

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 25<sup>th</sup> April, 2013

The House met at 2.30 pm.

*[Hon. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### DEMISE OF MRS. REBECCA LABOSO

**Hon. Speaker:** Honourable Members, I have a Communication from the Chair on the passing on of the mother to the Deputy Speaker, hon. Dr. Joyce Laboso, MP. Yesterday evening, I learnt with deep sorrow that the Deputy Speaker, hon. Dr. Joyce Laboso, MP had lost her mother, the late Mrs. Rebecca Laboso who was born in 1936 in Kaminjeiwet Village in Bureti District, Kericho County. She was the wife to the late Fredrick Laboso.

The late Mrs. Rebecca Laboso worked in various hospitals mainly in the then Kericho District before she retired to go into full time farming in Sotik alongside her husband. She was an ardent tea and dairy farmer and was one of the most successful farmers in Rift Valley. She won many prizes in the agricultural shows. She was respected in the community and served as a councillor in the Sotik Town Council in the 1970s. I am informed that she has been unwell since November 2012 and has been under medication. On the morning of 24<sup>th</sup> April 2013, her condition deteriorated and she was rushed to the Nairobi Hospital where she peacefully passed on at 1.00 p.m.

We wish to visit the family of the Deputy Speaker on Monday 29<sup>th</sup> April 2013 from midday. The honourable Members who wish to condole with the family are requested to assemble at the main car park at 11. a.m. for transportation to the Deputy Speaker's residence here in Nairobi. On behalf of Members of staff of the National Assembly, and on my own behalf, I wish to convey our heartfelt condolences to the family of the late Mrs. Rebecca Laboso. During this moment of sorrow, I wish them God's comfort and strength. May the God Lord rest her soul in eternal peace.

Next Order!

### PAPER LAID

The following Paper was laid on the Table:-

The First Report of the Procedure and House Rules Committee on Amendment to the Standing Orders pursuant to Standing Order No.262

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(By Hon. Cheboi)

**Hon. Speaker:** Next Order!

## NOTICE OF MOTION

### APPROVAL OF REPORT ON AMENDMENTS TO STANDING ORDERS

**Hon. Cheboi:** Hon. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House approves the First Report of the Procedure and House Rules Committee on Amendments to the Standing Orders laid on the Table of the House on Thursday, 25<sup>th</sup> April 2013 and resolves that the amendments to the Standing Orders as approved by the House takes effect from 25<sup>th</sup> April 2013 and that an addendum be made to the Standing Orders to reflect the amendments.

**Hon. Speaker:** Before the Leader of the Majority takes the Floor, I wish to draw the attention of the House to Standing Order No.44(2) which states:

“During the Statements Hour –

(a) a member of the House Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week;

(b) the Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the House or the activities of a Committee.”

For today, if no Member has been designated, we request that the Leader of Majority will do the part in Paragraph (a) and further if he so desires present his report as provided in Paragraph (b).

## STATEMENT

### BUSINESS FOR THE WEEK COMMENCING TUESDAY, 30<sup>TH</sup> APRIL, 2013

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(1) and on behalf of the House Business Committee, I wish to present the business that will come before the House next week. The House Business Committee held a meeting on Tuesday 23<sup>rd</sup> April 2013 and agreed on various matters that are envisaged to appear on the Order Paper as business in the coming week. We had envisaged that the Committee on Selection would have completed the task of nominating hon. Members to serve on various committees that had not been formed. However, it is now apparent that in order for us to equitably and fairly participate in committee work, we have to increase the size of various committees. Without anticipating debate on this matter, I will be requesting hon. Members to support the Motion to approve the report of the Procedure and House Rules Committee that has just been raised on the Floor of the House.

On Tuesday next week, the House will proceed to approve the names of the Members appointed to the Committee on Selection. The House Business Committee (HBC) will sit upon the rise of the House on Tuesday next week. It is expected that the estimates for the financial year 2013/2014 will have been submitted to the House for consideration by various committees and the Committee on Budget and Appropriation in accordance with the Public Finance Management Act.

Since Wednesday next week is a public holiday, that is Labour Day, we expect hon. Members to join the rest of the country to celebrate this workers' day. On Thursday, 2<sup>nd</sup> May, 2013 the House will debate the various Motions whose notices have been given by hon. Members.

**Hon. Speaker:** Leader of the Minority Party, would you wish to make a statement?

**Hon. Nyenze:** Hon. Speaker, Sir, I do not wish to make a statement, but I rise to second.

## MOTION

### APPROVAL OF REPORT ON AMENDMENTS TO STANDING ORDERS

**Hon. Cheboi:** Hon. Speaker, Sir, I beg to move the following Motion:-

THAT, this House approves the First Report of the Procedure and House Rules Committee on Amendments to the Standing Orders laid on the Table of the House on Thursday, 25th April, 2013 and resolves that the amendments to the Standing Orders as approved by the House takes effect from 25th April, 2013 and that an addendum be made to the Standing Orders to reflect the amendments.

Hon. Speaker, Sir, yesterday, this House appointed the Committee on Procedure and House Rules. Also, yesterday we received recommendations from the Committee on Selection that it will be extremely difficult for some hon. Members to belong to even one committee. Further, we also got information that many Members are quite interested and enthusiastic to at least serve in a departmental committee. We went through the work as a Committee and I want to thank the Committee because they sat until 9.30 p.m. in order to come up with the Report which we just tabled before the House.

The Committee comprises 21 Members, six of them by virtue of the different offices that they hold. The Speaker is the Chairman. The Deputy Speaker, who was absent because of the issue we have been informed about, sent her apologies. We also have the first, second, third--- (*Technical hitch*) The Eleventh Parliament is different from any other Parliament that has been here before. We do not have the Executive in this House. We do not have Ministers and their Assistants. Therefore, all the committee positions that are available for Members are taken up by Members.

Further, this House is larger than any other House that has been here before. We have 349 Members of Parliament. The slots are not enough for every one of the Members. We decided as a committee to pursue the recommendations by the Selections Committee to try and see ways of improving the numbers so that Members can participate effectively.

It should be drawn to Members' attention that unlike other Parliaments before, the committees will be as good as Ministries. Therefore, Members will only participate effectively if they belong to committees. So, during that meeting, we were drawn to that need and we decided to look at ways of amending the Standing Orders in order to increase the numbers. We looked at many ways of approaching this House in order to create those numbers and we settled on three. One, it was agreed that the Procedure and House Rules Committee can propose amendments at any particular time. Secondly, an amendment can be made through a Member's initiative. Thirdly, like it was done in the last Parliament, there is always an opportunity for periodic review by the Procedure and House Rules Committee.

Hon. Speaker, Sir, we understand that the Departmental Committees are 12 in number. We have in mind a situation where we want to increase them to be able to accommodate 348 members. That, therefore, means that we did not consider the Deputy Speaker who probably will not be participating in many committees. If that is approved by this House, every single Member of this House will be in one Standing Committee. We also decided that we increase the other committees so that Members can also serve in Select Committees and, probably, the audit committees. We proposed these amendments.

Further, we also took note of the fact that the Speaker is severely overwhelmed by work in this House. For example, we have been informed today that the Deputy Speaker is unable to assist the Speaker because of the situation that she is in. The Standing Orders as they are cannot allow anybody else to assist the Speaker. We also looked at Standing Order No.18 in order to allow the Chairpersons Panel, from time to time as directed by the Speaker's Office, to assist when there is requirement for that.

The first standing order that we looked at was Standing Order No.18 and we are requesting the House to resolve and amend the Standing Orders, First Edition, 2013.

We are moving that Standing Order No.18 be amended as follows:-

(i) by re-numbering Standing Order No. 18 (1)

(ii) by deleting the words "for that purpose" appearing in the fifth line.

(iii) by inserting a new paragraph Standing Order 18 (2), to read as follows:-

"That the approval of names of Members of the Chairpersons Panel under paragraph (3) of Standing Order 16, shall be deemed to constitute an election."

Let us look at Standing Order No. 205. I propose this amendment:-

"That paragraph (3) of Standing Order 205 - Public Accounts Committee - be deleted."

Hon. Speaker, let me re-do Standing Order No. 18. The House resolves to amend Standing Order No.18, First Edition, to read as follows:-

(i) by re-numbering the Standing Order as 18 (1).

(ii) by inserting a new paragraph 18 (2) to read as follow:-

"That, the approval of the First, Second, Third and Fourth Chairpersons of Committees under Standing Order No.16 be deemed to constitute election for purposes of paragraph (e). That either the First, Second, Third or Fourth Chairpersons of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker."

Let me now turn to Standing Order No. 177.

That Standing Order No. 177 be amended by deleting the words “being not less than eleven and not more than nineteen” and inserting the words therefor “being not less than seventeen and not more than twenty nine.”

That is an increase of ten Members per committee.

We also propose an amendment to Standing Order No. 178. It should read as follows:-

That Standing Order No. 178 be amended as follows:-

(i) by deleting item “(1)” appearing immediately before the word “subject” in the first line.

(ii) by deleting the word “five” appearing in paragraph (b) and substituting it therefor with the word “nine”.

That is the particular bit dealing with quorum because once you expand the Committee, we also thought that it is prudent to increase the quorum from five to nine members.

Hon. Speaker, we also propose an amendment to Standing Order No. 205. The amendment reads as follows:-

That, Standing Order No. 205 be amended by deleting the word “sixteen” appearing in paragraph (3) and substituting therefor, the words “twenty six”.

Those are the audit committees; the Public Accounts Committee and Public Investments Committee. The reason for putting the number at 26 is very clear. The Chairperson is also included and, therefore, the number will add up to 27. We also indicated that the House resolves the amendments take effect from 25<sup>th</sup> April, 2015 – that is today.

Hon. Speaker, we also indicated that the House orders that an addendum be made to the Standing Orders, First Edition, containing the resolutions of this House.

I do not want to really belabour the point here or take too much time. The issue is that we want to work effectively in this House. We want hon. Members to participate fully in the business of this House and give their input in areas that they are well qualified in, particularly in their professions. I know it is a sacrifice by hon. Members. Hon. Speaker, Sir, we should be seen to be working and I know hon. Members are very much willing to work.

So, I want to end my contribution by requesting my good friend, hon. Aden to second this Motion. I wish hon. Members will support it. Thank you very much.

**Hon. Aden:** Thank you, hon. Speaker. I rise to second this Motion and emphasize that the Committee on Procedure and House Rules considered the very important duty of each and every hon. Member seated in this House. Every hon. Member should get an opportunity to play an oversight role in all the activities that are conducted by different departments and ministries in this country.

For that purpose, and knowing the large size of the House right now, the Committee felt that it is necessary to do recommendations in terms of the increase as was read by my good colleague who read the recommendations of the Committee.

In addition to that, the Committee felt it necessary also to consider and bring before the hon. Members of this House the amendments to take care of the absence of our Speaker and Deputy Speaker. They might be away due to other public engagements out

there or unforeseeable circumstances. It is necessary to allow hon. Members of the Chairpersons Panel to chair the House or Committee.

I, therefore, wish to second and ask hon. Members to support this Motion.

Thank you very much.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, if you look at the Order Paper page 18, it is good to remember that this is a Motion and debate on it is going to be limited in the following manner:-

There will be a maximum of 60 minutes for the Mover to move the Motion; even though hon. Cheboi has said that he did not want to belabour the point, he explained sufficiently. There will be 30 minutes in replying, if need be. A maximum of ten minutes for any other hon. Member speaking, except the Leader of the Majority Party and the Leader of Minority Party, who shall be limited to a maximum of 15 minutes each and that priority be accorded to the Leader of Majority Party and the Leader of the Minority Party, in that order.

I think the House is accordingly guided. I take it that the two leaders may not wish to speak to the Motion and, therefore, I give the first chance to hon. Peter Kaluma.

**Hon. Kaluma:** Thank you, hon. Speaker, Sir. I am Peter Kaluma, the Member for Homa Bay Town.

On the amendment to Standing Order No.18, strictly as a lawyer, I would like to suggest that instead of renumbering them as Standing Order No.18 (1) and Standing Order No.18(2), we adjoin the proposed amendment to the existing substantive paragraph by using the words “provided that”. That is the language we use in legal drafting.

Otherwise, I support the Motion.

**Hon. Speaker:** But remember that we have a whole team of legislative drafters who are employed by the Parliamentary Service Commission. I would like to inform you that even that particular *(Technical hitch)*. If you desire that, that should be the case you should propose an amendment. That is the procedure.

**Hon. Kaluma:** Hon. Speaker, Sir, I am actually supporting that with a proposal that reads “all others subject to amendment”.

**Hon. Speaker:** You should move an amendment so that the House can debate it in light of the Motion. Kindly approach the Table and you will be guided accordingly.

**Hon. Kaluma:** Most obliged, hon. Speaker, Sir.

**Hon. Speaker:** Let me give this chance to Hon. Yusuf Chanzu.

**Hon. Chanzu:** Hon. Speaker, Sir, I also rise to support this Motion. The new Constitution gave many responsibilities to all of us as a country including increasing the representation in the country. Although up to now I understand that some of the areas are not adequately represented, we should do what we can, including allowing representation by women and so on now. Because of that we should also prepare to accommodate it.

I thought that the Chairman or the Committee would have also considered *(Technical hitch)* to 22 Ministries. When I compare what is in the Standing Orders with what has been coming out, I also thought of the fact that they should have thought of splitting these Departmental Committees. However, because we do not have time, that

can be done in future. We should increase the Departmental Committees maybe to 19 or 20 and then we reduce the number in the other side. For example, Transport, Public Works and Housing (*Technical hitch*) Otherwise, I support this Motion so that the business of this Parliament can start effectively because we are bound to run the affairs of the Government in Parliament through the Committees.

**Hon. Ng'ongo:** Thank you, hon. Speaker, Sir. I rise to support this Motion. Within the limited time, we must congratulate the Procedure and House Rules Committee for having embarked on this important task of reviewing our Standing Orders. I am particularly happy that, at least, they have been able to pass necessary amendments so that we can have more membership in certain committees so that many of us find committees to serve in.

But more importantly, I think Standing Order No.18 which has been violated in this House for quite some time, especially last Parliament because there was also a provision in the last Standing Orders, at least, will not be violated but we will live to its spirit. Since these Standing Orders were done towards the tail end of last Parliament, there is bound to be mistakes. I will only urge the Procedure and House Rules Committee, now that it has sufficient time, to do even much more to revise these Standing Orders.

I would like to point out that if you look at the finance section, especially the budget process of these Standing Orders I think it is contradicting the Constitution. It says that upon the House making a resolution on the Report of the Budget Committee, the recommendation for increase or reduction on any particular vote as resolved by the House will serve as notice of intention by the Chairperson of the Budget and Appropriations Committee to move the particular amendments on the concerned Vote in the Committee of Supply. This is contradicting what the Constitution says because it is very clear that once that report is passed in this House, then it should form part of the Appropriations Bill. Therefore, it should not just be an intention but it should be part of the Bill.

Standing Order No.241(2) also talks about documents but it should be explicit that the Finance Bill needs to be introduced in this House at the same time that the Cabinet Secretary for Finance will be giving us the Policy Statement highlights and revenue raising measures. So, the day that the Cabinet Secretary will be reading to us those tax measures, the law requires under the Public Finance Management Act that the Finance Bill is also introduced. This is not clear in our Standing Orders. Therefore, that clarity needs to be put because that is a very important provision of the law.

Finally, I think the Committee will also look at Standing Order No.242 among others so that all the provisions of our Standing Orders are in conformity not only with the Constitution but also with the Acts of Parliament which we have passed in this House. I know it is a task that requires commitment but I am sure that the Committee we put in place yesterday is up to the task.

Thank you, hon. Speaker, Sir. I support the Motion.

**Hon. Speaker:** Thank you, hon. Mbadi. Given the fact that we have experts in some of those areas, we would also like to benefit from that as a Committee, if you initiated something under Standing Order No.263 which enables a Member with the support of 50 others to request the Procedure and House Rules Committee to consider an

amendment to the Standing Orders. As a Committee, we should be amendable to the proposals in that order.

**Hon. (Dr.) Pukose:** Thank you, hon. Speaker, Sir. My names are Hon. (Dr.) Robert Pukose, the Member for Endeless. I want to thank the Procedure and House Rules Committee for the good work it has done. However, I want to point out a few issues. On the first paragraph of the proposed amendments to the Standing Orders, they are saying that, at least, each Member sits in, at least, two Committees; that is a Departmental Committee and the Public Accounts Committee or the Public Investments Committee. However, below the second paragraph, there are some exemptions and I think hon. Members sometimes when you get an opportunity to do some work, you should also avoid being a little bit selfish. This is because the Committee requested that the Committee on Selection takes cognizance of the fact that in allocating membership to committees such as the Committee on Selection, Appointments, House Business and Procedure and House Rules Committee, they are not as active as other Select Committees. Therefore, the Members who have been nominated to serve in such committees will not forfeit opportunity to be appointed to other committees. I think this is cleverly put in the whole amendment and it defeats the purpose for each of us belonging to, at least, two committees. If you are going to be in any of those committees, we said that each committee is as equally important as any other committee. So, when you bring in exemptions, it means that you are advancing a selfish agenda and, therefore, you want to belong to more than two committees for which amendment we brought.

We could also model our Departmental Committees on the Ministries that have been created. So, instead of having 12 committees, we could have 18 so that we can work effectively. Otherwise, I rise to support the Motion. Thank you.

**Hon. (Ms) Kajuju:** Hon. Speaker, Sir, I rise to support the Motion and note that all this legislation that was passed before the new constitutional dispensation, as we speak now, is being amended to conform to the new constitutional dispensation. We also find that even though the Standing Orders have been drafted after the new Constitution, they did not take into account the fact that the House would have a wider membership. Now that we are 349 Members with different capacities that must be utilized in this House, it is important that these rules are amended so that each and every Member gets an opportunity to serve the people of Kenya whom we swore to serve when we sought the ticket to come to this House. I also find that the 15 men and women who sat in that Committee made a unanimous decision which is good. I commend them for working within a tight schedule and bringing these amendments to the House.

With those few remarks, I beg to support.

**Hon. Gethenji:** Hon. Speaker, Sir, I rise to support the Motion and thank the Chairperson and Members of the Committee on Procedure and House Rules. I note with disappointment sections of the Press reporting that Members of this House wish to expand membership of committees in order to have avenues to further remunerations. This cannot be further from the truth.

This House represents only the fraction of the work of a parliamentarian's civic and public duty. The public should be made aware and understand that this is just a tip of the iceberg of what a parliamentarians does in parliamentary duties. The work of committees as envisaged in the Constitution and the new Standing Orders is imperative



and critical to the running of the business of governance and the Government. The expansion of the membership of committees is necessary to accommodate the interests of the constituencies represented by hon. Members in this House. It is important that all hon. Members in this House get an opportunity to serve in various committees, departmental or standing committees, to enable the constituent's voice in the planning of governance---

*(Technical hitch)*

I, therefore, rise to support the Motion and implore the media and the public at large to understand our functions. It is not out of the interest of our stomachs but out of the interest of Parliament and that of the constituents.

With those few remarks, I beg to support.

**Hon. Wamunyinyi:** Hon. Speaker, Sir, I rise to support the Motion as moved. This is an important Motion that is going to provide opportunity to each of the hon. Members to serve in a committee. In a strengthened committee system as also provided for in the Constitution, it is important to give opportunities to the Members in order to provide contribution and oversight that is required. While supporting this Motion, I would like to also propose that the Committee on Procedure and House Rules should undertake a continuous review of these Standing Orders so that they are constantly put in line with the provisions of the Constitution and it ensures that this House moves smoothly.

I recall we had proposed that, so as to enable all hon. Members to contribute to the Presidential Address, it would have been necessary to amend the requirement of the Standing Order through a Motion in order to allow more days but that was not possible because of a limit that was provided that "there shall be." So, it was very difficult for us and I hope that, that is one of the Standing Orders that are going to be looked at so that it is made to move around the business of the House to suit the requirements.

With those few remarks, I also want to thank the Committee for the job that was well done. It is only the other day we decided that this should be reviewed and they worked throughout to ensure that we have this good product to be passed by Parliament. I beg to support.

**Hon. Kinoti:** Hon. Speaker, Sir, first, I rise to support this Motion but before that I wish to request for your guidance on an issue regarding the Standing Orders. Hon. Members of this House look excellent in the African wear, for instance, hon. Mwaura who is the Nominated Member for ODM. So I seek your guidance to know whether Standing Orders agree that hon. Members can appear in African wear in subsequent Sittings.

However, I rise to support this Motion requesting an increase in membership of committees. As most hon. Members have observed, we wish to take part in the proceedings of this country. When the President was reading the Cabinet Secretaries line up today, he noted that there are some key departments that many people wanted to be separate Ministries. One of them is the department of youth and women and the department of petroleum which people felt should not be part of the energy or mining. I would like to beg this House through the Committee of Procedure and House Rules that they should not only consider the Cabinet Secretaries but we can have departments that

we deem vital to the running of this country. We can create Departmental Committees that are very relevant to this nation.

I do not find it in order to have a Departmental Committee on Foreign Affairs because there is need for the affairs of the East African Region like Migingo, the East African trade and East African Legislative Assembly to be looked into. So, we need a departmental committee on the EAC and a lot more that we feel are issues of vital relevance to this country. Despite increasing the number of hon. Members per committee, it will be in order to increase the number of committees so that they are not crowded.

With those few remarks, I support the Motion that the number of committees be increased to match the number of hon. Members and the issues of interest in this House. I would also like to request for your guidance on the issue of the dress code.

**Hon. Speaker:** The independent Member for Buuri, hon. Kinoti Gatobu, I suspect you have received a copy of the Speaker's Rules, and you know where the issue of attire is; it is not part of this. I just invite you to go and read them. Since you are a young and energetic person, I am sure you will come and propose to the Speaker amendments, if you think they are necessary. I am sure we will look at them. I also want to invite you to consider that there is a Committee on East African Integration. It is in the Standing Orders. Hon. Eseli, when both of you are standing, it is difficult for me to give you a chance and also give it to the other hon. Member. So, please, let us allow the other hon. Members to also speak.

**Hon (Dr.) Eseli:** Thank you, Hon. Speaker, Sir. First of all, I would like to thank the Committee for the hard work they put in at such a short notice. That should be a lesson to us as legislators to know that whatever legislation we put in should be for posterity and is not for expediency. That is why we are ending up amending our Standing Orders so often; this is very unusual in many parliaments of the world.

Hon. Speaker, Sir, the issue of the size of the committees should not worry the hon. Members because the committees are allowed to form sub-committees to deal with different departments in the various Ministries, if that is necessary. So, there is a way around it. I think that can be solved very easily. However, my main issue is on Standing Order No.205 and Standing Order 206, which provide for the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) – the two oversight committees. You will notice that the Committee proposes to increase the numbers on those committees, which is all very good. However, these committees are oversight committees. I would have thought that the Committee on Procedure and House Rules would have looked at these particular Standing Orders. If the majority on those committees are going to be the ruling coalition members, then we are saying that they will be providing oversight to themselves, and that is not possible. Even if the chairman was to come from the minority, then such chairman would just be a figurehead. I think if we want to do justice to this country it would be wise, or prudent, for the committee to look at a way of amending that Standing Order, so that the coalition, or party, that is not in Government has the majority on that committee and the chairmanship. In that way, we would be able to provide proper oversight. This is important, and that is why I started by saying that when we make rules, or when we pass legislation, we should do so for posterity and not for expediency.

Hon. Speaker, Sir, those are my comments and I would wish that the Committee on Procedure and House Rules really looks at this because I want to bring an amendment to it. This is a logical thing. Bringing an amendment will imply that maybe there is something amiss. I would like the Committee to relook at it, and they themselves read it as soon as possible. Thank you.

**Hon. Ichung'wah:** On a point of order, Hon. Speaker, Sir. Is the hon. Member in order to mislead the House that if an oversight committee is dominated by the coalition that is in the Government will not be exercising oversight? I think it is only in order to inform the House that an oversight committee is a committee of the House and the oversight that, that committee provides is not oversight over the Legislature, but is oversight over the Executive; none of the hon. Members of this House is a member of the Executive. It is, therefore, in order for the ruling coalition to be dominant, and to actually have a majority; we really worked hard to be the ruling coalition; if they did not work hard, that should not be brought to us in this House. We are in order to dominate that committee, and, therefore, the hon. Member should not be misleading the House.

**Dr. Eseli:** Hon. Speaker, Sir, as it is a point of order, I guess I have got a right of reply. I think as I started---

**Hon. Speaker:** No! Dr. Eseli, you do not have a right of reply. On a point of order, it is for the Speaker to rule whether it is in order or not in order. You know that since you have been here long enough.

**Hon. (Dr) Eseli:** Hon. Speaker, Sir, with your indulgence---

**Hon. Speaker:** Maybe, with the sympathy of Hon. Speaker, but I do not seem to sympathise with you.

*(Laughter)*

**Hon. (Dr.) Eseli:** I think it would have been good if you sympathized with me.

**Hon. Speaker:** Let me hear the hon. Aluoch.

**Mr. Aluoch:** Hon. Speaker, Sir, while I congratulate my learned friend, hon. Cheboi and his committee for presenting this Motion, I think it is important for the House not just to say in general terms that our Standing Orders are grounded in the Constitution; it is for the House understand specifically that Article 124 of the Constitution gives this mandate to this House, so that the business of the House is conducted according to the Standing Orders.

Hon. Speaker, Sir, this is a right given by the Constitution, and I would urge all of us in this House to guard it with jealousy and ensure that nobody else outside this House takes away any part of this right. I say so because many of us should be aware that the Salaries and Remuneration Commission (SRC) has attempted, in their legal notice, to restrict the number of sittings this House can have. That is my view. It is illegal, unconstitutional and at the right time we are going to address it exhaustively. For now I wish to reiterate what hon. Dr. Eseli has said. In any modern society, or democracy, the majority cannot oversee itself. It is just logical and I wish to urge hon. Cheboi and the Committee on Procedure and House Rules to go back and look at these two oversight committees; let them find out if really there is any need to amend these rules so that the

membership and the chairmanship of these two committees are specifically provided for in the rules.

Hon. Speaker, Sir, if that is done, then I think I shall agree with hon. Eseli that we shall be legislating in this House for posterity. For the time being, I commend hon. Cheboi and his committee.

**The Member for Tharaka** (Hon. Mwiru): Thank you so much, Hon. Speaker, Sir. Some people may wonder why my name means a goat, but it is mine. At least I have caught your eye. I wish to congratulate you very sincerely for being elected the Speaker of the National Assembly. I congratulate your deputy for making history by being the first lady to be Deputy Speaker of this House.

Hon. Speaker, Sir, besides that I should also thank the Tharaka people for allowing me to serve them in the two republics – the one before the promulgation of the Constitution and the second one after the promulgation it. It is a great honour that they have bestowed upon me. May I also congratulate the Procedure and House Rules Committee for the good job that they have done; they even sat into late at night. Of course, this shows that the Members of Parliament are able to work within very tight timelines and achieve what this country may want us to achieve.

Hon. Speaker, Sir, the idea of increasing the number of membership of the departmental committees is so crucial and nice. In this House there are so many professionals from different fields; for some of them, this is the first time the culture of Parliament has allowed to them to use their curriculum vitae to apply for membership of these committees. It is necessary that we tap the potential of professionals at the particular committees.

Hon. Speaker, Sir, but I have a suggestion. We know already we have the structure of the Government that has already been provided to us and. It is, therefore, my wish--- Let me request the Committee on Procedure and House Rules, that they, probably, try to align the departmental committees to the current structure of the Government, so that there are no problems when the committees are performing their duties. I will give an example. The Departmental Committee on Trade is grouped with Foreign Affairs, but in our committees it is grouped with finance, trade and commerce. Therefore, it is necessary they try to align these committees to the current structure of the Government. This will enable us to hold our Executive, or the Government, accountable.

Thank you, Hon. Speaker, Sir. I support.

**Hon. Midiwo:** Thank you, Hon. Speaker, Sir. I rise to support the work of this Committee. We reached a dead end and that is why we came to you and your Committee to bail us out. As you know the work of this House from now on will be dependent on committee reports. So, it will never be possible to have half of the House sitting in meaningful Committees and a majority really not being anywhere, or sitting in committees which are of no value. I want to appeal to our whips on both sides that we look, in order to engage Members, at committees in a way so that each Member gets an opportunity to serve on a busy Committee. This is because that will be work of a committee.

Hon. Speaker, Sir, I have been talking to a lot of Members. I think an induction would have sufficed particularly in regard to the role of Committees. When many Members here the word “appointment” they think they will have an opportunity to

appoint people they know. They do not know the Committees with real meat. So, I think it is incumbent upon the House leadership--- We want to appeal to Members that where you want may not be where we shall put you, but it should be incumbent upon us to put Members where it shall help further the course of legislation in this House.

I want to talk to the issue of watchdog Committees being in minority leadership myself. We have said time and again that we want to work with the majority side. My friend who just spoke before me said something very interesting and that is the way it should be. Nobody here is in the Executive. The primary role of Parliament is to oversight the Executive. For the last two weeks, however, the public has been treated to something very interesting. The Leader of the Majority Party keeps saying, "We shall appoint a Cabinet this way, or we shall appoint people this way." So, if he is not in the Executive why is he talking for the Executive in the Chamber?

*(Applause)*

I think he is out of order because he is trying to make us implement the Constitution the wrong way. It will be a good feeling that somebody is on the side that produced our President, but, please, do not misuse it because this House has the duty to vet the presidential nominees. So, if you are saying that you shall appoint them, what is the point--- No wonder the President has ignored the issue of regional balancing in his appointment. This is because people in here tell him, "We have the numbers, let us just go."

**Hon. (Ms.) Muhia:** On a point of order, Hon. Speaker, Sir. I think the hon. Member is misquoting the Leader of the Majority Party who we know belongs to the Jubilee Government. He belongs to CORD! The Leader of the Majority Party has a right to say that the Jubilee Government is going to appoint the Cabinet because he is part of it. That is my understanding. So, Jubilee Government is going to appoint the Cabinet and for sure it did that this week.

**Hon. Midiwo:** Hon. Speaker, Sir, you can tell. I said from the onset that some induction is necessary because the role of Parliament is to oversight Government. So, when Parliament purports to have the power to appoint then it will be wrong particular if it is coming from the mouth of the Leader of the Majority Party. He is the person entrusted with the duty of oversighting Parliament in front and not from the back.

We are going to be seeking your guidance with regard to three Committees of oversight because it is important for our role as people in the minority. The first one is Standing Order No.206 which has been alluded to by hon. Dr. Eseli and it is on PIC and PAC. We get the sense, arising from the point of order you just allowed--- She said that they have the majority. This is a tyranny of numbers.

The tradition of this House is such that in the Seventh Parliament Jaramogi Oginga Odinga only had 31 Members of Parliament, but had one person majority when he chaired PAC. In the Eighth Parliament hon. Mwai Kibaki had less Members, but he chaired PAC with one person majority. In the Ninth Parliament, Uhuru Kenyatta chaired PAC. Hon. Speaker, Sir, you also chaired the Public Investments Committee on behalf of the Leader of---

**Hon. Capt. Wambugu:** On a point of order, Hon. Speaker, Sir. I think there is something wrong. The hon. Member who has just been contributing has been trying to go round issues which are clearly written in the Standing Orders. If you go to Standing Order No.206 and even 205, it states that when the Public Accounts Committee and the Public Investments Committee sit they are the ones to elect their own respective Chairpersons and Vice-Chairpersons. Unless these Standing Orders are amended, we cannot go against that. We have the House rules and procedures which should guide us in these things. Let us first read the Standing Orders before we argue. Is he in order to continue misleading us?

**Hon. Midiwo:** Hon. Speaker, Sir, hon. Capt. Wambugu who is also the MP for J.J. Kamotho is my friend, but he has not taken his time, or he has not been here long enough, or when he was here, probably, he was asleep. There is something called “the House being run by traditions.” That is why I mentioned Jaramogi, yours truly Hon. Speaker, and others. You need to guide this House because we seem to be threatened by the tyranny of numbers in a way that will guide this country in the wrong directions. I am talking about equal plus one.

Hon. Speaker, Sir, you have chaired such a Committee. You were very effective when you chaired the Public Investments Committee. So, there is one other watchdog Committee which is very important. The Executive cannot do budget and approve its own budget. In any case, in the Committee if they do not get their way, they have the tyranny of numbers on the Floor. They can come and overturn the work of the Committee. We beseech you. I know you, Hon. Speaker, Sir. We have walked world over trying to implement this Constitution. Kenyans are looking upon you to give guidance. Hon. Marende did the other one. This is going to be your moment. What you need to help us with--- These three watchdog Committees, you must make---

**Hon. Speaker:** I am looking for a person who has not spoken. Hon. Joel Onyancha!

He must have been upstanding! The hon. Joel Onyancha. Let me point out this: The fact that I am saying I want pick out on a Member who has not spoken before, and then you have been relaxing on your seats--- There are others who have been up on their feet! We must have the equity with clean hands.

**The hon. for Bomachoge Borabu** (Hon. Onyancha): Hon. Speaker, Sir, I want to associate myself with hon. Members who have spoken before on this Motion and congratulate the Committee for coming up with these proposals. Obviously, we are now going to be more in Committees. Being more in numbers affords us an opportunity to be matched properly in our professional abilities and competencies. This will also play into space for committee meetings.

Hon. Speaker, Sir, given the fact that you are still doing some renovations in Parliament, we expect Members to have a place where they can work, given the enormity of work that is now bestowed in the Committees. I want to agree with one hon. Member who has said that Parliament makes laws. It is really the guardian of the Constitution on behalf of the Kenyan population. There has been a move to gag Parliament from sitting; when it can sit and what benefits can accrue from those sittings. I want to urge the House to be stern and protect its rights to legislate and come up with its sittings so that it can

help this country. It is important to protect that because it is constitutional; it is the right of the people who have elected us to be here.

With those remarks, I want to support and move that these amendments are correct.

Thank you.

**Nominated Member** (Hon. Wangamati): Thank you hon. Speaker. My name is Patrick Wangamati, nominated Member. Many hon. Members here have heard me being referred to as one of the elders in this country.

I want to take this opportunity to congratulate you and your Deputy for having been elected to lead this House. I did not vote for you hon. Speaker, but I voted for the Deputy Speaker.

*(Loud Consultations)*

I supported the Deputy Speaker because I believe in gender. I do not know how other hon. Members view you but to me, within a very short time, you have proved that you are the best choice for us.

I rise to support this Motion because it is very important. I also want to commend the Committee for taking these timely measures. We have shown others that we are not slow. But we are catching up with time because our executive President is a time-conscious leader.

Hon. Speaker, I want to be very brief. The House Committees are very important in this Eleventh Parliament. We want the Committees to be focused because there are very many things that have gone wrong in this country. This Parliament must get on its feet to correct them. We have income-generating projects in this country which have been mismanaged. Most of them have either stalled or collapsed. Those projects could be the life-line to jobseekers. Due to that mismanagement, some people who were employed have lost their jobs. The hon. Members who will be appointed to those committees should be focused. They should be able to punish corrupt officers and stop the mismanagement and wastage of resources in this country. Those who are involved in that menace should be punished heavily.

Thank you, hon. Speaker, for giving me this opportunity to contribute.

**The Member of Parliament for Bomet East** (Hon. Bett): Thank hon. Speaker, for giving me this chance. I am hon. Bett Bernard from Bomet East Constituency. I take this time to join my colleagues to congratulate you and the Deputy Speaker for having been elected to your positions in the Eleventh Parliament.

I also take this opportunity to thank the great people of Bomet East for electing me to represent them in this honourable House. I want to give credit to the Procedure and House Rules Committee for the wonderful work it has done. It has factored in the number that we have in this House so that we can have as many of us as possible joining this Committee. That way, we can give our contributions in the Committees.

I want to say that the Republic is looking up to us to ventilate through the variety of issues. We want to avoid guesswork and other problems. We should have as many hon. Members as possible in Committees. I believe in the diversity of hon. Members and having many of them in the Committees will lead to quality contributions.

I want to congratulate the Chairman of that Committee. I want to say that, as Members of the ruling coalition, we can also play the roles of oversight of the Government, contrary to what one of the hon. Members has said. We can play the oversight role despite the fact we are Members who belong to the coalition governing this country.

Thank you very much hon. Speaker.

**The Member for Mwingi Central** (Hon. Mutambu): Thank you, Hon. Speaker, Sir. It was said here a day ago that some Members are trying to come to Parliament through the backdoor but I am lucky I do not see any backdoor here. My names are hon. Joe Mutambu from Mwingi Central.

I rise to support the Motion with some advice to my good friend, the Chairman. He said that they will appoint Members to various Committees according to their profession. I would like to inform him that we are here to make laws and all of us are not lawyers. The first person to invent a bicycle did not know how to ride it. So, you can appoint Members to any Committee provided that they are elected Members of Parliament and I can guarantee you that they will discharge their duties in those Committees irrespective of their level of education or their profession.

There are hon. Members who do not have my degree and you cannot say that you will not appoint them to this Committee. I urge him to look at Members of Parliament and not to professionals because we are all Members of Parliament.

Hon. Speaker, Sir, let me take this opportunity not only to congratulate you for being elected the Speaker of this House but also to thank the Members who elected you because they chose well. It was a good decision to choose you. I want to believe that you will show leadership in this House. I like the way you conduct yourself because running the House is not easy.

I also want to contribute to the problems facing the Members of Parliament. I did not get a chance to contribute to the Presidential Address but with your permission, I would like to say that we should be united when we are discussing matters of national unit.

Thank you very much, Hon. Speaker, Sir.

**The Member for Kinangop** (Hon. Mburu): Thank you, Hon. Speaker, Sir. First, I would like to congratulate you for being elected the Speaker of this House. Secondly, I would like to remind my colleagues in the CORD Coalition that all of us went to elections on 4<sup>th</sup> March. It is through the tyranny of numbers that you have found yourself here. You got that certificate because you had more numbers than your opponent. I would like to remind the House that you are Hon. Speaker because we had an election that involved two candidates and you won. So, we the Members of the Jubilee Coalition were given the mandate by Kenyans to implement the Manifesto that we campaigned on. We are all duty bound, being Members of the Jubilee Coalition, to make sure that we implement all that we promised Kenyans. This is because Kenyans decided that it is time for the Jubilee Coalition to move this country to the next level. Even in those Committees, we must be the majority to make sure that the Jubilee Manifesto is fully implemented. So, we have a responsibility as hon. Members to make sure that all that we promised Kenyans back at home is achieved through hook or crook.



(Laughter)

This is because that is the promise we made to Kenyans. We stood here and took the oath of office.

**Hon. Aluoch:** On a point of order, Hon. Speaker, Sir. In this House, you can be very emotional but very passionate and we are entitled to our ignorance. However, is it in order for the hon. Member to say that we can do things by hook or crook?

**Hon. Speaker:** We may not do things by hook or crook because the House has rules and procedures!

**Mr. Mburu:** Hon. Speaker, Sir, I apologise to the House. However, emanating from that, I would like to say that we have a responsibility. I took the oath before the Speaker and the House. I declared that there are some duties that my colleagues in the Jubilee Coalition and I must accomplish. I want to remind hon. Members that we are duty bound even if we go to the Committee. We will make sure that we work for Kenyans and not for a particular tribe. So, I urge the senior Members, with all due respect to note that, the slogan “tyranny of numbers” amounts to incitement and it should not happen.

(Laughter)

What should happen is that we should ask our ladies back at home to put aside the family planning methods so that you have the numbers so that next time--- If we perform well, the first 10 years should be for Uhuru Kenyatta, then the next 10 years for his Deputy President and the next 20 years for the Jubilee Coalition.

Thank you very much.

**An hon. Member:** What is wrong with this man? He should not speak like that!

**Hon. Speaker:** Hon. Members, this is just for the guidance of the House. The Motion before the House reads “That, the House approves the Motion”. If you read the Standing Orders, you will see something about relevance. Please stick to that. Let me hear an hon. Member who has not spoken.

**The Member for Kilifi South** (hon. Mustafa): Thank you, Hon. Speaker, Sir. My name is hon. Mustafa Idi. I am the Member for Parliament for Kilifi South. First of all, I would like to join other Members who have spoken before me in congratulating you and your Deputy for having been elected to your respective positions.

I would also like to take this opportunity to thank the people of Kilifi South for having bestowed their trust in me, and electing me as their first Member of Parliament in this new constituency.

On the Motion, I do not think that increasing the number of members in this Committee will add a lot of value to the work which we are supposed to do. Instead I think splitting the Committees and clustering Members of Parliament according to their profession and strength will work on our side.

Hon. Speaker, Sir, I have also listened very keenly to contributions from hon. Members who, while contributing to various Motions, have said that part of our mandate as hon. Members of Parliament is to help the Executive to minimize the wage bill. I am very sure that increasing the number of members in this Committee will not in any way increase the wage bill, but we have proposed to reduce the number of Commissioners in

various Commissions which we have in order to reduce the wage bill. So, if we increase the number of Members of Parliament in various Committees, we are working against what we want to do.

If we cluster hon. Members according to their profession and their strength, it will work very well. During the naming of the Cabinet Secretaries today, we heard a banker by profession being appointed to head the Ministry of Health. That should not be a good example that should be emulated by this Parliament. We should not have Members from different professions being appointed to be in Committees where they have no idea of what happens there.

Hon. Speaker, Sir, as a journalist with very many years of experience having worked in the mainstream media as a reporter and as a newscaster for the Kenya Broadcasting Corporation (KBC) and the Nation Television (NTV), I would like to say that if I am appointed to be a member of the Broadcasting Committee, I will be able to point out issues that pertain to that Committee. For example, I remember that in the Presidential Speech, there was need for increasing the local content in our TV stations and I thought it was meaningless for His Excellency, the President, to say that it will be increased from 40 per cent to 60 per cent. This is because the 40 per cent rule has not been enforced and we see it is just foreign programmes. If you switch on your TV today, all the major TV stations have one programme scheduled for the day because if you switch on your TV at 6.00 a.m., all stations will have local talk shows with different shows. Some call it Power Breakfast, Sunshine or Good Morning Kenya. These programmes for two or three hours and after that they switch to foreign soap operas up to 1.00 p.m. where they bring News at 1.00 p.m. They will then go to the foreign soap operas up to 4.00 p.m. then have the news again in Swahili or English; they then have foreign music up to 7.00 p.m. where we have the news in Swahili. Then we will go to a local programme for half an hour and all the TV stations are like that.

So, Hon. Speaker, Sir, these are the things for which professionals should be in such relevant Committees so that we can point out these things and help Kenya grow as a nation.

With those few remarks, I beg to support the Motion with that amendment that we be clustered as professionals.

**Hon. Speaker:** Hon. Members, Hon. Mustafa had the sympathy of the Speaker and so we did not want to remind him about the rule of relevance when he delved into his area of specialization. However, I would like to plead with hon. Members that if we stick to--- Let us look at the Motion before us because we still have some more business. So if we think that we have exhausted this Motion then you can ask the Mover to reply.

**The Member for Nambale** (Hon. Bunyasi): Hon. Speaker, Sir, finally! I have been changing ties everyday and it looks like the black one has worked today. I bring you the greetings of the people of Nambale and my own on your election and your colleague's. Since I had not spoken, allow me to indulge a bit as my Maiden Speech and protect me from any interruption. A very important thing is that when the President was in the House, he aimed to achieve a double digit growth during his term of Office. A double digit growth is going to require the role of the resources in this country wherever they are to be put to maximum use and for us the people of Busia and Nambale particularly, I was pleased to hear the increase of deepening the value chain. I pray that

with that deepening of the value chain, resources will be transformed into products in areas where the resources occur unless they completely go against the rules of economies of location. We are a fisheries producing county, we produce oil crops, sugarcane and we are looking forward to deepening value chain there.

There are many dimensions of that Speech but since we moved on, I will come back to the business at hand. I support the sentiments that we do two things: One, we expand the number of Committees to bring them in line with the departments that are being created in the Cabinet for various reasons. First, I think when the Secretaries appear before us for their dockets, they should not have to go to three or four Committees to do it. So improving the alignment would create that efficiency.

Secondly, it important that whereas we are building teams you require different areas of expertise to bring synergies to the issues being discussed, there is always a core element that cannot be avoided. The core element is that there must be some expertise and understanding with issues at hand; how well shall we be able to give guidance? How well shall we give oversight to secretaries who are technocrats in their areas of expertise? How well shall we help the President achieve a double digit growth if we do not look keenly at what is being proposed? We should bring to bear the experience of all these hon. Members in this House who come from very many different professions what they know. So I feel that it will be important to go into depth and give oversight and guidance that we both increase the Committees and align them.

Lastly, since most of the business of the House is going to be done through Committee, I feel that it is very important that the House does everything it can to ensure that every hon. Member brings their experience to bare through Committee participation. That is not a luxury; I think it is going to be a necessity is we are to respond to the President's Speech.

Let me conclude by saying that when the President said that he needed a double digit growth and he talked about poverty as a core goal, I thought he was talking about Busia. In Busia, two-thirds of the population lives below the poverty line. When he talked about one million acres of irrigation, given my experience around the world, irrigation is a very costly thing. There are other options along the line that can end up there. There are many areas that can contribute to that poverty reduction goal without going the high cost route. I know there are areas where irrigation might be the only way to go and I would hope that essential things that are more cost effective like improving markets channels would be considered. A lot of goods go to rot; almost as much as 30 per cent to 40 per cent goes to waste. In other terms, if you are able to save that waste, you can achieve an agricultural growth rate equivalent to what you have saved from the waste. There are more effective ways also of improving employment if you go that route.

For now, I want to thank you for giving me this opportunity and thank people of Nambale for electing me.

**Hon. Letimalo:** On a point of order, Hon. Speaker, Sir. Given that we have prosecuted this Motion exhaustively and hon. Members are becoming repetitive, I beg that under Standing Order No.95(1) that the Mover be called upon to reply.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** It looks like there is still some interest; let us hear a few hon. Members. I would then urge that we stick to the Motion.

**The Member for Kasipul Kabondo** (Hon. Onyango): Thank you, Hon. Speaker, Sir. As I rise to support this Motion, I would like to direct hon. Members to Article 94(4) of the Constitution of the Republic of Kenya that mandates Parliament to be the only state organ with the responsibility of protecting the Constitution, and also promoting democratic governance of this country. To that effect, the manner in which we conduct ourselves in the House and conduct the House business is very important. To me, it will be necessary not to overcrowd the committees but expand them in line with departments of the Government so as to provide the proper checks and balances.

Hon. Speaker, Sir, there is also a trend in the House by which we may abdicate our roles as one of the state organs in the belief that we belong to one coalition or the other. While in Parliament the oversight role we are going to play is going to help the Government of the day in conducting itself and serving the country. So, to us it does not matter whether we are in Jubilee or CORD, because at the end of day you will realize that I am in CORD, but I am closer to State House than you who is in Jubilee.

*(Laughter)*

So, when we are contributing in this House, it is very important that as hon. Members we support the Government of the day where it is doing right. Where it is going wrong we should oppose it vigorously for the sake of the citizens of this country.

I beg to support.

**Hon. Speaker:** Could you tell us your name please?

**The Member for Kasipul Kabondo** (Hon. Onyango): I am hon. Silvanse Osele Onyango, Member of Parliament for Kasipul Kabondo Constituency.

**Hon. Speaker:** Thank you. The hon. Member next to you.

**The Member for Nakuru Town East** (Mr. Gikaria): Thank you, Hon. Speaker, Sir. I have been here since we were sworn in and I have never had an opportunity. My names are David Gikaria. I am the Member of Parliament for Nakuru Town East Constituency. Allow me to take this opportunity to thank God and the people of Nakuru Town East Constituency for having given me an opportunity to come and serve them in this very honourable House. I also want to take this opportunity to thank you and your deputy on your election to the positions of Speaker and Deputy Speaker respectively.

Hon. Speaker, Sir, I have heard you talking about relevance, but allow me, this being my maiden speech, to talk about something that was talked about during the debate on the Presidential Address. It is about the housing issue. I think the President made it very clear--- As you know, since the violence of 1992 the people of Nakuru have been migrating and housing has been a problem. I want to thank you for when you were making your speech upon your election you made it very clear that the Tenth Parliament passed very many governance laws that were supposed to check the Executive; I think it is our responsibility now to take your advice and concentrate on the socio-economic laws that are going to transform this country from where we are right now.

Hon. Speaker, Sir, secondly, my point is about the issue of the Internally Displaced Persons (IDPs). If you look at Nakuru County, we have almost four camps and

the Government has done its bit to try and get places where they can resettle them; but more often than not we get a lot of resistance from other counties where we want to go and resettle them. I think it is up to this House also to use its mandate and educate the citizens of this country that if we get a place to resettle the IDPs, it is only reasonable for us to be able to accept that--- There are other areas where people do not have land, but such people should allow our people to be resettled.

Hon. Speaker, Sir, thirdly, is about the issue of the future of state corporations. The pyrethrum industry was based in Nakuru and the crop was heavily grown in our county, but it collapsed and we want to revive it. But currently the management wants to start selling of the assets. I think the President made it very clear that we are looking into the future of reviving most of the industries. In fact, the pyrethrum industry used to employ more than two million farmers within Nakuru County. I think it is high time we took the opportunity and also--- I have seen motions being brought here, and I can also bring a Motion and ask the Government to look into the best way of reviving the Pyrethrum Board of Kenya.

Hon. Speaker, Sir, on the issue of devolution, we agree with the President that it is not an option, but a constitutional requirement. I happen to have represented my people in the last two terms as a councillor in the Municipal Council of Nakuru. Now that we have allocated monies to different counties, they may be tempted to start exploiting the citizens to raise local resources. I think I need to be guided, and maybe get some advice on how we can have a check on the county governments so that they do not overcharge their locals when it comes the single business permits, land rates and many other charges that are normally charged at the local level. We do not want to see the county governments overcharging the local *wananchi* because. Maybe, they were given smaller allocations.

Hon. Speaker, Sir, lastly, the President made it very clear that he was going to give his support to a vibrant Opposition and I support him on that. As my colleague, hon. Onyango from Kasipul Kabondo has said, people should also stop frequenting State House Road. They need to also understand that they have a role to play; I agree with hon. KK that a vibrant Opposition is also going to help the President to be re-elected. If it becomes weak, then again he will also be re-elected. So, either way, I think “KK” is right. However, whether it is vibrant or not, we might be able to give the President a second term.

Hon. Speaker, Sir, on the Motion that is before us, I want to thank my colleague, hon. Cheboi from Nakuru County. You can see that under his able chairmanship---

**A hon. Member:** On a point of order, Hon. Speaker, Sir.

**The Member for Nakuru Town East** (Mr. Gikaria): Give me a minute, please.

**Hon. Speaker:** Proceed, hon. Gikaria..

*(Laughter)*

**The Member for Nakuru Town East** (Mr. Gikaria): Hon. Speaker, Sir, thank you for coming to my protection.

You can see how hon. Cheboi and his team, and through your able chairmanship as the Speaker, have come up with these amendments. In fact, I think the President must

have made his Address from State House Nakuru; it touched on almost everything with the exception of the Opposition, because there is no Opposition in Nakuru. We are full supporters of the Jubilee Coalition. Hon. Cheboi must have written these things in Nakuru again. We were telling hon. Cheboi that since 1993, the hon. Ochilo-Ayacko, the then hon. Member of Parliament for Nakuru, was the only member of the Cabinet---

**Hon. Members:** No; it was the late hon. Achieng-Oneko.

**The Member for Nakuru Town East** (Mr. Gikaria): Yes, hon. Achieng-Oneko; not Ochilo-Ayacko. I am sorry. Since then we have never had a Member of Parliament from the Opposition. We are asking the President to remember Nakuru County this time round, but---

**Hon. Speaker:** Let us hear the Member for Nakuru Town East.

**Hon. Gikaria:** Thank you, Hon. Speaker, Sir. The Motion is good. I want to thank the Chairman and his team for the good work. Hon. Speaker, Sir, you were advising that if a Member wants to bring an amendment he has an opportunity under the three options that we have been given by the Chairman of the Procedure and House Rules Committee. If you want to bring an amendment with regard to the two Committees, hon. Wambugu has made it very clear. The laws are clear. If they want they can bring an amendment and then mobilize their troops to have that amendment pass. As it stands now the rules are very clear.

Hon. Speaker, Sir, when we came here first you told us that this is a House of rules. I never heard you telling us about traditions. If we have now to turn to traditions then as new Members we are going to get confused.

I would like to support the Motion.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Speaker, Sir. As much as we are cognizant of the fact that we have very many new Members, and that is why those of us who are older are exercising a lot of restraint, especially when hon. Members are giving their maiden speeches, would I be in order that the Speaker do guide Members even in their maiden speeches, which, out of decorum and practice, we cannot interrupt. They are still obligated to follow the rules of the House. If they do not know them, the Hon. Speaker needs to guide them; they should not use the opportunity they have to make their maiden speeches to abuse the rules of this House.

**Hon. Speaker:** Well, you have spoken in generalities, hon. Odhiambo-Mabona. We needed, perhaps, you to pinpoint the specific abuse. However, since the hon. Member has even completed speech---

**Hon. Namwamba:** On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** Hon. Ababu, the Speaker is speaking. If the Speaker is going to be stopped by a Member claiming to be on a point of order then there will be no order in the House.

**The Member for Suna East** (Hon. Nuh): Hon. Speaker, Sir, my names are Junet Mohammed Nuh. I am the Member of Parliament for Suna East, Migori County. I rise to support the Motion, but before I get to that, having been a mayor for five years, I wish to request my fellow former councilors, who have come to this House, not to transfer the tragedies of the former councils to the National Assembly.

*(Laughter)*

They must now know that things have changed. We are now in the National Assembly and we should behave like people who are in the National Assembly and should not discuss insignificant things.

Hon. Speaker, Sir, I wish to support the Motion and commend the Committee for the good work they have done on the Standing Orders and the membership of the Committees. The business of this House is mainly going to be driven by Committee reports in the next five years. For that matter, Committee reports are very important and so is the membership of those Committees. It is very important that every hon. Member belongs to at least one or two committees, so that hon. Members are able to execute their mandate properly by contributing to debates in this House.

I do not think the issue of expanding committees is reasonable. This is because Committees have secretariats that support them. That issue will be covered by sub-committees that will be formed under the committees.

I wish now to request the committees to look into Standing Order Nos. 205 and 206, which concern the Public Accounts Committee and the Public Investments Committee. As you are aware this is a House of rules, traditions and precedence, and there is no way the minority, which has been granted the permission to chair those Committees, not because the Standing Orders allow that, but because of the tradition of the House--- They the minority in number in those Committees. It does not make sense at all that you are a member of a committee and you have been granted the chairmanship of that committee, yet you have fewer Members. If issues go to voting, you will be irrelevant in those committee.

Some of our Members are claiming that all of us are here to do oversight work; the Leader of the Majority Party has been forming the Government since last week on television and radio. So, if you allow the same Leader of the Majority Party and his Members to be the majority in committees, I think Government business will be going on all time. We are, therefore, requesting the indulgence of the House. We need to be reasonable so that we have effective watchdog committees in this House.

I know everybody has come here to legislate and do oversight work as Member of Parliament from whichever constituency. However, we know that we have the minority and the majority in this House. For that reason I seek the indulgence of the hon. Members that we allow the minority to have one person more in the Public Accounts Committee, the Public Investments Committee and the Budget and Appropriation Committee. That will be for the good of the House. The minority are the guys who will be doing the work of the Opposition in this House. If you say that they should Chair the committees, yet they are few in numbers, they will just be masquerading as watchdog entities. They will not be doing any job.

Let us not personalize issues. We want to provide effective leadership and oversight for the country. We are Members of Parliament and I do not want us to extend the tyranny of numbers. People have forgotten that; let us not introduce it in the House and make those three Committees useless.

With those few remarks, I support the Motion.

**The Member for Lari** (Hon. Kahangara): Thank you, Hon. Speaker, Sir. I can actually say that finally I caught the Speaker's eye. I have been standing for the last four days without getting an opportunity.

This being my maiden speech I wish to take this opportunity to congratulate you and your deputy for being elected to lead this House. I also congratulate other hon. Members who have been given an opportunity to serve in the Eleventh Parliament. I want to thank the people of Lari who found me fit to serve them in this honourable House. I want to tell them that I am going to do my level best to represent them in this House.

With regard to the Motion, I support the Procedure and House Rules Committee in its bid to increase the membership of various committees. Indeed, what hon. Cheboi and his group have done is to prevent a riot from the new Members of Parliament. What we had seen with the Committee on Selection was that a few committees that had already been formed was that most of its members the old Members of Parliament. Very few opportunities were given to the new Members of Parliament. Hon. Members were wondering why we went to a point of putting hon. Members in two committees. We are 349 Members of Parliament. We have formed about four committees, and you will find a Member or two, who have been recycled yet there are Members who have not been given an opportunity.

Hon. Speaker, we are all equal in this House and we want to be given an equal opportunity.

Now, turning to the Committee on Selection, I wish to make my request. We have the numbers and we are going to pass this Motion. It is an opportunity to get more hon. Members into more committees. Let us consider new Members of Parliament who are in this House by virtue of being elected from their constituencies. Give us the opportunity to serve because I believe we are able.

The other thing – hon. Midiwo mentioned it – is to put hon. Members in committees where they are going to add value by contributing and participating fairly.

There are various committees in this House and some could be very active. Others could probably do their work and within a few days, they may be dormant. Actually, they can be termed as “useless”. I do not want to use the same words. There are the so-called weighty committees. Let us make sure that each hon. Member is given an opportunity to serve in those so-called weighty committees, so that we can all feel that we are Members of this House, and we will be able to make our contribution felt as we move on.

With those few words, I wish to support the Motion that we increase membership of committees.

**Hon. Speaker:** I will give the last chance to a Member who represented this Country in the recently concluded Boston Marathon, the hon. Member for Cherangany Constituency.

*(Applause)*

**The Member for Cherangany** (Hon. Korir): Thank you hon. Speaker. First, of all, let me say I am honoured to have been given an opportunity by God, to first of all represent my constituency in this House, and secondly to be able to represent my country and you all, as members of Parliament, at the just concluded Boston Marathon.

*(Applause)*



I am honoured. I just want to make my maiden speech because it is my first time to speak on the Floor of this House. I am a new Member of Parliament, and so I might mess up here and there. I hope the old hon. Members will not try to stop me from contributing.

I feel honoured because this is an opportunity that I have got to represent the people of Cherangany. I would like to thank the people of Cherangany Constituency for electing me and putting their hope in a new independent-minded person to represent them in this House.

First of all, I want to contribute to the Motion of the day. It is about amending the Standing Orders to increase the membership in the committees of the House. I would like to support that. I would like us to increase the number of members of committees. I was looking for the committee concerning sports. As a sports person, or an athlete, I feel that sports is a big thing in this country. But you find that it does not have its own committee. It forms just a small fraction of another big committee. I think sports should have a committee because our sports people are ambassadors out there. We should have a very strong representation and be protected by the House, so that the crooks out there do not go in and destroy sports in this country.

As an Independent minded hon. Member, I want to tell all hon. Members of this House that, for us to move this country to the next level, we have to unite, so that we can all have the unity of purpose to move this country forward. We need not talk about being in CORD or being in JUBILEE. I think that was during the election time; now politics is over. We have come to this House and we have been given a responsibility. Let us do our duty and make sure that this country is represented very well. That is our duty; that is what we need to move this country forward.

As I continue representing you outside this country as an athlete, and also as I represent my people here as a Member of Parliament, I promise I will do my best. This time I finished fifth but next time I promise I will bring home a gold medal. I will give it to the Speaker to hang up over there; it will be an honour. I will be the first Member of Parliament to do that.

I am very excited. Thank you so much. I would like to ask a question and I need the Chair's guidance. When are we getting the cards because some of us are very tiny and we cannot catch your eye? As soon as we get the cards, maybe, you will see our names popping up there and then pick on us. But this business of competing to catch your eyes by standing up--- Some hon. Member told me here: "The Speaker cannot see you because you are too dark". That is not my fault; I was born in the Rift Valley. So, you may not see this far, but I would like to say that as soon as we get the cards, we will stop competing to stand up so as to catch your eye. That will be very good.

Thank you so much. God bless you and God bless Kenya. Thank you so much.

**Hon. Speaker:** Hon. Members, considering the mood in the House, I want to call upon the Mover to reply, so that we can go to the next business. There will be an opportunity for Members to contribute another day when this business will appear on the Order Paper.

**Hon. Cheboi:** Thank you hon. Speaker. I want to start by saying that to have hon. Aluoch, Ng'ongo, Dr. Eseli, all supporting a particular Motion, is not a mean task. I want to start by thanking hon. Members very sincerely for giving their input because, really, I

do not think there is any Mover of a Motion who would want to come here and only have his Motion supported. In many occasions, we would be happy with criticism, improvement and so forth.

I want to take this opportunity to thank the hon. Members most sincerely. I also want to thank the Committee chaired by you. I want to repeat that “it is chaired by you” because I am sure that my good friend and neighbour, hon. Gikaria, might have put me in quite some difficulties, and I might be in trouble with you. That is because in this particular instance, I am only here to deliver on behalf of the Committee, which you chair; I am sure your able deputy would have done the work that I am doing today. Unfortunately, she is bereaved, as you indicated. So, I hope I am not going to be in a lot of trouble with you. I have been made the Chairman while, in the actual sense, you are the Chair. You are the one who actually guided us quite effectively into the night yesterday and even today.

Hon. Speaker, I have heard a lot of contributions from the hon. Members. First, I want to ask hon. Members to take advantage of that particular way of amending Standing Orders. Hon. Members should know that they have the power to amend the Standing Orders by seeking support from 50 hon. Members. Many of the issues that they might have noted today can still be effectively tackled by them by way of amending the Standing Orders using the power they have under the Standing Orders.

Hon. Speaker, I also want to talk on the issue of increasing committees membership. We went through most of the issues that were raised by hon. Members yesterday and today. We found it a bit difficult to increase the committees because of lack of space and manpower. We realized that it would be a bit difficult to expand committees beyond the numbers that we have. The drafters of Standing Orders were cognizant of the difficulties that we have as an august House; therefore, that is one thing that we looked at; we thought it would be better to increase the numbers of hon. Members rather the number of Committees.

As you are aware, we looked at the issue of aligning Departmental Committees to Government Ministries and we thought about the many Presidents who will come. Hon. (Dr.) Eseli brought it out very well. He said that we should amend these Standing Orders for posterity. Many Presidents will come and go and they will have many thoughts about the number of Ministries and Government Departments that they would like to have. So, as a Parliament, it will be prudent that we walk our own way. If the Departmental Committees already exist, we can always align them to the Ministries. It should not be the other way round.

Hon. Speaker, Sir, I have looked at my good friend, hon. Kaluma and I do not know the year he finished his law school, but I realised that he must be of the same old school as myself; we did a lot of drafting was, with a lot of provisos here and there.

We also consulted widely on the issue of provisos and we got to an agreement that probably the issue of provisos was--- I would not like to say that I am of the old school, but it would be much better if we actually amended substantively particular sections of the Standing Orders.

So, I would like to inform hon. Kaluma that we looked at that and we thought that the best way was the way we want it today. That is to say that you are not a very young lawyer, and you must be among the senior lawyers.

The issue here is effective representation of our constituents. The best way we can represent our constituents is by participating effectively in the work of Parliament. The only way that it can be done is by hon. Members participating in committees of their choice when available and where they are able to contribute effectively. It should be clear that this Committee, which you chair, does not in any way slot Members to particular committees, as some hon. Members might have thought. There is the Selection Committee which has able whips and leaders, namely the Leader of the Majority Party and the Leader of the Minority Party, who are in this House. They are the ones who slot in Members into committees. It will be prudent if Members are placed where they can contribute effectively. I will not use the example of a lawyer because I know that hon. Oluoch will tell me that a learned friend is a learned friend and he knows almost everything. However, let me say that it will not be prudent to take a teacher, for example, to do some work in the Health Committee. I believe that the Selection Committee and the whips will be able to slot in Members into areas where they can contribute effectively.

On the issue of the one-off committees, it will be a bit unfortunate if hon. Members are considered to be serving a particular committee, like the one on Selection; once they select Members to different committees, the Committee is as good as completely forgotten. So, hon. Members will not be able to participate. I plead with hon. Members to understand; it is understandable when hon. Members also complain that they must be in committees and they must be like every other hon. Member. This is because they are actually eager to work, but we should also be cognizant of the fact that some Committees will be fairly inactive, including this one. This committee will have very little work once Members know that they can effectively change the Standing Orders without going through this Committee. That is Members are free to approach the Chair to make changes in the Standing Orders.

Hon. Speaker, Sir, I want to be brief because you will realise that there was no Member who opposed this Motion. So, I do not think I need to convince any hon. Member because we are together in this matter. I think it is particularly good for the country. It is very good that everybody realizes that it is good for the country and not for us. In fact, for hon. Members of Parliament, it will not be as good as people might want to believe, because they will be forced to work extra hard. We worked yesterday up to 9.30 p.m. Unlike in many institutions--- I doubt if there was any Member who even thought about something called--- I do not know the term they use for payment for extra hours worked.

**Hon. Members:** That is overtime!

**Hon. Cheboi:** Hon. Speaker, Sir, it is a sacrifice. So, this is basically good for the country. It is also good for Parliament as an institution. I think we must encourage Kenyans to look to Members of Parliament with some respect because they work extremely hard. Look at the Tenth Parliament, for example, which you and I were unlucky to be in. They really worked hard and passed many Bills into law. I think Kenyans must also learn to thank people when they work extremely hard. The Tenth Parliament did very well. Let us not look at the Tenth Parliament, for example, in terms of increase of salaries and allowances because there were none.

So, I want to thank hon. Members. I do not want to be irrelevant but let me say that it is important for Kenya to know that this is one way in which Members of Parliament can contribute effectively to the building of this nation.

Hon. Speaker, Sir, I thank you and hon. Members. May God bless you.

**Hon. Speaker:** Hon. Members, hon. Cheboi has spoken.

*(Question put and agreed to)*

PROVISION OF EMERGENCY MEDICAL  
CARE BY HEALTH FACILITIES

THAT, aware that health facilities in the country invariably decline to attend to patients who are in critical emergency conditions without admission deposits or payment, leading to worsening of patients' conditions and sometimes leading to loss of life; concerned that most Kenyans are poor and lack medical insurance cover; noting that Article 43(2) of the Constitution of Kenya states that "a person shall not be denied emergency medical treatment," this House urges the Government to ensure that all health facilities provide emergency medical care to victims of accidents and those in emergency medical condition without denying them admission on grounds that they are not able to pay deposits.

*(Hon. Koinange on 24.4.2013)*

*(Resumption of Debate interrupted on 24.4.2013)*

**Hon. Speaker:** There was a Member who was contributing to this Motion yesterday. He has a balance of three minutes.

**Hon. H.K. Njuguna:** Thank you, Hon. Speaker, Sir. I made my maiden speech yesterday. I had introduced myself. My names are Humphrey Kimani Njuguna, for those who were not in this House yesterday. I am the Member for Gatanga and I welcome you to that constituency, so that you can see whether it is a model constituency or not.

I support the Motion I was contributing to on access to emergency healthcare. I would like to say that the Motion is anchored in Article 43(1)(a) of the Constitution. Article 43(1)(a) states that access to health is a constitutional right to every Kenyan. In fact, Article 43(1)(a) says that every Kenyan has a right to health, to the highest attainable standard. So, it is not negotiable. This is a right. I know some people might want to say that since we passed our Constitution in 2010, then this right should be applied progressively. However, I am of the contrary opinion because when we got our Independence, disease, poverty and ignorance were identified as the three major challenges facing our society. So, we cannot say that we now address this issue progressively because this is an issue that we should have handled during the 50 years of Independence. So, access to health is a mandatory right to all Kenyans now.

Hon. Speaker, Sir, I want to move on to Article 43(2), which deals with emergency access to health. I had an opportunity to interrogate hon. Nyikal on what

emergency is, and he told me that when a patient appears before a doctor in an emergency, the attending doctor--- His interpretation is if you do not attend to that patient, the consequences are dire. The result is death. It is what you, hon. Members encounter. There is an accident, you stop on the road, you stop coming to Parliament and you take that patient to hospital. This is an emergency. When you hear a siren, you give way because you know it is saving a life; it is an emergency. It is why the fire brigade have no traffic rules; they can keep right or even go on the pavement if it is an emergency. Article 43(2) says that every Kenyan has a right to emergency treatment. It is not a right that is negotiable. It is absolute! It is instant. It should be attended to there and then. That is the interpretation.

On a light note---

**Hon. Speaker:** Your time is up!

**Hon. (Dr.) Kibunguchy:** Hon. Speaker, Sir, thank you for giving me this chance to contribute to this Motion, which is very dear to my heart as a medical doctor. First of all, let me thank Hon. Koinange for having come up with this Motion, and tell him that very soon we should get together and have this turned into a Bill. As we do that, there are certain areas that we shall have to relook at; what comes to mind immediately I look at the Motion is Article 43(2) of the Constitution, which is very clear. The operational words are “shall not be” – “shall not” means that there is no compromise. There is no debate; there is no halfway. But then the hon. Member says: “---this House urges”. Urging is like begging. I think we should be forthright and say that this House compels and not urges the Government.

Let me go back a bit and talk about two or three things. One of them is the immediate hon. Member on the Floor who took a bit of time talking about emergency. Most of the time when you talk to people about emergency, many of them keep on thinking about it and what comes to mind immediately is accidents. But as a medical doctor, I know there are so many other emergencies that we need to keep in mind. I think one of the emergencies, or time bombs that we sit on, is pregnancy. Pregnancy in itself can very easily turn into an emergency, either at the time of delivery or during other times, when there are so many complications that can happen. For example, some of our ladies conceive and, unfortunately, the pregnancy lodges outside the uterus and that turns out to be a very big emergency. In our medical language we call it an “ectopic pregnancy”.

Emergency can result from diseases like Malaria, which sometimes is cerebral. Emergency can result from poisons or snake bites. These days, with the changing lifestyles, you get people getting diseases that were more associated with the Western World like strokes or bleeding in the brain. Unfortunately, this happened recently with the wife of one of our IEBC commissioners, Mr. Letangule. Going through what was appearing in the papers, she had high blood pressure in pregnancy; I am made to understand that, that is what happened to the unfortunate lady. That sometimes can turn out to be a very serious emergency.

I do not want to appear like I am lecturing, but let us look at the two health providers in this country. We have the public health or public hospitals. This is where most of our people go to. There is a problem, and I am waiting for the nominee Cabinet Secretary for Health to start work. We must, as a country, now look at our personnel.

Sometimes we blame our public hospitals but we do not have enough doctors. We do not have enough nurses; more importantly we do not pay them well. I think it is something extremely important that we should start looking at the work that our health personnel do, and appreciate that because they save lives, they must be remunerated very well.

Most of our hospitals again lack basic equipment and basic drugs. This is something that we must start looking into. For example, you can come in with a patient who is bleeding from whatever cause but if the hospital does not even have basic things like gloves, it becomes extremely difficult in this era of HIV/AIDS and Hepatitis for the medical personnel to adequately attend to that patient, because they also put their lives at risk; you do not know the person whom you are dealing with.

I think private health facilities, or hospitals, are what this Motion applies to more specifically, because in most times---

**Hon. Speaker:** Your time is up!

**The Member for Kieni** (Hon. Kanini Kega): Hon. Speaker, Sir, I want to start by congratulating you for being elected and also the Deputy Speaker. I also want to take this opportunity to thank very sincerely the residents of Kieni for seeing it wise to elect me, so that I represent them in this Parliament. I have been trying to catch your eye but, unfortunately, that was not forthcoming. I think in this House we might change to catching your ear.

I rise to support very strongly this Motion by our good friend, Hon. Koinange. Since Independence, all the successive governments, whichever government that came to power, one of the things it talked about was healthcare. Even when we were campaigning, one of the major things that we used to talk about was health. This Eleventh Parliament should work on legislation that will make sure that we have universal healthcare for our people. Dr. Kibunguchy has pointed out that there are some very new diseases like hypertension. We also have other cases like accidents involving our *boda bodas* and our young people, whom we have tried as much as possible to create employment for. When I was born, I found a dispensary called Endarasha and it is still in the same state which I found it in; there are no doctors, laboratories or medicines. For example, in Nyeri, all emergency cases are referred to the Nyeri Provincial General Hospital. As we talk about providing health care services, we should also equip our hospitals and dispensaries, so that we can reduce the backlog that we have.

Many workers do not have a calling, but there is something that we share with the medical fraternity. Ours is a calling to duty. It is a calling for a Member of Parliament to work for the people. It is also a calling for doctors and nurses. It is very important that they are well remunerated. If we remunerate our medics and equip our medical institutions, we can talk about achieving the Vision 2030. All over the world, one of the basic needs that we should not even argue about is health care. If we deal with health and education issues, we will make some strides. We need to move a notch higher and make sure that as we talk about education and the laptops, our people are healthy. A nation that is not heavy cannot move forward.

With those few remarks, I support.

**The Member for South Mugirango** (Hon. Nyamweya): Thank you, hon. Speaker, Sir. My name is Manson Nyamweya, the Member for South Mugirango. Before I say anything, I want to let the country know that in my constituency, we are having

landslides and the soil is sinking. Houses have been destroyed and crops have been damaged. As I speak, people have moved to schools with their livestock. Our land is hilly and so, I thought I should make this statement before I contribute to the Motion. This is very critical to us. People have camped in primary schools and are sleeping outside. There is a problem there and the people are likely to contract diseases. This is relevant to the Motion that we are debating today.

I concur with the Mover of the Motion. He has done a good thing to propose that all people should access emergency medical care. Some of us go to hospital when we must go to hospital and when we are very sick. In most cases, people go to hospitals when they have emergencies. Because of our nature and the poverty level in this country, people do not go for medical check-ups including the Members who are here. We are lucky we have a medical scheme through which we can access medical check-ups, but some of us have not taken it seriously and done so. So, you can get sick or get a heart attack given the work that we do and the concentration that it requires. The issue of people being admitted to hospitals and being asked for deposits is paramount for all Kenyans.

I congratulate the Mover for bringing this Motion, but we need to find a way in the Budget, so that an allocation is set aside to cater for this. I am happy we have a new Minister for Health who is not a doctor. Doctors are very sympathetic. They want to treat and attend to us, but we need somebody who will instill discipline, so that the grand corruption, which has been happening in the Ministry of Health, comes to an end. I wish to plead with the professionals to accept him. If we get a good person who can give us results, he should be given a chance. If we do not do so, this nation will not go anywhere. I want to urge my colleagues on the Majority side that we are over-sighting the Government. Our role is to point out mistakes. For example, Serem said we are taking 12 per cent. Where did she conduct census? We have not conducted census to know the number of people who are earning that kind of salary in the public sector. I would like to urge Members of the Jubilee Coalition who are here to tell their leader that his first assignment, if I were him, would be to do a census of the people who are working in the public sector, so that we can know the actual number of people who earn a salary and who work. That is what is being used as a basis for huge wages. You will find that people who are not on the payroll are not physically there. You may find that it is only seventy percent threshold that is there.

We are coming from county, urban councils, city councils and Ministries. All these people earn money. So, the first thing that should be done is to claim the wage bill. When we say that, we are not criticizing. We want to help this nation. That is the purpose of performing the oversight role, so that we can point out the mistakes.

I beg to support.

**Hon. Speaker:** Hon. Members, after the lady, the Mover will be called upon to reply. These are the rules.

**Nominated Member** (Hon. (Ms.) Korere): Hon. Speaker, Sir, I am Sara Paulata Korere. I take this opportunity to congratulate you on your election as the Speaker. I also congratulate Dr. Laboso, the Deputy Speaker, for a record first round win. I also wish to congratulate the Members of the Jubilee Coalition, specifically the URP Members, for

through the numbers that they marshaled in the just concluded elections, they enabled me to be a Member of this House as a nominated Member.

On the Motion before the House, health care is a very pertinent issue. I want to thank Dr. Kibunguchy for clarifying as a medical doctor, what indeed, “emergency” means. In this era and time, it is a shame and criminal for women to lose lives during child birth. It is actually criminal. It is happening day in, day out. Our President, in his inaugural speech, was so particular about the issue of health. However, it is not just enough to say that you are waiving maternity fees. Where I come from, for example, and I am sure it is the case in many pastoral areas, medical facilities are not there and where they are there, they are just but mere buildings with not even things as simple as gloves. So, when you take a pregnant woman there who is about to deliver, the nurse, given the medical condition and the rate of transmission of diseases during child birth, might just stare at that woman and wait for the Almighty God to do his work. She is not going to touch this woman without gloves.

Therefore, as much as we want to have curative medical services in our health facilities, the health facilities must be fully equipped to handle emergencies such as childbirth.

Hon. Speaker, Sir, as much as you talk of curative services, we need to talk about preventive measures. A healthy nation is a wealthy nation. About preventive services, we know that here in Kenya it is mandatory that new born babies are breastfed exclusively for the first six months. We are talking about giving our young ones laptops in Standard One. We want them to be sharp so that by the time they get to the age of being recruited by the Independent Electoral and Boundaries Commission (IEBC), we will not have this hullabaloo of digital and analogue system failure.

It is a shame that in this country mothers are forced to part with their young ones as early as the third month because they must get back to work. What happens is that we lose a lot of working hours because the children keep getting colds and flu every now and then. Mothers have to seek permission to take their young ones to hospital and it is all because the children do not have enough immunity which is as a result of poor breastfeeding.

I beg to support this Motion.

**Hon. Speaker:** It is now time for the Mover to reply.

**Hon. Koinange:** Hon. Speaker, Sir, if you allow me, I will donate one minute to my brother there and another to him.

**The Member for Samburu East (Hon. Letimalo):** Hon. Speaker, Sir, I thank my brother for donating that one minute to me. Let me congratulate you and the Deputy Speaker for being elected in your respective positions. I also want to thank my constituents for having elected me to serve them a second time.

This Motion is timely especially for those of us who come from rural constituencies. We have a disturbing experience with regard to medical attention given to our people. We have fewer medical facilities. We have no drugs. We have inadequate medical staff and there is rampant lack of transport. I appeal to the Government to improve health services. I know it is possible. With the creation of the CDF, many health facilities have been constructed. However, due to Government bureaucracy of registering and absorbing the facilities, most of them are not really working.



**Hon. Wakhungu:** Thank you, hon. Speaker, Sir. May I thank the hon. Member for giving me this opportunity to contribute. What he has cited is really true. What Kenyans are going through is actually true. It is exactly what goes on in the area I represent.

We need to improve on legislation so that we allow paramedics to help people in the rural areas. We need to upgrade facilities so that they can absorb patients. We also need to ensure that patients are not sent home for lack of money to pay medical fees, which are higher.

Lastly, we have the capacity to prevent diseases that are preventable. We also have the capacity to treat conditions that are treatable. This will help us improve our welfare as Kenyans.

**Hon. Koinange:** Hon. Speaker, Sir, I want to thank you for the diligent manner in which you have continued to handle the business of this House. I am very thankful to all the hon. Members. The spirit in this House reflects oneness. I believe that if we go on like this for the next three years, we will be able to achieve a lot. I pray that we go down the history of this country as the House that brought a big change to this nation.

I want to thank all the hon. Members who have contributed to this Motion. If we support our people to get access to facilities of health and especially in the area of emergency treatment, we will move very far. Like one hon. Member said, any ailment of whatever nature is actually an emergency because nobody plans for that. The people who are most affected are the poor.

This Motion calls for an urgent action to be taken to ensure that no Kenyan is denied emergency medical treatment for lack of money. Hon. Members have shown disappointment and they said that we should not be talking about medical care for this country 50 years after Independence. Allow me to emphasize that medical care costs money. Poverty is experienced by many people in the country, but that does not mean that our people should be denied health care.

Hon. Speaker, Sir, I agree with hon. Members that we need to work towards a Bill that will ensure comprehensive treatment for all Kenyans. We need to place everyone under an insurance cover. There is a committee on health and we believe it will come up with a Bill that will cater for this particular issue.

Social health insurance is the way, the world over, to cater for people who need this kind of facility. It, of course, needs sacrifice. The rich can subsidize for the poor. The single can subsidize for the married. The healthy can subsidize for the unhealthy. The young can subsidize for the old. The draft of Kenya Health Policy, 2012 – 2030 is very clear about availability of free treatment to our people when they visit health facilities. Since it is clear in the Constitution, we are not doing a favour to our people; rather it is their right to have this service.

I know this idea calls for pooling of resources in order to manage financial requirements of providing quality health care. This can only be done in-house by the committee in charge of health. The committee should draw a Bill that will cater for this. However, in the meantime, there are things which should be done urgently in order to help our people, given their inability to pay for their medical bills. Some of them are transportation to hospitals.

Hon. Speaker, first, I would like to urge the Government and especially the Ministry of Health to make human resource and medicine available to hospitals. This matter, together with that of ambulances has been discussed vividly by hon. Members of this House, as I indicated in my presentation. Many people, and especially in remote areas are not able to access transportation and, therefore, people die on their way from the local area to hospital. I would like to urge the ministry concerned to give, at least, one ambulance to each constituency. I know that because even in my constituency, which is next to Nairobi, we do not have a single ambulance. Every time there is an emergency in my constituency, many people take taxis or they find other means to take their sick relatives to hospital.

Hon. Speaker, Members of this august House have decried the issue of lack of medical facilities in a very big way and we know that many hospitals are facing that problem. But with empty hospital premises without equipment and medicine, we cannot help our people effectively.

The other issue which was raised by hon. Members is on security. There is no security in many areas and I would urge the security organs concerned to put in place security measures so that people can freely move to medical centres or other facilities to access treatment. As I talk about security here, hon. Members should speak to the people on the ground to make sure that they do community policing in order to beef up security in different areas.

Thank you hon. Speaker, I beg to move.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Opiyo, you can now rise on your point of order.

**The Member for Ugunja** (Hon. Opiyo): On a point of Order, hon. Speaker. My name is hon. Opiyo Wandayi, hon. Member for Ugunja Constituency. I rise to seek your guidance.

We are all aware that this is the last sitting of Parliament this week and we are also aware that the President is currently in the process of unveiling his Cabinet list and hopefully next week, the Cabinet nominees will be presented to Parliament for vetting.

Early this week, when the Committee on Appointments was formed, an impression was created that the Committee would vet both the Cabinet Secretaries and the Principal Secretaries. When you look at Standing Order 204, which creates this Committee, you will realize---

**Hon. Speaker:** Hon. Opiyo, what is this that you are seeking? Is it a resolution?

**The Member for Ugunja** (Hon. Opiyo): Just some guidance, hon. Speaker.

**Hon. Speaker:** You should wait until the list of nominees is brought before the House and then you will hear the directions that the Chair will give. If it is with regard to the Cabinet Secretaries, they will be referred to the Committee on Appointments. If it is with regard to those other appointees, like the ones you have mentioned, because they are not covered under Article 152 of the Constitution, the provisions relating to their approvals will be as contained in Articles 153, 154, 155 and so forth. Therefore, it will be a matter that the Chair will direct appropriately and almost invariably to the relevant Departmental Committees, to which their mandates relates.

**The Member for Ugunja** (Hon. Opiyo): Thank you hon. Speaker.

**Hon. Speaker:** Hon. Members, we are in the other Motion, but once again, just to remind ourselves; debate in this Motion will be limited to a maximum of three hours with not more than 20 minutes for the Mover and ten minutes for the other hon. Members speaking, except the Leader of the Majority Party and Leader of the Minority Party who shall be limited to a maximum of 15 minutes each; and that ten minutes before the expiry of the time, the Mover shall be called upon to reply and that priority is strictly accorded to the Leader of Majority Party, Leader of Minority Party and Chairperson of the relevant Departmental Committees, in that order.

I am reminding the House because, perhaps, by the time this Motion comes to an end, we may not be having the Chairpersons of the Committees. But, again you can take a maximum of ten minutes. So, do not feel constrained to speak for three or five minutes, like you were doing during the debate on the President's Speech. This one you have a maximum of ten minutes to contribute. So, prepare yourselves to speak.

I now call upon the Mover of this Motion, hon. Joseph Gitari. Please take the microphone.

#### REDUCTION OF NHIF PENALTY CHARGES TO DEFAULTERS

**Hon. Gitari:** Hon. Speaker, I beg to move the following Motion:-

THAT, aware that the National Hospital Insurance Fund (NHIF) defaulters continue to be surcharged a penalty of 500% of the outstanding amount; and further aware that the penalty is barely affordable to majority of Kenyans, this House urges the Government to consider reducing the NHIF penalty surcharge to defaulters from the current 500% to 25%.

Thank you hon. Speaker, for giving me this chance to move this Motion.

Before I do anything else, I would like to take this chance to congratulate you on your election as the Speaker of this august House. My interaction with you showed me that you are up to the task.

Let me also take this opportunity to congratulate my sister, hon. Dr. Joyce Laboso for being elected the Deputy Speaker of this august House and register my condolences to the family; now that we have heard that she lost her mother.

Hon. Speaker, if you allow me, I would like to take this opportunity to sincerely thank the people of Kirinyaga Central for giving me a chance to serve them for a second term; having been in this Parliament during the Tenth Parliament.

Hon. Speaker, I am excited by how fast this Eleventh Parliament is working and I know that we will pass enough Motions because we are up to the task. I am comparing this House to the last one that I served. I think we will go to a higher notch.

Hon. Speaker, my Motion today is related to the Motion which was moved by my colleague, hon. Koinange. I would like to say that it is in the same spirit because health care is important to all Kenyans. Having dealt with health matters, I believe, by the closure of the day, this Motion might see the light of the day.

Hon. Speaker, this is a very basic Motion which affects Kenyans, especially those that we represent. It is talking about penalties surcharged by National Hospital Insurance Fund (NHIF). We, hon. Members or people who work in different companies might not

realize the penalties surcharged because the employer remits NHIF money on time. But there are thousands and millions of Kenyans who are not employed; they are self-employed. They contribute to NHIF. The money ranges from about Kshs100 to about Kshs320. If you delay in payment, you are surcharged a penalty of 500 per cent. What I am saying is that for a *boda boda* rider in Kerugoya Central to join NHIF – and we know he has an income of Kshs200 a day - he is required to pay about Kshs200 at the end of the month. Because of the economic hardships and given that two kilogrammes of maize flour is about Kshs100, they are unable to pay. They only try to pay in case of an emergency. The deplorable state of our roads has affected mostly the *boda boda* operators. If a *boda boda* operator absconds paying Kshs200 for about two years, he will be in arrears amounting to Kshs4,800. In case of an emergency, as we debate in this House, and this person is admitted to Kerugoya Hospital, for the National Hospital Insurance Fund card to be operational, he has to update it. How much will he pay? He will pay the Kshs4,800 plus 500 per cent which is an equivalent of about Kshs24,000. Where do you expect the people like the *boda boda* operators who are not employed to raise this money from and yet raising Kshs10,000 for them is a nightmare? So, what happens? People register as NHIF members and after that, they abscond completely. It reaches a point, as much as the Standing Orders do not allow us to use two languages, where they say “*Mungu ndiye atatusaidia.*”

Hon. Speaker, Sir, I urge my colleagues to support this Motion. My Motion is trying to ask for something that is very small. We urge the Government not to surcharge defaulters 500 per cent. If you take a loan from a bank, it will charge an interest of 18 per cent. This means that the NHIF can get this money from the will be client but cannot invest it in a bank. In fact, even a bank can invest in the NHIF.

My Motion urges the Government to reduce, at least, the percentage that is surcharged from 500 to at least, 25. I would like to inform this House that these are the people we serve. Our youths are not employed and the *mama mboga* might not be able to pay the NHIF fee on time. The other people that we represent in society are not fortunate like ourselves who have insurance cover. I urge hon. Members to support this Motion.

If this Motion sees the light of the day, I know it will be a relief even to hon. Members of Parliament because most of the time we are called to preside over *Harambees* to pay medical bills. Bodies are even detained at the Kenyatta National Hospital (KNH). A colleague asked me how he should go about this issue given that I am doing my second term. A body has been detained in a hospital for the last three weeks. I told him that he should move with speed because KNH disposes of uncollected bodies within three-and-a-half weeks. I know that this problem will be solved if we support this Motion. It will be a relief on Members of Parliament bearing in mind that the gracious lady, Sarah, is trying to put a rope around our necks.

The NHIF has no grassroots connection. That is why when they operate from their headquarters, they do not know what Kenyans undergo. That is why they are also unable to revise this. Given that this is a brief Motion, I would like to move and request my friend and colleague, hon. Nyamai, the Member for Parliament for Kitui to second.

Thank you, hon. Speaker, Sir.

**The Member for Kitui Rural** (Hon. C.M. Nyamai): Thank you, hon. Speaker, Sir. From the outset, I am sure you are not tired of being congratulated. Let me take this

opportunity to congratulate you and assure you that I will take the business on the other side which will be bestowed on me. At the same time, I take this opportunity to congratulate hon. Deputy Speaker, hon. Joyce Laboso for her election. We were with her in the Tenth Parliament and she is up to the task. I am sure that with the two of you, this Parliament will make a mark in the history of this country more than the Tenth Parliament did. At the same time, I wish to pass my condolences to the Deputy Speaker and her family on the loss of her dear mother.

Since it is the first time I am speaking since we started this Session, I seek your indulgence so that I can also address my employers. I thank the people of Kitui Rural who made it possible for me to be here. They gave me the honour to be the first Member of Parliament for the new constituency. At the same time, I thank the people of Kitui West whom I represented in the Tenth Parliament for giving me that chance to represent them. I thank them for showing confidence in me which enabled me to get the seat for Kitui Rural.

Hon. Speaker, Sir, I will also take this opportunity to welcome back to the House my predecessor, hon. Nyenze, who is now the Leader of the Minority Party. He is the former Member of Parliament for Kitui West. I also welcome back to the House hon. Nyiva Mwendwa. She has also been the Member of Parliament for Kitui West. Again, I thank the people of Kitui West for making history. I think that is the only constituency that has produced three Members of Parliament who are currently sitting in this House. I do thank them for that. Obviously, that is an indication of the quality of people they have produced.

Having said that, I take this opportunity to welcome all hon. Members of Parliament, and in particular those who are doing their first term. Having had the privilege of doing the second term, I just encourage them to soldier on. I urge you to soldier on and work hard and I am sure that the electorate will reward you.

Let me thank hon. Gitari, the Member of Parliament for Kirinyaga Central for introducing this Motion to the House. It is timely. Among the many issues which will be taken by the relevant Committee of the House, is the issue of late payment or penalties by the NHIF. From the outset, I know that the NHIF might feel like we are trying to deny them a source of income because the interest it charges on late payment constitutes a big chunk of their income. That is not the motivation of this Motion.

First, the NHIF's business is not to make money by charging interest. I think their core business is quite different. The motivation of this Motion is to make sure that the provision of health care, which is the main duty and primary role of the NHIF is achieved. Its motivation is to make sure that at least, we have more and more Kenyans who are able to access health care through the NHIF financing. Like the Mover has said, the impact of this might not be clear to most of us unless we have been victims in one way or the other. Either you are an employer and you have delayed remitting the fees for one reason or the other, or you have been contributing voluntarily and you delay for one day. The effect is huge in terms of the penalties that must be paid. What has happened is that even ordinary Kenyans who have joined these schemes voluntarily because they want to benefit and have some health care for their families are not able to do this. The issue we are discussing becomes even more paramount given that it is the commitment of the current Government to create ten million jobs. These ten million jobs are not going to

come through the formal employment but most of the bigger chunk is likely and should come from self employment, from the many opportunities which are going to come from the initiatives of this Government.

Hon. Speaker, Sir, if the (NHIF) continues charging these kind of high penalties, even the ten million Kenyans who are going to join the job market, much of it through self employment, will not be able to join NHIF or they will join but after some time they will default because of the penalties. We are talking about people whose cash flows are not very strong. So, in terms of the ten million Kenyans plus the many more in the *Jua Kali* sector, having a medical cover that they can rely on is going to be a tall order. The main motivation should be to reduce the penalty so that health care finance becomes not only more accessible but more affordable. I think this is something that we need to support.

Obviously, we appreciate the role the NHIF has played up to now and we look forward to the point when they will provide us with universal health care scheme. However, that dream cannot be achieved as long as we continue to have such high fees paid as penalties. I happened to have the privilege of serving in the Local Authorities and Funds Accounts Committee (LAFAC) in the last Parliament. It was a committee which was dealing with all the local authorities and the biggest debts were found in NSSF and NHIF. This was not even the principal amount but the penalties. What has happened is that the Government has been financing local authorities and much of the money just goes to pay the NHIF in terms of penalties. So, the effect of these penalties does not just go and does not affect the people we are talking about who are self employed; it affects our local authorities and many of the departments in the Government. Therefore, that is why it is important that we look at the current charges which the NHIF is charging but more importantly, we look at what these high charges have done to individuals and corporations. This trend has created a loophole where people who have high debts look for shortcuts and these shortcuts are obviously engaging in corruption. They collude with staff who work for the corporation and through that kind of collusion and corruption, the NHIF keeps losing more money. What we are saying is, if this Motion is considered and passed, we are going to get more people joining because, if the rates are below bank rates, other than defaulting, they would rather borrow from a bank and pay. So, it is important that we consider this.

Again like I said, honestly, it is not the core mandate or function of the NHIF to make money through this kind of penalties. So, they need to rethink the way they conduct their business to make money.

**Hon. Speaker:** Your time is up!

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Members, I think you have forgotten the rules again. The Motion must be proposed so that then it is open to any other person to contribute.

**The Member for North Mugirango (Hon.Gen):** Hon. Speaker, Sir, thank you for giving me this opportunity to address the House this afternoon. Let me take the first opportunity to congratulate you for your successful election as the Speaker of this National Assembly. I again take the opportunity to congratulate my fellow colleagues,

Members of Parliament who are here for their successful election. Without forgetting, I must thank the people of North Mugirango for overwhelmingly electing me to represent them here.

I rise to support the Motion because of the following reasons: The NHIF scheme is particularly there to assist and not to punish. If the percentage raised here is consistent, then regionally it will chase away the poor from this scheme. I would like to suggest that in future the Government puts in place an insurance scheme which will help in clearing these penalties. Because this is my maiden speech, I do not want to go into a lot of stories because I am sure my colleagues who are able and some of them are medics can give some very positive contribution.

Let me draw your attention to what is maybe disturbing most of the hon. Members here and it has not been raised here. Most of them do not have armed bodyguards. If they have bodyguards, then some of them do not have guns. We are always told that the Government does not have enough firearms and we really wonder why they have to give us other human beings like us who are not armed. That is something that you must, through your good intelligence, work out so that we are safe.

On security around the country, it is overwhelming. I am sure most of these hon. Members receive calls on a daily or weekly basis on insecurity. I am on my toes; I am rushing home to the constituency to hold a series of security meetings so that we can see whether we shall put in place community policing and involve the relevant authorities or agencies to assist in this. This is something that you must assist to solve as quickly as possible because as elected Members, it is only important that we have safe homes, safe people and secure constituents. This way, we will not have a lot of issues raised on insecurity and we will be able to regulate or legislate, which will assist the common *mwananchi*.

Let me end there by saying that I support the Motion.

**The Member for Saku** (Hon. Dido): Thank you, Hon. Speaker, Sir. My name is Colonel Dido Rasso, the Member of Parliament for Saku. Let me on the onset congratulate you and your deputy for a resounding approval by this House and also at the same time, I wish to thank the people of Saku for electing me to the august House.

Hon. Speaker, Sir, I wish to contribute to the two Motions. Although there are two Motions, there is a lot of relevance in them in that what they reflect shows abrogation of responsibility somewhere within the Government in terms of discipline and superintendence within our healthcare system. What it also shows is death of healthcare and “privatisation of life” because if within a population you do not have things like district hospitals and clinics--- The National Health Insurance Fund (NHIF) charges 500 per cent for defaulters. This simply means that this is a system that actually lacks the basic conforms. If we have to ask ourselves: Who are the people in the first place who contribute to NHIF or who are members of NHIF? Predominantly, those are the fellows who are in the rural areas and the *jua kali* people. Because of their income, they find that this is where they are able to contribute so that at the end of the day, they will get medical attention. I come from a constituency where 80 per cent of the population is relatively poor and if we equate that with the Millennium Development Goals (MDGs), actually we do not meet all the basic six standards and healthcare is one of them.

I thank the movers of the two Motions both hon. Koinange and hon. Gitari because during the campaigns, one of the things that I experienced in my constituency was this: Many people were coming to me asking for assistance to take one of their family members to hospital. I encouraged them to be members of NHIF. Really, if NHIF is going to surcharge them 500 per cent because of defaulting, that is a big discouragement for them to be members of NHIF in the first place.

Hon. Speaker, Sir, the healthcare system in terms of the infrastructure and manpower is wanting. If we do not address all that holistically since we are addressing it piecemeal, then we might not get to the bottom line which is: What is the problem within the healthcare system which we have? That is because I believe both NHIF and the sort of critical emergency treatment that is needed both come hand in glove.

So, in contributing to this Motion, I wish to say that if the Government at the turn of a coin is able to come up with the Constituencies Development Fund (CDF), then why can we not come up with a national health system that is able to address most of these things which relatively are at the constituency level? That is where the people will come to their Member of Parliament and if he or she has resources, then they will be able to quickly attend to some of these issues very rapidly.

### QUORUM

**The Member for Mathira** (Hon. Weru): On a point of order, Hon. Speaker, Sir. Again, I am Hon. Weru, the Member of Parliament for Mathira. I just need clarification concerning Standing Order No.35 concerning the quorum of this House. I am afraid that we do not have a quorum or what mechanism is used to determine the same? I stand to be guided by you.

**Hon. Speaker:** Yes. All you are required to do is to draw the attention of the Speaker to the possibility of there not being a quorum. Let me have somebody take a count so that we can determine that. Do not stand because the Clerks have to determine whether there is quorum. Yes, I confirm that there is no quorum. The quorum for the House is 50 hon. Members. You know, this is not just in the Standing Orders but it is in the Constitution, Article 121 and, therefore, I direct that the quorum bell be rung.

*(The Division Bell was rung)*

**Hon. Speaker:** I know there are many new hon. Members. Do not worry. You are not going to be ruled out of order, but when the Speaker is on the Chair, if you are coming in or you are in the pathways, or you are at any other place, you are supposed to freeze. To freeze means you stand still. The hon. Member for Kibra, I can see you are walking all over. Please, take your seat. We now have the quorum and so the hon. Member who was on the Floor may proceed.

**Hon. Members:** He has completed!

**The Member for Igembe Central** (Hon. Iringo): Hon. Speaker, Sir, let me take this opportunity to thank you and your Deputy for your election as Speaker and Deputy Speaker of this honorable House. Secondly, let me pass my condolences to our Deputy Speaker for her bereavement. Without any reservations I want to thank the people of



Igembe Central for having elected me to this august House as their first MP because it is a new constituency.

Hon. Speaker, Sir, we have had two Motions yesterday and today which have a lot of similarities. I stand to support this Motion. I did not get a chance of supporting the other one, but I am supporting this one in conjunction with the first one because they have a lot of similarities; they touch on the health of our people. We have to give this Motion the seriousness that it deserves. We need to put in place rules and regulations which will correct the situation.

What was in the mind of the person who formulated this penalty of 500 per cent? You cannot penalize someone 500 times because of not paying some money towards medical care. This NHIF – as we have come to know - has been misused in many ways. Recently some clinics were being opened. People would be given money to go and get treatment in those clinics. Whether or not patients visited the clinics, they still got the money. That became a cartel and there was hue and cry in this country. The 500 per cent penalty would result into them getting money which they would give to their cronies in the name of facilitating medical care.

At Igembe Central, we have the NHIF offices. They are based at Maua Methodist Hospital. Those people never leave that office to go and sensitize people in the village and tell them to register. Most of people in the villages in my constituency are ignorant of this facility. They should be using part of this money to go and educate people. Unfortunately, the officers just sit there to wait for people to go and pay money. When you have a patient and you do not pay, you will be asked to pay the penalty fee before the records are updated. Why should family members suffer simply because they want to pick a body from the mortuary? In essence, the end result is that most people who are self-employed are pulling out of the scheme. When you are told to pay such a big penalty and you cannot afford, the only option is to forget about the whole thing. That is why so many people go to solicit for money from friends and Members of Parliament in form of *harambees*. That office ought to have alleviated that problem!

I strongly feel that this Motion and that one of hon. Koinange should be intertwined. We can make an amendment so that they are put together in a strong medical Bill. We could do research in other areas where we have those anomalies. That way, we will come up with a Bill that will address these anomalies in the medical sector.

**The Member for Narok South** (Hon. ole Lemein): Thank you, Hon. Speaker, Sir. My names are Korei Lemein, MP for Narok South.

May I join the rest of my colleagues in congratulating you and the Deputy Speaker. May I also take this opportunity to thank God and the people of Narok South for giving me an opportunity to represent them in this House.

With regard to this Motion, I would like to thank hon. Gitari for bringing this Motion before us. The NHIF has a mission and a vision. I believe that their work is to cushion Kenyans in terms of cost when it comes to medical care. I join my colleagues in saying that this Motion together with that one of hon. Koinange should be fast-tracked for the benefit of the people of Kenya.

Majority of Kenyans and especially those in the rural areas do not understand the need of NHIF. Where I come from, there is no NHIF office. Narok County, as you know, is one of the largest counties in this country. There are areas that do not understand what

NHIF is. It is up to this body to educate people on the benefits of NHIF. In the western world, medical cover is taken seriously. That is why this Motion needs to be enjoined to the first one. A healthy nation, as we know, is a wealthy nation as well.

I rise to support.

**Hon. Anami:** Hon. Speaker, Sir, my name is Silverse Anami. I am the hon. Member for Shinyalu. I rise to support the Motion, but first allow me to congratulate you on your election as Speaker. I also want to thank you for your sensitivity and management of the proceedings in the House.

This is a very important Motion. Usually the people who default in these NHIF payments are people who have challenges as a result of poverty. This is something they do not choose for themselves. As a result, we have instances where they are not only penalized, but they are denied services. I have experienced in private hospitals, and even to an extent in public hospitals, where patients are denied services. Sometimes when they are given those services, they are not discharged. We have this terminologies, “discharge-in” and “discharge-out”. The former means that the patient has been discharged, but he will not be allowed to go home. The patient is forced to stay in hospital. In that instance, the patient is denied access to facilities like water and beddings. This is dehumanizing. It is important that we take this Motion seriously.

The authorities responsible for managing this Fund should take interest in how the administration of this fund is conducted in hospitals. I would like to suggest that the NHIF should have agents within the hospitals to ensure that people are benefitting from the opportunities provided by this Fund. We also have situations where money provided in that Fund is used by people who do not deserve it. It is very important that coastal facilities that benefit from that Fund are able to account for the money publicly. That way, we will be able to know how many people have benefited from NHIF in the various medical facilities.

Hon. Speaker, the productivity of a nation like Kenya depends on the physical, mental and even spiritual health of its citizens. So, it is important that we improve the Government. We demand from the Government authorities responsible that accountability for that Fund is made public. The accountability should be done frequently, so that people can know what is happening. Here, I am underlining the service of sensitizing the public on the availability of the Fund.

Hon. Speaker, Sir, when some of the defaulters are discharged, and that is in quotes, they are asked to leave their identity cards behind. When they leave their identity cards behind, they do not access other services. Everyone needs his or her identity card every time. When you go to the bank, you need your identity card. When you want to enter into an agreement or apply for a loan, you need an identity card. But when hospital authorities retain identity cards belonging to patients, how do they expect the patient to access other services?

**Hon. Speaker:** This Member. I am sorry I am trying to make sure I see as many as those who have not spoken in my presence up to today.

**Hon. Member:** Gender!

**Hon. Speaker:** Even them. I am looking out for those who have not spoken.

**The Member for Samburu West (Hon. Lati):** Thank you, hon. Speaker, Sir. My name is Lati Lelelit Jonathan. I am the Member of Parliament for Samburu West. I think I

am the first Member of Parliament from Samburu who has spoken here. So, even as you think of gender balance, you should also think of regional balance.

Having said that, this is my maiden speech and I would like to start by thanking the people of Samburu who gave me this job. I want to say a big “thank you” to them. I am going to serve them for the next five years.

With regard to the Motion that is before the House, I want to support it for a very simple reason. I think, 500 per cent, logically is extreme and unreasonable. That is the only reason why I will support this Motion. I have been sitting in this House for the last few days, trying to get your attention in vain. I have almost lost track of what I wanted to say. But that said – and I am serious about that--- I have heard hon. Members of this House talk about the different needs of their people. I think it is a good thing that our country is diverse and our needs are also diverse. But I was amazed by the kind of disparity that exists within our country.

With regard to infrastructure, I was really amazed because most of hon. Members who spoke here, apart from hon. Members from ASALs of Kenya, were talking of getting a road that takes them from the main road that cuts across their counties or constituencies to some trading centres or villages within their constituencies. I feel like we should have a guided tour across the country to see how different and undeveloped some parts of the country are. For instance, if you were to go to Samburu, you will not be talking of a road that takes you to a trading centre or village. In fact, there is no tarmacked road in Samburu. There is none! In fact, the road that links Samburu with the nearest country – which is Laikipia – the Maralal-Rumuruti Road, is not a road. It is a sequence of mud and water pools. It has a distance of 200 kilometres and it takes you nine hours to drive from Maralal to Rumuruti. I am hoping that with the Jubilee Government and the help of this House; with all of us being Kenyans and being fair to each other, we should start to say: “Instead of tarmacking a road from your village, please, let us start from tarmacking one road in Samburu, Mandera, Garissa and those other ASAL counties.

I have seen hon. Members debate here on the Floor of the House the use of women fund, which was in the Presidential Address. That is one of the things that make me feel that our President is really “digital”. Having seen what CDF has done for our country, I think the first ever devolved system of Government that the people of northern Kenya have seen is CDF. I was disheartened to see Commissioner Nyachae put a whole press statement on a full page of a newspaper and spending public funds to demonize CDF. In a place like where I come from, CDF has constructed classrooms where there have been none. CDF has cemented classrooms for our pupils. CDF has constructed health facilities where there were none. It has paid school fees for kids who had no fees. It is very hard to think that somebody in Kenya can demonize CDF. For Nyachae to do that, I think that guy has never been out of school because of school fees. I do not think he has ever learnt in a classroom with a leaking roof because he is so detached with the rural folks that he has no idea of being poor. This House should come up with policies to enhance CDF. I think we started as an activist country in the 90s, where there was the era of dictatorship. That is how we built into those commissions.

**Hon. Speaker:** Let me recognize the gentleman with grey hair on his head like mine.

**The Member for Rabai** (Hon. Mwamkale): Thank you, Hon. Speaker, Sir, for having noticed me at long last. I was wondering why you have not managed to notice me and yet, wherever I walk in my constituency, people identify me with my grey hair. I was wondering whether my hair is not grey in this honourable House. My names are Kamoti Mwamkale, the Member for Rabai which is in Kilifi County.

Hon. Speaker, Sir, allow me to join my colleagues in congratulating you and your Deputy for being elected to that hot seat. First, I would like to congratulate the people of Rabai for electing me to this honourable House to serve them as their first Member of Parliament. I am saying “first” because Rabai is a new constituency.

I sincerely support the Motion before the House. I congratulate the hon. Member who has brought this Motion to this House. He is hon. Joseph Gitari. Indeed, the spirit and intention of the National Hospital Insurance Fund (NHIF) is to serve as the saviour of the people when it comes to health insurance provider. There are many insurance companies that provide that service but I believe it is NHIF that targets the common man. A penalty of 500 per cent is prohibitive. I believe that this is unconstitutional in our new dispensation.

Article 47(1) of our Constitution on fair administrative action, clearly says that every person has a right to administrative action; that is experience, efficient, lawful, reasonable and procedural fair. I do not believe that the administrative action of overcharging people can be said to be fair.

*(Technical hitch)*

**The Member for Ndia** (Hon. Ngare): Thank you very much, Hon. Speaker, Sir. Let me take this opportunity, first, to thank you and your Deputy for being elected to steer the business of this House. I would like to tell you that you are doing a very commendable job. Having said that, let me also take this opportunity to thank the people of Ndia for electing me to represent them in this House. I assure them that I will do my level best to represent them.

I support the Motion. I will start by saying that the primary duty of NHIF is to facilitate the provision of health services. However, surcharging 500 per cent is punitive and cannot go towards helping the Jubilee Government in achieving the commitment to provide health services to all people by 2020. This is a high percentage.

My constituency consists of farmers and people with small business and they can contribute some money and join the NHIF. However, you will realise that the Fund does not do a lot of marketing and, therefore, those people are not aware of what is happening. I call upon the NHIF to go to the rural areas and do a lot of marketing so that many people can join it. As the Member for Parliament for Ndia, I am called upon virtually every month to go *harambees* because somebody is detained in hospital or because he or she is unable to settle the medical bill. So, I call upon that Fund to perform that duty so that it can help Kenyans.

Many road accidents happen in this country. Kenya is listed as one of those countries with the highest rate. I call upon the Ministry of Transport and Infrastructure to move fast and make the Authority that deals with accidents effective. At the moment, they are embroiled in a tussle over the appointment of the Director-General. I call upon

the new Cabinet Secretary to move fast and ensure that this issue is resolved and the substantive Director-General is appointed so that the Authority can start operating in order to curb road accidents. That is because we are called upon to contribute when accident victims are taken to hospitals and they are not members of the NHIF.

Hon. Speaker, Sir, with those few remarks, I support the Motion.

**Hon. Speaker:** There are people who have been here consistently. Let the gentleman there take the Floor.

**The Member for Mumias West** (Hon. Naicca): Thank you, Hon. Speaker, Sir. My name is Johnson Many Naicca, the Member for Mumias West. You are all welcome to my constituency where the biggest sugar industry is situated, although the residents of that place are the poorest.

*(Laughter)*

I rise to, first, thank you and congratulate you for having been elected to that position even though I did not vote for you. However, if there was another voting, I could vote for you because you have articulated issues here very amicably.

I also rise to support this Motion together with the previous Motion by hon. Koinange. They are very well put subjects. However, I have a small issue that could be looked into regarding the NHIF. It seems we do not understand the issue of penalty. It is okay for the people in the informal sector like the *boda boda* operators and self-employed people not to be fined or penalized at all. Those are just groups that came together and raised money to pay NHIF for say two or three months. Sometimes, they do not get that money for another three months or six months until some of us come to their rescue. So, it is very unreasonable for them to be penalized. I have a feeling that this should not apply to the informal sector and the self-employed people.

However, when we talk generally that defaulters should not be penalized, we are making a big mistake because suppose my colleague, hon. Johnson Sakaja has employed me for one year and he remits my NHIF---

### ADJOURNMENT

**Hon. Speaker:** Order! The Hon. Member contributing will continue when the House next sits because he has a balance of time. Hon. Members, we have come to the end of today's Sitting. Therefore, the House stands adjourned until Tuesday, 30<sup>th</sup> April, 2013, at 2.30 p.m.

The House rose at 6.30 p.m.