutambulika kama Wakenya. Makonde hapa nchini wako kama 10,000, watu wengi sana ambao wanaumia na wameoana na Wakenya hapa nchini. Watoto wao wanapata shida wakitaka kuandika karatasi za usajili wa kuzaliwa, kupata vitambulisho au hati za kusafiria kwa sababu pengine mzazi wao mmoja hatambuliki kama Mkenya.

Kabla sijaketi, ningetaka kuiomba, kwa sababu nina hakika hii sheria itapita katika muda usio mwingi, Serikali ifuate maelezo ya sheria hii ili isiwe kama ile Sheria ya Baraza la Vijana la Kitaifa, ambayo Serikali imekataa kutaimbua na kuwapatia vijana pesa ili waweze kuendeleza maswala yao kama vile walivyoruhusiwa na Sheria ya Baraza la Vijana la Kitaifa ya 2009.

Kwa hayo machache, nasema shukrani.'

Date 24th February 2016

Member of Parliament: Hon. Alice Wambui

Contribution she made on: The Controller Of Budget Bill

Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill because it empowers the Office of the Controller of Budget, so that it can discharge its duties. This is a very good Bill. There is no way the Controller of Budget is supposed to safeguard the budget-making process and yet is not empowered enough financially to execute its duties. So, it is good for this Parliament to make sure that we give the Controller of Budget enough money. There is no way we can give the office the duty to check whether we spend the money that we set aside properly and yet that body is not given sufficient funds to do the job.

This Bill is very timely and good. As we know, the Controller of Budget cannot do all this work alone. She or he has to hire staff to assist in the running of the office and making sure that all the reports are good enough to be presented. The Controller of Budget is a very important office now that we have two levels of government. Right now, nobody safeguards public funds in this country once the money is dispatched to the county governments and the national Government. At the county government level, other levies and taxes are collected, but nobody can tell how much comes from the different counties. Nobody has ever made sure that county governments remit all the money they collect to the Consolidated Fund. There is so much wastage in the county governments. Some money is forwarded while some is left in the counties, but the counties still demand for more money from the national Government. With the Office of the Controller of Budget well equipped with running systems and structures, it will follow up and make sure that money allocated to the county and national governments is spent the way it is supposed to be spent.

We should not fear to empower the Office of the Controller of Budget. It is going to be like any other institution where transparency is expected and where funds are supposed to be appropriated the right way. We should make sure there is no misuse of funds by the office. When we Budget for the entire year, it is not a one-day event, but a process. Let us empower this office so that they can function in the entire year. As we move from one

budget-making process to another, the Controller of Budget should be in the loop to know exactly what is happening. For all the reports which come from either the national Government or county governments, the Controller of Budget should go through them. This is their duty. So, they should not tire. The office has a responsibility of seeing that everything is done well.

This is a very good Bill. However, a little bit of amendments here and there are needed. I support it because we are going to have a firm institution to oversee the budget-making process and the entire funds allocation.

I support.

Date 24th February 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: The Controller Of Budget Bill

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

If there is one very important office that the new Constitution brought forth, it is the Office of the Controller of Budget. This office, being one of the independent offices in the country, is very important in providing checks and balances for every system, both in the county government and the national Government. The Office of the Controller of Budget, so far, has become a good regulatory measure in our expenditure of public finances. Harmonisation has been brought by this office.

This office is important and should continue to exercise its duty as the current holder has done, with great independence, a lot of autonomy and with due respect to the rule of law. Like all other independent offices, this office needs people of high integrity. Even as the Controller of Budget requests for staff to be seconded to that office, they should be people of integrity and with the necessary expertise. This is important.

I support the Bill.

Date 24th February 2016

Member of Parliament: Hon. Susan Chebet

Contribution she made on: The Controller Of Budget Bill

'Thank you very much, Hon. Deputy Speaker for giving me this opportunity to contribute to this Bill. From the outset, I support the Bill. It is very important to have the Office of the Controller of Budget. In the past, ministries budgeted for resources and the end result was misuse or shortages of resources. An office like this will control the revenue that is collected.

It will also appropriately distribute resources to the various organs of the Government now that we are in devolution and most of the resources are sent to the counties.

Hon. Deputy Speaker, if there is no proper control to monitor the use of those resources in counties, it can easily create a problem. His office is also supposed to work independently without any influence of any sort from any quarters so that public resources can be well taken care of and distributed in an equitable manner through the county governments.

In the past, some counties or communities were short-changed, especially those counties which were not sending enough revenue to the national Government. Such regions would get fewer resources. Today, we have counties which are less developed than others because those counties were allocated less resources in the past. The Office of the Controller of Budget will take care of that aspect so that resources can be distributed equitably across the counties and ensure that we avoid misusing those resources.

The office is supposed to monitor and ensure that all the resources are budgeted for and controlled. Without control, public resources will fall into the wrong hands and the wealth of the country will remain in the hands of a few people. If the Office of the Controller of Budget was working efficiently, we might not have had the Eurobond issue. Many questions were being asked but nobody was ready to explain anything. We would be asking only a few questions if the Office of the Controller of Budget was working properly. If the Office of the Controller of Budget was in place during the time we had the Anglo Leasing issue and other issues, we would have been out of those problems.

We should support this Bill and pave way for the creation of a strong and independent Office of the Controller of Budget. Our resources will be safe and Kenya will not be the same again. With this office in place, issues of misappropriation, misallocation and misuse of public resources will be addressed promptly.

Thank you, Hon. Deputy Speaker.'

Date 24th February 2016

Member of Parliament: Hon. Dennitah Ghati

Contribution she made on: The Controller Of Budget Bill

'Thank you, Hon. Temporary Deputy Speaker for the opportunity to support the Controller of Budget Bill.

At the outset, I wish to say that I support this Bill. The Controller of Budget has done very well, ethnicity and gender notwithstanding. She has done perfectly well. She has done her work. I applaud this wonderful lady of this country. I want to tell this House that she

actually comes from my county, which I am proud of because she has done the country proud so far.

Date 24th February 2016

Member of Parliament: Hon. Christine Ombaka

Contribution she made on: The Controller Of Budget Bill

'Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. The Controller of Budget is one of those institutions that are highly professional and the person occupying this position is one that has gone through proper schooling. The lady we have right now is good. The lady in this position is highly educated and that gives us the confidence that she can control the funds of this nation. My worry all the time about controlling funds in this country is the fact that funds may be controlled on one hand, then you discover that they never controlled them at the end of the financial year. That is when you realise that corruption had taken place and that there was over-expenditure or under-expenditure.

In my county, there was a time when some millions of money were returned to the Treasury. What could have happened in that situation? What was the role of the Controller of Budget? How does it take one year for all these to be revealed when funds are misused or when corruption takes place? Can the Controller of Budget be on time to see how county governments and national Governments are spending money so that problems can be arrested early enough before the end of the financial year? That worries me a bit. It may not be my area of professionalism but it is common sense. We realise that we have lost a lot of money at the end of the financial year. What happens during the 12 months? Why can we not catch these people who steal money in the first or third month or early enough before they spend too much? That is why I feel that my contribution here is to challenge that position because certain things are still not straight.

It is a position that is new because all along we always talked about the Auditor-General who audited and discovered problems. Now, we have the Controller of Budget on one hand and on the other hand the Auditor-General. The two work hand in hand. The Bill puts that very clearly that the two work closely. That will help us understand or arrest areas where there are problems.

Lastly, there is need to train those that handle national funds at the county or national level. Those who manage public funds need to undergo training so that they can account for the funds that they are allocated. How do they account for them? How do they know that they have overspent or underspent? Are they aware? Why do we constantly have these problems as though there is no training? That is my contribution. Otherwise I support this Bill.'

Date 25th February 2016

Member of Parliament: Hon. Cecilia Ng'etich

Contribution she made on: The Engineering Technologists and Technicians Bill (National Assembly Bill No. 7 of 2016)

She moved the bill to be read for a third time.

(Question proposed)

(Question put and agreed to)

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

MOTIONS

Date: 11th February 2016

Member Of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: Adoption of PAC Report on Special Audit Report of Jsc

'Thank you, Hon. Speaker. I wish to start by congratulating the Committee for the job it has done despite the fact that it has left out some very salient issues that were mentioned in the report.

Hon. Speaker, I beg to move that the Motion be amended as follows:-

By inserting the following words "immediately after the words "Tuesday, 7th July, 2015"-

"Subject to the insertion of the following:-

(i) New Recommendation 6(v) on page 137 of the Report as follows:-

"v. Mrs. Lydia Achode for her role in the irregular procurement of offices at Mayfair Court Centre when she was the Registrar of Judiciary."

I will proceed to explain why I have moved that amendment with recommendation. In the Report, there is a lot that has been mentioned about Lady Justice Lydia Achode. Starting from page 69, Mrs. Gladys Shollei submitted as follows - I will go on to explain everybody as they have mentioned her in different places and yet in the recommendation her name is actually missing. She submitted that the building was leased before she joined the Judiciary. That is the Mayfair Court Centre. Mrs. Lydia Achode was at the time the Registrar of the High Court. She was aware that building was leased on the recommendations of Commissioners Ahmednassir and Ominde who were actively involved in the procurement process.

If you proceed to page 70 of the same Report, you will find that Ms. Anne Amadi who is now the Chief Registrar mentioned that due to the short notice issued, the JSC approved the leasing of offices for its operations and instructed the Chief Registrar to identify its suitable office space for lease, for approval by the JSC. Although she did not mention who the Registrar was at that time, it was Lady Justice Lydia Achode. The current Chief Registrar also said that the Chief Registrar was under obligation to follow due process of law when leasing premises as an accounting officer.

On the same page 70, Ms. Emily Ominde who is a Commissioner submitted that the JSC was involved in the process of identifying the building. The Commission tasked the then Registrar of the High Court, Mrs. Lydia Achode, to identify office space for commissioners to move in. This was after the JSC had been given notice to move out of Anniversary Towers. She then goes on to say that Mrs. Achode identified three buildings namely Reinsurance Plaza, National Hospital Insurance Fund (NHIF) and Mayfair Centre. The JSC instructed her and Commissioner Ahmednassir to inspect the three buildings and advise on which one to lease. Based on their advice, the JSC settled on Mayfair Centre because it had more space compared to the others. The Commission then instructed the Registrar of the High Court, ?iMrs. Lydia Achode, to finalise the lease process.

On page 71, Gimco Limited who were the leasing agents, specifically said in paragraph three of their submissions that the company did not have an idea how the Judiciary identified the building for lease. They said they were approached by the Judiciary that was seeking to lease space on the 5th Floor measuring 3,600 Sq ft and parking space. A JSC officer by the name of Mr. Momanyi visited Gimco offices in this regard.

On page 71, Lady Justice Lydia Achode who submitted said she had written to the Ministry of Housing for valuation purposes. She thereafter tasked Mr. Ojuki to look for more premises so that the JSC could have a variety to pick from. Mr. Ojuki is, therefore, reported to have identified two more premises at NHIF Building and Mayfair Court. Lady Jusitce Lydia Achode submitted that she then wrote to the JSC giving them these new options and her role ended there. She did not visit the two new premises.

It is very weird that a person who was involved in an unlawful procurement and was supposed to have been the accounting officer, purports to have done this without having checked the premises and yet everybody else has pointed a finger at Lady Justice Lydia Achode for having been involved in the procurement of this office space.

Without taking too much time, I would like to point out that procurement law is there and has to be followed to the letter. In the event that an accounting officer is being given instructions from somewhere which they know is outside the law, then they should not

proceed with such a process. By the time Ms. Gladys Shollei came to office, the leasing had already been done. I am surprised that there is nowhere in the recommendation where Lydia Achode has been mentioned.

On the second amendment, I would like---' (Interrupted by a point of order from Hon. (Eng.) Gumbo)... 'Hon. Speaker, I thought as they were going through this, proper investigation should have been done where Ms. Lydia Achode was concerned. This is the case and yet we chose to be silent on it because everybody, including the Commissioners mentioned how the process of procurement was done. At this point, we want to sort of say---' (Interrupted by the speaker) 'Hon. Speaker, the least I had expected was for them to ask for proper investigation to be done by investigative bodies. In this particular case, the Committee chose to be silent. The identification and all the processes were done except at the point when Gladys Shollei came over and a few weeks later, she was told that they had already made a decision, which she was supposed to have taken charge of.'

She then moved amendments to the motion as follows: 'Hon. Speaker, on the second issue, I beg to move that the Motion be further amended as follows:-

(i) By inserting the following words immediately after the words "Tuesday, 7th July, 2015"-

"Subject to the insertion of the following:-

(ii) New recommendation number 23 on page 140 of the Report as follows:-

"23. That the Judicial Service Commission forthwith desists from interfering with the financial administrative and operational functions of the Judiciary; and further that National Assembly through the Departmental Committee on Justice and Legal Affairs, undertakes an urgent review of the Judicial Service Act 2011 to address through statute, the unlawful encroachment of the Judicial Service Commission into the administration of the Judiciary which falls outside of its mandate under Article 172 of the Constitution of Kenya".

Indeed, even the Chairman who moved the Report alluded to the fact that we need to take urgent review of the Judicial Service Act so that the JSC Commissioners can work within their constitutional mandate.

With those remarks, I ask Hon. Beatrice Nyaga to second.'

Date: 11th February 2016

Member Of Parliament: Hon. Beatrice Nyaga

Contribution she made on: Motion on Adoption Of Pac Report On Special Audit Report Of Jsc

She seconded amendments by Hon. Dr. Naomi Shaban to the motion as follows; 'Thank you, Hon. Speaker. I rise to support the amendments by the Deputy Leader of the Majority Party, Hon. Shaban.

If you read the Report, it clearly indicates that Madam Lydia Achode was responsible for procuring the offices. Without going deep, because Hon. Shaban has already indicated exactly why she is amending the Report, Ms. Achode did not particularly consult the company leasing Mayfair Centre. It was her responsibility to do exactly that. In procurement procedures, you are supposed to consult and bring everyone on board so that you can know exactly what you are procuring.

Madam Lydia Achode did not even visit the building to verify what the Commission was interested in occupying. She was given the responsibility to check the three buildings namely the National Hospital Insurance Fund Building, Mayfair Centre and Reinsurance Plaza. She did not check the buildings, and yet she recommended that Mayfair Centre was the building that the Commission was supposed to rent.

It is indicated on page 70 that she was given the responsibility of finalising the process. That means that she was supposed to do everything after other officers had done their part. So, she has a responsibility to bear. She is supposed to be part of the process.

I also support the second amendment. The Commission is supposed to desist from interfering with the financial and administrative operations and functions of the Judiciary together with the National Assembly through the Departmental Committee on Justice and Legal Affairs.

I support the amendment.'

Date: 11th February 2016

Member Of Parliament: Hon. Amina Abdalla

Contribution she made on: Adoption Of Pac Report On Special Audit Report Of Jsc

She moved amendments to the motion as follows: 'Thank you, Hon. Speaker.

I beg to move that the Motion be further amended as follows:-

By inserting the following words immediately after the words "Tuesday, 7th July, 2015"-

"Subject to the deletion of recommendation number 19 on page 139 of the report, and substitution thereof with the following:-

"The security upgrades implemented by Mr. Simiyu Werunga, a security consultant and contractor, should be subjected to detailed audit by an independent Security Consultant, working jointly with relevant departments of the Government, and any sums paid over and above fair market value be claimed from the consultant/contractor."

Essentially, this is deleting a recommendation by the Committee that asks the Chief Registrar of the Judiciary to charge the beneficiaries of this project to pay for the cost of those security upgrades. It is the JSC's decision to give the Supreme Court judges extra security. So, if the procurement is wrong, the fault is upon the JSC and not the beneficiaries. Secondly, the Committee says these security upgrades are in private residences and yet the Judiciary does not provide residences for the judges. So, where does the Committee expect those security instruments to be put rather than in the private residences of the judges? This is tantamount to, for example, if the procurement department of Parliament procures irregularly the water that we drink here then we are told that although you are entitled to drinking water while you are in the Chambers, you are going to be surcharged for the same if it was procured wrongly.

Based on those reasons, I beg to move the amendment. I ask Hon. David Ochieng to second.'

Date: 16th February 2016

Member Of Parliament: Hon. Gladys Wanga

Contribution she made on: Motion on Reconstitution of Budget and Appropriations Committee

She seconded the motion.

Date: 16th February 2016

Member Of Parliament: Hon. Amina Abdalla

Contribution she made on: Adoption Of Pac Report On Special Audit Report Of Jsc

Thank you, Hon. Speaker. I wish to begin by congratulating Hon. Gumbo for producing the Report from an extremely messy process and having it tabled in the House. I am also happy that the many concerns that I had on the recommendations have been cured by the amendments. The only recommendation that I still have an issue with its wording has been overtaken by events. This is the one that is ordering the Director of Public Prosecutions (DPP) to commence investigations. Parliament needs to ensure that we do not make recommendations that imply that we do not respect the rule of law that requires investigations to be carried out prior to prosecuting individuals.

The amount of lobbying on matters canvassed in this Report actually pushed me to go and read this Report page by page. I must confess that this is the first PAC Report that I have read from page one to the end because I was perturbed that a Commission with 11 members, eight of whom are senior lawyers in this town, could be hoodwinked by one

individual. I, therefore, concluded that that individual must be a fall guy. Having said that and given the fact that the DPP has already taken the recommendations by this Committee and instituted prosecution, let me stop there because that matter is now *sub judice*.

What has perturbed me is that the threshold for integrity of public office holders is very low that you can have a Report like this and people do not get shocked. You have to steal and be caught in your House with Kshs200 million for people to get shocked. I am really concerned and shocked at what the Committee heard about these goings-on in the JSC. It was full of accusations and counter accusations, many of which have not been concluded. So, I am wondering, should I believe the accusations wholly or should I not? This is an extremely damaging Report. If we were living in a civilised society, no member of the JSC who served in this JSC during the period under review should be holding that office anymore. We must accept that our standards are low and that is why the matters are remaining as they are and these individuals are serving under the current JSC. I do not like giving recommendations to others when a lot of what has happened to the JSC is something that we, as a House, can resolve. I sat in the Committee that midwifed the JSC Bill. I also sat in the Committee that vetted the first members of the JSC. I sat in the Departmental Committee on Justice and Legal Affairs that increased the budget of the JSC from Kshs3 billion to Kshs16 billion. As a House, we bear some responsibility of the reckless embezzlement of public funds that has taken place in the JSC. I am not in the habit of accusing and not coming up with solutions. I really want the Chair of the PAC to listen. Hon. Chepkong'a is not here. We must solve what is within our powers to solve.

The JSC has a structural problem. We cannot have five judges and seven lawyers in the JSC who have personal interests in personal development. For now, we have three members of the JSC who are interested in becoming the next Chief Justice. How do you then expect that JSC to handle its matters in an impartial manner?

Hon. Speaker, my recommendation to Hon. Chepkong'a is that if we want the JSC to be representative, we must reduce the number of lawyers in its membership. We must have representation of the non-lawyer staff of the Judiciary being represented. We must deal with the anomaly that I, as an individual, feel that the Chief Justice, as the Head of the Judiciary, should not be brought to Parliament to be asked questions on small administrative matters. We should change the law such that somebody else can come and answer to those administrative matters.

We have now lumped up his judicial responsibilities with administration and we have to bring him down to the level of asking him: "Why did you pay allowances?" Therefore, the JSC Act must be amended. We must re-consider having the Chief Justice as the Head of the

JSC. We must re-consider the fact that we have two judges from the Supreme Court and a judge of the Court of Appeal in the JSC. We have too many lawyers. It is my contention that that is the reason the JSC has the highest number of court cases against it by its staff. It is because they have the understanding that since they are members of the JSC, no court case against them can ever see the light of the day. Ours would be to reconstitute statute wisely; the membership of the JSC so that we do not have individuals who promote themselves and kill their opposition or to malign others so that they can get positions.

On the issue of the amounts of money that we have given to the JSC, in the 2012/2013 Financial Year, we increased their budget by 500 per cent. We, as a House, must readdress the issue that the Government insists – that we should move from incremental budgeting to project-based budgeting. It is clear that any time you give funding for projects through project-based budgeting, the issue of corruption crops up. Unless we address the structural problems and streamline the budgeting process to ensure that we do not give money to an institution which does not have the capacity to absorb it, we should not be blaming those institutions.

It is my contention that we have to move the JSC from their ivory tower-cum-mother of impunity that this Report has indicated. This Report shows that the JSC needs reconstitution. Hon. Chepkong'a's Committee tried the tribunal way and they were taught the lesson that has already been learnt by the staff working under the JSC – that you will never win a case against the JSC or a law firm that is represented by a member of the Law Society of Kenya (LSK) that has ever served in the JSC. We should then move with speed to amend the JSC Act. Even the presence of the Attorney-General in the JSC is an anomaly because under the Executive, he is the Cabinet Secretary responsible for matters relating to the Judiciary for the Executive. He should, therefore, be questioned how he could sit there and let all this madness go on.

I thank Hon. Gumbo for a great job well done and tell Hon. Chepkong'a that I, as an individual, and all those who spent days trying to think naively that giving funds to an institution would result in a stronger Judiciary where everyone would be expected to have fair administration of justice, have been proven wrong. In fact, the Report by Hon. Gumbo says that the war between the Chief Registrar and the JSC began once the Judiciary's budget was increased. The war is about controlling procurement, and not about improving the judicial systems in Kenya.

I look forward to Hon. Chepkong'a bringing an amendment to stop any member of the LSK sitting in the JSC from practising in court, so that we can reduce the number of lawyers in the JSC. It is not just lawyers and judges who serve in the Judiciary. We should also have

non-judicial staff represented in the JSC. We should review the entire composition of the JSC and the funding going to the Judiciary.

With those many remarks, I support the Report.

Date: 16th February 2016

Member Of Parliament: Hon. Jessica Mbalu

Contribution she made on: Adoption Of Pac Report on Special Audit Report Of Jsc

'Thank you, Hon. Speaker, for giving me this chance to add my voice to the debate on the Report of PAC.

The Judiciary is one of the arms of the Government that has preached the theory of separation of powers. As a country, we have given the Judiciary three important ingredients of judicial independence, namely, a fair process of judicial appointment, adequate funding and control mechanism as well as respect and support. It is, therefore, saddening that this Report has unearthed massive scandals of looting, coupled with irregular recruitment of staff and failure to comply with the Procurement and Disposal Act.

Millions of shillings have been lost. Numerous sections of the Public Finance Management Act have been violated and most Kenyans' hope of judicial transformation has been betrayed. Some of the findings of the PAC include weak leadership and poor governance structures in the Judiciary and poor work relations between the three wings of the Judiciary, namely, the Chief Justice, the Chief Registrar and the Judicial Service Commission (JSC). There were strained working relations between the Chief Justice and the Chief Registrar. The findings were that the two offices were not working in harmony. The duties of the Chief Registrar could be performed by the JSC. The findings of the PAC are that the provisions of the Public Procurement and Disposal Act have not been adhered to to-date. This could be as a result of ignorance, commission or abuse of office. Kenyans would not want to see inefficiencies in the running of the Judiciary. When we gave the Judiciary sufficient funds and a control mechanism, we expected reforms to be implemented. This country has been saddened by the loss of control in the Judiciary.

Members of the PAC have said much about the transformation framework that has been ignored by the Judiciary. This boils down to the dissatisfaction of most Kenyans. The Judiciary is one arm of the Government where we least expected public matters to be handled in such a manner. We do not appreciate them.

Hon. Speaker, there are actions that we found not to be in line with the Public Procurement and Disposal Act. On Pages 113 to 119 of the Report, it is clear that the Act was violated. Some bills were paid fraudulently. Among the wrong decisions that were made were the

renting of office space at the Elgon Place, Mayfair Centre and Rahimtulla Towers. This is a clear indication that the laws were not followed. There was no indication of caring about following the laws that are passed in this Parliament. We found that, either through ignorance or involvement, the Judicial Service Commission (JSC) committed crimes. I am sure the recommendations by the Public Accounts Committee (PAC) are going to be followed.

In future, we want to recommend that every department of the Judiciary should take up its position as the organ that is being watched by Kenyans. We give the Judiciary enough funding and we feel that, in future, we should reduce its budget because we have not seen value for the money that we have given them. The Chief Registrar of the Judiciary (CRJ) and members of the JSC never performed their duties as expected. As per the recommendations by the Committee, they should be answerable in law. They should tell the country where our money is, why the procurement process was not followed, why some bills were paid without the right documentation, why some laws were not followed and why some officers worked for their personal benefit.

The Report has many findings including payment of allowances to individuals who were not supposed to be paid. The findings were shocking. A lot of money was looted. It was a scandal. As much as we want to fight corruption in this country, irregular recruitments were one of the findings that were very alarming to the PAC. Competence was not considered in the process of recruiting staff. Some members of staff were appointed and lifted from other offices. The institution was ran like a kitchen. There was no discipline. There was no adherence to any Act or law in all the activities including the interconnection between the Judiciary, the Chief Justice (CJ) and the JSC. A lot of money was looted. Most of the JSC Commissioners, as per the findings of the Report, benefitted in questionable ways. We inquired into why some procedures and laws were not followed and why this kind of ignorance was displayed.

The Judiciary is a key organ of the State as the third arm of the Government, which is hinged in the theory of separation of powers. Indeed, the role of the Judiciary has featured in many thoughts of philosophers and scholars and it is a shame for such findings to be made on such an institution. It is a shame for the CJ, CRJ and Commissioners of the JSC not to act in the expected and respected way, which is by following the law.

Some of the findings are very alarming. When you fail to adhere to the provisions of the Public Procurement and Disposal Act, then we are staring at corruption. We rush to the Judiciary when we have any dispute. If the Judiciary is the most corrupt institution, then where are we headed to, as a country? We call upon the members of the Judiciary, CRJ and

CJ to be answerable for their actions, face the law and explain to this country why some things happened. This is a detailed Report which any Member in this House should read. As a country, we have been in the limelight on matters of corruption. If corruption cannot be controlled from the Judiciary, then where else do we expect our country to go?

The principles of recruitment should have been followed as dictated by Article 172(2) of the Constitution which requires transparency and competitiveness. This was lacking. As the third arm of the Government, the JSC cannot treat it like a kitchen. We expect the least acts of corruption and violation of the law in the Judiciary.'

Date 17th February 2016

Member of Parliament: Hon. Tiyah Galgalo

Contribution she made on: Motion on Report Of The Mediation Committee On The National Drought Management Authority Bill, 2013

'Thank you, Hon. Deputy Speaker. I support the Motion. The National Drought Management Authority is very important and I support the work they are doing on the ground. Despite the fact that the NDMA is underfunded, they are supporting some of the drought-prone areas. The areas are exposed to long dry spells for many months, for example, four months, the communities are not able to manage themselves and their animals. In Marsabit and Moyale, for example, we have had long drought seasons and in many cases, you realise that even the provision of fuel subsidy is a big problem. Spares for boreholes and shallow wells are a big issue, but the NDMA officers on the ground respond quickly. They have provided water tracking, food, animal and human medicine to save lives.

So, I thank the Committee for having had this mediation with the Senate and having agreed that there is urgent need to ensure that we have drought management in the areas that are drought-prone. This particular institution has responded well previously. Last year, were it not for the NDMA which provided about Kshs35 million to save lives in Isiolo, livestock would not have survived until the rainy season.

So, I support the Motion.'

Date 17th February 2016

Member of Parliament: Hon. Janet Teiya

Contribution she made on: Motion on Accessibility to Public Buildings by Persons with Disabilities

'Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this Motion. I want to thank Hon. Mwaura for this Motion. This is a very important Motion

because accessibility has been a major problem to people with disabilities. People with disabilities are entitled to access all places but this is not happening. This has been a problem in public transport. Many people with disabilities cannot get to places they want to go because they cannot use public means. Sometimes a person in a wheelchair may be waiting for a bus but when the buses come, they leave him or her. This needs to change.

In terms of communication or information, these people do not get information or they are the last ones to get information. In public meetings, we do not have translators. Our colleagues with hearing impairment do not get information. They leave public meetings without getting any information. Most of our banks are not accessible and our colleagues are served outside. This is not good. The banks have to be accessible to everyone because everyone needs confidentiality. In public schools, we have a big problem. Students using wheelchairs have to depend on others because they cannot move on their own to classes. Even sanitation is very poor. There are no disability-friendly toilets. This makes sanitation in schools very bad for the disabled. So, we need change in our schools so that our children can enjoy their rights like others.

Even in Parliament, we have a great challenge. I cannot move through the main doors of this building because there are no ramps. This is another challenge. I can see this country has a problem of accessibility. We urge the Government to make changes in laws or enforce laws so that everyone enjoys accessibility to buildings. I support the motion'

Date 17th February 2016

Member of Parliament: Hon. Mishi Juma

Contribution she made on: Motion on Accessibility to Public Buildings by Persons with Disabilities

'Asante sana, Naibu Spika wa Muda. Kwanza, ninataka kumpatia kongole Mhe. Mwaura kwa kuileta Hoja hii ambayo ni muhimu sana katika maisha ya ndugu zetu walemavu.

Walemavu katika nchi yetu ya Kenya ni takriban asilimia 15. Hawa wanaishi na ulemavu tofauti tofauti. Pia, tuzingatie ya kwamba ulemavu ni kwa njia nyingi. Wengine wana ulemavu wa macho, wengine wana ulemavu wa masikio na wengine wana ulemavu wa vyungo tofauti tofauti.

Katika Katiba yetu ya Kenya, katika kifungu cha 54(c) kinazungumzia umuhimu wa kuwezesha walemavu waweze kutembelea maeneo tofauti tofauti bila matatizo, waweze kupata usafiri bila kuwa na matatizo na pia waweze kupata habari au kupashwa habari bila kuwa na matatizo. Jambo hili haswa la habari naona ni changamoto kubwa sana. Lakini najua Mhe. Mwaura pia ana Mswada ambao haujafika Bunge hili lakini utafuka ambao

utazungumzia hasa masuala ya upasaji habari kwa sababu mpaka sasa tunaona vyombo vyetu vya habari havijatimiza sheria ya kushirikiana na walemavu kupata habari kimwafaka.

Pia nataka kusema ya kwamba ndugu zetu wengi walemavu katika taifa hili la Kenya ni masikini. Umasikini huu umesababishwa na yale maumbile walio nayo. Wengi wameshindwa kwenda shule au kwenda kwa taasisi za masomo kwa sababu ya kukosa vifaa vinavyohusika kuweza kuwasomesha wapate taaluma. Hivyo basi wamekuwa wakiishi katika maisha ya uchochole.

Vile vile Katiba yetu inazungumzia zile sheria ama haki za kimsingi. Imezungumzia kuwa mtu hatabaguliwa kwa rangi, kabila, dini na pia ikasema walemavu pia hawatabaguliwa. Hivyo basi tunaona mpaka sasa walemavu katika taifa letu wamebaguliwa. Tukiangalia majengo yetu mengi haswa ya umma hayajazingatia suala kama hili. Katika benki zetu, hospitali na mahoteli yahajazingatia haya. Hivi karibuni nilikuwa na Mhe. Sen. Godliver katika warsha ya Kamati ya Bunge. Tulipelekwa kwa hoteli moja ambayo inaitwa Medina. Ilibidi tukose kufanya warsha ile kwa siku ya kwanza kwa sababu ukumbi wa mazungumzo ulikuwa umewekwa katika gorofa nambari nne na ilikuwa ni ngazi pekee na kulikuwa hakuna lifti. Basi ilibidi Seneta aweze kuteta sana mpaka ikabidi tuache kufanya warsha hiyo tukasema tuifanye siku ya pili. Ilitubidi tuifanyie nje ya hoteli. Hatukuifanyia kwa ukumbi wowote. Hivo basi hata sisi katika Bunge hili, wakati tunaenda kupanga mikutano ya Wabunge, lazima tujue tuna Wabunge wenzetu na Maseneta wenzetu ambao wana hali ya ulemavu.

Mbali na mijengo, tunaona walemavu ambao wanatumia yale magari yao ambayo imetengenezwa kuwabeba lakini hakuna pahali pa kuegesha magari kama haya. Wakati wanataka kuegesha vigari vyao, kunakuwa ni hali ngumu sana. Hivyo basi, swala hili ni lazima lizingatiwe.

Taasisi ya ujenzi ya kitaifa tunayoita kwa lugha ya Kiingereza "National Construction Authority", inatakikana iweke mikakati na sera mwafaka za kuhakikisha ya kwamba majengo yalioko sasa na majengo ambayo yatajengwa yaweze kufanyiwa ukarabati ama yafanyiwe miundo msingi ambayo itawezesha ndugu zetu waweze kutumia njia hizo pasipokuwa na matatizo.

Najua Kenya imeingia katika mikataba mingi sana ya kiulimwengu katika kutetea haki za walemavu lakini shida ni kwamba hatujazingatia na hatujaweka mikakati na kanuni mwafaka za kuhakikisha sheria hizi tumezifuata kulingana na mikataba na pia kulingana na Katiba yetu. Ikiwa sheria hizi hazikufuatwa ama mtu amezigeuka, basi kutakuwa na sheria gani ama kutakuwa na hatua gani ya kumwadhibu mtu huyu ama shirika lolote ambalo litakuwa limekiuka mikataba kama hii?

Itakuwa vizuri sana washikadau wote kama vile lile shirika la walemavu la nchi yetu kwa jumla, wale wanaangalia mipango ya miundo misingi ya nchi yetu ya Kenya, wale wanaoshughulika katika mambo ya uchoraji, kutoa mapu zile za kutengeneza mijengo katika nchi yetu wakihusishwa. Washikadau hawa wote kabla hawajatekeleza mambo yao katika bajeti zao, ni lazima wafikirie kwamba tuna walemavu hapa Kenya takribani asilimia 15. Hawa tu ndio wataweza kutusaidia sisi kama Wakenya na kuwezesha watoto wetu kupata haki zao za kimsingi.

Watoto wetu wengi, haswa wale ambao hawasikii na wale walemavu wa macho wameshindwa kuona alama za barabara na kwenye majengo. Kunatumika alama za kuonyesha ya kwamba ikiwa unaenda huku unafuata upande fulani. Wakati alama na ishara hizo zinatengezwa hutambulika ya kwamba kuna wenzetu walemavu ambao hawataweza kusoma ama kuzitambua kama vile sisi tunavyoweza kuzitambua. Tunajua tumepata majanga mengi sana hapa nchini kwetu Kenya kutokana na matatizo haya ya kuwa tumeacha kuzingatia walemavu. Walemavu wengi huishia katika majengo ambayo pengine kumetokea moto. Anataka kukimbia atetee roho yake lakini unapata kwamba kutokana na majengo yalivyojengwa, mlemavu kama huyu atabakia pale kwenye kiti chake ama pengine yule ambaye anatumia magongo abaki kwenye magongo yake na apatikane na athari kama hiyo.

Tujitayarishe kwa haya mambo ya majanga kama Wakenya ili yanapotokea tujue watu walioko pale jinsi watakavyoweza kusaidika. Tuweke katika akili zetu na tutie maanani kwamba kila mahali katika umma kuna walemavu ambao wanatembea mahali pale na chochote kinaweza kutokea na wakati kimetokea, je hao watasaidika kwa njia gani? Sisi kama viongozi wa taifa hili la Kenya tunataka tuwe msitari wa mbele kuhakikisha kwamba sheria hizi kweli zimetekelezwa kwa sababu mara nyingi sheria tunazitunga na zinakuwa pale tu kama sheria. Mtekelezaji ni nani na ni nani atakayehimiza sheria zitekelezwe ikiwa kutakuwa hakuna watu wa kuhimiza sheria na kuweka msukumo thabiti wa kuhakikisha kwamba walemavu wana haki kama Mkenya mwingine yeyote? Walemavu hawatachukuliwa tu kwa sababu tumeingia katika mikataba ya kiulimwengu ama kwa sababu Katiba imependekeza hivyo basi sisi tunafanya tu kama kuonyesha. Ni lazima iwe ni haki yao ya kimsingi na ni jambo ambalo litafanywa kwa mikataba vile inavyotakikana. Iwapo yeyote atakiuka, sheria lazima itamfuata.

Kwa hayo mengi ama machache, nataka kutoa kongole tena kwa Hoja hii. Ninamhimiza Mhe. Mwaura alete Mswada Bungeni ili tuuchangia na tuwe na sheria kabambe na mwafaka ya kuwalinda ndugu zetu walemavu.

Asante, Mhe. Naibu Speaker wa Muda.’

Date 17th February 2016

Member of Parliament: Hon. Mary Emaase

Contribution she made on: Motion on Accessibility to Public Buildings by Persons with Disabilities

'Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute.

From the outset, I want to say that we need to appreciate that we have people with disabilities. They are members of our families because they are our brothers and sisters. For a long time, historically, persons with disabilities have been denied fundamental human and civil rights. Therefore, despite even the provisions of the Constitution under Article 54 that advocates for the rights of persons with disabilities, many institutions have continued to ignore or have failed to implement or comply with the requirements of the Act that protect them.

Even where institutions have tried to comply, the facility that you are likely to see is either a ramp or a parking space. However, when it comes to other facilities like toilets, you may not even find the one which was referred to by Hon. Mwaura. You will find that there is none. Persons with disabilities deserve to be active participants in the workforce and the economy. Therefore, all the concerned bodies and institutions must ensure that buildings have all the facilities that enhance accessibility to allow persons with disabilities access any facility that they may need to access. We have different types of impairment, including visual, hearing, movement, cognitive and even disorders. These various disorders or disabilities vary in degree. They present different needs or barriers that require to be addressed in different ways.

I want, at this point, to acknowledge the work that is being done by the National Council for Persons with Disabilities. The Government has provided special schools for children with disabilities. I also want to use this opportunity to call upon all parents and other people in Kenya who are locking up these children in homes, and those who are ashamed of them to appreciate that nobody ever asks for a child with a disability. Let us take these children to school.

Many resources are going to special schools from the Constituencies Development Fund (CDF) and the National Council for Persons with Disabilities. They are even providing wheelchairs for those who require them. So, let us take those children to those schools so that they can get their basic right, which is education. They are entitled to it.

As I conclude, I want to say that persons with disabilities still have many challenges. It is not only about mobility but also access to employment. They are still being discriminated

against. Most of them apply for employment but they are not considered. So, as we address the challenges facing persons with disabilities and continue to advocate for accessibility to public buildings, I also call upon all institutions and employment bodies to recognise that we have qualified professionals with disabilities. Disability is not inability. Those people should be considered. We should also observe the two-thirds rule and ensure that they also get opportunity to be employed.

I want to thank Hon. Mwaura for this very good Motion. We also look forward to the other Bill so that we can support him to protect the interest of persons with disabilities.

With those remarks, I beg to support.'

Date 17th February 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: Motion on Accessibility to Public Buildings by Persons with Disabilities

'Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to support the amendment by Hon. Nyikal. The reasons are valid. Going by your direction, it is very important for hon. Members of Parliament to make their worthy contributions to the amendment. I hope you will later on give me a chance to contribute to the amended Motion. Thank you very much, Hon. Temporary Deputy Speaker.'

Date 17th February 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: Motion on Accessibility to Public Buildings by Persons with Disabilities

'Thank you, Hon. Temporary Deputy Speaker. Initially, I had intended to contribute to the amendment, but now I can contribute to the Motion as amended...' Was interrupted by the speaker... 'My exact point of concern is if we could further amend the Motion, particularly on the issue of involvement of NCPWD in approving all new public structures. As Hon. Sakaja had mentioned, the Joint Committee on National Cohesion and Equal Opportunity has been engaging the National Construction Authority (NCA). Hon. Mwaura was with us yesterday as we engaged the NCA. I was just wondering whether we will be confusing Government institutions because I do not think NCPWD has the necessary capacity and expertise to approve all public structures. So, I was thinking if we could---' Interrupted by the speaker...

Date 17th February 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Speaker, for giving me this chance to contribute. I do not come from the sugar belt but we do not put fish in our tea. We use sugar. So, in a way, we are also beneficiaries.

From the outset, I want to say that I am a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives. The Members of this Committee have complained very bitterly because the Committee has been held to ransom. The issues of livestock and fisheries that we are dealing with have become an issue of the sugar industry and very specifically, Mumias Sugar Company and Dr. Kidero. It is not the first time. We were even taken to the EACC. Some of us were taken there for anti-corruption issue for the first time because of this issue.

One of the things that I need to inform the House is that after we were taken to the EACC, Hon. Washiali retracted and said that he was fighting his personal wars. That is why he even alleged that the Committee was bribed. So, I would like to say that an issue has been raised about Standing Order Nos. 48 and 90. Even though we have not made reference to Standing Order No.90, I want to agree with Hon. Olago Aluoch. We are persuading you to make this decision. I want to say that, as a House, we are being called upon to make a very serious determination, which is: "When a Committee has made an observation, can an individual member come and substantially change it?"

If we allowed such, we would be creating a very dangerous precedent in this House because an observation is different from a finding. An observation cannot be an issue of perception. It cannot be an issue where the House makes a decision. It is an issue that is really personal to that Committee that was able to look at the demeanour of the witnesses who physically attended. So, I urge that you help this House and declare that the amendments that are being pushed by Hon. Washiali will not be allowed under Standing Order No.48.

I also want to speak on Standing Order No.90. Hon. Washiali has said that, based on the documents that have been presented by Hon. Jakoyo, he is not in any way associated with the company that is in the Report. If you read Standing Order No.90, you will find that it is very clear that it does not require you to be a director. Standing Order No.90 says:-

"(1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.

(2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships."

What has been inferred is that he has a personal and business relationship with the director of that company. It would be in order for Hon. Washiali to denounce on the Floor of the House that he does not know the directors of that company and not whether he is a director of that company. We do not want a situation where we will denounce and very shortly we start seeing affidavits being sworn. This has become the trend in Kenya - short messaging services (sms) going round and facebook things which have been covered where he is with the director of that company.

From personal experience and knowledge, as a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, I know that there is a very serious crisis facing the sugar industry in this country. As a Committee, we have tried to deal with it but we have been distracted by personal interests of sugar barons in this industry. If he really minds about the sugar industry, let him step aside and let those of us without interest deal with the sugar industry.

I will call upon you, Hon. Speaker, to make a ruling in relation to the issues which I have raised under Standing Order Nos. 48 and 90. I know that you were a bit distracted but I am sure that they will advise you on what I have said in relation to Standing Order Nos. 48 and 90. I am glad you have heard me.

Thank you, Hon. Speaker, for indulging in my submission.'

Date 18th February 2016

Member of Parliament: Hon. Gladys Wanga

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Temporary Deputy Speaker. As I stand to contribute to this Report on the crisis facing the sugar industry, allow me to take great exception to the attempt by Hon. Washiali to ethnicise a very important and national industry in this country. It was very unfortunate that Hon. Washiali attempted to ethnicise the issue and feel that sugar is dearer to one community than other communities in this country. Sugar is very dear to me and other Members of this House. My father met my mother in a sugar-cane plantation while driving a tractor. That is how important sugar is to some of us.

(Laughter)

However, making a political attempt to ethnicise sugar is unfortunate. I wanted to make that statement and let the people of Mumias East know that Hon. Washiali's amendment has been thrown out, not because one ethnic community is fighting another, but because he did not follow the technical procedures as have been provided for in the Standing Orders of this

House. Even as he seeks *bonga* points from Mumias East Constituency, the constituents must be aware that he was in the Departmental Committee on Agriculture, Livestock and Cooperatives and he had the opportunity to write a dissenting report and present it to this House. Out of negligence, he did not do that. Therefore, the blame is squarely on him.

The Report, as has been done by the Departmental Committee on Agriculture, Livestock and Cooperatives, is quite comprehensive. They have highlighted the challenges facing the sugar industry; the key one being the indebtedness of sugar factories in this country and the level of debt. The level of debt is what has brought many of our factories to their knees. I am talking about Chemelil Sugar Company, Miwani Sugar Company, Muhoroni Sugar Company, SONY Sugar Company and several others that have been mentioned in that Report. I want to speak specifically to the recommendation by the Committee that the Government must look at sugar just as seriously as it looks at other industries in this country such as dairy, coffee and tea. The Report has recommended tax waivers on farm inputs and implements, as far as the sugar industry is concerned. This is what we want to support. This Report must be looked at as holistically as the Departmental Committee on Agriculture, Livestock and Cooperatives has done.

I thank you for your ruling. This amendment was attempting to reduce the whole crisis in the sugar industry by narrowing it down to one individual. This House would have been so myopic if, instead of using this Report to holistically look at the sugar industry, narrowed it down to just one individual.

Thank you for the Report.'

Date 18th February 2016

Member of Parliament: Hon. Sunjeev Birdi

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Speaker. I would like to thank you for giving me this opportunity.

I have been observing the way the House has been debating this Report since yesterday. I could not help thinking that the last time I saw a Report like this being brought to the Floor of this House was sometime last year. I explicitly remember asking for a bucket because I felt like vomiting. It was so sickening. I feel the same this time round. I feel like we sold our country a long time ago. At this point in time, we are trying to resuscitate the sugar industry and bring it back to life but we are finding it difficult. The burden of bringing back to life an industry that has gone to the dogs is draining our energy.

At the outset, I would like to thank the Committee for this Report. I would also like to refer to the direction given by the Speaker, in which he said that this Report should be implemented to the end so that necessary action is taken by the relevant Committees and the organizations that deal with sugar. I would like to cite an example. Recently, I heard some ladies discuss the quality of sugar being sold in the supermarkets. I heard them talk about a type of sugar which we call "*Gur*" in Hindi. It is sugar that is not processed. It used to be available long time ago, but not now. I was told that it used to be the pride of Kenya. We have somehow lost it along the way. It is about time we regained it. Importing sugar is sensitive, as we have seen. The President directed that a large amount of sugar be dumped in the ocean. I commend that action. We cannot participate in importation of illegal goods. Why do we have to incur such large wastage when there are people who can benefit from it?

Unfortunately when we have investors from around the world coming to our country, they wonder and say that we are truly living in a land of miracles because they see a lot of arable land. I really feel bad that it is the common *mwananchi* out there who is not getting the fruits of our economy. It is about time we put our political squabbles aside. If it is privatisation that this country is looking for the Government should put in place relevant structures so that we can benefit economically as a country from this very important sector of the economy not only in Africa but in the whole world.

With those few remarks, Hon. Temporary Deputy Speaker, I thank you for the chance.'

Date 18th February 2016

Member of Parliament: Hon. Florence Mutua

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

I was part of the smaller committee that started investigations in this Report. Today is a very important day because this Report is being discussed. One of the biggest challenges we have in the sugar sector is that reforms have taken too long hence giving room to unscrupulous businessmen and businesswomen to engage in illegal imports and purported exports to ruin the local sector. This has led to a lot of suffering for our farmers.

I will talk about one of the amendments that was critical, which was brought by Hon. Washiali yesterday. That amendment was touching on the current Mumias Sugar Company management. When we did investigations, it was true that the company was at pains to give the information that was required about the sugar that was exported. It is important for this

audit to be completed so that the Committee can understand what was in the ---' Was interrupted by the speaker but then resumed. 'Thank you, Hon. Temporary Deputy Speaker. I was saying that the management of Mumias Sugar Company had an issue when it came to verifying whether indeed any sugar was exported. It was agreed that the exports made between 2006 and 2012 were fictitious. So, it is important for Mumius Sugar Company to come up with the audit that we have been waiting for a long time so that we can move on with this Report.

The sugar industry in Kenya indirectly supports six million Kenyans and contributes about 7.5 per cent of the country's GDP. I must mention that the last sugar consumption report that was done in Kenya was done in 2010. That was a very long time ago. We have requested the Sugar Directorate to do another survey for Kenyans to know what their consumption is at the moment. Kenya's sugar production cost is very high. We spend US$550 per metric tonne while other regions are spending US$415 per metric tonne. This is because we are still using very archaic machinery, very old methods of planting and small uneconomic farms instead of doing large-scale farming. We are not embracing technology and planting fast-growing sugarcane. We still rely on rain-fed farming.

Lastly, we have not really utilised the by-products of sugarcane. Instead, we are only interested in sugar itself. We are very happy that the Government, as it said, bailed out Mumias Sugar Company. However, we all need to understand what that money did. There are still very many issues that are coming up. We even understand that most of the farmers were never paid. So, it is important to understand where that money went.

Modernisation of factory technology is very important. The issue of injecting fresh capital is welcome to the poor performing government-owned mills. However, it is very important for the people who are injecting this money to sit with the relevant stakeholders and prioritise what the funds will do. Our mills' machinery is outdated. This is one of the key areas which we thought any money that is brought to bail out our mills would focus on.

Also of importance is the speedy exploitation of viable options that will see the ministry fast track privatisation of the five public sector-owned sugar mills. As we do this, we need to understand that agriculture is a devolved function and we need to involve the relevant people before any decisions are taken on such issues. Privatisation should also be done in a more accountable way. County governments must be involved. All the sector players should also be involved on these issues.

The issues of machinery and ancestral land should be dealt with independently because they have been raised severally. We have had issues of COMESA for the last 13 years but nothing has been done. No concrete measures have been put in place to ensure that our sugar is

competitive. We are breaking our legs in the last minute all the time trying to add another year when it comes to the issue of COMESA. Sugar business is good but not for the farmers.

The issue of illegal sugar has brought another issue in the repackaging of sugar. We see Mumias sugar being repackaged. Nowadays, most of us can attest to this fact. Supermarkets have their own sugar which they repackage. We do not know where these supermarkets get their sugar from. It is important to understand where they get their sugar from. They are repackaging their sugar nowadays.

Interestingly, none of the officers we interviewed agreed that sugar comes from Kismayu and other areas. The Committee did a lot of work. We even went as far as Msambweni and saw what happens there. However, none of the officers - even the NIS - we interviewed agreed that he or she knew of any sugar coming through those funny ports. It is very sad that the Government is not aware of what is happening. I am sure, as Hon. Midiwo has said, the barons are known. There is no way Florence Mutua can bring sugar into this country because I will be arrested the first day. So, the people who bring sugar illegally into this country are very senior and they are known.

As I finish, it is very sad to note that the amendment Hon. Washiali was moving would have actually "killed" a very key recommendation that we had. Recommendation 115 reads:- "THAT, any officer from the board and management of MSC and KRA responsible for the fictitious exports of sugar between 2006-2012 be held responsible for abuse of procedures and abuse of office".

It would have been very meaningless to narrow it to one person. We are happy that the Speaker has made a very good judgement on that issue.

Under our observation we got 18 companies that involved themselves in very funny sugar deals. We have requested that three of those companies be blacklisted. We hope, as a Committee that the companies that will be blacklisted will not go through the backdoor and come with another name to continue doing the funny business they are doing now.

Busia County is constructing its own sugar mills. We expect to have two if the court case we have can be done away with. We have had farmers in Busia County having sugarcane on their farms for almost 24 or more months. If this happens, the sugarcane becomes dry and useless. We hope that the sugar sector issues will be solved. We also hope that the issues in Busia County will come to an end so that our people can benefit from their own sugar mills. These mills will employ people in that county.

Thank you, Hon. Temporary Deputy Speaker.

Date 18th February 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support this Report. Maybe to put things in perspective, there has been a bit of drama today and yesterday on this Report on the sugar sector with the Committee against the proposed amendments by Hon. Washiali. If somebody does not say it, it will give very misleading information. I know Hon. Florence has alluded to it. However, what Hon. Washiali was doing by the proposed amendment was to make one person responsible for the rot in the sugar industry in Kenya which is not only misleading, but also erroneous and would not help the industry.

We have actually broadened the scope. We have not excluded the person whom he is targeting because he was the Managing Director at around that period. By leaving the opportunity open, it means that anybody who wants to go after Dr. Kidero for the work he did around that period, is free to do so. For us to purport to say that the crisis in the sugar industry in the whole country is attributable to Dr. Kidero is a fallacy and misleading. I say so because every Member has attributed the problem in the sugar industry to cartels. Fortunately, for me, I am able to look at it with fresh eyes because I come from the fishing industry and not the sugar industry. So, I am very proud to say that I am able to look at this from a detached perspective. I have no interest in the sugar industry. I am not a sugar baron and have never traded in sugar, even one kilogramme. Because of that, I was able to look at the issue objectively. Having worked very closely on the issue of counter trafficking in persons, I can only compare this to issues of drug trafficking and trafficking of persons. That is what we have in the sugar industry. I know Hon. Omulele was a bit frustrated when he was saying that we should have done more. Even if you gave any Committee of this House the task to check on drug trafficking or counter trafficking in persons, we will only scratch the surface because of the very nature of the industry. Due to time limit, I will say some of the things that I observed.

First, on the issue of sugarcane poaching, you find that there are individual sugarcane farmers who enter into contracts with companies like Mumias Sugar Company. Once they get into these contracts, they are given inputs, so that once they have their harvest, they take it to the company between which they have a contract, for example, Mumias Sugar Company. We have companies on the side who have put absolutely no input and poach

sugarcane. So, when Mumias is waiting for money that they put in, it never reaches them. How do you expect Mumias Sugar to make profit neatly under such circumstances?

Secondly, the cost of production is comparatively high. We are talking business here and we are comparing with neighbouring countries and internationally. If our cost of production, as has been indicated is comparatively high, how do we expect to compete with other countries? There is the issue of archaic machinery in some of our companies and we are expecting to compete with people who have modern machinery. The tonnage we produce in one week, somebody produces it in one hour. How do you expect us to compete?

The other issue is management and that is why we have recommended that there be further investigations. We even requested for an audit report that was done and we were never given a final one. We sent it back and it came back incomplete, but the House was also in a hurry. There were allegations that the Committee has received bribes. We did not receive bribes. Hon. Washiali came and apologised before the Committee for casting aspersions that the Committee had received bribes. In fact, the Committee wanted him expelled.

We are all politicians in this House. I would want to be re-elected in Mbita just as much as he would want to be re-elected in Mumias East, but he cannot use the platform of the House to cast aspersions on us, so that I am not re-elected and he is re-elected. I am sure this weekend he will go to Mumias and say: "Did you see how I almost boxed Hon. Millie Odhiambo fighting for sugarcane?" It is time the country got to know the truth. Let us not use the Floor of the House for cheap politics. If he wants to get votes, let him just go directly to Mumias and ask his people to vote for him based on the work he has done, but not by besmirching the names of other Hon. Members. We need to look at the management of Mumias Sugar Company around that period, but definitely Parliament does not have that capacity.

On the issue of cheap and unregulated sugar that is flooding the market, I know, unfortunately, that even though there is a bit of politicking about the sugar that is in Mombasa especially in relation to the Governor of Mombasa, we are seeing sugar that has been found in Mombasa. If you are talking about small companies who want to compete against people who are bringing cheap imports from Brazil and other countries and purporting it to be local sugar, how do you expect us to compete?

I thank my brother, Hon. Ababu, who is sitting next to me. He was asking whether the Committee has made an earthshaking recommendation. I can say no. We have not made an earthshaking recommendation because the earthshaking recommendation is these two things. Forget the sugar industry and go for something else or deal with corruption. This is because all these things are about corruption. Cheap sugar is coming because of corruption.

Mismanagement, poaching and all these things I have mentioned are due to corruption, some of which I saw as a lawyer. It is so clear. When I get into a contract with you to supply and I have given you inputs, you should supply your final produce. When these matters are taken to court, it takes many years. By the time a court decision is made, the sugar is stale.

So, the only earthshaking recommendation is forget about sugar and diversify, but if we do not want to forget about sugar because the lives of many Kenyans would be affected, then deal firmly with corruption. Until the Government gets serious about dealing with corruption, we are cheating sugarcane farmers. Some of the Members that were the most theatric in this process - we have information - are the sugar barons. They create a lot of drama in the House and they are sugar barons. We have evidence which we will be tabling next week. So, if we are serious and we want to help the thousands of Kenyans who are in this industry, we must deal with corruption.

My entire clan lives in Awendo and they plant sugarcane. Whenever I visit there for funerals or other functions, they tell me: *Mheshimiwa,* please, speak about the sugar industry". So, I have made it my business to know about what is ailing the sugar industry. For me, the only earthshaking thing is to deal very firmly with corruption. I want to challenge the presidency that I have learnt about anti-corruption strategies and until and unless there is goodwill right at the top, we will only be scratching the surface.

I support.'

Date 18th February 2016

Member of Parliament: Hon. Mary Emaase

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Temporary Deputy Speaker for this opportunity. I speak as a sugarcane farmer because I have sugarcane farmers in my constituency. Our cane was being taken to Mumias Sugar Company even before West Kenya came into the picture. Having said that, this is a very important Report. I am surprised that some of the Members have attempted to use this Report to settle personal scores. This Report is very important to the sugarcane growing regions and farmers across the country. I have witnessed the suffering of farmers due to delayed payments or what they refer to as a "DR" and delayed harvesting of cane. Most of the farmers, like those in my constituency, grow cane as the only cash crop. Some of them committed all their small pieces of land to cane farming. They depend on it to

finance all their needs. When such an important issue is brought to the Floor of the House, Members should not use it to play politics. We have so many platforms to play politics.

The sugar industry is ailing. That is a fact that we must appreciate. The challenges that have been highlighted by the Committee on the Floor of this House are not new to us. We have discussed them in the Departmental Committee on Finance, Planning and Trade and in the Departmental Committee on Agriculture, Livestock and Cooperatives. As a country, we are not taking these challenges seriously.

As much as there are so many recommendations, I do not want to belabour some of the points. The problem is the mismanagement of the factories. The factories are good. I am even surprised that Recommendation 117 says that the Government should consider offering tax breaks to encourage new investors. We have a net surplus of investors. In Busia County, we have two factories at a distance of less than 10 kilometres. The problem is not that we do not have enough investors in the sugar industry. We have more than enough investors in the sugar industry. The real problem is mismanagement. That has been explained. The real problem is the importation of cheap and illegal sugar into the country. In Recommendation 108, the Committee recommends that we need to develop relevant laws and regulations and make them stiffer. We have sufficient laws. The problem is enforcement of those laws and regulations. Legislation will be an exercise in futility. The problem is all of us. It is the culture and the mind-set. We must address the real problems. Otherwise, we will make many laws or legislate a thousand times, but unless there is commitment to enforce these laws, we will continue to experience problems and our farmers will continue to suffer.

Hon. Temporary Deputy Speaker, let me talk about the issue of cartels. Some of our farmers are not benefitting from their cane. There are cartels that even purchase the cane before it matures. Therefore, they sell the cane to the sugar factories and take all the profits. Does that mean that we do not have regulations and laws that govern marketing of sugar?

With regard to farm inputs, sugar factories give farm inputs to farmers, but supervision by extension officers is wanting. Either there is poor application or no application of inputs at all. What is a farmer, whose farm input has been delayed and his cane is ready for harvesting, expected to do? Some of the farmers sell the fertilizer that is given to them and that affects the quality of the harvest. The expected tonnage will not be realised if this happens. So, there is a big problem than what we see.

I agree that Mumias Sugar Company has not recovered, but we must also appreciate the fact that it was in the Intensive Care Unit. When we requested the President to intervene, he did. We must appreciate that fact. The management of Mumias was changed, it is still

recuperating and is coming out of the ICU. I appreciate that the Committee has tried, but more needs to be done. There is more that needs to be done than what we see. Let us take such reports seriously. Let us not try to bring politics into such very important reports that touch on the lives of Kenyans, their livelihoods and that affects the economy. When these institutions go down, most of our people lose employment. That will not only affect the economy, but also security and stability because people will be jobless.

I take this opportunity to advise our cane farmers that it is time for us to begin thinking about diversification. We must set aside some pieces of our land to also plant some food crops besides cane. We cannot depend fully on cane. That is important. Let me stop there, so that I give the opportunity to another Member to contribute to this Motion.'

Date 23rd February 2016

Member of Parliament: Hon. Esther Gathogo

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Speaker. I had a point of order, but the Member has finished making his contribution. He was saying that the Government is killing the sector. He said that President Uhuru Muigai Kenyatta, went to Mumias with Kshs2 billion goodies to correct whatever mess was made by other people. I do not know whether that is what you call "killing the sector." Thank you, Hon. Speaker.'

Date 23rd February 2016

Member of Parliament: Hon. Mary Wambui

Contribution she made on: Motion on Adoption of Report On Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Speaker, for giving me this opportunity to speak about the sugar industry. We have been writing the Report on sugar for a long time. We have also discussed about this industry for almost three years now. The Report is being debated in this House and I support it. Farmers are suffering because some people are importing sugar when our sugar is still in the factories' warehouses. There are also people who say that they are importing sugar and yet they buy it locally and when it reaches the border it is brought and sold in this country at a throw away price. If they want to import sugar, the Government must make sure that sugar from Mumias Sugar Company is sold at a higher price so that importers can buy their sugar from outside. Who is suffering? It is the farmers who have problems.

The Government is trying to help the sugar industry but there is a big problem which we need to look at. Let the Government chip in when there is a problem in any industry. We have a problem in the sugar industry and we have talked about this Report for a long time. I am happy because at last we said: "Enough is enough. Let the Government go back to the drawing board and see what the problem is in the sugar industry."

Somebody has said that some people want to kill the sugar industry. When our President went to Uganda, he did not go there because of sugar. We said that if anybody is aware that the President signed any deal on sugar, let him come forward. Let us not politicise the plight of farmers in this country. Let us help them because we know them. Farmers will not have problems if they have money. This is because they will get something to eat. There is a big problem in Mumias Sugar Company. We cannot say that so and so has done this and that when we are not sure. We cannot do a report of witch-hunt. I support this Report and God bless the sugar industry.'

Date 23rd February 2016

Member of Parliament: Hon. Cecilia Ngetich

Contribution she made on: Motion on Adoption of Report on Crisis Facing The Sugar Industry in Kenya

'Thank you, Hon. Speaker for this opportunity. I wish to add my voice to what my colleagues have said. I support the Report. Over the years, there has been a tendency of killing our industries. A number of them are not operating now. The sugar industry has had historical and perennial problems. Why they have never been solved leaves a lot to be desired. Sixty five per cent of our youth are out their "tarmacking" because there are no industries to absorb them. As a result, we are entrenching poverty instead of alleviating poverty.

Resources such as time and money have been put in this Report. The only way the public will get value for their money is to see that there is proper implementation. We do not want to be a country where we are known for producing very good policies but they are hardly implemented. We are known in this House to be producing very good reports and yet none is implemented.

I do not want to blame the Committee on Implementation but apart from them monitoring, there should be very clear procedures and actions to be taken should they find that there are people curtailing the full implementation of this Report. We want to see heads rolling and money recovered. It is not just enough to mention someone and take him to court.

There should be a way of recovering the amounts of money that are lost due to negligence or embezzlement.

It is time to be serious as a House. We will need reports from committees as to how far they have gone in implementing the reports that are under their responsibility otherwise, the Committee did their best. They have unearthed the problem. We need to save farmers from the agony of losses because farmers rely on sugarcane as suppliers or sugarcane cutters so that they get money to pay school fees. If they are not able to educate their children, we end up with illiterate children and poverty continues within that community.

As per the Report, the people killing the sugar industry are the elite. We have seen reports to the effect that so much sugar has been impounded costing millions and billions of shillings. If you follow the reports keenly, you will realise that it is not a simple person who can afford such an amount of money to import sugar.

So, when you try to follow up, there is the idea of going for the "small fish" and not the "big fish". We want to see the law being applied to all. Let us see heads rolling when there are mistakes committed. So, the Report should be implemented to its fullest to save these farmers from the agony that they face.

Thank you.'

Date 23rd February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Motion on Senate Amendments to the Climate Change Bill

'Thank you, Hon. Speaker. I beg to move the following Motion:-

THAT, the Senate Amendments to the Climate Change Bill (National Assembly Bill No.01 of 2014) be now considered.

The Climate Change Bill, 2014 was passed by this House on 5th March, 2015 and subsequently taken to the Senate. It was returned on 3rd December, 2015.

Hon. Speaker, the Senate made several amendments to the Bill, many of which we, as a Committee, agree with. We only disagree with three of them. Many of the amendments proposed by the Senate are an improvement to the issues raised or are addressing typographical errors. In the interest of time, let me deal with only the three matters which we disagreed with the Senate. The first one is on the amendment to Clause 7 of the Bill in which the Senate is proposing the deletion of representation of civil society in the Climate Bill Council. The issue of climate change has been well articulated and involves the civil

society a lot. We feel that this removal would make this Council weaker and not stronger. So, we declined to agree with the Senate on the matters of the amendment to Clause 7.

The other amendment is still on Clause 7, but we disagree with the Senate on this. The Senate is asking the Members of the Council who are not representing Government entities to be vetted by both the National Assembly and the Senate. Articles 95(5)(b) provides:-

"The National Assembly exercises oversight of State organs."

It is our contention that Article 95(5) of the Constitution provides that the National Assembly is responsible for oversight of State officers. Article 96(4) says:-

"The Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145."

Under Article 96(4), the role of the Senate with regard to oversight is limited to the process of impeaching the President and the Deputy President. So, we think that that amendment will be unconstitutional and as such we will not be supporting the same.

The other amendment that we have a problem with relates to the fine of Kshs1 million for a person who disobeys the instructions of the Council. The Senate has increased this to Kshs10 million. We believe that this is punitive given that most of the industries in Kenya are mainly small and medium scale. As such this figure is punitive and we would like this House not to approve that amendment.

The Senate has also added New Clause 25(A), which provides for incentives to persons who are involved in mitigating the effects of climate change. We support this amendment given the fact that it is adding value to the Bill. There were many other amendments by the Senate including the one on Clause 5 that includes the Deputy President as the Vice-Chair of the Council. We support this amendment but if it passes, there is need for consequential amendments because it eventually increases the number of members to this Board from nine to 11.

Since, I am not in the mood of fighting with the Senate, I want to just support these amendments and ask Hon. Chachu to second.'

Date 23rd February 2016

Member of Parliament: Hon. Cecilia Ngetich

Contribution she made on: Motion on Report on Realisation of National Values/Principles of Governance

'Thank you very much, Hon. Temporary Deputy Speaker, for this opportunity. On the Report on the realisation of national values and principles of governance, indeed, the emphasis of

public participation in our Constitution is very key in the sense that one would not respect the values and the principles that are formed if they do not participate in it. When you make laws for the people, they have to participate and understand in order to have ownership.

Secondly, I recall that during the good days in school, we were taught about national values. There was a subject known as Civic Education. If that could be instilled at an early age, it would really make sure that children grow being very patriotic and understand the cohesive nature that we need to instil in our country. Therefore, we need to do a lot in the education sector to promote unity and cohesion. This should not divide us, but make us know where we have come from. I remember one time the curriculum was saying that if you are in the Rift Valley, you only have to learn about the mountains and the tea in the region and not the features that are found in other areas.

About social inclusion, indeed, the country has come up with laws that will recognise representation and equity. However, I still want to say that education is an equaliser. When one goes to school, regardless of where you are, you will one day be able to alleviate poverty in your home or community. We talk of free and compulsory basic education. This basic education is from pre-school to Form Four. If this is the intent of the Government, then we are still very far from realising those principles of governance, national values and even social inclusion.

Finally, I want to talk about the rule of law. Laws are there and those who break them should face the wrath of the law. There are people who cannot afford to hire lawyers. So, in social equity, we also need to remember the legal aid for those who cannot afford to hire lawyers for representation, so that they are not locked out. We realise that if you are not strong, the rest who are strong will overcome you. In the animal farm, others are more equal than others. It is time we developed a monitoring and evaluation procedure to ensure that we realise the way the principles and the national values are disseminated to the people. This should be done from a cultural perspective.

Thank you, Hon. Temporary Deputy Speaker.'

Date 23rd February 2016

Member of Parliament: Hon. Christine Ombaka

Contribution she made on: Motion on Annual Report to Parliament on The State Of National Security

'Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to support this Report, but also highlight some few issues especially starting from the 2007 Post-Election Violence. Compensation is a key area that must be addressed. Many people

who were affected during this particular violence are complaining. People from Nyanza are some of the victims who were highly affected and have never received any compensation. It is important that we address this issue.

Secondly, the area of sexual-based violence is still very high. There might be improvements in certain areas where there is insecurity, but when it comes to women and children, this has not improved. According to the Report, we have had 5,184 rape cases. Most of these cases are not well addressed. Even when they are reported, the police do not take action on those who are sexually violated. Evidence is never there and there is also corruption knowing very well that sexual violence is a sensitive area and many people would not wish to admit that they have been sexually violated.

We still see cases of domestic violence, but victims are not adequately addressed. Perpetrators still walk scot-free and there is no justice for those who are affected. This is an area that must be addressed in future because it affects men, women and children. Lastly, there is the section on poverty and unemployment. Young people in the rural areas are becoming a little wild because they have no money. They are not employed yet they are educated. They have gone to universities and colleges yet they are hanging around without employment.

I know the Government has tried its best by bringing funds such as the *Uwezo* Fund to improve the economy of young people in terms of starting businesses, but this money is not enough. It is still very little, I have been a participant in the *Uwezo* Fund distribution in my county, but the money is too little for the number of groups that wish to benefit from the Fund. There is the Women Enterprise Development Fund which is again a drop in the ocean. There is also the Youth Enterprise Development Fund, which is actually dogged by a lot of corruption. These are very volatile areas where violence comes in, but the Government has not addressed that area very well. Although I must appreciate that these initiatives are very well intended, the people who manage some of them are themselves corrupt.

Thank you and I support the Report.'

Date 25th February 2016

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: Motion on appointment of Sen. Billow Kerrow to Pan African Parliament

She rose on a point of order:

'Thank you, Hon. Speaker. I rise on a point of order to question

whether Hon. Midiwo's contribution is really relevant. We are talking about approval of a

Senator to PAP. What is in front of us is not discussion about affidavits or any other political stories that Hon. Midiwo may be interested in. Is it in order?'

Date 25th February 2016

Member of Parliament: Hon. Millie Odhiambo

Contribution she made on: Motion on appointment of Members to The Committee On National Government Constituency Development Fund

She rose on a point of order:

'On a point of order, Hon. Speaker. I rise under

Standing Order No.173 (2) which states that:-

"The Committee on Selection shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of Members of a Committee of the Assembly, including a Committee established through a resolution of the House, shall be of the same gender".

I want to read that together with Article 27(8) of the Constitution which states that:- "In addition to the measures contemplated in Clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender."

My concern is that this Committee as constituted is unconstitutional. I know that there is an argument that the entire House in itself does not constitute one-third in terms of gender. However, in terms of realising or working towards that realisation, we must be alive to the proportionality of the female gender in this House. If you are talking about proportionality, I do not think one woman out of 19 men represents proportionality. I want to speak as the Chairperson of 16 women who fought out with men and were elected yet we are being treated in this House as second class citizens. We will move from fighting on the ground to fight on this Floor. This is because it is a consistent war. We have made this provision in the Constitution and every time we have to come here and beg. We have shown men that we can fight and defeat them. Why are you using your numbers to intimidate us?

I want to tell the proposed Chairman of this Committee that this is unconstitutional. I know they are rigging themselves in. He will not use the issue of time when it comes to issues of women and representation. Other times you tell us to fight it out with men. We fought it out and that is why I am here as the Member of Parliament for Mbita. You do not have to put Hon. Millie Odhiambo in that Committee. There are 15 other women who are capable and even if you left the 15, there are 47 others who represent counties. There are five others who have been nominated. So, it is not that we have a dearth of women in this House. So, I

request that you rule that this matter should not be debated because it is unconstitutional. Let it be brought back on Tuesday. Our constituents will not die. They will wait until Tuesday, so that we can respect the women of this country.

I know that when it is an issue of interest to Hon. Jakoyo, he stands very strongly. He has stood very strongly and fought against the man who beat women. May I see him standing now to defend Hon. Millie Odhiambo of Mbita, 16 women and the others?

Finally, I want to indicate for your information that not only am I a victim of gender wars, but I am also a victim of inefficiency in Africa. I am a Member of PAP, but I have not attended the last two sessions because the machine that makes diplomatic passports has broken down for the last one year in Ethiopia and South Africa cannot process my visa on time. Then I come here to deal with another gender issue again? Please, Hon. Speaker, can you rule that this matter is unconstitutional?

Thank you.'

Date 25th February 2016

Member of Parliament: Hon. Peris Tobiko

Contribution she made on: Motion on appointment of Members to The Committee On National Government Constituency Development Fund

'Hon. Speaker, I support my sister, Hon. Millie, on this one. We need more representation of constituency women Members in this Committee, so that when they discuss issues that are related to constituencies, we can also contribute because our constituencies are equally affected. If the CORD Coalition was not women-friendly and was not able to produce enough constituency women Members, the Jubilee side would be more than ready to give more women to take up those positions. We cannot have one woman even if it is on affirmative action basis. We need, at least, two or three more women in that Committee.'

Date 25th February 2016

Member of Parliament: Hon. Mary Wambui

Contribution she made on: Motion on Report On Term Of Transition Authority

'Thank you, Hon. Temporary Deputy Speaker. I rise to second the Motion. There is no need to extend their time because counties are doing their job. Even if you extend their term, I do not think they are going to do much. That is the reason why our Committee and the Cabinet Secretary for Planning and Devolution agreed not to give them more time. We will see the way forward after passing this Motion. I beg to second. Thank you.'

Date 25th February 2016

Member of Parliament: Hon. Mary Emaase

Contribution she made on: Motion on Report on Term of Transition Authority

'Thank you, Hon. Temporary Deputy Speaker for this opportunity. Devolution is the most important thing that ever happened to this country. There are areas in this country that appreciate devolution because they have received services that they would never have received if there was no devolution.

I am persuaded to oppose this Report. I believe that we should give the TA more time. One reason, as already alluded to by Hon. Chris, is that the Ministry of Devolution and Planning is yet to finalise the Devolution Policy. We know that this is a very critical pillar in managing the implementation of devolution. It is needless to say that the involvement and active participation of the TA is still very important and would greatly enrich the process. As a country, we are approaching an election year which is next year, 2017. I do not think it will be fair for us to have a lacuna in the devolution transition process because in the absence of the TA--- I know that we have the Intergovernmental Relations Authority that is supposed to take over. However, we must note that this body is required to operate the technical arm of both the county governments and the national Government, coordinating the summit and the Council of Governors (CoG). We are also aware that the CoG has its own secretariat that needs to be entrenched in the law that they would like to take over these functions as an arbitrator as it was done by the TA. If the Intergovernmental Relations Authority is competent enough and has capacity, I do not think the governors would like to have their own secretariat entrenched in this process. I believe that we still need the TA. The responsibility of TA as per Section 15 already alluded to goes beyond the transfer of functions. We also know that these functions were transferred almost immediately. Therefore, there are a number of challenges that have risen as a result of that. Given the institutional memory and expertise that we already know that the TA would provide in this process, it would be important that we have it so that all the assets of county governments are audited and transferred and all title deeds are processed. As it stands now, that process has not yet been concluded. If we move on to the next elections before this processes have been concluded, this Government stands to lose a lot of property and assets.

Thank you Hon. Temporary Deputy Speaker. I oppose.'

Date 25th February 2016

Member of Parliament: Hon. Grace Kipchoim

Contribution she made on: Motion on Report on Term of Transition Authority

'Thank you, Hon. Temporary Deputy Speaker for the opportunity that you have given to me. I also want to add my voice to the Motion that is before us this afternoon. The function of the TA was to fully interpret the Constitution and determine the functions that would be fully transferred to the county government *vis-a-vis* the functions that would remain with the national Government. Looking at the functions of the TA, there are a lot of functions that the national Government shares with the county government such as education. Water, health and agriculture functions have been transferred to the county governments. We have had a lot of teething problems. For the last three years, counties have not been able to absorb those functions fully. Our nurses and doctors are still crying because their salary increase demands are not being met. They do not even receive their salaries at the end of the month as the Constitution requires. Counties have not been able to support the staff that they have. With regard to education, it was partially transferred to the county governments. We are always stepping on one another's toes when it comes to those functions. Looking at our roads, the Departmental Committee on Transport, Public Works and Housing had not completed considering the issue of roads. We have not completed considering the Bill by the Departmental Committee on Transport, Public Works and Housing that was pending before this House. A list of roads for construction was gazetted and assigned to the counties even before the Members of the County Assembly (MCAs) and Members of Parliament were aware that there was a list of roads that had been gazetted. We do not even know which list of roads was gazetted and assigned to the counties and which one remained in our constituencies. Some constituencies do not even have roads that fall under the authority of the national Government because of the status of the roads. I support the Committee for having done all this work. The TA cannot exist forever. There was a time-frame for its existence, which we should follow as stipulated. Even after the three years are over, consultations are still going to take place. The secretariat that is going to remain in office will offer the support and assist our counties. It will be the link between the counties and the national Government in seeing that our counties have grown as stipulated. With regard to the teething problems that the counties have had for the last three years, from 4th March 2016 next week, our counties will grow and become solid as they will now know what to do. The civil servants that have been employed in those counties will take charge of their work because they have sufficient training from the institutional memory that they must have amassed for those three years. Going forward, our counties will come up with fully established systems.

I support the Motion.'

Date 25th February 2016

Member of Parliament: Hon. Fatuma Ibrahim

Contribution she made on: Motion on Report on Term of Transition Authority

'Thank you, Hon. Temporary Deputy Speaker. I stand to oppose the Report of the Committee. Hon. Temporary Deputy Speaker, we were in a meeting in Whitesands Hotel in Mombasa, when the TA members presented to us their report on the work remaining and how much they have covered. They presented a very compelling report to seek an extension of their mandate. According to the Report they provided, they indicated that with the tight schedule and challenges experienced in getting the necessary funds or allocations from the national Government, they have covered 60 per cent of the work and they are remaining with 40 per cent. During the meeting, and I know you were present; the Chairperson of the Constitutional Implementation Oversight Committee was in agreement with the extension of TA's term. But I am surprised that he is today opposing the extension of TA's mandate for two years. I do not know whether he got some instructions from anyone but, with all due respect to the Chairman, Hon. Baiya, I remember he was in agreement.

The TA raised a very crucial point on why they are seeking their mandate to be extended. They said that they have done an inventory of the assets and liabilities. What is remaining is crucial; the audit of the asset and liability of public utilities and property. The relationship between the TA and the public is very clear. It provides regular update to the citizens of this country on what is remaining, what they have achieved, what is pending and the challenges they are experiencing. If the TA is not given extension, the opportunity of public information will be lost. The institution that the functions will be handed over to will be the Intergovernmental Relations Technical Committee, which is an exclusive club of governors and the Executive. The public will not have quality information and a true reflection of what is happening with regard to devolution, what is supposed to be devolved and what is remaining. I support the extension of the TA's mandate for two years. We all agreed in the meeting at Whitesands Hotel, Mombasa on one major reason. This country has a history and we are in a crisis of corruption. We cannot contain it and we have to declare corruption a disaster in this country. If the TA is not provided with an adequate extension, it is likely that the assets and liabilities will not be audited. We will not know who grabbed public and Government land. It will be business as usual between the governors and the Executive. We are a worried country and we will not have transparency if the TA's mandate is handed over to the Intergovernmental Relations Technical Committee.

If this House finds it necessary and important to extend the TA's mandate for two years, there will be a smooth hand-over of the comprehensive work that has been done to the new

Government after the 2017 General Elections. If we do not extend the TA's mandate, the opportunity to handover comprehensive and exhaustive functions and mandate of the national and the county governments will be lost. The public will be short-changed. I want to plead with the House to extend the TA's term for two more years for them to provide a comprehensive report and audit of all the necessary assets and liabilities of this nation. This is a huge nation that requires an independent institution that is largely and specifically focusing on the work of devolved functions and fast-tracking the remaining part of the work of TA. If we do not extend the TA's term, we will be very unfair and failing to take care of the interests of this country. With the kind of environment and the Government that we have now, which is swimming in corruption and is unable to contain it, we will not help Kenyans. We will be helping the people who are not handling our resources and finances well. Hon. Temporary Deputy Speaker, I oppose the Report of the Committee.'

NOTICE OF MOTIONS

Date 24th February 2016

Member of Parliament: Hon. Gladys Wanga

Contribution she made on: Motion on scholarships for students to study oncology

'Thank you, Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that cancer is a leading cause of death globally, with more than 70 per cent of all cancer deaths occurring in developing countries; further aware that in Kenya, the disease ranks third among the main causes of death after infections and cardio-vascular diseases and accounts for up to 18,000 deaths annually, with over 82,000 new cases reported annually; noting that over one-third of cancer patients experience clinical anxiety and depression and thus, profoundly affecting the families psychologically and economically; cognisant of the fact that some of the patients travel up to 600 kilometres to Kenyatta National Hospital, the only public hospital that hosts most of the oncologists in Kenya; further cognisant of the fact that the remaining small number of oncologists are mainly based in Nairobi; deeply concerned that only few patients get admission or outpatient treatment due to monetary constraints; this House resolves that the Government mitigates the situation by offering scholarships to, at least, one medical master's student per county to study oncology and signs contractual agreements with them to serve in designated cancer treatment and management centres, building partnerships with existing medical institutions in local public universities for provision of training opportunities and emphasising on the use

of tele-medicine and e-medicine to eliminate distance barriers and improve access to medical services.

Thank you, Hon. Speaker.'

Date 24th February 2016

Member of Parliament: Hon. Gladys Wanga

Contribution she made on: Motion on report on implementation status of house resolutions

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

THAT, this House adopts the Report of the Select Committee on Implementation on the implementation status of House Resolutions for the period of April to November 2015, laid of the Table of the House on Wednesday, 2nd December, 2015.

Thank you, Hon. Speaker.'

PROCEDURAL MOTIONS

Date 10th February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: Limitation of debate on sessional papers

'In supporting this Procedural Motion, I want to highlight the fact that the House does not amend sessional papers. The leadership of this House and the Committee on Procedure and House Rules need to look into this matter. We do not amend sessional papers and yet we give them the authority of being passed by the House. Who takes responsibility for sessional papers that we pass in this House that have typos and incorrect information?

Therefore, regarding these sessional papers, whereas I agree with the timing, the onus is with the House and the Procedural Committee to address this issue. Since we do not amend sessional papers, who takes responsibility for a sessional paper that has been passed by the House, if such a sessional paper is littered with typos and misrepresentation? That is the area that I wanted to speak to in debating the question on sessional papers.'

She rose on a point of information to Hon. Nyamweya: 'Thank, Hon. Speaker. Just to appreciate the concerns that the Member is raising. On the first one on funding, Clause 29 of the Bill addresses that. It is going to be money allocated by Parliament for the purposes of the service from year to year. On the other question of the Minister or Cabinet Secretary, it is going to be the Cabinet Secretary for the time being responsible for matters of justice. In this particular regime, it is the Attorney-General. So, the amendments that the Committee

will bring will require that the Cabinet Secretary for the time being in charge of matters of justice as opposed to legal aids in particular.'

PETITIONS

Date 23rd February 2016

Member of Parliament: Hon. Jessica Mbalu

Contribution she made on: Petition on Relocation of Sub-County Headquarters

'Thank you, Hon. Speaker. I have a Petition from the residents of Kibwezi East Constituency on the relocation of sub-county headquarters.

I, the undersigned, on behalf of residents of Kibwezi East Constituency, draw the attention of the House to the following:

THAT, administration units, in particular the sub-counties, are important in the delivery of various services required by residents, including issuance of National Identification Cards and offering security services;

THAT, Section 15 of the National Government Coordination Act requires that sub-counties be headed by Deputy County Commissioners, who are to be based within the sub-county for effective service delivery;

THAT, currently the headquarters of Kibwezi East sub-county is located in the neighbouring Kibwezi Town;

THAT, residents of Kibwezi East sub-county are disadvantaged since they have to travel long distances to access services at the sub-county offices;

THAT, several consultative meetings between leaders and residents of Kibwezi East Constituency have been held and resolved that Kambu Town is the most ideal location to host the sub-county headquarters;

THAT, Kambu Town has sufficient Government buildings and adequate office space, vacant and available for use including CDF offices under construction which can be used to host sub-county administration offices and offer Government services;

THAT, petitioners have lodged several appeals to the Ministry of Interior and Coordination of National Government regarding the matter but their efforts to resolve the matter have been futile.

THAT, multiple follow-ups by the residents have not received any redress to date. THAT, the matter presented in this Petition is not pending before any tribunal or court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security,

(i) Recommends relocation of the Kibwezi East Sub-county headquarters from the current location that is in Kibwezi Town to Kambu Town.

(ii) Makes any other order or direction that it deems fit in the circumstances of the case.

The Petitioner will ever pray.

It was presented by Hon. Jessica Mbalu, Kibwezi Constituency today 23rd February, 2016 on behalf of the residents of Kibwezi East Constituency.

Thank you.'

Date 23rd February 2016

Member of Parliament: Hon. Grace Kipchoim

Contribution she made on: Petition on De-gazettment of Mochongoi Settlement Scheme

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Thank you, Hon. Speaker. I rise to read a petition on behalf of the people of Mochongoi in Baringo South Constituency.

I, the undersigned, on behalf of the citizens of Kenya and the residents Mochongoi Settlement Scheme in Baringo South Constituency, draw the attention of the House to the following:

THAT, Mochongoi Settlement Scheme is located in Baringo South Constituency. The said scheme was established in 1989 by the Government consisting of three phases. That is Phase I- Block107 - Mochongoi; Phase II - Block 110 - Kamailel and Phase III - Block 111 - Kimoriot;

THAT, Phase 1 - Block 107 - Mochongoi has 2,673 plots and only 1,411 plots have been allocated letters of allotment while the rest have no title deeds and the whole parcel has not been de-gazetted;

THAT, Phase II - Block 110 - Kamailel has a total of 1,779.7 hectare plots and 550 plots were issued with allotment letters and the Settlement Fund Trust (SFT) was paid, but the title deeds were not issued;

THAT, Phase III-Block 111- Kimoriot has acreage of 2,316 hectares. Only 843 plots have allotment letters and SFT has been paid fully. The remaining ones have not been issued with allotment letters. The SFT was not paid and, hence they have not been given title deeds;

THAT, the three blocks host a population of over 40,000 who always access Government services such as health services and water. The scheme is endowed with massive infrastructure development that has been done by the Government. Regrettably, many plots within the scheme have no title deeds and, hence that is hampering the rate of economic development of the area.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands:-

(i) Intervenes to ensure that the Petitioners' plight is addressed by de-gazetting the said piece of land and issues title deeds to all the people who are settled in the scheme without further delay; and,

(ii) Makes any other recommendations that may be deemed fit in addressing the plight of the Petitioners.

Your Petitioners will ever pray.

The Petitioners are Anthony Chebii, James Boit, David Makilgut, Elijah Kiptoon, Richard Kipchumba, William Ng'etich, Richard Chesang, Benjamin Kangogo, James Tunai, Salina Kibon and Paul Koech, on behalf of the 40,000 residents of Mochongoi.

Thank you.

PAPERS LAID

Date 17th February 2016

Member of Parliament: Hon. Amina Abdalla

Contribution she made on: The Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Senate amendments to the Climate Change Bill, 2014.

'Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday 17th February 2016:-

The Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Senate amendments to the Climate Change Bill, 2014.'

Date 17th February 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: The Report of the Departmental Committee on Health on its consideration of the Biomedical Engineers Bill, 2015.

'Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday 17th February 2016:-

The Report of the Departmental Committee on Health on its consideration of the Biomedical Engineers Bill, 2015.

Thank you, Hon. Speaker.'

Date 25th February 2016

Member of Parliament: Hon. Rachel Nyamai

Contribution she made on: Report of the Departmental Committee on Health on its consideration of the Petition by the Kenya National Union of Nurses on the Health Bill, 2015.

She tabled the paper in the august house.

STATEMENTS

Date 24th February 2016

Member of Parliament: Hon. Soipan Tuya

Contribution she made on: Statement on status of business pending before the committee on implementation

'Thank you, Hon. Speaker. I have a long list to update the House on the current status of business pending before the Committee and so, I will move very fast. I will start with the resolution on the establishment of girls' boarding schools in arid and semi-arid lands (ASAL), by Hon. Dukicha. We have engaged the Cabinet Secretary for Education and we are still pursuing the matter. In the 2013/2014 Financial Year, eight boarding schools were established in Wajir, Kajiado, Lamu, Kwale, West Pokot and Homa Bay counties, benefitting 551 girls. In the 2014/2015 Financial Year, we had 26 boarding primary schools, benefiting 1,399 girls, and 17 girls' boarding secondary schools were upgraded to national standards in various ASAL counties, and 10 girls' boarding secondary schools were established for upgrading.

On the resolution on the establishment of the National Youth Council by Hon. Zuleikha Juma, so far, the National Youth Council is operational and a budget of Kshs34.2 million has been allocated annually since 2014. The Committee is still following up and monitoring progress for full operationalisation of the National Youth Council.

On the resolution on review of terms of Kenya Police Reservists (KPRs) in ASALs, we have engaged the Ministry of Interior and Coordination of National Government and visited various counties. So far, we have found out that the Ministry has begun vetting of reserve officers in West Pokot and Lamu counties. The Cabinet Secretary is due to appear before the Committee to give a full roadmap on the implementation of the resolution.

On the establishment of a disaster management authority by Hon. Tiya Galgalo, we have a draft Disaster Management Bill presented to the Cabinet in May 2015, and a Disaster Management Policy is also with the Cabinet. However, as things stand right now, I am aware of a Private Member's Bill by Hon. Tiya Galgalo on the same. We will deal with whichever comes first before the House.

On the resolution on the establishment of a unified identification system, we have engaged the Cabinet Secretary for Interior and Coordination of National Government. So far, an Integrated Population Registration System (IPRS) is in place and the process of linking that system to counties is ongoing. The CS is due to give us a report on the full operationalization of that system.

On the resolution on measures to ensure eligible Kenyans are duly registered and issued with national identity cards, our engagement with the CS says that introduction of mobile registration centres is ongoing. Deployment of additional 205 staff during the 2014/15 Financial Year was provided for. The CS indicated that they will be using Huduma Centres for that exercise. The introduction of the IPRS system will also aid in the registration. We have called on the CS to give us the actual numbers of registered Kenyans per county as we stand right now. The CS will be here to give us that report and we will report back to the House in due course.

On the resolution on the renaming and upgrading of Kitale Technical Institute to a full university by Hon. Chris Wamalwa, we have engaged the CS for Education, Science and Technology. Hon. Wamalwa has been party to this. As we stand right now, the Committee has noticed that the upgrading of the Technical and Vocational Educational and Training Act has begun. We are pursuing the immediate renaming of the institution which does not require a lot of procedure. We shall report back to the House on that in due course.

On the resolution that the Government shifts attention from the development of nuclear energy to green or renewable energy, this is one resolution that has put us in a quagmire as

a Committee. Our engagement with the CS for Energy and Petroleum indicates that the Government has made various milestones towards the establishment of nuclear energy in Kenya, whereas the resolution before the House is to the effect that we should move away from nuclear energy. We have had to engage experts to establish the justification as to why the country is moving the opposite direction from what Parliament is proposing. We are waiting for a report from the CS which we shall bring back to the House for necessary direction. This is because we are pulling in a different direction from the Executive.

On the resolution on the reduction of National Hospital Insurance Fund (NHIF) penalties, surcharges to defaulters from 500 per cent to 25 per cent by Hon. Gitari, we have a report to the effect that, as we stand right now administratively, those surcharges have been reduced to 25 per cent as per the House resolution. There is need to legalize that through an Act of Parliament. There is need to amend the NHIF Act to accommodate that reduction and the Ministry of Health is actually working on it.

On the expansion of cash transfer system to include NHIF cover to all elderly persons by Hon. Mustafa Iddi, this is a situation where the health function is fully devolved. We went ahead to see to what extent this particular resolution has been effected on the ground. That is because Kshs.290.6 million was approved for disbursement to NHIF, to cover those particular payments. When we visited counties, some of them had no idea about that particular provision. The Ministry of Health is actually willing to engage, despite this being a fully devolved function, for us to establish why monies were released and up-to date, no payments have been done to the elderly on NHIF.

On the Government upgrading of, at least, one hospital in every county, this is, again, by Hon. Gitari. On this, we have made milestones together with the Ministry of Health and, as we stand right now, despite the health function being devolved, the national Government, in conjunction with the counties, has identified two hospitals in each county. We have made visits to various counties where this is actually happening and, under the Managed Equipment System Programme, we know of some counties where that has already started. We will elaborate more in our report to the House for debate.

On the resolution on recruitment and deployment of medical staff by Hon. Ochieng, this is, again, a devolved function. We went ahead to engage with the Ministry and Kshs.3.7 billion was allocated for that particular function. The challenge we established in our visits to counties is that there is no follow-up to ensure that money earmarked for specific functions is actually used for those functions in the counties. This is again a challenge with devolution

because in some counties, the governors told us that it was none of our business to check on it. It is a function of the Senate. We are following up on that.

On the development of a policy on the *boda boda* operators by Hon. Ochieng, we have engaged the Ministry, but their response is not satisfactory. We are due to meet with the CS, Transport and Infrastructure to establish how that particular policy is being decentralized and operationalised at the county levels.

On the measures by the Government to liberalize air fares, including the awarding of licences to operators by Hon. Mwinyi, we have engaged the CS for Transport and Infrastructure on that. We have established that, actually, 96 airlines have been awarded licences to operate, despite the seeming monopoly by Kenya Airways. We are yet to meet with a number of stakeholders to establish why Kenya Airways maintains the monopoly, despite the fact that we have 96 other players in the market, who are free to operate in the air transport market.

On the liberalization of power distribution in the country by Hon. Bowen, the Energy Act does not have Kenya Power as the only power generator and distributor in the country. It gives room to other players and we have established that. We are yet to meet with the Kenya Association of Manufacturers (KAM), as well as the independent private providers of energy, to find out why Kenya Power is still operating as a monopoly, which is contributing to inefficiency in the energy sector.

Date 24th February 2016

Member of Parliament: Hon. Sabina Chege

Contribution she made on: Petition from the family of Mr. Stephen Keru from Kigumo Constituency, Murang'a County.

'Hon. Speaker, I do not have a statement, but I want to bring it to your attention and to that of the Chairman of the Departmental Committee on Administration and National Security that a year ago, I tabled a petition from the family of Mr. Stephen Keru from Kigumo Constituency, Murang'a County. Hon. Speaker, that is why I am rising because he was a victim of a terror attack. The family is suffering and they needed attention. But the Committee did not even call or hear them. They needed to be heard. As you know, justice delayed is justice denied. I plead with you to consider whether the Committee can be allowed to re-look at the petition and address the issues raised by the Petitioner and the family.'