

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 16<sup>th</sup> May, 2017

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Can you ring the Quorum Bell?

*(The Quorum Bell was rung)*

We quorate now. We can start the business.

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM ZAMBIA PARLIAMENT

**Hon. Speaker:** Hon. Members, I wish to introduce to you a delegation of Members of the Committee on Youth and Sport from the National Assembly of Zambia. The delegation is seated on the Speaker's Row and comprises of the following:

- |                                     |   |   |
|-------------------------------------|---|---|
| (i) Hon. Chinga Miyutu, MP          | – | Chairperson and Leader of the Delegation; |
| (ii) Hon. Misheck Mutelo, MP        | – | Member;                                   |
| (iii) Hon. Edgar Sing'ombe, MP      | – | Member;                                   |
| (iv) Hon. Pavyuma Kalobo, MP        | – | Member;                                   |
| (v) Hon. Chrispin Kabwe Mwiinga, MP | – | Member;                                   |
| (vi) Hon. Rasford Bulaya, MP        | – | Member;                                   |
| (v) Hon. Olipo Mwansa Phiri, MP     | – | Member; and,                              |
| (vi) Mrs. Angela Banda              | – | Delegation Secretary.                     |

*(Applause)*

Hon. Members, the delegation is in the country to exchange ideas and share experiences with their counterparts in the Departmental Committee on Labour and Social Welfare of this National Assembly, and other relevant Government Ministries and Non-Governmental agencies in the country on issues relating to youth affairs.

On my own behalf and that of the House, I wish to welcome them to the National Assembly, and wish them fruitful deliberations during their stay.

I thank you. Next Order.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following papers on the Table of the House:

Legal Notice No. 63 of 13<sup>th</sup> April 2017 on the Forests (Participation in Sustainable Forest Management) (Amendment) Rules, 2017;

The Third Quarterly Economic and Budgetary Review for Financial Year 2016/2017 for the period ending 31<sup>st</sup> March, 2017;

The Annual Anti-Corruption Report by the Director of Public Prosecutions (DPP) in respect of prosecutions of anti-corruption and economic crime and related cases pursuant to the provisions of Section 37 of the Anti-Corruption and Economic Crimes Act No.3 of 2003 for the period of January to December 2016;

Ministry of Foreign Affairs and International Trade Cabinet Secretary's First Report to the National Assembly on treaties ratified by the Republic of Kenya;

The Report of the Auditor-General on the Financial Statements of the Constituency Development Fund of Mwala for the year ending 30<sup>th</sup> June 2016, and the certificate therein;

The Reports of the Auditor-General on the financial statements in respect of the following institutions for the year ending 30<sup>th</sup> June 2016, and the certificates therein:

- (i) Kenya Reinsurance Corporation Limited;
- (ii) Sacco Societies Regulatory Authority;
- (iii) Kenyatta National Hospital;
- (iv) Prisons Farm Revolving Fund;
- (v) State Department for Coordination of National Government;
- (vi) National Cohesion and Integration Commission;
- (vii) Revenue Statements from the State Department for Coordination of National Government Accounts;
- (viii) National Authority for the Campaign Against Alcohol and Drug Abuse Alcoholic Drinks Control Fund;
- (ix) Revenue Statement from the State Department for Interior;
- (x) Kenya Citizens and Foreign Nationals Management Service;
- (xi) Parliamentary Service Commission;
- (xii) Development Bank for Kenya Limited;
- (xiii) Kenya Institute of Curriculum Development;
- (xiv) Kenya National Commission on Human Rights;
- (xv) Prison Industries Revolving Fund; and,
- (xvi) Kibabii University College.

Hon. Speaker, I beg to lay the following paper on the Table of the House:-

Report of the National Assembly Delegation to the Fourth Universal Peace Federation World Summit held between 1<sup>st</sup> and 5<sup>th</sup> February 2017 in Seoul, South Korea.

Thank you, Hon. Speaker.

**Hon. Speaker:** Legal Notice No.63 of 13<sup>th</sup> April 2017 on the Forests (Participation in Sustainable Forest Management) (Amendment) Rules, 2017 is referred to the Committee on Delegated Legislation for scrutiny and for the Committee to report back to the House.

Before we proceed to the next Order, allow me to recognise students from Kibirichia Boys Secondary School from Buuri Constituency in Meru County. They are in the Public Gallery. They are welcome to observe the proceedings of the National Assembly.

Next Order!

### PROCEDURAL MOTION

#### EXEMPTION OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NO.6) FROM THE PROVISIONS OF STANDING ORDER NO.141(2)(B)

**Hon. A.B. Duale:** Hon. Members, I beg to move the following Procedural Motion:-

THAT, this House resolves that the Constitution of Kenya (Amendment) (No.6) Bill (National Assembly Bill No.65 of 2015), which was read the First time on 17<sup>th</sup> December 2015, be exempted from the provisions of Standing Order No.141(2)(b), which provides that:

“A Bill in respect of which the Second Reading has not been concluded at the end of two consecutive Sessions of the same Parliament shall lapse at the end of the Second Session and may be republished in the same or different form in accordance with Standing Order No.114”.

The Constitution of Kenya (Amendment) (No.6) Bill of 2015 is a Constitution Bill that requires to be passed before the end of this Parliament. Its principle objective is to amend the Constitution to ensure that the membership of the National Assembly and the Senate conform to the two-thirds gender principle provided for in Article 81(b) of the Constitution. The Bill proposes special seats allocated proportionally to the number of seats won by a political party. It is more of a middle ground between all the Bills that came to the House. We had Hon. Chepkong'a's Bill and Hon. A.B. Duale's Bill. I am sure that Members are conversant with the various Bills. They were aimed at ensuring that the gender principle is realised progressively in Parliament within 20 years from the 2017 general elections. The essence was to give both genders a level playing field to compete.

This Bill wants to deal with a progressive realisation of the two-thirds gender principle. For the information of Members, after being read the First Time, a Constitution amendment Bill can only be scheduled for Second Reading after 90 days. Pursuant to the provisions of Standing Order No.129, if we read a Bill for the First Time, it can only come back to the House after 90 days. When you look at the limited time which is left before Parliament is dissolved, publishing a fresh Bill to address this matter is not an option. I mean it is not an option; it is not feasible and it is not tenable. In this regard, we are re-introducing the Constitution of Kenya (Amendment) (No.6) Bill (National Assembly Bill No. 65 of 2015). In my opinion and in the opinion of the leadership of the House – you Hon. Speaker included - is the best and most timely alternative to address this.

I thank this 11<sup>th</sup> Parliament. It has fully implemented all the constitutional Bills except this one. I really want to urge my colleagues that we go into the annals of history; that the 11<sup>th</sup> Parliament will be remembered for the full implementation of the Constitution. That is so that we can show that the leadership of this parliament can be counted on this matter, when the time comes.

So, the essence of this Procedural Motion is to allow the said Bill to be re-introduced in the House at the Second Reading as the current position on that Bill is that it lapsed at the end of the last Session. This Bill seeks to address the two-thirds gender rule in accordance with the Constitution.

Hon. Speaker, we are also aware of a recent court ruling that requires Parliament to pass a law on this matter and, of course, to stand the risk of being dissolved. That risk is also not tenable; it is not feasible. They can even do it today. If it was tenable, it could be at the beginning of new Parliament. It is taking us time. I am sure, in three weeks time, you will not find anyone in this House. It is because each one of us wants to go and renew his job which lies with the people of Kenya.

So, I really want to beg Members to support us in this Procedural Motion; let us rise to the occasion and let us do what we can within the remaining period. I am only seeing Hon. Wamalwa. But my good friend Hon. Kaluma, having survived what was going on in Homa Bay County and he has a certificate now, I am sure he is in a position to stand with the women of Kenya. He can speak for his mother, wife, daughters and the rest of his constituency.

So, I really want to ask us to support this Procedural Motion. He is lucky because his Chairman is in problems – my good friend, Hon. Mbadi.

*(Laughter)*

But today is a good day because Hon. Jakoyo has also gotten a reprieve. You know that was my good friend.

Hon. Speaker, I beg to move and ask Hon. Chris Wamalwa to second this Procedural Motion.

**The Speaker:** Hon. Wamalwa?

**Hon. Wakhungu:** Thank you, Hon. Speaker. I rise to second this Procedural Motion. Indeed, it is very important. I know that this Parliament is very committed to pass the two-thirds gender rule. As we all know, we have tried it several times. We have had the Chepkong'a Bill and the Duale Bill. With the court ruling of 60 days, of course, the judge must have known it is not attainable. But, maybe, it is because he did not know. I am humbly requesting the Hon. Members, today, to try and pass this Procedural Motion so that we can be able to revive that Bill – the Constitution of Kenya (Amendment) (No.6) Bill (National Assembly Bill No. 65 of 2015). As we try to do that, we know there are challenges of quorum. After the injuries of the primaries which many people are still nursing, as you can see, we do not have quorum as we move on. You know this will requires two-thirds. We request Hon. Members wherever they are, as we start debate on this, to, at least, come to the Floor of the House - if possible by tomorrow - if we are concluding. That is so that we can have the numbers. I am very optimistic that these men you see here are here to support the women. Of course, I want to support Hon. Duale for having led the troops so that we can be able to ensure that this two-thirds gender rule can be achieved.

I thank you and I second.

*(Question proposed)*

**Hon. Speaker:** Member for Chuka/Igambang'ombe! Hon. Members, this is a Procedural Motion. Nevertheless, I am sure some Members may wish to express themselves one way or other on it.

**Hon. Njuki:** Thank you, Hon. Speaker for giving me this opportunity to support this Procedural Motion. I want to address myself to the parliamentarians who are specifically men in this House. Today, when you talk about extending or exempting this Bill to the provisions of the Standing Orders, it is not basically to help women. We make law with posterity in mind. At one

point in time in this country, we used to talk about the girl-child always being disadvantaged. One day, you may find this House full of the other gender; having more ladies than men. Therefore, I must urge the men in this House to rise to the occasion, imagine that this law is being in their favour, and exempt this Bill from the provisions of the Standing Order so that we can make a law for the people who will come much later.

As for me, I want to be on record now that I may - not actually “may”. I will not be in the next Parliament having making the decision I have made. I want to be on record as one of the great people from Tharaka-Nithi County who supported this Bill and said: “Let us have a law that is made for the posterity of this country.”

With those few remarks, I want to support the Motion.

**Hon. Speaker:** Member for Homa Bay Town Constituency?

**Hon. Kaluma:** Thank you, Hon. Speaker, for giving me the opportunity to contribute to this all-important procedural Motion.

The Leader of the Majority Party of the House is asking why I am sitting on the seat of Hon. Jakoyo Midiwo. I can assure the House that we are still praying for Hon. Jakoyo Midiwo to be with us in this House. We wish him well.

*(Applause)*

I know that he has some court battles outside there. The first time the President of the United States of America (USA) came to this country was when our own son, Barack Obama, was here a short while back. The speech and address he made at Kasarani Stadium still comes to mind when we think about Bills. Hon. Members, Honourable colleagues, I remember the immediate former President of the USA indicating that we cannot have a team where only one side is playing and still call it a competition – imploring us to deeply remember that we are a humankind of two gender, the male and the female, and the need to properly integrate our women side of gender into national leadership even as we think about the male side.

This House has been committed to passing the laws to implement the two-thirds gender principle. Let me say that our journey in seeing this Bill into place has never been a lone walk. I remember when we struggled with the famous Duale Bill in seeking to re-tool our society around this Bill. The leaders of this nation spoke on both sides. President, Uhuru Kenyatta was very assertive that this is a Bill we needed to pass as Members of the National Assembly. We made efforts in that regard. I remember the leader of the opposition, currently - the leader of the incoming Government, the National Super Alliance (NASA) coalition – the Right Hon. Prime Minister himself, came and even sat in the House hoping his presence in the House would be extra motivation on the part of the Members to see this Bill into being. Let me confirm to the nation that we made all efforts on that day, for those of us who were in this House, to see into realisation of this critical constitutional principle.

I am being asked where the women are. I know wherever they are, they are represented by those of them who are here and they are praying for the success of this - which we are pushing.

I begged to speak to this Motion because a court, our High Court, speaking to this matter, made a decision which everybody out there is saying everywhere that, that has been the most progressive determination ever made. I heard a judge with a resolute mind say that we need to strive to integrate both genders in the governance of our country and that, was that not to happen, we could even sacrifice institutions, including Parliament. Remember Parliament and all these

Arms of Government, the institutions we have, are actually constitutional offices. It would mean nothing – not even the labour and the thinking that the court through as an institution in our governance - if we sat as Members of Parliament and never did anything about this Bill.

In supporting this Bill, and because of the situation where we find ourselves, I agree with this Motion. Let me wish all our colleagues who have spoken, including the great MP for Chuka/Igambang'ombe, the Governor for the great people of Tharaka-Nithi. He has spoken very well about the massacre we have gone through. There is a way in which we underwent a very bloody massacre. I want to request my colleagues to remember that, in as much as we underwent that torturous moment a short while ago, this Parliament will be sitting up to 8<sup>th</sup> of August. We will still have the honour and obligation to continue serving the country in this critical capacity we were given just as a few among the several Kenyans who have held these positions. I was looking at the data in terms of our numbers. I can tell you there are very few MPs who have had the privilege to sit here. So, those of our colleagues who may not intend to come back; we wish you well in your other endeavours. Those of us who are running as independents; we wish you well. Those of us who had the privilege to go through parties and whatever the issues; we will continue to be supportive. I urge that we use our time very well and we see into fruition – within the lifetime of this Parliament, this crucial two-thirds gender principle which has been difficult for us to implement.

With those very many remarks, let me support as I end by saying that I wish the society was moving in the direction I am seeing the people of Homa Bay County moving, so that it does not take a person elected to this Parliament to think about how we can go around implementing the two-thirds gender principle. We have a situation in which you come here, and then you are required to add other gender, which is not your making. From Homa Bay County, following those nominations, there is a possibility that, out of the nine Members from Homa Bay County, you will be having here, four could be women. If this is something the society is implementing around, it will be easier.

I thank you so much for giving me the opportunity. I thank the people of Homa Bay for allowing me to come here this free. Thank you so much, Hon. Speaker.

**Hon. Speaker:** Very well. Hon. Members, if you pass this Motion, it means that the Bill will be exempted from those provisions of Standing Order No. 141(2)(b). Therefore, the Bill can even be introduced into the House tomorrow. So, we may not need to go into the merits of the Bill, but just to discuss the Motion - whether it is appropriate to exempt that Bill for purposes of having it re-introduced to the House. Member for Cherangany!

**Hon. Korir:** Thank you, Hon. Speaker, for giving me this opportunity to apply my mind on this issue. As much as I would like to support this Motion, that we re-introduce the Bill, I have a contrary opinion. I would like to oppose the re-introduction of that Bill in this House. We need to come up with another Bill to solve the issue. The Bill we want to re-introduce faced a lot of resistance and that is why it did not pass. The issue of the two-thirds gender rule, as the Leader of the Majority Party has said, has been a thorn in the flesh and something that has been very difficult to solve not only in this House, but also outside there. We need to come up with a very serious way of doing this thing. We should not bring a Bill here that will present us with problems.

We need to find a way of amending that part of the Constitution that says that elective positions have to abide by the two-thirds gender rule. You cannot force people to elect a woman or a man! What is happening now in the nomination exercise and, if you have noticed, more

women have been nominated to come to this House. That is what we should be doing; encouraging people to elect more women so that we can balance out. We should not come here to form ways of giving women seats because of the two-thirds gender rule. That principle should only apply when it comes to positions of appointment or nomination.

With regard to elective positions, we should bring a Bill that seeks to remove or delete that part of the Constitution that talks about elected positions. If it needs a referendum, the Leader of the Majority Party should be telling us how we are supposed to go to referendum during election time. We are going to elections. So, provide a ballot box that has on it the referendum question so that, as people vote during the general election, they can also cast their vote in the referendum ballot box. That way, we will be able to remove that rule and have the freedom of electing people of either gender to come here to represent them.

Thank you.

**Hon. Speaker:** Honorable Members let us also appreciate that Article 27(6) and 27(8) of the Constitution is under Chapter 4 of our Constitution and its amendment by way of repeal in the manner suggested by the member for Cherangany would have to involve a referendum. Any of the provisions in Chapter 4, for them to be amended and/or repealed, would require a referendum. It is not just a Bill. Perhaps, the Member could talk about the Bill introduced by the Member for Ainabkoi, Hon. Chepkong'a, which was dealing with Article 81(b) of the Constitution by way of providing that the implementation of that gender principle be progressive. We must differentiate between the two. If you are going to deal with the issue as to the elective positions complying with the principle that not more than two-thirds of either gender shall be represented in any appointive or elective bodies, then, of course, we must start thinking about a referendum. Hon. Members, this is a Procedural Motion.

Hon. Member for Seme, do you want to say something? After that, I will put the question.

**Hon. (Dr.) Nyikal:** Thank you, for giving me the opportunity to contribute to this Motion. I rise to support this Procedural Motion because, as others have said, we cannot deal with one-half of the population in a country and presume that we are dealing with everybody. Therefore, in general, I support measures that encourage and support women to participate in all our activities. However, this Bill and the matter of two-thirds bring out a very important issue in the whole area of implementation of the new Constitution. There are many other areas in the constitution that are actually problematic. We are only responding to areas that bring in public issues, and that is allowed. For example, we are concerned with the issue of gender rule because there is a lot of publicity around it, and there is a lot of lobbying around it. But there are other areas in the Constitution, for example, dealing with devolution. We had a problem with the doctors' strike. If you look at it keenly, it is the way we are dealing with devolution and the implementation of the Constitution. Last week, we had an issue with the Division of Revenue Bill, which again brings us to realise that there are areas in the Constitution that we need to look at keenly.

As I support, I know the CIC's time is over, but the body that replaced it needs to look through the Constitution. We should start thinking about which areas of the Constitution are problematic and amend them. I know they are many. What we saw in health is happening in the agriculture and water sector but, since it is not drawing public attention, we are silent about it. So, I support this, but we should look at the bigger picture in the area of the implementation of the Constitution as a whole.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Kajiado East.

**Hon. (Ms.) Tobiko:** Thank you, Hon. Speaker. I stand to support the Procedural Motion. I know the Eleventh Parliament has tried, a lot of times, to address the issue of the two-thirds gender rule. But I feel like we did not do enough; we did not do justice to the requirements of the Constitution. Giving us a second or third chance to try it, there will be no harm.

I just want to address myself to the contribution by the Member for Cherangany. I think there is one thing that he must have forgotten. That, for Kenyans to have the Article on the two-thirds gender rule in the Constitution, we went through a referendum. Kenyans spoke. They spoke loud enough. Therefore, trying to resist what Kenyans passed in the 2010 Constitution is really refusing the voice of the people. Kenyans spoke loud enough, and they were very certain of what they wanted in terms of leadership and representation. They wanted inclusivity in the House of leadership. They wanted women to also participate and be decision-makers in this country. Therefore, there is no harm in re-introducing this Bill again.

Kenyan women have made good progress. You can see that in the just-ended party primaries. We now have women who are going to contest for gubernatorial positions. We are making progress. We are not waiting for freebies. We are ready to battle it out with our male counterparts.

**Hon. Speaker:** What you are discussing, I am sure, you will say in the debate.

**Hon. (Ms.) Tobiko:** Hon. Speaker, I do support the progressive nature of what we want to pass. We are not saying that we must meet it now, but let us have it progressively. I support the Motion. Thank you.

**Hon. Speaker:** Hon. Members, for the simple reasons that I know, given the activities that are happening now, many of you may not be here in the next few minutes. Therefore, let me put the Question.

*(Question put and agreed to)*

## BILLS

### *Second Readings*



## THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL

*(Hon. Katoo on 11.5.2017)*

*(Resumption of Debate interrupted on 11.5.2017)*

**Hon. Speaker:** The Mover to reply.

**Hon. A.B. Duale:** Hon. Speaker, I first want to thank the Members who made very valuable contributions to the Second Reading of the Bill. We will be among the first countries in the region to set up and create a law that will help in the establishment of a financial centre, which will again stimulate the development of a number of industries.

The Bill's main objective is to develop an efficient and globally competitive financial services centre that will contribute to the overall economy and drive high levels of savings and investments that Kenya needs. It is common information that His Excellency the President signed the Nairobi International Financial Centre Order in 2014. There is, however, a critical need to anchor that framework into an Act of Parliament and, hence, the essence of the Bill before this House.

Finally, this Bill intends to provide for additional institutional framework to facilitate and support the development and promotion of Nairobi as an international financial centre. The centre will be modelled along the London model, and it will operate within the existing framework.

With those few remarks, I beg to reply.

*(Hon. Kabando wa Kabando stood in his place while the Speaker was on his feet)*

**Hon. Speaker:** Member for Mukurweini, please, participate in the proceedings. Hon. Members, having confirmed that there is still quorum, I put the Question.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

## THE PRESIDENT'S AWARD BILL

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the President's Award Bill, 2017, be read a Second Time.

The Bill is meant to provide for the conferring of awards to young persons. It is intended to establish an effective legal and institutional framework for the existence, practice and management of the President's Award Scheme Kenya, by anchoring that Award in a statute law.

That is the essence. The President's Award Scheme already exists but, because of the benefits it brings to the young persons in our country, the Executive felt the essence of putting it into law through a statute. That is why this Bill is before this House.

Hon. Speaker, just to highlight the salient features of the proposed law, Clause 2 defines the terms used in a technical sense. What is the Presidential Award? This means self-development programs designed for young persons in Kenya in order to equip them with positive life skills. We are facing global challenges of drug abuse, radicalization and religious extremism. The scheme is modelled around bringing up self-development initiatives for young persons in order to develop positive life skills amongst them. The Award is affiliated to the Duke of Edinburgh International Award – an Award re-programming the various activities which are undertaken by young people. This was launched in 1966 by the founding father of our nation, the late Mzee Jomo Kenyatta, the father of the current President, who is also the current patron of the President's Awards Scheme.

Clause 3 provides for the objectives and the purpose of this Act. The purpose, objectives and the reason behind the Bill is to regulate the conferring of awards to young persons. There must be a set out criteria to be followed, like when young people voluntarily undertake to fulfil certain self-development skills and activities. This clause establishes mechanisms and procedures for undertaking the award programme so that there is transparency and accountability.

Clause 4 provides for the establishment of the President's Award Scheme to ensure that the Award Scheme is anchored in law.

Clause 5 establishes a board of trustees that will be responsible for the daily management and administration of the President's Award Scheme. Currently, there are people who manage the scheme, but that board must be grounded in law to regulate its operations.

Clause 6 provides for the membership of the board, specifying who should be a member. The board shall comprise of a chairperson to be appointed by the President, the Cabinet Secretary for matters relating to education and youth and five other persons who have experience in resource mobilization, governance, public administration, community and social developments, planning, research and advocacy. Therefore, the other five members must come from those categories. They must be people who have experience in the fields of specialization that I have just mentioned.

Clause 7 of the Bill provides for the tenure of office of the board. The term of office of the board cannot be open-ended. The board must have a certain timeline framework. The Bill proposes that the membership shall hold office for a period of three years and shall be eligible for re-appointment. This is borrowed from the leadership. Chief Executive Officers (CEOs) in this country are eligible to serve for only two terms. An example is the governors. I think this is a very good governance procedure.

Clause 8 of the Bill talks about the functions of the board, which include regulation of the President's Award Scheme, how it relates with other international awards schemes, providing typical experimental activities, how to impact positive life change on our young people, how to promote good ethical values amongst young people, how to formulate policies on the management of the Presidential award scheme, advising the President on this matter, conducting research and all matters relating to the scheme.

Clause 9 talks about the powers that have been given to the board, which include its supervisory role, administering the assets and managing the funds of the Award Scheme.

Clause 11 talks about the grounds for the removal of the CEO of the board from office once he has been appointed.

Clause 12 provides for the powers of the board to employ people who will work in the Award Scheme. It says that the board may appoint new staff or it may work with the staff seconded to it by the Public Service Commission. Currently, the staff who work at the President's Award Schemes have been seconded to it by the Public Service Commission. Therefore, the choice is for the general membership of this House to decide either way.

Clauses 13, 14, 15, 16 and 17, in summary, provide for the engagement of consultants and delegations of powers or functions by the board, the common seal of the board and the protection of the board from personal liability in their individual capacity when they are working for the Award Scheme.

Clause 18 stipulates the three levels of the Presidential Award; namely, Bronze, Silver and Gold - and the four areas that a participant is required to participate in order to qualify for the award. Of course, those includes skills, service, physical recreation, *and etcetera*.

Clause 19 talks about the requirements for a participant who qualify for an award. What are the criteria?

Clause 20 provides for the duration for each level of the Award Programme. It is six months for bronze, 12 months silver and 18 months for gold.

Hon. Speaker, Part IV of the Bill deals with the transitional provisions and savings. These include the staff, assets, rights, liabilities, obligations and agreements. Part Four is just a transitional path. Those who are currently working at the scheme, and the assets and liabilities, will all be transferred to the Award Scheme.

This is a small Bill which seeks to regulate the operations of the Presidential Award Scheme by creating a legal and institutional framework for it. I am sure that the 11<sup>th</sup> Parliament will be the right place for this law to be passed.

Hon. Speaker, with those remarks, I beg to move and ask the Member for Saku, Hon. Colonel (Rtd.) Rasso, who served in the AMISOM force that is mandated to stabilize Somalia, to second.

**Hon. Speaker:** Hon. Rasso, the Floor is yours.

**Hon. Dido:** Thank you, Hon. Speaker. I stand to second this very important Bill. The purpose of this Bill is to operationalize and anchor into law what we have always done. We have always considered this to be a normal undertaking. On Saturday, I happened to attend a ceremony that awards what is called "winners" in a school where my child attends. The climax of the award ceremony appeared to have been when the certificates and trophies were being given out. This particular Bill focuses on young persons aged between 14 and 24 years, which is the age of discovery. They go through high schools and colleges and later on become entrepreneurs. They are in a position to discover the energy and the enthusiasm of youth.

This Bill has good elements that have been clearly articulated in the objects and purpose of the Bill. It states that the purpose of the proposed law is to present to young people a balanced and non-competitive programme of voluntary activities, which encourages personal discovery, growth, perseverance, responsibility and service to their community. Some private schools encourage young people to work in less fortunate neighborhoods. They go to rural schools where they carry out activities that encourage those young learners. So, this Bill makes it clear that it is non-competitive and voluntary in nature. I think it is in the best human spirit.

The Bill also talks about something that I would like to support. We have boards in different institutions, but when individuals come forward to attend interviews, we have not pointed out the specific requirements that an individual must possess to qualify for the job. This

Bill mentions that individuals should be good at resource mobilization, governance and public administration, community and social development, planning and devolution, research, advocacy and communication skills.

One of the major concerns of a person who oversights taxpayers' money is resource mobilization. Everybody looks up to the national Treasury to gather resources. We must look beyond that, particularly in the area of rewarding youth. We must look for philanthropists to mobilize resources. In this Bill, the functions of the board are stated clearly. The board that has been proposed does not necessarily sit to give awards. Rather, it is also supposed to do research, resource mobilization and provide critical and quality advice on activities which impact on the lives of young people.

The other thing that I note in this Bill is the issue of who is likely to be picked to serve as the Chief Executive Officer (CEO) of the institution. The Bill suggests that the person must have, at least, five years' experience in matters relating to awards to young people. We have had CEO's being appointed through preference, or by looking at their good CVs and education qualifications. However, we must appoint persons who have the relevant qualifications to the job they have applied for. It is not just about CV's and education. If the CEO happens not to perform, then, definitely, he or she will over-load the staff. When the system fails, it is because of the human capacity that fails to deliver on time and efficiently.

The Bill provides that the CEO must have managerial skills and must have served in similar organisations for not less than five years. It is also important to identify the area of delegation by the board. We have had a situation where, if boards fail to meet, then the whole organization fails to move forward. In this particular case, there is an in-built, system that allows the board to delegate so that the organization runs seamlessly.

There is also the protection from personal liability, which is important. The nature of this Bill is such that it requires the board and members of staff to go out there and identify talent; that is, young individuals who are contributing in special ways towards the development of this country. If we try to box the board not to do that, we will be killing enthusiasm and initiative. It is a good to have that in-built mechanism.

With those remarks, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Let us have the Member of Igembe Central.

**Hon. Kubai Iringo:** Thank you Hon. Speaker, for giving me this opportunity to support this Bill. It is timely and I support it especially because it touches on our youth.

The youth are the backbone of every country and they need to be encouraged so as to realise their talents. The Presidential Awards already exist, but that is now being anchored in law and relating it more with the youth. There are so many youths in this country that are talented, but the existing systems that are meant to tap those talents are wanting. This Bill goes further to appreciate the change in our education curriculum, which seeks to tap the talents that are

exhibited by our youth. The President has been awarding people from various cadres in life, but most of them are old people whose contribution to national building has been realized after many years. Sometimes, others are awarded posthumously because of lack of a proper system of vetting or selecting those to be awarded. We have young people who are less than 25 years of age and have done much for this country and exhibited talents which call for awards. But, there has not been a Board as proposed in the Bill, to keep details and data to be used while selecting individuals to be awarded.

Sometimes, awarding has been done politically and nepotism cannot be ruled out. Some people just forward their names to those in charge of the awarding process and many people get shocked and wonder what they have done to warrant such awards. In this new Bill, awards will be given to the right people who deserve them and, more so, the youth. We have young and talented musicians, sportsmen like footballers, athletes and others who have excelled in this country. Even in the Information and Communications Technology (ICT) field, we have young people who have discovered many things but, because of lack of proper vetting, they are never noticed. Therefore, those important awards bypass them and they are given to others who do not deserve them.

Our youth will be encouraged when they are awarded and recognized by the nation and, more so, by the Head of State. The youth will go out there and exploit their talents not only in academics, but in other spheres where they are talented so as to be awarded. We shall, therefore, produce young people who are focused, motivated, have a sense of belonging to this country and who will do their best to see it prosper. I support and emphasize that the Board should be made up of people with integrity who will select the best talents and well versed with what they will be looking for. They also need to be trained and guided on what exactly to look for when they are awarding and, more so, what they expect from the awardees. The Board members should be people from different spheres of life. We need the clergy, the elite and disciplinarians like the retirees from the disciplined forces, scholars and many others who will put their minds together and do a good job and not let the country down by selecting people who do not deserve to be awarded.

Hon. Speaker, I support.

**Hon. Speaker:** Member for Kimilili.

**Hon. Kasuti:** Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Bill. I think it should be given all the attention that it needs, because we keep encouraging people in this country to eradicate immoral activities and corruption. I believe that for us to eradicate corruption in this country, we must start from the grassroots. If the youth are awarded by the President, their character will be shaped from a very young age. We must endeavour to have outward-bound schools where the youth will have their character assessed and be encouraged to engage in social work without payment so as to build the nation. Their character needs to be shaped while they are still young.

The President's Award Scheme will encourage the youth not to engage in illegal and corrupt activities. The corrupt practices are only encouraged in a society where people are

hopeless. Any given society should encourage its youth to be hopeful and know that they should not engage in immoral activities. The youth should, at all times, work towards developing worthwhile characters which can be emulated by others. When the youth are encouraged towards that direction, I think people in this country will stop being corrupt in their practices. That is because we will be nurturing them from when they are young. If we leave them to do immoral things, we will be encouraging corruption and we will not be able to eradicate it.

For a long time, we have not had a way of awarding people who have rendered services voluntarily to this country. There should be a voluntary scheme where people are encouraged to render free services to the society and, at the end of the day; those tasked to select awardees should recognize their services to the society. That way, everybody will work hard towards building the society without necessarily looking forward to payment. Personally, I support this Bill and people should be encouraged to render services to the society without necessarily looking for any monetary gain. The Government of Kenya will recognize and award them for rendering voluntary services to the society.

With those few remarks, I support this Bill.

**Hon. Speaker:** Member for Nakuru Town East.

**Hon. Gikaria:** Thank you, Hon. Speaker, for giving me this opportunity to air my views and support the President's Award Bill. It is important for us to note that, in the past, those awards have not been favouring the youth. It is high time we started thinking about the youth who are very industrious, innovative and deserve to be awarded. Going by what we have seen in the recent past, the youth need to be encouraged and given an opportunity to showcase their innovations and be appreciated. We cannot forget the M-Pesa phenomenon which has been making huge profits for big corporations but, unfortunately, the young Kenyan who innovated it has not benefited from it. It is unfortunate that another person was given the patent rights.

Yesterday, I was watching a football match between Tottenham Hotspurs and Manchester United in England. It was good to see the skills of one of our young people in this country who moved to the United Kingdom, who is doing very well. This is an encouragement to the young people, particularly Victor Wanyama, who opened the scoring for Tottenham Hotspurs yesterday. It is important for us to realize that every other young football talent in this country want to reach the heights of Wanyama. Wanyama being awarded will show those tiny little academies in the villages that they will also benefit from such talents in future. It is important. It is not only Wanyama. We have so many other brilliant young musicians and artists who are coming up.

Clause 2 defines the President's Award as a self development programme designed for young persons. It is important for us to award various activities undertaken by young people.

This is a very old award programme which was started way back in the 1960s by our founding fathers. We appreciate that it is not only about young people, but any other person who stands out. There was this young Somali-Kenyan in North Eastern who came out boldly and told terrorists that they cannot separate Kenyans based on faith or religious issues. The young man stood up and protected some lives which was very encouraging. I know he was awarded by the President last year. We need many others of the same quality to come out and be awarded. Those young people voluntarily undertake self-development activities.

Clause 3(c) states that the object and purpose of the Bill are to present to young people a balanced, non-competitive programme of voluntary activities which encourage personal discovery and growth, perseverance, responsibility to themselves and service to their community. It is important for us. I want to credit a very young Kenyan named Nicodemus Mwendwa who is currently managing Kenyan football. For the period he has managed football activities in the country, we have seen the strides the Football Kenya Federation has taken. This is a Kenyan who, within just one year, has improved the level of football development in the country. This very young Chairperson by the name Mwendwa has done great. These are some of the people that we need to think about and award.

The chairperson of the board will be appointed by the President. As you appoint a board chair, the youth should be considered. We also need to have youthful leadership within the board. The board should be composed of members with a lot of experience in resource mobilization, governance, planning, research, advocacy and public administration. It is a good combination. The Cabinet Secretary can look around the whole country to find people with those qualifications, notwithstanding the constitutional provisions of trying to spread the composition of the board members.

Clause 6 talks about the duration and tenure of office of board members. It is important for us to be very careful that the tenure is as it has always been in other laws.

Clause 7 is on the functions of the board. One of the functions of the board is to initiate activities that impart positive life skills. We have seen other young skilled Kenyans doing negative things in the country. Just the other day, we had a very young talented ICT expert, but he went down the wrong route of hacking the Safaricom system. The function is to identify important positive life skills and ethical values. It is also important for us to talk about ethical things. It is important for us to plant good seeds in our young people so that they can give us a future.

Recently, a study was conducted trying to find out from young Kenyans how they want to get rich. They said that it did not matter whichever way they got rich as long as they got rich. That is a bad direction. We want Kenyans to get rich through the right ways by encouraging them to work hard and be innovative. We have seen very young and innovative Kenyans living good lives. That is what we want to encourage. We pray that the board will critically look at its functions and impact a positive outcome.

Next is on the Chief Executive Officer (CEO) of the board. Just the other day, we had given some young people an opportunity to manage the Youth Enterprise Development Fund. Unfortunately, they landed themselves in some bad places and positions. They were kicked out because of misappropriation of funds. It is unfortunate. We ask that the CEO should be a young person so that he can encourage other young people. We also want to tell our young Kenyans that they need to earn a proper living instead of going through crooked ways.

Regarding the staff who will be appointed to this board, their secondment from the public service is a good idea, but we would want the board to have its own staff. In the past, we have had people seconded from the Public Service Commission which was not very good.

I did not understand the aspect of bronze, silver and gold. I think an award is an award. Although it gives a rating, it is also good because somebody want to get the highest rating.

With those few remarks, I beg to support the Bill.

**Hon. Speaker:** Let us have the Member for Siaya.

**Hon. (Ms.) Ombaka:** Thank you, Hon. Speaker, for giving me this opportunity. I want to support this Bill because it deals with the young people, most of who today are disillusioned,

demotivated and feel that they have no future. A lot of them have lost hope and do not think the society cares for them. They have resigned themselves to fate.

This Bill comes at a time when quite a number of young people are struggling with poverty. They are trying to show that they are still human, trying the best that they can and engaging in kinds of activities that need to be recognized and give them hope. A good number of them are really trying.

As a Women Representative, we have the National Government Affirmative Action Fund. My experience with this Fund is that we try to target young people who are doing something valuable in their lives, especially in terms of making money and doing some kind of business. I am proud to say that quite a number have woken up and are really trying to benefit from this Fund. You can see that their lives are changing and they are trying to live better lives. Looking at this Bill, youth groups might benefit from the President's Award. They have emerged from poor backgrounds and they are trying their best to live better lives.

Hon. Speaker, I have a group in Rarieda Constituency along the lake which has been using canoes to go and fish in the lake. They are very scared because sometimes the canoes may capsize and many of them may die. When they approached me to give them some funds, they had an intention of buying a motor boat. I gave them funds and they bought a motor boat. This is an engine that is much better than a canoe. Their lives have now been transformed and they are making good money. This is the kind of group that if this Bill was passed today, and we needed to award young people, I will recommend it.

It is very inspiring when you inspire young people. If you give them an award, they feel recognized and will do a lot to change their lives. I support this Bill thoroughly because young people are the future of this nation. If we do not inspire them, then the nation actually dies.

I also want to recognize the bit about the board members that will be awarding young people. The Bill recommends people who are experienced, have gone through different types of lives and have come up with different life skills. I believe that once you are a member of this board, you will be as fair as possible. This country is divided along gender, religious and even tribal lines. So, sometimes, when an award of this nature comes up, people will scrutinize who is going to benefit from it. They will want to look at the criteria that is used to award its winners. So, this is a board must be constituted of just people who will look across the country and see the type of people who qualify for the awards. It must be sensitive to women who will get the award and the young girls that will require to be awarded. What do women do that will need recognition that requires them to be awarded? So, we have to look at those issues. They will need to look at different regions and see what young people do there, what inspires them and what they have come up with to be awarded. This board is going to be hugely challenged. It will need to be extremely professional and neutral in identifying winners. Otherwise, a Bill like this will motivate people. But if you just award young people from one region, do not look at different gender angles and many other factors that make us different yet united, the board may fail. It will fail us if it does not become sensitive to the lives of young people.

Many young people are involved in voluntary work, but voluntary work has a lifespan. There is a bit you can do up to a certain point. We need to recognize these people because quite a number are doing voluntary work. When I was growing up as a teenager, we were doing some



work voluntarily and we would be paid Kshs1. We would go and cut grass and it used to be called bob a job. You got one bob for a job you did for a particular family maybe drawing water or cutting grass. There was no award as such, but we got a lot of inspiration just being encouraged by our teachers that it is good to support people and it is good to volunteer. The very fact that a teacher would tell you that you are wonderful and a good girl, that in itself was an inspiration and we grew up knowing that it is good to serve others.

This Bill is going to help young people who will also feel that we are inculcating some values in them by appreciating what they do for the community. So, we are going to have a generation that is going to be humane. We will have a generation that appreciates voluntary work for the community. It will understand that you need to be a good boy or good girl and grow up well with some values and you will be awarded. Being awarded by the President is also a credible thing because it will inspire them to greater heights. The President sits there and gives you an award and you will go home feeling great.

I want to conclude by saying that I support the Bill very much because it has a huge role to play in the growth of young people. It will do a lot in inspiring young people and motivating them to aim higher and make them feel valuable in the society. For that reason, I support this Bill hugely.

Thank you for the opportunity.

**Hon. Speaker:** Member for Tinderet.

**Hon. Melly:** Thank you, Hon. Speaker. I rise to support this Bill. As an educator, this Bill has come at the right time. The President's Award Bill, 2017 is going to influence the lives of our teenagers. This Bill looks at the group of 14 to 25 years. These are children who are in secondary schools, colleges and even in universities. This Bill seeks to address how the youth are going to integrate and live well with the rest of the members of society.

Through this Bill, you realize that the youth and the society are going to ensure that they participate in community service. In many developed countries, immediately after the Second World War, the world was so much divided and many nations like the United Kingdom (UK) and other countries in Europe looked at how best to integrate their societies and encourage their young people to make sure that each and every person in the society participates in community service. The best option was to give them awards and honours. The National Honours Act of 2013 awards adults. These are people who are in service already like serving Members of Parliament, serving military officers and individuals in parastatals and Government offices for exemplary service to the nation and society for this country or other nations. But this Bill looks at the youth and tries to bestow them honour for service so that when they grow up, they shall move and live together with the rest of the society.

The Bill also manifests that the CS who is going to be a member of the board of the President's Award Scheme ensures that persons who have attained the ages of 14 up to 25 years are going to be awarded based on their participation. You realize that students and even young people are able to participate in camping, sporting and adventure activities. When they do this, they move across the country and enhance unity for our nation. It makes sure that children from

the Coast or students from the Coast, Rift Valley, Western and all parts of the country integrate and make one nation.

If you look across the world, nations like South Africa and Ireland have their own award schemes. When we pass this Bill, it will anchor the President's award in law. So, the President will award best performing groups of students or persons to ensure that they participate well in the programmes that are run across the country.

If you look at the programme, it has a number of issues that I believe if we put them into perspective, will assist this country a lot. The implementing guidelines should contain eligible activities in each of the four sections. That is, voluntary service, vocational skills, sporting activity or camping. So, the Bill has certain gaps. I propose that these gaps be included. If they are included, they will assist in making sure that the Bill is made well.

Two, the Bill has not stated the minimum starting age for each level of award, namely, bronze, silver and gold. If we look at it this area critically, it is going to make this Bill better.

Thirdly, the composition of the board is silent on inclusivity in terms of gender, youth and persons living with disability representation. It has not come out clearly. This is a very good Bill. It is a Bill that touches on every aspect of the youth in this country. It has to also make sure that the composition of the board includes the youth and persons living with disability.

The other issue is that qualification of the members of the board lacks academic qualifications as an experience in various fields. It is not adequate. It has not specified who is supposed to be the chair and levels of education. They have enumerated that it must be from the social sciences and particular fields, but what is the level of education? Is it first degree, Masters, PhD or just a certificate? That is something that the Bill has to address.

The other issue is that the appointment of the staff is not inclusive. Persons with disability deserve employment opportunities. That is also something that the Bill needs to look at. This is a very good Bill, but I propose that we include that area.

I also want to laud the Bill on the issue of service. In this country, we have a mentality that individuals would wish to move across the ranks and be rich without serving. The sense of duty and service to the nation is something that we need to inculcate in the youth. They need to know that duty to fellow human beings is very important. So, if you are going to start this very early, the youth are going to serve and have the dignity in service and this nation is going to move forward. If the youth are going to participate in physical recreation, this is an area where talent has not been tapped well. I know we are a powerhouse in sports like athletics and many others, but we need to go further. In football, we are not doing very well. In other indoor games, we are not doing very well, but if we are going to improve on this. This is going to move this country even far much ahead.

We also have certain skills. Skills that encourage personal interest in creativity, in science, research and the development of the individual are practical skills. They should be emphasised. In this country, many people have a lot of interest in blue-collar jobs, but we need to develop the youth and encourage them to acquire practical skills. On practical skills, we talk about working on machines, making sure that we have plumbers, electricians and masons. They

do a very good work. When they do that and they have jobs, we will not have a problem of unemployment in this country. Unemployment arises because the youth are looking for office work. They are looking for services or activities that are desk based and not for skills that are earned.

Lastly, I want to laud the Bill and appreciate it. This Bill will impact on the youth of this nation and make them know that if they move from bronze, silver to gold in the award scheme, they will be better citizens of this country.

I support.

**Hon. Speaker:** Member for Seme.

**Hon. (Dr.) Nyikal:** Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Bill. I stand to support the Bill. Any recognition from the President is always valued a lot in the society. It indicates recognition. All human beings appreciate the value of recognition. In fact, it motivates people. It motivates everybody who feels that they are recognised. Above all, if people feel recognised, it is easier for them to move and apply their initiative and look for facilitation so that they can achieve and use their talents for the benefit of the community. Therefore, an award that focuses on young people is an idea that should have been there before. We know that for adults, we have certain honours which are entrenched in law. For young people, we have a big problem of unemployment.

To that extent, we are trying to encourage voluntarism. We have tried to encourage internship, but all these have not appealed to the feelings of the youth. If we have something that can motivate them, that can make them realise they are recognised and this will improve their life skills, initiative and innovativeness. It is the age at which one discovers himself. This is the age when one wants to know how they can use their talents, how they can use their innovativeness and their energy to improve their life skills. They also want to acquire life skills.

We know there is an award that is going on currently, but it is not based in law. It has no legal framework. It is therefore important that this Bill comes into place so that it will provide a legal framework in which we support our youth. Then we will make them realise that they are recognised. We will also encourage them to the idea of service, voluntarism and the idea of value to the society. Therefore, I support this Bill.

If you look at the objects of the Bill in Clause 3, it talks about regulating the conferring of awards to young people who voluntarily undertake to fulfil self-development activities. Any person who undertakes to find out their talent and develop and fulfil, naturally, will find a contribution in the society. Naturally, they will find something that will be of beneficial to them. They will find something that will bring income to them. You look again at Clause 3, one of the objects is to present to young people a balanced, non-competitive programme of voluntary activities which encourage personal discovery and growth, perseverance, responsibility to themselves and service to the community.

When you interact with the young people, one of the things that strike you is that young people are in a hurry. They have no spirit of perseverance and responsibility. I do not think we can blame them. We as adults must also take responsibility that things have gone in this

direction. Therefore, this award, coming with objects like that in the Bill is something that is commendable.

It is important that if you undertake something as important as this, you have a structure for it. The establishment of a Board of Trustees is a good thing and it will definitely make this a valuable undertaking and something that, in the President's hands, can take the young people far. I see many people from the Government in the board, but I also see that we look for people who are capable in areas of resource mobilisation, governance and public administration, community and social development, planning and devolution and research. This is particularly community and social development and planning. These are areas that we need to expose our young people. It will be extremely important for them to have voluntary activities in these areas. I notice a vacuum in this board. Young people are not represented. Any activity that intends to make any changes in the lives of the young people that makes introduction of any activities in the lives of young people must seek the participation of young people. In that case, it will be important to look at it that way.

Clause 7 of the Bill on the functions of the board deals with how the whole thing will be organised. Sub-clause 7(g), which makes recommendations on the criteria for conferring of awards to young people, is extremely important. We live in a country where there is suspicion. The country is divided along all sorts of lines like ethnic lines and religious lines. Therefore, if we have clear criteria which will set out who gets the Award, when they get the Award and for what activities, then it will be very encouraging. We should look at that.

Sub-clause 7(h) says that the board will liaise with relevant Government Ministries, institutions and organisations in matters relating to conferring awards to young people. This is important because as the young people agree to take part in these activities, we should guide them in areas that in future may be of benefit to them and which can lead them to discover themselves and the talents that they have. Sub-clause (i) states that "collaborate with local and international agencies which work matters relating to the President's award." Again, all these are extremely important.

I support this Bill. The functions of the board that is establishes under the Bill are very important. Part III talks about establishment of criteria for conferring the awards and indicating the award levels. It is important that people aspire at various levels. We have the silver level, the gold level and so on. These are important. It then gives the areas of the award, areas of service, areas of skills, areas of physical activities like sports and areas of adventure. It is the spirit of adventure that will at this young age lead our young people to innovation. If they are supported in these areas where they are willing to volunteer, that goes a long way. If you look at the whole world, people who are responsible for the development of humanity are adventurous people. We have seen rewards in the area of sports in this country. We have young people who have excelled in sports. It is important that we have bronze and silver levels.

Finally, as much as those are important, I think it is important that these awards and the whole system is used to identify talents, abilities and character in the youths that are involved so that this can be of benefit to them in the future. This can be linked to industry and other future endeavours so that this is of importance and a major contribution to their lives in future. With that, I support this Bill.

**Hon. Speaker:** Member for Vihiga.

**Hon. Chanzu:** Thank you, Hon. Speaker, for the opportunity to support this important Bill. In this country, we have talked a lot about the proportions of the youth in terms of the younger and the older people. We have been talking about the youth being in the region of 70 per

cent of our population, which is a large proportion. Young people deserve to be considered for these awards for us to be seen to be fair to all ages. I can see it is supposed to be between the ages of 14 and 24 years. That is important because it is the formative stage of the young people into mature persons. So, it is very important that we recognise them from an early age. The future of any nation depends on her young people. It depends on how the society brings the young people up. If we can start appreciating them from early age by first identifying their talents, we will develop a prosperous country and world. It is very important for us to recognise and appreciate the youth and identify their talents early enough so that we can nurture them.

The mentoring of the youth is a very important thing. We have heard that *mtoto umleavyo ndivyo akuavyo*. Most of the mature people we have may have gone astray in life not because of their own making, but because they were not guided properly when they were young age like what we are talking about. If we invest in our young people, we shall be investing in the future. Just like I have said, young people form a large proportion of our population. Again, it is at this stage that we can identify their talents. Some have talents which can be developed early enough and they can be useful. When we talk about formal employment and self-employment or informal employment, we are talking about people who we can tap their talents and use them for national development and national growth. That can only be done at that stage. So, it is very important. In fact, I noticed that the principle object of the Bill is to anchor the existence and practice of the President's award in Kenya in statute law. We are trying to make this lawful, so that anything that is done at this stage is recognised by law. It should not be done in a haphazard manner or put off at some stage. It must be continuous. It must be a practise which can be put in the minds of our young people, so that as they grow up, they know that at some point, somebody will be looking up to them for certain responsibilities. That way, you will know that people are conscious.

When people are conscious of what is happening around them, they are more responsible. So, bringing awareness to them is a very important thing. It is a way of motivating them when they are still young so that they can have interest in whatever they are doing. They can know that they are doing it for a purpose. There are many people who do things and when there is no recognition, they imagine they are wasting time and do not perfect it in a way that it is useful to the society. As a country, we need to be proactive and be ahead of the situation. Most of these young people stray because they lack somebody who can give them direction on what is happening. Since we are putting this law in place, there will some kind of measure and they will know that there is somebody looking at what they are doing. This will make them more responsible whether it is within their families, institution or anywhere else. The sense of belonging is very important because when the youth feel that they are part of what is going on in society, they become more responsible than when you leave them on their own.

Most of the youth that we see in market places do not wish to be there, but they lacked somebody who has interest in what they are doing who can take good care of them. It becomes a habit. Once somebody forms a habit of doing something, it is very difficult to change it.

We should recognise these talents early so that we can give opportunity to these young people to grow up as responsible people. I, therefore wish to support the Bill and hope that it will be put in place so that even those ones who have not had an opportunity and are beyond the age of 24 years, can see from the young ones and realise that they can be useful in the society. Life does not end at the age of 24. It goes beyond. There are many Kenyans out there who can be useful in society and can get into self-employment or get employment rather than idling around if they can get support.

With those few remarks, I support.

**Hon. Speaker:** Member for Wajir.

**Hon. (Ms.) F. I. Ali:** Thank you, Hon. Speaker. I want to thank you for allowing me to contribute to this the President's Award Bill, 2017. From the outset, this is a creative Bill that recognises that self-development is a contribution to national development. When I look through the clauses, I get encouraged. Clause 3 on objects and purposes of the Bill, clearly states that we are looking to recognise and appreciate individuals who are not likely to be recognised in the mainstream awards. Many Kenyans have been focused in a rot way of development. A rot development is a development that does not allow you to be innovative or creative. It does not give room for research or to be on the lookout so that you do not assume that life is a straight line.

I like this Bill because it will create a pool of talented people who are forward looking and are investing in ways of building themselves, their communities and the country at large. What really impresses me in this Bill is the part that rewards, acknowledges and looks forward to the fulfilment of self-development activity. Clause 3(c) is targeting young people who are always on the lookout for various ways of coming up with innovations and ways of moving from formal employment to self-employment, self-creativity and self-fulfilment. That will be a country which will be moving to a fast-growing level of talent and moving from the traditional and conventional job oriented formal employment. What encouraged me is self-discovery, personal discovery, growth and responsibility to themselves and their community and the element of perseverance. Many people are affected and they are not just the formally educated people. I am assuming this Bill targets even the informal and the very traditional people who have been carrying out innovative investments.

I come from the north, in Wajir in particular, where there are people who have been devising innovative strategies to deal with climate change and environmental complex situations in hazardous environment. In a formal mainstream, such people are not likely to attract any recognition for awards.

Clause 5 talks of the composition of the board. The board is looking for people who are highly knowledgeable and experienced in matters relating to community development, resource mobilisation, governance, public administration, planning and research, advocacy and communication. Such people are not found in informal setups. There are people who have Bachelor Degrees, Masters and PhDs who are not innovative and their education is not moving their capacity and self-development beyond the office and their families. I was impressed with this requirement in terms of appointment of people who are likely to be attracted to the President's Award institution. This will ensure that we tap into people's capacity and experience that are not likely to be tapped. I am imagining of an old man or lady in Wajir who has been conserving indigenous trees and medicinal plants, but has never been put in the books of recognition or awarded for anything. This is encouraging.

Most of the clauses in this Bill are very innovative and encouraging. When I look at Clause 7, the board has been given the space and the leeway to have unlimited powers to search for certain things that can be rewarded or awarded. Clause 7(b), says that: "Provide quality experiential activities that impart positive life skills and ethical values to young people for a better society."

Some of our young people are not attracted to traditional indigenous system set up, but if this Bill will recognise their research capacity from their formal education and their "wizardness" in computer skills, it will allow them to do things that are community oriented and

are within the setup of the community. This will ensure that they leave their lives of being highly industrialised to lives that is enable skill building and talent building and skills that will make them to value their communities.

*[The Speaker (Hon. Muturi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Omulele) took the Chair]*

The other day, I was reading about the “Blue Whale Challenge Game which is a computer based game that makes our youth to commit suicide. It is disastrous in life. This Bill, which I am sure will become law, will ensure that youths go out of house-based interactions and knowledge and invest in innovative development and experience the real situation in life. I was impressed with this.

Clause 7(h) says:

“Liaise with the relevant Government Ministries, institutions and organisations in matters relating to conferring of awards to young people.”

The other thing, if you look at some of these clauses, like paragraph (h) on the functions of the board, there is the issue of liaising with the relevant Government Ministries, institutions and organizations in matters relating to conferring of awards to young people. I am assuming these kinds of institutions and organizations will definitely be the ones at the lower level – at the community level – because that is one of the areas that they are found. The other provision I find useful is paragraph (j), which seeks to develop regulations or procedures to regulate the work, functions and practice of the board. I do not know whether that word is misplaced.

Looking at the establishment and conferring of awards, I like the departure from the traditional award, like bronze, silver and gold. The award is redefined in terms of more details of some of the things, like (b), the skills section will require the participant to undertake the acquisition of practical and vocational training. That will provide hands-on and practical life skills.

This Bill really motivates me. Coming from the background of agriculture, natural resources and environment, it is some of the award areas which they are looking at to involve environmental conservation, civic responsibility, construction work and disaster management. This is heavily grounded in the communities that we live in, including our youth in the cities and big towns to those in the rural areas, who are not attractive to them because they do not have DSTVs and other lucrative setups. I like this Bill for that. It is moving our children from the boredom of their homes and towns and rural setup.

With those remarks, I support this Bill.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall have Hon. Sunjeev Birdi.

**Hon. (Ms.) Sunjeev:** Thank you very much, Hon. Temporary Deputy Speaker. Today I feel very privileged and honoured to be among this batch of Members of Parliament. I feel that we are doing a great thing because we are planting seeds for the future to have a more energized and aware youth of our country. I want to thank the President for proposing this award. There are

certain things that you cannot give a child or a grown up. You cannot measure it in terms of money. This Bill brings along that sort of concept for our children and youth.

I would like to point out that just recently I was watching a movie called “Queen of Catway”. The story belongs to a young girl who was born and brought up in Uganda in a very poor background, and who finally made in the game of chess. She was tutored in the slums where she lived and was encouraged to participate in a game called ‘chess’ at a very young age. She learnt to master the game. When she grew up, she won a gold medal yet she came from a small place in Uganda. That story and many other stories like that are so inspiring. That people can come from very small backgrounds or very poor families and do so much for their country. That is exactly what we are looking for. We are looking for a better nation.

It is good to promote our youth in other sports activities, not only in academics, because that gives them a better edge when they apply for jobs in the future. This Bill is also promoting responsibility to themselves and their country. Why not? Each one of us should be carrying these responsibilities so that we can have a better nation. I also feel that an energized child is an empowered child. Finally, our children will bring up a more transparent and happier society if we nurture them to grow up like that. It was said before that this Bill provides a legal framework. I would like to see this going through. When you see people from poor backgrounds doing much for themselves and their society, it is nothing short of a miracle. It is truly a miracle.

I would also like to say that while we are promoting a child’s enthusiasm for greater things, they will form a society which together will do better things not only for the society, but for the country as well. In our country, we have a large base of youth. We would like to tell other developing countries that our nation cannot be taken for granted. If our nation has a very large number of healthy people, that is a very serious message. We can do lots of things with these resources. We call them resources when we look at them from the point of view of what they are going to do when they grow up. Of course, this is providing enthusiasm for our children.

I would like to cite an example of the talent show that was organized in Nairobi some time last year by Hon. Shebesh at the city centre. I went there to support them and promote their ambitions. A few months later, I met some of the people who were working in the talent show and they had a different look towards life. They were enthusiastic and motivated. What else do you want? You need to have a strong healthy and happy society. If you do not have these three things, then basically you are going to lose track somewhere. If this kind of talent show was promoted everywhere with the help of our leaders, I think it would go a long way.

We must not forget that we are a nation of different cultures and backgrounds. While creating such an award scheme, people from different backgrounds and cultures, with stable lives, will do something and gain the attention of the President, which is one of the greatest things. The society is going to commend the job you are doing or you have done.

I want to stress the fact that a strong functioning board is the backbone of any activity. In this Bill, there is going to be a board. I am eternally happy and grateful that I got a chance to speak to this Bill.

**The Temporary Deputy Speaker (Hon. Omulele):** Hon. Ken Okoth.



**Hon. Okoth:** Thank you, Hon. Temporary Deputy Speaker. It is a great day to rise up and speak in support of the President's Award Bill of 2017. It is timely.

I am surprised that there has not been proper framework for the President's Award Bill. This is a program that I participated in when I was in high school. There is a famous writer, George Bernard, who said that of all the things in the world, there is nothing so worthy of honour and praise as perhaps accepting the mother as a good school. I went to a good school called Starehe Boys Centre. I will say it was a good school because our education was not limited to academics. It was limited to character developments, leadership, community service, physical education and cultural awareness. These are the type of things that I am seeing now by formalising the President's Award Scheme and at the President's Award Bill which when this House passes, will be an Act with the board of trustees and a whole proper structure.

We will bring the elements of that quality education that a few of us were able to get at schools like Starehe to all schools in Kenya that want to participate. The target age group of the President's Award Scheme are young people who are 14 to 25 years of age. We want to pay attention to it and as for all our secondary schools, we want to push it at all our junior colleges and universities because it is really a form of education for life. The skills development, self-awareness, physical fitness, respect for environment and the commitment to serve and give back to society are all important things that we cannot just read through a text book and examine through an exam. I am hoping that in generations to come, multiply huge number of young people in Kenya will go through this award scheme. The award scheme is not something unique to Kenya. We are going to entrench it in law, enhance and fund it, which is a great thing. Many young people cannot participate in some of these programs simply because it costs money. If you are not lucky to go to a school that has a lot of resources like Starehe Boys Centre, then you may be left out. There is some patron of scouts in a number of schools in Kibra and sometimes even lack of a uniform to become a scout stops young people from fully experiencing the wonderful activities, joys and the growth opportunities that being a scout provides.

I look forward to this Presidents Award Bill being passed and trustees and the authority being established to do its work and for this House to support it fully.

I am a Member of the Departmental Committee on Education, Research and Technology and one of the key things that have been debated recently in the Education Committee is this commitment, plan and vision to move to a two-six-two-three system where we will reform our education system from what we know. The 8-4-4 produces many children competing towards exams in Class Eight and Form Four, but not necessarily gaining the life skills that they can transfer for employability. In the new system that has been proposed, I think the emphasis is correct on things such as character development, self-awareness, service to the community and entrepreneurship. Those are things that will be very well complimented by the elements of the President's Award Scheme where we will see more young people doing community service, participating in relevant ways in disaster reduction and management and prevention in their communities. They will learn the joy of service at a young age and we will instil that as a value system in our people. Our youth who are the future leaders of this country will serve us very well in the long term. I am excited to support that and I am really looking forward to thinking critically that Members of this House and future Parliaments will support the full funding of the Presidential Award Scheme.

In many countries across Africa and those of the Commonwealth, the President's Award Scheme is established and runs well. I know Kenya has been a good system, but the lack of a legal framework has not allowed us to spread and make the President's Award Scheme for the

young people regarding their development and growth outside the classroom a success and widespread as it should be. It has remained in a small number of schools across the counties and we will change this through this Bill. I am convinced of the program spreading to most schools in all the counties and more young people benefiting from it.

In the United Kingdom (UK), we share a lot from our colonial history. The President's Award Scheme is called the Emperor Award Scheme and they have pretty much very corresponding systems like the gold, silver and bronze awards, which require you to do some studying and knowledge of yourself. It requires you to learn some skills and show proficiency in some skills. It requires you to demonstrate physical fitness and capacity. You may look at me now and you might not think much of me as an athlete, but I was a cross country runner in high school and that was my proof for physical fitness to get through my bronze award. When I got my silver award, I had to show I could sprint. I know the Chair of my Committee is looking stupendously amazed at what gallant athlete I used to be in my heyday. It is true and I am happy to put that on record. On the silver award, there were requirements for jumping and I was terrible. There was the pole vault and triple jump. For the triple jump, I did okay because I have long legs, but for the high jump, I made the biggest cartoon of myself and entertained my peers the number of times I was required to prove that I was not just taking advantage of my long legs to jump the triple jump. I was required to show if I could do the high jump. That is a beautiful memory which myself and my classmates will remember how I struggled to jump even one metre on the pole vault and how I struggled to jump even one metre on the pole vault. Every time I came with a stick to run, I just chickened and chopped out. It is a life experience. I have shared my experience from the bronze expedition.

We went to Mua Hills School. I was a boy who had grown up in Kibra Constituency and had never been out on a long hike. So, it was quite an experience and it was a one night out camping. On the first afternoon of a whole day hiking, I was sweating and the sweat was on my body and causing me hypothermia without realising it. By the time I got to the camp in the evening, at Mua High School, I was shivering, scared and I do not think I had the right gear. It took the support and commitment of my peers to make sure I did not give up. We were navigating by compass in the bushes and we were carrying our rucksacks with our food and supplies for the night. When we got to the camp in the evening, someone from the school had come with a Land Rover and they offered us an opportunity to go back. I was to make a choice between going back to sleep on my bed at school and shivering in a tent all night eating food we had cooked by camp fire, which was such an experience for me. I made a decision to stay, but it required the commitment and loyalty of my team mates to say it is okay they would not leave me behind when hiking. They slowed down and helped me to carry my luggage to finish the expedition. That value of teamwork, leadership skills, never giving up on your team members and helping each other achieve something together is important. The whole group completed the expedition and not just the ten who started because only nine completed. The brothers with a spirit of comradeship are the values of leadership that I learnt in high school. This matters to me even today when I take care of my staff and the people who work for me and help me deliver. I think about commitment and never giving up on my people in Kibra Constituency. These are the type of things that matter.

I am really excited that we have the President's Award Scheme and as a Member of the Departmental Committee on Education, Research and Technology, this had been our Bill. We had owned it and brought it, but as it is, it is a Bill about youth development and education. I am

excited to support it and I hope we will in the few remaining weeks and months pass a couple of more important Bills like this one that have an impact on the lives of our people.

I beg to support and I look forward to a time when I will be able to use even the NG-CDF money to support teams of young people in Kibra Constituency to take full advantage of the President's Award Scheme and learn the valuable lessons and opportunity it offers.

I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): The Hon. Sabina, the Floor is yours.

**Hon. (Ms.) S.W. Chege:** Thank you, Hon. Temporary Deputy Speaker, from the outset, I support. I have an advantage of speaking after the Member for Kibra Constituency who has the experience of these awards. The village school I went to never had that advantage. That is why it is important that this becomes a law because the President's Award was launched back in 1966. Until now, I do not think anybody from my county has ever got an award. I was not privileged as a Member for Kibra Constituency to go through it.

This award is targeting young people between 14 years and 24 years, irrespective of their gender or physical status. It is important that it becomes a law so that there is fairness. We have had several awards, including some that are given from State House every public holiday, but at times we do not know how the selection is done. We have some heroes and heroines back in the village who deserve these awards, but they have never got their names on the list of those to be awarded. Once we entrench in law the President's award, then we will have a Board of Trustees in place to manage the whole affair. I hope the board will do a good job by moving from county to county.

I will be one of the champions of this law because I intend to visit all the schools in my constituency to encourage young people to participate. Most of them are already doing things like the ones the Member for Kibra alluded to. My fear is that they may go unnoticed.

Secondly, we are looking at the new curriculum of education which is supposed to produce a wholesome person. When children go to school, it is not just about them sitting the national examinations. Rather, we should encourage them to participate in co-curricular activities. This law offers motivation that if you participate in co-curricular activities, you could easily get the President's Award.

We looked at the Bill as a Committee and we noted issues that need to be addressed during the process of implementation. The Bill should clearly give mandate to the board to formulate guidelines for the implementation of this award. I am talking about things like the enrolment process, management of the participants and the evaluation process. The guidelines on implementation should contain a list of eligible activities in each of the four sections, that is, voluntary service, vocational skills, sporting activity and camping activity. We noticed that the Bill does not state the minimum age for each level of the award.

With regard to the board, the Bill is silent on the issue of gender, youth and Persons with Disability (PWDs), which are issues that have been addressed in the Constitution. I really have no issue with the qualifications of the members of the board. It is important that the Bill talks about how members of staff are going to be appointed.

We looked at some countries that have implemented this kind of thing. For instance, South Africa has been very successful with regard to the President's Award. In South Africa,

they consider surveys, adventurous journeys, physical creation skills and residential projects all of which attract gold awards.

Finally, considering that the National Honours Act exists and it mandates the President to confer national honours to a person whose merits are laid down in the Act, it is prudent to amend that Act to include regulations of the President's Award. We do not need to have a separate law in place.

We need to start mentoring our children from a young age and encourage them to participate in community surveys. We need to tell them to work as teams because that is what they do not know. We have a society where people are insensitive. They live in a neighbourhood where they do not know their neighbours. They do not care about other people's children let alone what is happening in the neighbourhood. That is a bad culture in this nation. We need to train our children from a tender age to care for each other. We need to impart in them good leadership skills. By the time we leave this House, we should have mentored many young people, so that they can take over from us and take this country to the next level.

I support.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall have Hon. Michael Onyura.

**Hon. Onyura:** Thank you, Hon. Temporary Deputy Speaker. I support this Bill. It is a good scheme for the development of our youth ---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Onyura, I do not mean to interrupt you, but I just want to inform Members that our system here does not seem to be working very well. So, let me consult with the Clerks-at-the-Table so that we have a way forward. Please, proceed.

**Hon. Onyura:** You are quite right. That is why I kept looking all over for a microphone that works and I ended up here.

This is a scheme that is going to impart positive life skills in our youth aged between 14 years and 24 years. These are students from Form One to post-university. Any scheme that can assist our young people to develop their leadership skills and improve on their attitudes towards life is welcome. This Bill is going to do just that. Being the President's scheme, it will give the Executive an opportunity to interact with and guide our youth.

Under Part III of this Bill, its objectives are laid out and one of them is to impart helpful skills such as tolerance, perseverance, team spirit, responsibility, dependability and trust.

That is good for our young people because we keep referring to them as future leaders. It is important that we prepare the future leaders well. As this generation gives way, the one coming in should be ready to take the button and do better.

The Bill provides a legal framework for this scheme which has hitherto been operating without one thus making it unpredictable and uncertain. If we pass this Bill, those who will be given the responsibility to run the scheme will have very clear guidelines, directions and structures to work within. The issue of starting to prepare our youth from a tender age is a good one. I remember the time when Kenya was at its best in football was when some German coach

came and set up youth Olympic camps. We had very many young people going through those football camps which produced some of the best footballers in the 1980s and early 1990s. This is good because it follows such a model. I have also noted that this scheme will be run by a Board. We can only hope that the Board members will be appointed on merit; and this will not be an opportunity to reward boys, cronies and sycophants. We want serious and professional people to run this programme well so that it can achieve its objectives.

The selection of the Chief Executive Officer (CEO) and the staff should be on merit, and as mentioned in the Bill, they should reflect the face of Kenya. That is one of the areas which we tend to flout or ignore but it is important for national cohesion. The Bill also provides for use of experts where necessary. We should not shy away from hiring experts because there are many of them in the country and if need be, we can get them from outside the country. They should be people who have been running such a scheme and will improve it. I also expect regulations to be provided to give guidelines on how some of the areas will be implemented.

Going through the Bill, I did not clearly understand the operation of the different levels such as bronze, silver and gold. I did not understand how you qualify for them. It is not clear whether one will start from bronze and go step by step to achieve gold. I think these are details which can be done through regulations as provided for in the Bill.

I have also noted that the Bill provides and encourages accommodation and partnership with other international foundations or programmes. This will be good because we will borrow best practices from other places where such programmes have been running efficiently for a long time. I have also noted that the Bill requires the Board to provide annual reports to the Cabinet Secretary (CS) in charge and a copy to be laid in the House. This means that this House will also get to know what is happening and will make some inputs or contributions. A more detailed report will be given annually to the President who I want to believe will be the patron of this programme. This is good because there will be accountability in the programme.

It also provides to detect masqueraders and quacks who may try to come in using shortcuts to benefit and profiteer from this programme. It provides very stiff penalties of up to five years imprisonment for those who might involve themselves in such schemes without proper authorization. I think this is part of making sure that everything is done according to the law. Of course, the procedures and functions of the Board are well detailed in the Bill. This is a very timely and useful Bill which will go a long way in helping the youth. As we do this, let us not forget the existing schemes like the scouts, girl guides and others which have been in place for a long time. We should also support and strengthen them.

Hon. Temporary Deputy Speaker, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. Hon. Nicholas Gumbo, the Member for Rarieda, you have the Floor.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this important Bill. I still believe as some of the earlier contributors have said that perhaps it ought to have been an amendment to some of the existing legislations. Having said that, on Clause 3(c) the object and purposes of this Act are to:

“Present to young people a balanced, non-competitive programme of voluntary activities which encourage personal discovery and growth, perseverance, responsibility to themselves and service to their community.”

This is a very noble objective. It reminds me of a programme I underwent prior to joining university back in the 1980s. This was the pre-university programme run by the National Youth

Service (NYS). Some of us are here today because of the benefits we gained from that programme. It enabled us to acquire discipline, undergo personal discovery, growth, perseverance and responsibility which is really what has been a major stone in the foundation that brought us here. I want to believe it is because of the experience gained at NYS--- In a very simplified and a little uneducated way they used to tell us: “Your aspirations are as tall and as long as you want them to be.” I think because of not only perseverance, growth or even responsibility, there is usually a latent element of courage which underpins it.

That is why some of us, a few years after graduating from the engineering school, we courageously started engineering firms which have been in existence for close to 25 years despite the fact that some of us came from extremely disadvantaged and poor backgrounds. This courage, personal discovery, perseverance, responsibility and indeed discipline made us who we are. I dare say in those days when the Kenya Shilling still mattered we became millionaires before we were 30 years old. I want to believe that any Government which believes in inculcating responsibility among our young people and the ability for personal discovery, growth and perseverance, ought to make the pre-university NYS programme mandatory. I think it is one of the very good things which Kenya tried and stopped at the pilot phase though it was very transformative.

If you look at some of the most transformative leaders this world has ever seen, who I have named here before and I will continue to give examples like the late Lee Kuan Yew of Singapore, you will find that it was a programme such as this which enabled them to have a very qualified citizenry of young people who spurred the growth of the country.

We must relook that pre-university National Youth Service (NYS) programme. But even as we have a second look at that programme, if we minimized wastages, this country has the ability to afford such an important programme which can help shape the future of our youth. This country can easily afford that. Even as we relook at that programme, having gone through it, I think it was a very well-intended programme but the way it was designed was such that maximum productivity was not possible. If I remember well, the only productive thing that we did, other than waking up at about 3.30 a.m. and running to Mount Kioko and sometimes running all the way to Lake Elementaita and filling our cheeks with salt water as a form of punishment, was the one week or so that we spent at Tumaini Government Farm. The youth and people in that age bracket are very productive and can be used in a more productive way to spur economic growth.

Having said that, I have looked at the composition of the Board. As it has been said by speakers before me, this Board is almost exclusively a public sector board. That is very limiting. We cannot hope to develop or identify talent among our youth yet we do not give room for the private sector and civil society to participate in the appointment of the Board. Issues of gender parity, women, youth and disability are constitutional underpinnings and will obviously be taken into account. The exclusion of the private sector and civil society in the appointment of the Board will, in a way, hamper the noble objectives of this initiative.

With regard to Clause 11 of this Bill, it is known that there is a constitutional underpinning in Chapter 13 of our Constitution for ensuring that the staff of any public body represents the face of Kenya. It is said that sometimes, obvious things are the least obvious, especially when it comes to implementation. Most of us have spoken many times on the need to resort to societal conviviality as a way of moving Kenya forward, but because it looks so obvious it is also very easy to forget. Even if it appears repetitive, it should be stated in this Clause that

the composition of staff should strictly comply with the provisions of Chapter 13 of the Constitution on the principles of public service.

In Clause 17(3), the criterion for deciding the levels of gold, silver and bronze underpins the wholesomeness of the individual to qualify for the award. The problem we have had in this country is that we have very good laws but the rubber meets the road when it comes to implementation. That criterion should be adhered to.

In conclusion, I have two concerns with this Bill, and I wish you would just add me one more minute. If you look at the National Honours Act No.11 of 2013 and you compare it with this Bill, you will find that it appears to be no more than an attempt to litter our shelves with statutes that can mean nothing more than amendments to existing laws. The objective of the National Honours Act states that it is an Act of Parliament to give effect and establish procedures and mechanisms for conferring of national honours by the President under Article 132(4)(c) of the Constitution.

Hon. Temporary Deputy Speaker, if you look at the object of this Bill, you will realize that it says that it is an Act of Parliament to provide for the conferring of awards to young persons; to provide for the establishment of the President's Awards Board of Trustees and for connected purposes. Young persons are people. I cannot understand why someone did not feel it necessary to make this Bill. We could help ourselves by just amending the Bill.

I thank God that looking at my very humble background, I have been here for 10 years. I really must thank God for that. Over the years, like I have said before, there is no school which teaches experience. I am really concerned by the extremely low quality of drafting that I have been progressively seeing in this House.

Look at the wording in Clause 15. It says "a matter or thing". Is that really parliamentary? It looks like something taught in primary school. "A matter or thing done by a member of the Board". Just to compare the perspectives, I just want to read for you something which talks about protection from personal liability. I just want to read to you what we did in the Engineers Act which yours truly almost wrote singlehandedly.

**Hon. Dido:** On a point of order, Hon. Temporary Deputy Speaker.

**Hon. (Eng.) Gumbo:** I am just reading. What is out of order? I am just reading the Act.

**The Temporary Deputy Speaker** (Hon. Omulele): The Member for Saku, what is out of order?

**Hon. Dido:** Hon. Temporary Deputy Speaker, the good engineer will have all the time during the Third Reading of this Bill to propose an amendment rather than to criticize what is in the Bill. There are very many things which we will propose amendments to in the Third Reading of this Bill. He cannot fault the drafters. He can only propose amendments during the Third Reading rather than being pedantic.

**The Temporary Deputy Speaker** (Hon. Omulele): I think we are all on the same page. The cleaning up of this draft Bill will be done. Hon. Engineer is quite in order to point out that the workmanship on it as it is, is not up to scratch. That is correct. But there will be an opportunity to clean it up. You mentioned that you have been here for 10 years and you have gained experience. You have also said that you did not go to any school to learn it.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, with all due respect to my hon. junior from Marsabit County, I just want to tell him that even as you make amendments, you point out what is wrong with what you want to amend. I want to draw a perspective and I am sure he will learn. The phrase "a matter or thing" is not parliamentary. Compare that with what we wrote in the Engineers Act on limitation of liability. It says:

“a member of the Board shall not be personally held liable for any act or default of the Board”.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Gumbo, where are you reading from?

**Hon. (Eng.) Gumbo:** I am reading from the Engineers Act, 2016. When you compare what we did then and what is happening now, you do not see words like “matter or thing”. You start seeing more serious parliamentary words.

**The Temporary Deputy Speaker** (Hon. Omulele): We all agree, Hon. Gumbo that it is not very neat but do not belabour it. The point is well taken.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker. I just wanted to educate my good friend from Saku and tell him that it is good to point out what it is that you think is the matter with it. I bring this out because most times you look at the quality of drafting. We pay people to draft Bills.

Honestly, Parliament is one of the most exalted institutions. In fact, somebody looking at a draft Bill out there will be seeing a synopsis into the character of our Parliament. Because it keeps recurring, we really--- Of course I will propose an amendment. I cannot allow words like “a matter or thing”.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well Engineer. As you go about cleaning the draft, you will also do all of us a favour if you look at the Memorandum of Objects where it says: “Kenya which is very crucial to this country goes about in a state of legal---” The whole Bill needs a bit of a clean-up. It is noted and we agree that there is a procedure of doing that.

We shall now have contribution from the Hon. Annah Nyokabi, the Kiambu County Women Representative.

**Hon. (Ms.) Gathecha:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. It is one that will help us, as a country or nation, develop our youth. As a mother of two children who have gone through the President’s Award Programme, I am extremely proud of the calibre and character of the training that they have gone through. It does not only instill a sense of responsibility and adventure, but it also enables young people to go out and survive in the wild with very limited survival equipment. Sometimes they are forced to go bathe in a river. These are the skills that are meant to harden the young people of this country. They are also meant to make them think creatively and out of the box so that they can face tough situations they will encounter in their lives.

The fact that it has been brought as a Bill in the National Assembly means that the programme will be available not just to a few private schools, secondary schools and some universities, but will also be open to every young person in this country. This is not only an initiative that will assist in developing the character--- If we look at the moral fibre in our society by looking at the increased levels of substance abuse whether it is alcohol or drugs, we will realize that we need a programme that will rectify the situation. That is a programme that will create individuals who are able to face life with a clear mind of facing and solving problems.

We have seen that this programme has several origins and case studies in 25 countries in Africa. If we are able to implement it to the scale that it should be, it will increase competition



and provide an opportunity for the youth of this country compete competitively. Competition is stiff. It ensures that people are not used to being given things on a silver platter. They will go out there and compete effectively among the many millions of young Kenyans who will be participating in this. There is no clear guideline on how they are going to implement it, but as it goes to the Committee of the whole House, some of those things will be clearly outlined.

The current management of the President's Award has been extremely strict. It takes six months to do a bronze award that develops a sense within a community of people who care about their environment, who care about people they are working with and who will be responsible for others within their environment and community. If we did this within this country, we will have a more caring generation and we will not have the levels of poverty we have within our neighbourhoods. This will be a great saving to this country.

The inclusion of public servants will hopefully go into the National Honours Act that establishes its procedures and mechanisms and expands the group of people who will be involved. This will help our people become great participants in the development of this nation.

As I conclude, I know that once we implement more of these social programmes, we will develop as a country, proud patriots and people who are interested and care about the country. We will not just be interested in chasing opportunities for the sake of it, but we will be interested in one nation called "Kenya" and make it the greatest in Africa.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have contribution from the Hon. Susan Musyoka, the Machakos County Women Representative.

**Hon. (Ms.) Musyoka:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the President's Award Bill. This is a great opportunity for our youth. The Bible says that train a child in the way he should go and when he is old, he will not depart from it. It is also known that it is easier to bend a fresh twig than when it is dry and brittle. So, we need to invest more in our youth.

I like the President's Awards Programme because it targets our youth and keeps them busy. It is something that should be done countrywide. So, this Bill is really important.

If we look at our demographic data and dividend, we will find that we have reduced infant mortality rate significantly, maternal mortality rate and we are also using family planning effectively. This has resulted and will result in an increase in our youth and an accelerated economic growth. We are looking at a situation where the demographic data reports more youth in the population and, therefore, we need to concentrate and invest seriously in them.

Programmes such as this must be taken seriously and used to ensure that our youth learn life skills early enough and that they become responsible adults. All those who have gone through programmes like scouts, girl guides and the brigade are very responsible adults. I support this Bill because if it is implemented countrywide, our youth will learn, become more responsible and will be more committed to community service.

In our country, more than 40 per cent of the population is under 15 years and depend on the support of adults. It is important that the Government and we, as parents, put a lot of

importance in their growth, health and education. This is an important programme, and we should support it fully.

Hon. Temporary Deputy Speaker, I like the competitive nature of the programme. Doing this makes it interesting and exciting. It makes the youth want to participate more. So, if it is done well, it will keep our youth out of the streets, encourage talent development and spur talent use. It will also promote incubation and innovation. So, coupled with the activities of girl guides, boy scouts and all other existing programmes, I believe, we will have a youth segment that grows up to be more responsible. We will encourage personal discovery, responsible growth and perseverance. All this is important for our youth as they grow up.

I support. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Hon. Ababu Namwamba, you have the Floor.

**Hon. Ababu:** I thank you, Hon. Temporary Deputy Speaker. I am very supportive of the President's Award Programme. I had the privilege to serve at one time as the Minister responsible for youth affairs in this country. I had a very live experience of managing this programme on behalf of the Government under the patronage of His Excellency the President. So, I witnessed up-close the benefits of this programme. It presents to young people an opportunity to be part of a framework that is forward looking, progressive, and committed to nurturing the spirit of national cohesion.

When young people join this programme, they join it with a mind-set of growing up as responsible citizens of one indivisible nation, Kenya. They join this programme with not only the agenda of nurturing their God-given talents but also with a very clear focus of serving their nation.

One time, I had the privilege of accompanying a group of young people who had just graduated under this programme to Malta for an international gathering of young people who were the beneficiaries of programmes such as this one. I was very impressed by the character of the young people in this country who have benefited from this programme.

Therefore, I can say from the experience of a former Minister in charge of youth affairs that this is a good programme. What has been lacking is a legislative framework that could anchor or provide guidance or direction just to make sure that the programme runs effectively.

One, it is very good that this programme is now going to be run in the context of legislation. We are now institutionalising the framework of managing the programme. We will have a Board that has responsibilities that are underpinned – The law creates offenses with regard to those who attempt to sabotage the functioning of this very impressive programme. This piece of legislation is progressive and it should be supported.

One wants to hope that as soon as this law is operational and the Board is in place, the programme can be expanded broadly to benefit more Kenyans. If the current youth empowerment programme is anything to go by--- I must say it is one where young people are being recruited to be part of community service across this country. It is a programme which I have, again, had the privilege to witness in my backyard in Budalang'i, Teso area and in Mumias. It is a programme that has harnessed the potential of our young people to contribute to national building in a very substantive way. The youth have now been given an opportunity to participate in programmes that take them away from being ensnared into all sorts of deviant

behaviour. If that youth empowerment programme is anything to go by, it can only be beneficial to this country if the President's Award Programme is expanded and opportunity presented to young people across the board so that they contribute to forging a strong nation.

This programme is particularly significant viewed in the context of realities of this country where the negative aspects of ethnicity remain a big threat to our nationhood and the stability of our nation. This is one of those initiatives where our young people can come together and develop a national outlook that can bring down ethnicity, regionalism and political and socio-economic barriers. It is an initiative that would help our youth look at this nation as one indivisible whole where to borrow the words of Martin Luther King, one is judged not by the colour of their skin or by the sound of their last name but purely by their character. It is about the character they have forged and the ability they can bring to the table that we call Kenya where merit is given prominence above all other considerations in the sharing of the resources of this country and in the service of this land.

So, I want to support this Bill. I am very happy that this is among the last legislative actions that this House is undertaking because it sends a very strong message that this House, the 11<sup>th</sup> Parliament, has indeed remained committed to fulfilling the agenda of ensuring that our young people are given opportunity.

I can tell you that my experience, one, as a former Minister for Youth Affairs and now as a leader of a party, is giving prominence to young people. I am very proud to say that Labour Party is leading from the front in giving opportunities to young people. If you look at the candidates we are putting forward for the August elections, you will realize that they are majorly young people. It demonstrates that if you offer opportunities to young people, they are bound to grab those opportunities and make this country a better place to live in.

We know from history that the founders of this nation, the first generation of leaders of this nation, the Mwai Kibakis, the Gikonyos and the Tom Mboyas were very young people. These are young people who contributed to the forging of the foundations of this nation, some of them in their twenties.

Tom Mboya became a Cabinet Minister in his late twenties. Many of these people, like Dr. Kiano, made marked contribution to the growth of this nation at a very young age. Indeed, we have a history. We have examples we can draw from; that if you open doors of opportunity to young people, they can make a marked contribution in this country.

Let me sign off by congratulating my good friend, the Cabinet Secretary (CS) for Agriculture, Livestock and Fisheries, who has just unveiled a programme for cheaper *unga* on what he is calling 'the food subsidy'. This is commendable. Starting tomorrow, Kenyans can walk into any supermarket or kiosk and buy a two-kilogram packet of *unga* retailing at Kshs90 down from Kshs160. This is commendable.

Coming from the land of *Mulembe* where *obusuma (ugali)*, is a matter of life and death, I must commend the Government for moving with speed and responding to the cry about *ugali*. Nothing has pained Kenyans in the last few months more than the very high cost of *ugali*. So, my friend, Willy Bett and the Government in general, congratulation on this.

I support this Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We have Hon. Baiya. Would you like to say something before the Leader of the Majority Party?

**Hon. Baiya:** Yes.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well.

**Hon. Baiya:** Thank you, Hon. Speaker. I also want to go on record in supporting this Bill. Anchoring recognition for outstanding performance is the most important activity as far as helping the country forge the right attitudes and behaviour is concerned. So, this Bill is timely and very important. My concern, which I would like to put on record, is that the President as the Head of State represents the nation and the scope of the award scheme should possibly be broadly expanded. It is not just the youth who are making contribution to the country's various endeavours but all categories of Kenyans in various respects and fields. This includes those who are engaged in productive activities be it in production, service delivery and so on.

To confine or limit the President merely to recognising the activities of the youth or only of education defeats the purpose of encouraging Kenyans in all their respective fields to make their positive contribution to this country. The Bill should, possibly, also be more daring in terms of coming forward with a framework of defining criteria that help to advance the interest of the country in our various endeavours. In this regard, what we really require is a broad spectrum of considerations that recognise not only the contributions of the youth but also of the working people, the leadership and the people who in their various ways make positive contribution to this country.

So, the Presidential Award Scheme should really recognise that the President is the most important office comprising our nationhood and, therefore, we need to recognise performance. It should be an all-encompassing system of recognising performance across the board from leadership, production, workers, teachers, students and young people. This is the most important thing. The kind of Board we are talking about should bring on board persons who in one way or another will help contribute to the development of a policy.

We have heard Kenyans who say that we are very poor in recognising and awarding heroes in this country. When you go to other countries, you will find there are even statues recognising past contributions by their heroes. This is what we really look forward to. It is really about ensuring that we recognise outstanding performance that help generate our nationhood, promote our national goals and help the country to realise its visions and goals as stipulated under our constitution and various policy frameworks.

With those remarks, I want to say that is a good initiative but we should possibly think critically on how we can expand the scope of the Presidential Award Scheme so that it can help the country recognise good performance across the board.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Omulele): We should have the Leader of the Majority Party to reply. However, as you do so, I just want to draw your attention to the interest from Hon. (Eng.) Kiragu. He would like to say something. As you do so, you could give him a minute or two to just contribute.

**Hon. A.B. Duale:** Thank you, Hon. Temporary Deputy Speaker. Let me give one minute to my good friend, the Member for Limuru before I reply.

**Hon. J.K. Chege:** Hon. Temporary Deputy Speaker, I thank the Leader of the Majority Party for giving me that minute.

Hon. Temporary Deputy Speaker, I rise to support this Bill. As I do so, I want to draw the attention of the House to the fact that out of the many criteria that we may be looking at when we are awarding these young people, I suggest that it is important to include science and technology. As we develop this country, the matters referring to science and technology to young people, particularly in a developing country, are important. I do so because when I was much younger, I happen to be involved in certain projects that have contributed to this country. However, even when people are being given awards, you will find that those who belong to the category of science and technology as young people never get noticed. You know that there are many people who have been awarded for sports and many other things but in terms of science and technology very few have been recognised.

As I do so, I also suggest that it is important to include some of the people who play a lot of emphasis in cohesion of this country and young people who work very hard so that this country becomes one. At a time like this when we are going for elections, I know there are many young people who are working to make sure that this country stays as one. Even as we outline the criteria we may be looking and the category they may be falling under, it is important to highlight matters of national cohesion and contribution by young people in making sure that this country remains one.

I thank you and I support this Bill.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, as I beg to reply, I really want to thank Members who made very valuable contribution this afternoon to the President's Award Bill, 2017. In a nutshell, this Bill's main objective is to anchor the existence and the practice of the President's Award Kenya into a statute law. The entire legal framework is missing and it does not provide any substantive or procedural matters essential for the President's Award Kenya, which is very crucial to our country. We cannot go about this in a state of legal ambiguity. This Bill tries to align this important function and activity, which is already working through a Presidential Order, into a legal system and an Act of Parliament.

My former colleague in the ODM is now a party leader. I am yet to be one because I believe in big parties. That is why I am stuck in the Jubilee Party. The Cabinet Secretary (CS) for Agriculture, Livestock and Fisheries has just announced that from tomorrow a 2-kilogramme packet of *unga* will cost Kshs90.

We come from a community that, unlike his, does not eat *ugali*, but I am sure there are many Kenyans who are consumers of that product. I am sure my colleagues wanted to use the *unga* issue for their 2017 campaign. I would like to tell them: "Sorry, you can look for another thing to hang on." That has been resolved and I am sure the leader of the Labour Party has agreed with me on that principle.

With those remarks, I beg to reply and with your permission, move to the next Order.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well the Leader of the Majority Party. For obvious reasons, I will direct that we move to the next Order.

*(Bill deferred)*

## BILL

### *Second Reading*

## THE LEGAL METROLOGY BILL

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move that the Legal Metrology Bill, 2017 be now read a Second Time.

Many Members of Parliament were asking me what metrology is. Some thought it was something to do with the weather. I remember Hon. Amina Abdalla, the Chair of the Departmental Committee on Environmental and Natural Resources telling me: “I have not seen this Bill. How come it did not come before my Committee?”

“Metrology” is a science of measurements. So, there is no way it will be before her Committee. But it was good. Members were asking me last week when this Bill would be on the Order Paper.

The principle objective of this Bill is to repeal the old Act which is called “the Weights and Measures” and replaces it with the Legal Metrology Act in order to reflect the substantive changes that have taken place in the science of measurements which is called “metrology”.

This will see the Department of Weights and Measures, which is still in the Ministry of Trade and Industrialization address matters affecting a wide range or spectrum of consumers in areas that were not previously covered by the Weights and Measures Act. These areas include health, human safety and environment. The proposed law of the Legal Metrology Bill will bring on board water meters, electricity meters, the breath analyzers, and the famous alcoblow. I am sure Hon. Gumbo has a lot of interest in this.

Alcoblow will be defined properly and not in the Traffic Act. You will have an opportunity to see how to measure and how to analyze the gadget they use to make a determination on the amount of alcohol you have taken. It will deal with clinical thermometers, blood pressure gadgets, tyre measure gadgets, time and airtime meters, taxi meters and speed guns.

When I was going to school my mum used to own a small kiosk in a place called “Garissa Ndogo” which is now a big place. It is the place where the President addressed a huge rally last time he was in my constituency. We used the weighing machine found in the rural areas, and every three months, there was somebody from Weights and Measures Department who would harass my mum. He would ask whether he could check my mum’s weighing machine. At times he would say it is faulty. This Bill is dealing with such matters.

Kenyans were used to that restrictive weighing machine that we find either at the local kiosk or shop but this one will deal with a wide range. It will deal with health, blood pressure gadgets, and tyre pressure gadgets among others. You can go to a hospital and do a blood pressure test. You are then told you are okay and maybe that gadget was faulty. This law is trying to ensure that even the electricity meters in our houses --- Maybe we are paying too much because the gadget is either faulty or somebody has tampered with it. All these will be clarified.

This law, therefore, clarifies which legal metrology standard should be at any county government now that we have a devolved system of Government, and trade is devolved. It will tell us what metrology standards should be available at the county government level and how you trace that to the national physical standards in Nairobi. There is a physical Standard Organization that deals with these matters. Basically that is the essence, spirit and object of this Bill.

If I take Members through the various clauses, of course, Clause 1 deals with the short title of the proposed law whereas Clause 2 deals with the definition and terminology or the

technical terms used in the Bill. Clauses 3 to 11 contain the various units of measurement for legal metrology, including the units of measurements.

Clause 3 is on measurement of weights while Clause 4 is on measurement of length. Clause 5 is on measurement of time while Clause 6 is on measurement of electric current, among others. Clauses 3 to Clause 11 deal with various measurements.

Clauses 12 to 17 of this Bill define the five legal metrology standards to be used in our country. These are the Kenya Primary Legal Metrology Standards, the Kenya Primary Legal Metrology Reference Standards, the Secondary Reference Standards and the Working Standards. So, between Clauses 12 and 17 you will only find where the Bill defines the five legal metrology standards that are only available and will be used within the borders of the Republic of Kenya.

Clauses 18 to 33 of this Bill, since I am trying to bring the clauses that talk about the same thing together, deal with offences that may be committed while using weighing or measuring equipment for trade. There are many unscrupulous businessmen. There are people who want to become rich, and there are people who want to steal from consumers by playing around or creating some defects in those machines.

Hon. Temporary Deputy Speaker, clauses 13 to 18 will deal with the various offences committed by those using the weighing or the measurement equipment for the single purpose of trade. These are clauses that will protect the consumers. These offenses include using unlawful units, possession of unauthorized weights or measures, using or having possession for trade, use of false or unjustified weights, failing to submit for verification your weighing equipment in use or obstruction of the inspection of those equipment's by relevant Government agencies, carrying out his duties and failing to submit the weighing equipment for what we call pattern approval.

Clauses 34 to 53 mainly deal with transaction in goods. Clause 34 gives the Cabinet Secretary for Trade and Industrialization powers to make regulations relating to transactions in these goods. Of course, within the statutory instrument Act, the powers to bring regulations to Parliament lies with the relevant Cabinet Secretary.

Clause 35 gives that Cabinet Secretary power to make regulations so as to inform or information in packaging of goods as required under Article 46 of the Constitution. Clauses 54 to 56 are mainly administrative clauses which are found in all Bills. In this case, Clauses 54 and 55 deal with appointment of the inspectors and the directors of the relevant Government agency that deals with this sector. Clause 56 goes further and establishes for the first time the Institute of Trade Standards Administration which will offer professional examinations in legal metrology. As I said earlier, we need to have Kenyans who are experts, trained and qualified and went through professional examination in the legal metrology.

Finally, clauses 57, 58 and 59 provide the powers of an inspector to enter into your business premises, seize goods, make test purchase that can arrest and search trading premises. Of course, when we will be dealing with this we will look at the other relevant pieces of legislation to see whether the power we are going to give to these people to arrest are powers given to other institutions.

Clause 59 deals with impersonation as inspectors, just like you can find people who impersonate the officers from the DPP, a Member of Parliament or KRA staff. All those penalties and powers given to the inspectorate are found under clauses 57, 58 and 59.

Clauses 60 to 66 deal with impersonation of inspectors, disposal of goods and the general penalties that are found if anybody contravenes the regulations as set out in this Bill. Clause 67 repeals the Weights and Measures Act (Cap 513). It also provides for savings and transition. The

people working there, the assets and liabilities will not be affected when this Act comes into force.

I think I have done well. I have said what metrology means. It has nothing to do with the weatherman. I am sure this Bill is supposed to be before the Departmental Committee on Finance, Planning and Trade. I do not see the Chair, the Vice-Chair and the members. Of course, they will have the benefit of reading the HANSARD – a true record of the House – and do what is necessary.

This afternoon I had no option. The only person who happened to be with me from 2.30 p.m. to second my Bills is none other than Hon. Col. (Rtd.) Rasso, a man who participated in AMISOM operations in Somalia. Very few Members know that he played a big role in making sure that Kismayu was recaptured. He was part of the team. I think he led the operation. He is the Member for Saku.

I beg to move and ask him to second.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us now hear the Member for Saku.

**Hon. Dido:** Thank you very much, Hon. Temporary Deputy Speaker. I also thank the Leader of the Majority Party for those kind words. I wish to second this Bill.

I want to say from the start that this is a very important Bill, particularly for tradesmen and all of us who go to shops, supermarkets, drive on our roads and those who go to hospitals. This Bill is very important because it is about measurements, quantities and value for money.

Recently, I was inspecting road construction in my constituency. I was very keen, and the good engineer in the House will bear with me. The engineers were saying that if you were to reduce that road by even half a metre, it involves huge quantities of material; a lot of money and time would be saved. That tells us that when there is arduous undertaking in constructing our roads, we must ask ourselves why a job should not take four or six months if it has been slated to take two years. These are the details contained in this Bill, particularly in the secondary and in the working standards or the working measurements providing us with legal materials. That is quantified in terms of when we say we are paying so much for the Standard Gauge Railway (SGR). It is about the quantities where this Bill provides the guidance.

Hon. Temporary Deputy Speaker, if you go to a supermarket, you will find about 10 to 50 brands of *unga* for *ugali* or *chapati*. From the face of it, you may find that the packaging of the quantities might look the same, and sometimes the prices are fixed. There is a shopkeeper who told me that if you go to a supermarket, pick two packets of maize flower from different companies and weigh them, you may find there is a variance in terms of weight, substance and quality of packaging. This Bill provides guidance to us.

Another area I want to speak on is that of offences. Clause 20 of the Bill provides that every person who is in possession of or controls for use of trade a weighing or measuring equipment not indicated in terms of some weight or measure authorized by this Act commits an offence.

Those of us who come from rural background are privy to a weighing machine that is found in most small shops. However, in those days, more often, the shopkeepers tended to be smarter. They would tie small weights on strings. They would even slip one when measuring



your sugar, salt or whatever. You would find that a shopkeeper was stealing from the entire neighbourhood. You can only find that out by reading this Bill. Some offences are committed, but are sublimed to some extent because you would not recall what that person was doing. He might have stolen from you. However, the main question is about the value for money you obtain for the quantity of sugar sold to you, or even the quantity of maize flour sold to you in those days because we did not have packaging as we do today. For example, if someone slipped in 20 grams or 30 grams weight into the side measuring your sugar, how much money would he be stealing from you?

The other area in this Bill is adjusting or measuring equipment. Every weighing or measuring equipment has a margin of error. That is where inspectors come in. Even in this Bill, it is provided for. Whether wholesome or at random, inspectors should every year measure all the measuring equipment being used by traders.

The inspectors are to check all these equipment to correct the degree of variance caused by wear and tear, climatic conditions, and time differences. The machine must be recalibrated. That is one reason why we have inspectors.

According to this Bill, we need to understand our environment. Our health sector, for instance, deals with equipment and drugs. So, there is an element of measurement in the health sector. When you are told that you have bought a generic drug, you should also be advised that the original drug is more expensive but more efficient than the generic drug.

An individual who is sold generic drugs without being told so is actually being stolen from by the chemist. This is one area we must look into. A few of us are fortunate enough to go to a good hospital like the Aga-Khan, but there are many Kenyans who go to health facilities located in their neighbourhood where people are after making a quick buck. Like the Leader of the Majority Party said, you walk into a health facility, your body temperature and blood pressure are quickly checked and then you are told you are okay and fit to run, only for you to collapse down the road. All that is about measurements. It is an area that we must be critical and look at carefully with spying glass so that the health of our people is not unnecessarily affected because of bad instrumentation.

With those remarks, I beg to second. Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Omulele): I can see interest from Hon. (Eng.) Gumbo who is the Member for Rarieda.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker. As has been said by my two colleagues; Hon. Aden Barre Duale and my good friend the Member for Saku, this is a very important Bill. I am glad that Hon. Duale made a clarification that metrology has nothing to do with the science of whether, which is meteorology. This Bill as has been said is an Act of Parliament for the manufacture, sale and use of weighing and measuring equipment in trade, health and safety environment in the sale of goods to provide for international best practices and administration of legal metrology services in the devolved system of Government and for related

purposes. It has also been pointed out that the essence of this Bill is to repeal the Weights and Measures Act which is an old Bill.

I think the underlying point in this Bill and the whole essence of metrology has to do with a lot of things. I have looked at this Bill page by page. We tend to focus more on physical measurements but time has come when we must talk about abstract measurements. One of the things which people confront daily and virtually everybody in this country who is an adult carries a mobile phone. How do we know the accuracy of that billing? The whole essence of metrology has to do with the electronic realm. You are told by Safaricom you have consumed this airtime. There has to be a way to measure this. How can we know the accuracy as consumers of these services? We do not interact with them daily. For example, you can go to butchery and 1, 2 or 3 kilos of meat is weighed for you. You can see it being weighed!

I think the whole aspect of the accuracy of billing with regard to electronic services is something which this House must interrogate. In fact, before I became the Chair of the Public Accounts Committee, I was sitting in the Departmental Committee on Energy, Communication and Information. I proposed to that Committee that Safaricom and other major Global System Mobile (GSM) service providers in this country must tell Kenyans the truth. It is not enough to be told this is your bill. It may be true that a minute of calling will cost you this much. How accurate are the bills they present to us? I think when we dissect those bills, it might be possible that is the reason why Safaricom is making huge profits. I am a big shareholder of Safaricom and I have no problem with any company declaring their profits. I think time has come for Safaricom and all other GSM service providers to be called to explain to Kenyans the accuracy of their billing. If you are talking of so many calls in their millions being made per second or minute, a small inaccuracy even to the tune of hundreds or even thousands by the back or forward and overbilling, even if it is expressed as a micro percentage look at the traffic which flows, will translate into a huge amount.

We must move away from the traditional ways. Of course, it is known that our local butcheries tinker with their measuring equipment in very interesting ways. I can remember as a young boy, then food was very hard to come by and there were few times we were able to afford meat. I thank God we are now blessed and can choose what comes to the dinner table. We discovered that the local butcher very cleverly had just tied a stone to the weighing scale.

You can imagine if 10, 50 or 100 people have bought meat and the stone probably weighs 20 or 25 grams. This man is literally selling you stones instead of meat and you are paying for the stone; a stone which he retains by the way. This is the case and yet you do not pay for the stone and take it away. The man remains with the stone but he has charged you for the stone just because he has cleverly attached it to the weight. This is something important. We must look at the entire dichotomy and continuum. Let us not be fixated and start thinking of weighing meat or sugar. Kenyans must be losing a lot in the whole aspect of measurements. I will be looking at this Bill in detail so that we bring in the electronic aspect.

I had a question and I have just seen my friend, Eng. Njoroge, the Principal Secretary for the Ministry of Energy trying to call me. When he appeared before the Departmental Committee on Energy, Communication and Information when I was still sitting on that Committee, I asked him how accurate the electricity bills he gives Kenyans were.

In electrical engineering, there is something we call “calibration” which simply means “every so often”. The accuracy of those metres keeps changing whether electronic or not. You have noticed that if you put your watch side by side with somebody else’s watch, the duration between seconds would be different. That clearly shows that there is either a lag or a lead which over time affects the accuracy of all equipment. That brings you to the whole aspect.

There is a whole subject at the University of Nairobi called “instrumentation and measurements”. After that you graduate to control and measurements. The whole aspect of instrumentation and whether we get value for money goes to the essence of consumer protection. If what you are paying for is not what you get then that is an infringement on the right of the consumer.

Let us not look at this Bill just in terms of the physicality of weights and measures that we are transiting from. However, let us look at it in terms of the possibility of infringement on the constitutional rights of Kenyans.

With regard to the landline, how many of us know where the metre for the bills that come to your house is located? Should it not then be part of the consumer rights that you are educated before you get that service? Should we not, for example, be asking Airtel Kenya, Telkom, Orange and Safaricom to educate the Kenyan people how they can interrogate those bills by being physically shown that this is what it means when we tell you, you have consumed this much airtime? We must insist without knowing the accuracy.

This House, particularly the Departmental Committee on Energy, Communication and Information, has a duty to interrogate those mobile service providers to assure Kenyans that there is no mis-billing and Kenyans are not losing billions as a result because somebody is not watching.

I support, but I will be proposing---

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Omulele): Very well Members. The time being 6.30 p.m., this House stands adjourned until tomorrow Wednesday, 17<sup>th</sup> May, 2017 at 9.30 a.m.

The House rose at 6.30 p.m.