

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 24th November 2015

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]

PRAYERS

Hon. Deputy Speaker: Hon. Members, we are properly constituted. We may begin the business.

MESSAGE

PRESIDENTIAL NOMINATIONS TO ETHICS AND ANTI-CORRUPTION COMMISSION

Hon. Deputy Speaker: I allow the Members to settle down. Hon. Members, I have a Message on the nomination of the Chairperson and Members of the Ethics and Anti-Corruption Commission (EACC).

Pursuant to Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, I wish to notify the House that I have received a Message from His Excellency the President of the Republic of Kenya regarding nominations of the Chairperson and members of EACC. In the Message dated 10th November 2015, the President conveys that, in exercise of powers conferred upon him under the Constitution of Kenya, 2010 and the Ethics and Anti-Corruption (Amendment) Act, 2015, he has nominated the following persons to the EACC:-

1. Philip K.B. Kinusu, Chairperson
2. Dabar Abdi Maalim, Member
3. Paul Mwaniki Gachoka, Member
4. Sophia Lepuchirit, Member
5. Rose Mghoi MtamboMacharia, Member (3)

Hon. Members, Section 10(3) of the Ethics and Anti-Corruption (Amendment) Act, provides:-

“The National Assembly shall, within twenty one days of the day it next sits after receipt of the name of an applicant under subsection 2, vet and consider the applicant, and may approve or reject applicants for any or all vacancies in the Commission.”

I hereby refer the names of the nominees, including their curriculum vitae, to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings. I wish to guide the Committee and the House as follows:

1. The Committee should notify the nominees and the general public of the time and place for holding the approval hearings in good time. The notification should, therefore, be made immediately, and
2. The Committee should thereafter, commence the necessary approval hearings and prepare their report for submission to the House within the required timelines.

Hon. Members, since the 21-day period accorded to the House for consideration of the proposed appointments will expire on Tuesday, 15th December 2015 the House Business Committee (HBC) will guide the House, at a later stage, on when the House will sit to consider the approval Motion.

The House is accordingly guided.

PETITIONS

Hon. Deputy Speaker: On this, we have two petitions. The first one is by Hon. Onesmus Njuki.

MISAPPROPRIATION OF FUNDS BY KENYA SWIMMING FEDERATION

Hon. Njuki: Thank you, Hon. Speaker. Pursuant to Standing Order No. 223, I wish to present a petition on alleged mismanagement and misappropriation of funds by the Kenya Swimming Federation (KSF).

I, the undersigned, on behalf of Kenya Swimming Federation, draw the attention of the House to the following:

THAT, the spirit of the Sports Act, 2013 was to harness sports for development, encourage and promote drug free sports and recreation, and to provide for the establishment of sports institutions, facilities, administration and management of sports in the country.

THAT, the swimming stakeholders in Kenya including the swimmers, coaches and parents have been oppressed and intimidated into silence to confront perennial issues of incompetence, corruption and lack of accountability in Kenya Swimming Federation.

THAT, the Kenya Swimming Federation has failed to present audited accounts for the last seven years.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, the consultations are high.

Hon. Njuki: THAT, the Federation is marred by biasness, favouritism and nepotism evident in the selection of national teams and distribution of coaches and swimming scholarships.

THAT, despite the fact that most swimming teams are self-funded, there is an alleged misappropriation of funds by the Federation hence inconveniencing the swimmers during the tournaments.

THAT, it is the Government's responsibility to create conducive environment for the swimmers to excel and realise their full potential both in national and international arenas.

THAT, efforts to address this matter with the relevant agencies have been futile and,

THAT, the issue in respect of this petition that has been made is not pending in any court of law, constitutional or a legal body.

THEREFORE, your humble petitioners pray that the National Assembly through the Departmental Committee on Labour and Social Welfare urges the Ministry of Sports, Culture and Arts to inquire into the affairs of Kenya Swimming Federation; recommends an audit of the Federation's accounts, activities and convenes a stakeholder's forum to constitute a caretaker Committee, and makes any other recommendation to address the plight of the petitioners.

And your petitioners will ever pray.

At the moment, the elephant in the room is corruption. Last week, the national team, Harambee Stars, almost missed their match because of alleged corruption in Football Federation of Kenya (FKF). I was going to request---

Hon. Deputy Speaker: You seem to be going beyond the petition.

Hon. Njuki: I was requesting that in view of this fact and what has happened today in Riadha House where Athletics Kenya (AK) offices are, you allow a few Members to ventilate on this issue because the issue of sports in this country is being threatened. It is going into total disarray because of corruption. I humbly request you to allow a few Members to ventilate on the issue.

Hon. Deputy Speaker: That is in order. That is part of our Standing Orders. I will first read the second petition, after that you can then make any comments on either of the two petitions.

FORCEFUL EVICTION OF KIBOROA SQUATTERS

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order No. 225(2)(b), I wish to convey to the House that I am in receipt of a petition signed by one, Moses Wanjala and Wenceslaus Wakhungu regarding alleged forceful eviction of Kiboroo land owners from their ancestral land. The two petitioners have petitioned on behalf of 21,297 members of Kiboroo Squatters Alliance of Trans Nzoia County.

The petitioners claim that they were forcefully evicted from Olngatongo and Sabwani Farms in Trans Nzoia County by the Government. The petitioners further claim the land in question was converted into Agricultural Development Corporation (ADC) farms and that they have been denied the right and access to the said land.

The petitioners are therefore, praying that the National Assembly, through the Departmental Committee on Lands:-

1. inquires into the circumstances under which Kiboroo squatters were forcefully evicted from their ancestral land;
2. causes the National Land Commission (NLC) to validate the list of over 21,000 squatters as they appear on the register submitted by the petitioners and finds ways of resettling them at the said land, and
3. makes any other order or direction that it deems fit in the circumstances of the prayers sought.

Pursuant to the provisions of Standing Order No. 227(1), this petition stands committed to the Departmental Committee on Lands for consideration. The Committee is required to engage the petitioners, the NLC and the Ministry of Land and Urban Settlement with a view of arriving at a lasting solution to the issues raised in the petition.

I thank you.

Hon. Members, remember that Standing Order No. 226 allows half an hour only of contribution on the two petitions that have been given. There is a long list. Hon. Abdikadir Omar, state one of the two petitions you are making your contribution on.

Hon. Aden: No.

Hon. Deputy Speaker: This is not on the petitions? Hon. Members, please just use the intervention button if you want to contribute on petitions. Hon. Johanna Ng'eno.

(Hon. (Dr.) Pukose moved to the Dispatch Box)

Hon. Pukose, you are from Trans Nzoia and not Trans Mara.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker for allowing me to contribute to this petition. On the first petition about the swimmers, it is a valid issue that can be looked into considering the other sports.

My issue is on the petition by the Kiboroo squatters which got most of us by surprise because we have had some Non-Governmental Organisations (NGOs) claiming that they were the people who were evicted from Kiboroo. So, we would want when the Committee sits, the NGOs produce documentary evidence to show when they were evicted from the ADC Sabwani and ADC Olngatongo. We need that to be documented because the Kiboroo squatters were evicted in 1976 when Yusuf Haji was the Provincial Commissioner for Rift Valley and as the PC at that time, he has a list of the people who were evicted from Kiboroo. It will not be good to have individuals masquerading as squatters from Kiboroo when these are just NGOs who have been collecting money from desperate Kenyans who want to be resettled.

The issue of squatters in Trans Nzoia is a very major issue that we would like to be treated with the seriousness it deserves. We have squatters who have worked in the ADC farms right from the time of colonialism and that is where their children were born. Some of them came from Turkana and Bungoma. They lived in the ADC farms where they worked. These are the genuine squatters. We would like this issue to be addressed more so by all the leaders from Trans Nzoia, and especially all of us the elected leaders. Let us have Hon. Ferdinand Wanyonyi, Hon. Chris Wamalwa, Hon. Wesley and Hon. Wafula so that we can tackle this issue in a more responsible way as leaders from that county.

Thank you.

Hon. Deputy Speaker: Hon. David Wafula, I am told Kiboroo is in your constituency.

Hon. Wekesa: Yes, it is. Ahsante sana Mhe. Naibu Spika kwa kunipa fursa hii ili nami nichangie ombi la maskwota ambao wanatoka Trans Nzoia. Nikisimama hapa, ninaongea kama mtoto halisi wa skwota namba moja kutoka Trans Nzoia County. Sisi sote tunajua kwamba suala la maskwota humu nchini ni kizungumkuti sana hasa Trans Nzoia ambayo ni lindi la maskwota. Sisi kama viongozi wakutoka Trans Nzoia tunaomba hii Kamati ambayo inahusika na hili suala, iangalie hili suala kwa makini sana. Tunastajabu kwamba mara nyingi Serikali imekuwa ikitoa maskwota sehemu zingine na kuwapa makazi Trans Nzoia ilhali maskwota halisi wa kutoka Trans Nzoia hawana mashamba.

Ahsante sana. Ninaunga mkono ombi hili.

Hon. Deputy Speaker: Let us now have Hon. Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, we share a common border with Hon. Pukose. I am also surprised that there is a petition from this area which I am not aware of. We

know for sure that people in Trans Nzoia were mostly affected by the clashes of 1992 and, of course, by the recent ones that happened in 2007. Some people are making money out of the clashes. The petitioner has not said exactly when they were evicted. Those ADC farms are very old. Some people come from as far as Uganda because our constituency borders Uganda. I am sure that some of these people are in it for business because they know that the Government is giving out money.

When the Departmental Committee on Lands meets, we want them to invite the five Members of Parliament from Trans Nzoia so that we can look at this petition without wasting their time. Some of these people are just businessmen looking for ways of making money. As far as I am concerned, we have genuine squatters. Some of them are Internally Displaced Persons (IDPs).

In my constituency, there are about five areas which had clashes in 1992, where the late Hon. George Kapten bought five acres of land on which 58 families were housed from 1992 up to now. The families are now made up of about 2,000 members and are still living on a five-acre piece of land. If those were the petitioners, I would agree. But these others could be bogus businessmen looking for the money that the Government is giving out. This should be taken seriously so that the Committee can invite us to look at this matter and verify the genuineness of this petition.

I disagree with that petition.

Hon. Kipyegon: Hon. Deputy Speaker, I would also like to contribute to the petition on swimmers and squatters.

Just as my friend said, as a country, we have a very serious deficit of ideas on how to deal with most sports, which normally earn this country a lot of money and give it a good name. Yesterday, some sportspeople had to occupy Riadha House simply because of the mismanagement of this area. The concerned Committee should largely look at exactly why we have this serious problem in the country. The problem of corruption must be addressed. I am happy that the President yesterday declared war on corruption and declared the vice a national disaster. I hope he will walk the talk. We do not expect the same situation to go on.

On the question of squatters, I used to be a director at the ADC and the issue of squatters has always risen. It never dies. It is not only the Kiborua squatters. We also have many complaints from several farms. We have a farm in Mau-Narok whose ownership is in dispute. We have farms in Trans Nzoia, Kitale and in coast region, whose ownerships are in dispute. This county must look at the problem of squatters.

After all, the squatters are Kenyan. We should not look at them as if they are landless people who do not belong to this country. We must not act as if it is their habit. We must find a comprehensive method of relooking at the squatter issue in this country so that they can be settled. It is said that we cannot eliminate the problem of squatters because whenever one group is settled, another group emerges. That shows you the level of poverty in this country. There is nobody who has enough money to cater for his children's welfare who would like to be a squatter. It is because of the level of poverty in the country. We must seriously look at the problem of squatters.

We also need to look at the problem of IDPs as my brother, Hon. Wanyonyi, has said. We have several IDPs who were either displaced from forests or by the clashes. We need to address those problems. The country must move away from a situation where some people do not have a place to farm or take care of their children.

I hope that the people who will look at the petition will not only seriously look at the Kiboroa squatters but will also address the squatter problem that touches on the ADC farms. If these farms are still worth what they were meant to be, then the squatters must be given alternative settlements. If these farms no longer serve their purpose because there are very many people who have grabbed the land a parcel of that land should be hived off to settle the squatters.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Hellen Sambili, is your request in relation to the squatter petition or the sports one?

Hon. (Prof.) Sambili: Hon. Deputy Speaker, it is to do with sports.

Hon. Deputy Speaker: Please, proceed.

Hon. (Prof.) Sambili: Hon. Deputy Speaker, I thank you for giving me the opportunity to add my voice in support of the petition on sports.

This country is known worldwide because of our sporting prowess. The athletes of this country have done well. We are very saddened by what is going on at Riadha House. We have been hearing about corruption, which is affecting this country's athletes. This petition should be given the seriousness that it deserves. Let proper investigations be conducted so that our athletes, who have continued to do this country proud, can be protected from corruption. Let this country continue enjoying the respect that it deserves.

Regarding the doping allegations, let investigations be carried out so that the athletes and the country can be protected. Let there be fairness and serious investigations being conducted. We are glad that His Excellency the President only yesterday gave a directive to ensure that corruption, which has become a national problem or disaster, is looked into. Let the sportsmen and sportswomen of this country be protected from corruption and mistreatment.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, you have sufficiently ventilated on the petitions. Hon. Chris Wamalwa, I will allow you to speak because you are from the region affected by the issues being addressed by the petition.

Hon. Wakhungu: Hon. Deputy Speaker, this is a very critical issue. I thank you very much for giving me an opportunity to contribute.

Land is a factor of production. Coming from Trans Nzoia County, it is important that we know who the genuine squatters are. The people of Trans Nzoia have suffered a lot. We have had people from outside Trans Nzoia County being settled yet the real squatters who have been there for years have not been given any chance. My humble request to the Departmental Committee on Lands is that when they go there, it is important that they give notice and invite all the elected leaders from that area so that we can also be there. This is because they did not involve us the last time they went there. We were very disappointed as their colleagues. Please, let them invite us so that we can attend the hearings.

As my colleagues have said, the issue of squatters in Trans Nzoia County is very critical. We know very well that Trans Nzoia is the bread basket for this country but we have people who are suffering as squatters. It is important that the Bill on historical injustices is expedited so that we can move with speed and help the genuine squatters who have been there since the colonial days. The Government has not taken any action to settle them. It is my humble request that we work together so that we know who the genuine squatters are.

As Hon. Pukose has said, if we have any NGOs masquerading for purposes of corruption, or for purposes of reaping where they have not sown, action must be taken against them.

It is high time the National Land Commission (NLC) moved in. The county government is also sleeping on the job as far as this issue of land is concerned. The Committee should also involve us, as leaders.

I thank you.

Hon. Deputy Speaker: Hon. Members, that brings us to the end of that Order.

Let us move on to the next Order.

PAPERS LAID

Hon. Deputy Speaker: The laying of Papers will be done by Hon. Jamleck on behalf of the Leader of the Majority Party and the Majority Whip.

Hon. Kamau: Thank you, Hon. Deputy Speaker.

I beg to lay the following Papers on the Table of the House today, Tuesday, 24th November, 2015:-

The Report of the Auditor-General on the Financial Statements of Tea Board of Kenya for the year ended 31th July 2014 and the Certificate there in.

The Report of the Auditor-General on the Financial Statements of Small Enterprises Finance Company Limited for the year ended 31st December 2013 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of Moi Teaching and Referral Hospital for the year ended 30th June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements on the Agro-Chemical and Food Company Limited for the year 30th June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of Kenya Ordinance Factory Corporation for the year ended 30th June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of Karatina University for the year ended 30th June 2014 and the Certificate therein.

The Summary Report of the Independent Auditor on the Kenya National Audit Office for the period 1st July 2012 to 30th June 2013.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (CDF) for the year ended 30th June 2014 and the Certificate there in, in respect of Mwatate Constituency, Voi Constituency, Kasipul Kabondo Constituency, Uriri Constituency, Mbita Constituency and Narok West Constituency.

The Consolidated National Government Investment Report for the 2014/2015 Financial Year from the National Treasury.

The CDF Board Report on project approvals and disbursement status for the months of September and October 2015 including restriction on constituency accounts.

The Annual Reports and Financial Statements of Kenyatta University for the years ended 30th June, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

I thank you.

Hon. Deputy Speaker: We also have a report from a member of the Kenya Delegation to the ACP –EU, Joint Parliamentary Assembly, Hon. Abdikadir.

Hon Aden: Thank you, Hon. Deputy Speaker.

I beg to lay the following Papers on the Table of the House today, Tuesday, 24th November 2015:-

The 37th Session of the ACP-EU Parliamentary Assembly and the Inter-Sessional meetings of the ACP-EU Joint Parliamentary Assembly in Brussels Belgium from 17th to 20th March, 2015.

The 38th Session of the ACP-EU Parliamentary Assembly and the 29th Session of the ACP-EU Joint Parliamentary Assembly at Suva Fiji from 10th to 17 June 2015.

I thank you.

Hon. Deputy Speaker: We have yet another report by the Departmental Committee on Justice and Legal Affairs. Yes, Hon. Nyokabi.

Hon. (Ms.) Kanyua: Thank you, Hon. Deputy Speaker.

I beg to lay the following Paper on the Table of the House today, Tuesday, 24th November 2015:-

The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Government Proceedings (Amendment) Bill, Senate Bill No.10 of 2014.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The next report is on CDF. Let us have Hon. Lessonet.

Hon. Lessonet: Thank you, Hon. Deputy Speaker.

I beg to lay the following Paper on the Table of the House today, Tuesday, 24th November 2015:-

The Report of the Select Committee on CDF in respect of the National Government CDF Bill, 2015.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We have one from the Departmental Committee on Agriculture Livestock and Cooperatives.

Hon. Nooru: Thank you, Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, 24th November 2015:

The Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the inquiry into the impoundment of the consignment of fertilizer imported by the Ministry of Agriculture, Livestock and Fisheries through the National Cereals and Produce Board which was impounded by the Kenya Bureau of Standards (KEBS).

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The next report is by the Chairperson, Departmental Committee on Health.

Hon Mule: Thank you, Hon. Deputy Speaker.

I beg to lay the following Papers on the Table of the House today, Tuesday, 24th November 2015:-

Delegation Reports on 20th Human Immunodeficiency Virus (HIV) International Conference in Melbourne, Australia from 20th to 25th July, 2014.

The Report on HIV/TB Global Fund Consultation Meeting from 6th to 10th May, 2015 in Addis Ababa, Ethiopia.

Report of the Delegation to the 45th Union World Conference on Lung Health and TB Conference in Barcelona, Spain from 28th October to 1st November, 2014.

The Report of the Delegation on high level panel meeting on expansion of health in low and middle income countries held in Washington DC, USA from 4th to 7th November.

I was accompanied by Hon. Pukose.

I just want to alert Members that these are delegations which were formed by members of the TB Caucus who have been championing the eradication of TB. As we go for our recess, be aware that there is a survey being done in our constituencies regarding the number of cases of TB in Kenya in order to manage it.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us now have the Chairperson, Departmental Committee on Lands.

Hon. Mwiru : Thank you, Hon. Deputy Speaker. Before I lay the Papers, I would like to seek your indulgence that my Vice-Chair gives notice of Motion after I lay the Papers.

Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House, today, Tuesday, 24th November 2015:-

The Report on the State House Crescent Land.

The Petition by the residents of Chuka-Igambangombe on alleged grabbing of public land belonging to Township Primary School.

Report on ownership of Mombasa Cement Limited Land in Kilifi County.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is okay. Let us now move on to the next Order on Notice of Motion. Before we move to Notice of Motion, the Public Investments Committee (PIC) is supposed to be laying a Paper as well. If they are not here, let us move to the next Order.

NOTICES OF MOTIONS

Hon. Deputy Speaker: Because the other committees have not laid Papers, they cannot give notices of Motions. I am, therefore, left with the Departmental Committee on Agriculture, Livestock and Cooperatives and the Departmental Committee on Lands to give notices of Motions.

ADOPTION OF REPORT ON IMPORTATION OF FERTILIZER

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

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the inquiry into the importation of a consignment of fertilizer by the Ministry of Agriculture, Livestock and Fisheries through the National Cereals and Produce Board.

Hon. Deputy Speaker: Let us now have the Chairperson of the Departmental Committee on Lands.

Hon. Mwiru: Hon. Deputy Speaker, I beg to give notices of the following Motions:-

ADOPTION OF REPORT ON STATE HOUSE CRESCENT LAND

THAT, this House adopts the Report of the Departmental Committee on Lands on the State House Crescent land, laid on the Table of the House today, Tuesday, 24th November 2015.

ADOPTION OF REPORT ON MOMBASA CEMENT LAND

THAT, this House adopts the Report of the Departmental Committee on Lands on the ownership of Mombasa Cement Limited land in Kilifi County, laid on the Table of the House today, Tuesday, 24th November 2015.

Hon. Deputy Speaker: Yes, Hon. Abdikadir.

ADOPTION OF REPORT ON ACP-EU JOINT
PARLIAMENTARY ASSEMBLY MEETINGS

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

THAT, this House notes and adopts the Report of the Kenyan delegation to the ACP-EU Joint Parliamentary Assembly meetings attended in March and June, 2015, laid on the Table of the House on Tuesday, 24th November 2015.

I thank you.

STATEMENTS

Hon. Deputy Speaker: Hon. Members, under this Order, we will have two Statements; one by Hon. Thomas Mwadeghu and a Personal Statement by Hon. Munuve.

Proceed, Hon. Thomas Mwadeghu.

INVITATION TO ATTEND PAPAL MASS

Hon. Mwadeghu: Mhe. Naibu Spika, ahsante sana kwa kunipa nafasi hii ili niwafahamishe Wabunge wenzangu kuhusu ziara ya Baba Mtakatifu ambaye atakuwa humu nchini kuanzia kesho.

Wabunge waheshimiwa, mpangilio ambao umewekwa---

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, the Statement by Hon. Mwadeghu is of interest to all of us. Can we all give him the attention he requires so that we do not ask questions afterwards?

Hon. Members: Speak in English! Speak in English!

Hon. Deputy Speaker: He has already started speaking in Kiswahili and you know the rules of the House.

Hon. Mwadeghu: Mhe. Naibu Spika, kama kuna masahihisho yoyote ambayo yanahitajika, ni jambo la kawaida watu kusahihishana.

Ninaomba niwafahamishe Wabunge kuwa Baba Mtakatifu atawasili kesho. Wabunge wamealikwa na Serikali waende Ikulu kesho wawe pamoja na Rais akimpokea na kumkaribisha Baba Mtakatifu katika Ikulu hapo kesho.

Kila Mbunge amepatiwa cheti cha mwaliko. Iwapa kuna Mbunge ambaye hajakipata cheti hicho, ninamshauri aende kule sebuleni akakichukue. Pia, kuna pasi ya gari. Hapo awali tulifikiria tutapata basi ili tuende pamoja lakini imeamuliwa kuwa kila Mbunge yuko huru

kutumia usafiri wake binafsi mradi tu aweke kibandiko ambacho kinamruhusu kuingia huko Ikulu. Munaelewa kwamba mpangilio huo umezingatia masuala ya usalama.

La pili, kuna ibada ya misa siku ya Alhamisi kuanzia saa kumi---

Hon. Deputy Speaker: Hon. Mwadeghu, you have not given the time at which Members should be there.

Hon. Mwadeghu: Bi. Naibu wa Spika, Wabunge wanatakiwa kuwa katika Ikulu kesho saa kumi jioni.

Siku ya Alhamisi, kila Mbunge na kila mwananchi amealikwa ahudhurie ibada ya misa ambayo itaandaliwa na kusomwa na Baba Mtakatifu. Wabunge wamepatiwa mwaliko na vibali vya kuingia. Ninawaomba Wabunge wanisikize kwa makini.

Kitu cha kwanza, magari hayatakubaliwa katika uwanja wa Chuo Kikuu cha Nairobi. Kwa hivyo, waalikwa watapitia barabara ya Uhuru Highway mpaka karibu na mzunguko wa Museum Hill, na kuacha magari hapo na kuelekea kwa miguu kwenye uwanja. Kwenye lango la kuingia, kutakuwa na wafanyikazi wa Bunge ambao watawaonyesha mahali pa kukaa.

Tumeomba tufanye mawili. Kwanza, ile kadi ya mwaliko ambayo umepatiwa imetumwa na askofu Philip Anyolo, ambaye ni Mwenyekiti wa Maaskofu wote Kenya. Ziko hapa sebuleni. Kila Mbunge anaombwa achukue yake. Pili, kila Mbunge ana kitambulisho chake cha kuonyesha kuwa yeye ni Mbunge. Mnaombwa, ili kurahisisha kazi na kwa sababu ya usalama, kila Mbunge abebe kitambulisho chake ili iwe rahisi kwa Wabunge kutambulika ndiyo msije mkasumbuliwa na walinda usalama.

Tunaomba hafla hii iwe ya kufana ili kila mtu apate baraka za Baba Mtakatifu. Ninatumai nimejieleza vilivyo.

Nitaomba ruhusa nikimaliza tangazo hili niende kwa Ofisi ya Rais kwa sababu kuna tatizo ambalo limetokea kwa wake na mabwana wa Wabunge. Tuliwakilisha majina ya wake na mabwana zetu lakini bado kuna tashwishi ambayo ninaenda kuimaliza. Bila shaka, nitapata wasaa wa kuwasiliana na Wabunge kabla ya muda kuisha.

Hon. Deputy Speaker: What is the time again?

Hon. Mwadeghu: Misa itanza saa nne asubuhi siku ya Alhamisi. Mnaombwa, tafadhali, mhakikishe mko hapo mapema maana milango itafungwa ikifika saa tatu kwa sababu za kiusalama. Hatutaki watu kuzungukazunguka wakati ibaada takatifu inaendelea.

Ni vyema kila Mbunge achukue nafasi hii ya kipekee kupata baraka za Baba Mtakatifu. Msiichukue kimzaha. Mmeona watu wameanza kuridhiana. Nchi imeanza kupata angalau heri ya kuwa wanaweza kusameheana. Waheshimiwa, chukueni nafasi hii mje nyote. Haijalishi uko dini ipi. Njoni, mmekaribishwa.

Ninatumai nimejieleza vya kutosha. Labda kuwe na suala la kufafanua, niko tayari kuwahudumia Wabunge wenzangu. Mungu awabariki.

Asante, Mhe. Naibu Spika.

Hon. Deputy Speaker: Thank you, Hon. Mwadeghu for that information.

Hon. Njuki: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Muthomi?

Hon. Njuki: Hon. Deputy Speaker, Members of Parliament are family people. When the Member says that there is a problem with the list of the spouses and he does not substantiate, that is something that makes one hold his breath for some time for him to come back, but he does not come back. It is good for him to clarify what exactly the problem is so that we can understand.

Hon. Deputy Speaker: Hon. Muthomi Njuki, he clearly said that he is trying to go and sort out the issue. That is what he said. So, allow him that time to sort out whatever issue there is and then he will get back to us, Hon. Members.

Hon. Members, just to remind you, we need you all to be here because we will be discussing a matter that is very dear to your hearts, namely, the CDF. Before that, we need to see if we can fast-track some of the other orders that are before it, so that we can conclude the National Government Constituencies Development Fund Bill that is on the Order Paper. Just to appeal to the Members, let us all stay put so that we can transact this business and complete it. You know what I mean.

Hon. Members, can we listen to Hon. Munuve?

Hon. Members: Yes.

PERSONAL STATEMENT

DISRUPTION OF *HARAMBEE* IN MWINGI BY GOONS

Hon. Mati: Thank you, Hon. Deputy Speaker. My name is John Munuve, the Member of Parliament for Mwingi North in Kitui County.

I have stood here under Standing Order No.84 on Personal Statements. This has been occasioned by what most Members have seen on the media about some very primitive and archaic attack on my person and my people on Friday, 20th November 2015. My constituency is a very poor one. It ranks third in the whole of Ukambani. It has 800 metres of tarmac, only 0.75 per cent of the population has access to clean water and in about 40 per cent of the schools children study under trees or in semi-permanent houses. I have been trying my best to change this situation.

I am most grateful to Members who have been to my aid including Hon. Mwiru. I held a *Harambee* two weeks ago, which was supposed to be presided over by His Excellency the Deputy President of the Republic of Kenya, Hon. Ruto. The “Deputy Vice-President” could not come and he sent the Leader of the Majority Party, Hon. Duale.

Hon. Deputy Speaker: Did you address the Deputy President by the right title? You are referring to him as the Deputy Vice-President.

Hon. Mati: Hon. Deputy Speaker, I stand guided. It is just that I am a bit emotional after what happened to me on Friday.

The Deputy President informed us that he was not able to attend and he sent the Leader of the Majority Party, Hon. Duale to preside over the *Harambee*. Many Members of Parliament sent their contributions and others came in person. We contributed about Kshs4 million in aid of two very poor secondary schools, namely, Twimoa and Mivukoni secondary schools.

On Friday 20th November 2015, there was a women’s *Harambee* at Ngomeni Market in my constituency. Hon. Kalonzo Musyoka and I were both guests of honour in the *Harambee*. I left Nairobi at 9.00 a.m. for the *Harambee*, but while at Mwingi, which is midway, I was informed that there was a meeting at Cottage Hotel in Machakos, which is owned by Hon. Kalonzo. I was further informed that goons had been hired to attack me at the *Harambee*. I still proceeded to the *Harambee* because I could not be cowed by strangers in my constituency. These goons were hired from Machakos, Mwingi Town and Makueni.

During the *Harambee*, Kalonzo started speaking in parables and accused me of bringing Hon. Duale to his home. He accused Hon. Duale of being a murderer and a person who should not be brought to Mwingi North, which I found dishonourable and uncouth. He also accused me of working with a Government of thieves. The public shouted back at Hon. Kalonzo telling him that he had gone to his constituency with His Excellency the President, Uhuru Muigai Kenyatta, whom he was now accusing of being a thief. It should be noted that Hon. Kalonzo has not shied away or even stopped working with any Government that has given him an opportunity.

At this point, the goons attacked the young man who had told Hon. Kalonzo that he had taken the President to his constituency. One youth was floored and beaten and the other one ran to me for protection. I thought I had the capacity to protect that youth until one, Senator Muthama, the Muthama of *nusu suruali* at the Speaker's Gallery, took a chair and aimed at my head. This happened in full view of Hon. Members who sit in this House. Thank God I responded quickly and managed to kick the chair.

Hon. Deputy Speaker, lives would have been lost in this incident were it not for my bodyguard who shot in the air to stop the goons from beating and stoning the youth. There is a history of political deaths and violence in my constituency, which I would like to bring to your attention.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, can you familiarise yourselves with your Standing Orders? Under Standing Order No.84, the Hon. Member has the Floor.

Hon. Mati: Hon. Deputy Speaker, during the multiparty elections in 1992, Mr. Mwenga who was a prominent businessman in my local shopping centre was shot with a poisoned arrow for continuing to sell drinks and supplies to me, a then FORD supporter. No one has ever been arrested to date.

Hon. Kalonzo Musyoka's predecessor, Hon. Philip Manandu, who was a Member of this House, was shot dead at his business premises in Tseikuru by an Administration Police officer, Mafia style, with four of his friends. Within minutes, the assassin was assassinated to close the chapter. To this day, the death of this Hon. Member remains unresolved. I hope the chronology of events that I am giving shows you the reason I make this Personal Statement.

Two months ago, Hon. Members of this House namely, Hon. Regina Ndambuki and Hon. Mutemi, were accosted by Hon. Kalonzo's goons who attempted to strip naked Hon. Ndambuki and disarm Hon. Mutemi the only aid he uses for mobility, his walking stick.

(Loud consultations)

Hon. Deputy Speaker: Order! Order, Hon. Members!

Hon. Mati: Hon. Deputy Speaker, Hon. Kalonzo and Hon. Muthama were present and possibly financed the project. Hon. Muniyaka of Machakos also had goons sent to his constituency and a fight ensued.

In 1997, Hon. Charity Ngilu, a former Cabinet Secretary in the present Government, had her hand broken by Hon. Kalonzo's goons in Kibwezi.

(Loud consultation)

Hon. Deputy Speaker: Order, Hon. Members! Just proceed to complete your Statement, Hon. Munuve.

Hon. Mati: Hon. Deputy Speaker, I will not be disturbed by people who protect impunity, dictators and murderers! I will not be stopped.

(Loud consultations)

Hon. Deputy Speaker: Order! Order, Hon. Members! Standing Order No.84 clearly states:-

“By the indulgence of the House, a Member may explain matters of a personal nature although there is no question before the House, but such matter may not be debated”.

Hon. Mati: Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Or you had finished, Hon. Munuve? Your point has been made.

Hon. Mati: Hon. Deputy Speaker, this is the second time I am making a plea to the Chair for personal protection. I made the first appeal after I was accosted to give up my seat after Hon. Kalonzo and team had lost the presidency. I was threatened.

I seek your indulgence and protection. I know the Chair is capable of protecting me within and outside the House because goons are out to get me. My crime is to bring development to my constituency and to be transparent in the management of the CDF.

At a dinner that was hosted at Cottage Hotel in Mwingi Town, which is owned by Kalonzo Musyoka, all the goons were given Kshs2,000 and two goats to eat for a job well done. I am told that the next stop for these goons is Kitui South, which is represented in Parliament by Hon. (Dr.) Rachel Nyamai.

(Loud consultations)

Hon. Deputy Speaker: Order, Hon. Members!

Hon. Mati: Hon. Deputy Speaker, I seek your indulgence in prosecuting this matter. We will not continue to be terrorised by goons and political rejects who have nothing to do in terms of development for this nation.

With those few remarks, thank you very much for listening to me.

(Loud consultations)

Hon. Deputy Speaker: Order, Hon. Members! Order, Hon. Kombe! I have just read the Standing Orders.

Hon. Mati Munuve, you have sought to be protected. I hope you have reported this matter to Parliament Police Station and that you have also taken the matter with the necessary bodies that can investigate and find out the exact things that took place so that you can get proper protection.

Let us move on to the next Order.

BILLS

Second Reading

THE ACCESS TO INFORMATION BILL

*(Hon. (Ms.) Kanyua on 19.11.2015)**(Resumption of Debate interrupted on 19.11.2015)**(Loud consultations)*

Hon. Deputy Speaker: Order, Hon. Members! Order, Hon. Kanini Kega! Hon. Members, there is too much excitement in the House. We have serious business to transact and we need your presence here as I had indicated earlier on.

This Bill had been debated and it was only left with putting 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 GOVERNMENT PROCEEDINGS (AMENDMENT) BILL

*(Hon. (Ms.) Kanyua on 19.11.2015)**(Resumption of Debate interrupted on 19.11.2015)*

Hon. Deputy Speaker: Hon. Members, this Bill had also been sufficiently concluded. It was only left with the putting of the Question. I proceed to 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 PROTECTION OF TRADITIONAL KNOWLEDGE AND
TRADITIONAL CULTURAL EXPRESSIONS BILL*(Hon. Katoo on 12.11.2015)**(Resumption of Debate interrupted on 12.11.2015)*

Hon. Deputy Speaker: Hon. Munyaka. Hon. Members, remember I had earlier on indicated that many Members had made sufficient contributions to these three Bills.

Proceed, Hon. Munyaka.

Hon. (Dr.) Munyaka: Hon. Deputy Speaker, I rise under Standing Order No. 95 to request that the Mover be called upon to reply on Order No.10.

I say that because 21 Members had already deliberated on this. As you have said, we have a very important business on the CDF for the House to handle.

(Several Members walked out of the Chamber)

Hon. Deputy Speaker: Hon. Members, if that is the feeling of Members, then we will need your presence in the Chamber. That will enable us move together and complete this session we are talking about. I should not see Members exiting.

Hon. (Dr.) Munyaka: Hon. Deputy Speaker, I beg to move under Standing Order No.95 that the Mover be called upon to reply on Order No. 10.

Hon. Deputy Speaker: Hon. Members, you have heard what Hon. (Dr.) Munyaka has said.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Hon. Katoo: Hon. Deputy Speaker, I beg to reply.

(Question put and agreed to)

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

THE HEALTH BILL

Hon. (Dr.) Shaban on 29.10.2015)

(Resumption of Debate interrupted on 10.11.2015)

Hon. Deputy Speaker: Yes, Hon. Munyaka.

Hon. (Dr.) Munyaka: Hon. Deputy Speaker, on the same spirit, I beg to move, under Standing Order No.95 that the Mover be called upon to reply. This is because 28 Members had already contributed to this Bill. We still have the CDF Bill which is very important for Members. I request that the Mover be now called upon to reply.

Hon. (Dr.) Simiyu: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Simiyu?

Hon. (Dr.) Simiyu: Hon. Deputy Speaker, while I know we are in a hurry to get to the CDF Bill, we should not commit an injustice on Kenyans. If, indeed, it is felt that the Health Bill should not be debated now, the issue of calling on the Mover to reply should not arise.

Perhaps, the Chair can use its discretion to reorganize the Order Paper so that the Health Bill comes later on because this is a very important Bill. I am surprised that Hon. (Dr.) Munyaka can say we have done justice to this Bill only after 28 Members have contributed. We are talking about the health of Kenyans and not chicken!

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, 28 Members have made contributions to this Bill. Let me use my discretion to give a chance to two Members from each side. I know that a lot of what was being said was becoming repetitive. I have been here and I know. Many things that Members were raising were, again, being raised by other Members. So, what Hon. (Dr.) Munyaka is saying is not totally out of order. As you have rightfully said, let me use my discretion to give a chance to two Members from either side then we can see if we can call upon the Mover to reply.

(Loud consultations)

Hon. Deputy Speaker: Order, Hon. Members! The first Member I will call upon to contribute is Hon. Anami.

Hon. Anami: Hon. Deputy Speaker, I actually wanted to speak on Order No.10.

Hon. Deputy Speaker: Hon. Member, that is now spent. Do not take us back. We have already passed that so let us not go backwards. You should either contribute on the Health Bill, or give the chance to somebody else. Are you talking about the Health Bill? The machines are faulty and we cannot see you on the screen anymore.

Hon. Anami: Hon. Deputy Speaker, you will pardon me because I had actually pressed both buttons. My main concern, just as was raised by Hon. (Dr.) Eseli, was on Order No.10. I did not have opportunity to speak about it as I was away on official duties of Parliament.

Hon. Deputy Speaker: It is now spent, Hon. Anami.

Hon. Anami: Hon. Deputy Speaker, so, I would like to then extend this time on the Health Bill to Hon. (Dr.) Wamalwa.

Hon. Deputy Speaker: Have you become the Speaker, Hon. Anami? Let me do my job. Thank you.

(Laughter)

Hon. Nyokabi, we are now on Order No.11, the Health Bill. Members, you are confusing me. Can you please, press the button when you are interested in contributing to the Health Bill? I hope the Members know that you cannot contribute on the same Bill twice.

Yes, Hon. Chris Wamalwa

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. I rise to speak on the Health Bill. Indeed, it is a critical Bill that needs to be given ample time. I am already drafting an amendment that I will prosecute when the Bill gets to the Committee of the whole House stage.

The Constitution is very clear. It provides a right to the highest attainable standard of healthcare for every Kenyan which includes the right to health services and reproductive health care. The Fourth Schedule of the Constitution talks about health being a devolved function. However, when it comes to policy, it is done by the national Government. The experience in my constituency is that deaths have increased since 2010 and I have been asking myself why this is so. This is because the health function has been devolved to the county levels, and the county government has no capacity as far as performing health function is concerned.

The county governments needed more time in terms of preparedness, leadership, technical equipments, personnel and training. Indeed, that is the reason why deaths have increased since the Constitution of Kenya, 2010 was promulgated. I have done a bit of research on the number of people that we are burying and the statistics have clearly gone up.

We have experienced strikes by health workers in Busia, Trans Nzoia and in almost all the counties. The health workers have been going on strike because of poor working conditions. In terms of professional development, the county governments have no capacity to ensure continuity of medical specialization. Again, the law is talking about referral hospitals. This is what I will seek to amend at the Committee of the whole House stage.

Currently, we only have two referral hospitals in this country which fall under the national Government namely, the Kenyatta National Hospital (KNH) and the Moi Teaching and Referral Hospital (MTRH) in Uasin Gishu.

(Loud consultations)

Hon. Deputy Speaker, protect me. There is loud consultation from my Minority Leader here.

Hon. Deputy Speaker: Order, Hon. Members! The Member seated next to you from Mavoko, order!

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. My Minority Leader's seat is next to me and not behind there.

We only have two referral hospitals in this country namely, the KNH and the MTRH. There is no clear description that those are the only two referral hospitals. It is my humble request that as we move on, we should have, at least, one hospital in every county falling under the national Government. In case there is a strike in the county government, at least, people have an option of one hospital in the county that is not affected by the strike. The Level 5 hospitals should be converted to referral hospitals, so that the national Government can take care of them in the counties. The county governments can take over Level 4, 3 and other hospitals.

This is an embarrassment and it is about life and death. Recently, in Busia County, we saw children who were paralyzed after a certain injection. I want to thank Dr. Mailu, the Chief Executive Officer of the Nairobi Hospital who treated the children until they recovered. Otherwise, the children risked becoming lame. We should not just leave the health function to the county governments but we should look for a mechanism to ensure that, at least, there is a referral hospital in every county under the national Government.

This Bill establishes the office of the Director-General of Health as the technical adviser on all health matters. We know very well that the Director of Medical Services (DMS), the position Hon. Nyikal once held is a technical person. My worry is whether we are doing away with that position. Again, we do not want to have duplication of duties. We are talking about increased wage bill. We need to have a clear structure, so that we can know whether we are going to have this duplication or whether each person will have a clear mandate.

I do not want to talk too much, but my humble request, as we move on, is to have one referral hospital in every county under the national Government.

Thank you, Hon. Deputy Speaker, I support.

Hon. Deputy Speaker: Hon. Joseph M'eruaki is it on the Health Bill?

Hon. M'uthari: Thank you, Hon. Deputy Speaker. I rise to support this Bill. Health is very important in our lives and we must accord it whatever support it requires.

Every person has a right, as is indicated, to the highest level of healthcare and access to affordable health services. This Bill highlights the importance of healthcare and provides that every person has a right to emergency treatment. Just a few weeks ago, somebody died because

he could not access health services. This should be mandatory and it should be a criminal offence not to offer emergency healthcare just because they do not have money. It is the responsibility of the State to make this clear.

As far as health information and care is concerned, even with devolved healthcare, we should have clear follow up mechanisms and supervision for the services that are provided. The devolved health facilities are in deplorable conditions. The leaders who are entrusted with this function at the county level are doing very little. There is big risk when people cannot access health services and many lives are lost. People cannot afford health care services. It is important to have referral hospitals in every county to provide the necessary medicines.

We also need to standardize health services. We have many health facilities which do not have medicines and equipment. At the end of the day, we continue to loss lives. As we come up with these laws, it is important to have follow-up mechanisms, so that at the end of the day, whatever we have put in place is implemented and we can have a healthy nation.

With these few remarks, I support.

Hon. Mwadime: On a point of order.

Hon. Deputy Speaker: Is it in connection with the Health Bill?

Hon. Mwadime: Jambo la nidhamu, Mhe. Naibu Spika. Ningependa kukuelezea kuhusu kitu ambacho kinaniwasha sana.

Hon. Deputy Speaker: Are you on a point of order?

Hon. Mwadime: Yes.

Hon. Deputy Speaker: What is your point of order?

Hon. Mwadime: Mhe. Naibu Spika, mimi nilikuwa ninataka maelekezo kutoka kwako kuhusiana na wafanyikazi wetu kwa sababu hawajalipwa tangu Julai. Ningetaka unipe maelezo kwa sababu wana matatizo mengi sana kule ofisini.

Hon. Deputy Speaker: Okay, Hon. Mwadime. We had all agreed about the PSC issues. We have talked about them severally and they are being addressed. So, let us not start that topic again. Hon. Wamunyinyi, do you want to contribute on the Health Bill?

Hon. Wamunyinyi: Thank you very much, Hon. Deputy Speaker, for giving me the opportunity to make my remarks on the Health Bill. From the outset, I support this Bill on two very important grounds.

Hon. Deputy Speaker: Hon. Wamunyinyi, give me a chance to recognise students from Kandani Primary School from Kigumo Constituency, Murang'a County. They were in the Public Gallery. I also want to recognise the young boys and girls from Starehe Boys and Girls Centre seated in the Speaker's Gallery. They are on internship in Parliament. You are welcome to the National Assembly.

You may proceed, Hon. Wamunyinyi,

(Applause)

Hon. Wamunyinyi: Thank you, Hon. Deputy Speaker. I was saying that I support this Bill for two important reasons. One, there is going to be harmonisation of development in technology that can positively contribute to the healthcare services while curbing negative development. The national health policy shall also be formulated, implemented and coordinated between the two levels of Government. This is critical for us because of the challenges that we are experiencing at the moment.

Health being as important as it is, there has not been coordination between the two levels of government and particularly the management of health services in the rural areas. If you do anything at the health centre or dispensary in my county, you will be said to be interfering with devolution. It is like this is a preserve of the county government, but while this is so, dispensaries have been abandoned. They are in dire state. They do not have medicine and services are not provided. Some of them are not functional. The county government is not doing anything at the expense of *mwananchi*. The *mwananchi* is not benefitting. For instance, in Samoya dispensary in my constituency, nothing is happening. These facilities were constructed through the CDF to completion and the county government has not done anything to operationalise them. If this Bill is passed, it is going to create conditions for the harmonisation and formulation of policy that will ensure that there is coordination between the two levels of Government and no function is left in abeyance.

There are many professionals within the health sector and unless there is coordination and the law is streamlined to ensure that their roles and functions are clearly stated and how they relate with the other professionals in the health sector, it is going to cause undesirable conflict. These are issues that I wanted to clearly stress. I support this Bill because it is important to me when these issues are addressed.

With these few remarks, I can see that the Leader of the Minority Party is warming up. I want to end by saying that I support the Bill. Thank you very much.

Hon. Deputy Speaker: Hon. Members, we have now given a chance to both sides and you can now allow me to give the Mover a chance to respond. The Leader of the Minority Party, we cannot leave you out, but you have not even pressed the intervention button. Where are you, Leader of the Minority Party?

Hon. Nyenze: I am here, Hon. Deputy Speaker.

Hon. Deputy Speaker: You are there, but you are not on my screen. I will give you an opportunity to contribute because of your office.

Hon. Nyenze: Thank you, Hon. Deputy Speaker for giving me this chance to contribute to this very important landmark Bill, which I support.

I want to take very little time because we have two other very important Bills. This Bill is timely. The only input that I wanted to add is that health was devolved to the county governments. As my colleagues have said, there is a lot of suffering in most counties. I have discussed this with very many Members of the National Assembly. Most of the CDF funded dispensaries have no staff, leave along medicines. They are complete, but the county governments complain that they do not have enough money to post nurses and clinical officers to run them.

In Kitui County, the whole of Mwingi, Kitui West and Kitui Rural, there are many CDF funded dispensaries with no staff and people cannot get medical care in these dispensaries. Hospitals like the Kitui General Hospital and many other hospitals in this country, there is no medicine and the poor patients are given prescriptions to buy medicine from pharmacists. This should be addressed.

Part VI of the Bill deals with traditional medicine. The Bill comes at the right time because Africa marks the African Traditional Medicine Day on 31st August every year. African Governments have realised the importance of traditional medicine. The Bill fails to address a very important issue about herbal medicine. There many herbalists calling themselves doctors and they advertise in the media that they treat all kinds of diseases. Very many Kenyans are

cheated through good language and they get treatment from these herbalists, who I doubt are licensed. As a result, Kenyans suffer poor health. This Bill should have addressed this because in every vernacular radio station, we hear people talking about herbal medicine. They say that they treat all diseases. They say that there is no disease that they cannot cure. I believe this is a lie because research shows that there are some diseases which have no cure.

Clause 11 codifies the right to confidentiality. Every patient deserves confidentiality, so that it is not office gossip whenever they go to hospital. Sometimes, there is office gossip about officers who are on treatment for alcoholism and stress because some hospitals handle this casually and release the information. I am happy because Clause 11 addresses that and protects the patients' health status. This is a good Bill. I support it. I am sure it will improve the health of Kenyans.

Thank you.

Hon. Deputy Speaker: Thank you, the Leader of the Minority Party. Hon. Katoo.

Hon. Katoo: Thank you, Hon. Deputy Speaker. I rise to reply to this Bill on Health. It is very clear that when Members were contributing to the Health Bill, 2015, about six issues came up. One of them was the need to maintain regulation of health professionals, health products and their technologies. Hon. Members have been talking about that, even if health is a devolved function, there is need to regulate professionals, professional products and their technologies.

From Hon. Members' contributions, it is clear that there is need to effectively mobilize financial resources for uninterrupted access to quality health services countrywide. If you look at the way Members have been contributing, they are aware of the Abuja Convention. This is where a spending goal of 15 per cent of the country's GDP was put to health sector. We are far from it. According to our data, the total spending in the Financial Year 2012/2013 was 6.8 per cent. That is the highest and we are still very far from achieving the Abuja Convention commitment. There is that need for looking for all sectors to effectively mobilize our financial resources because this will ensure there is uninterrupted access to quality health services.

As Hon. Members were proposing, there is also need to harmonise the issue of procurement and management of health services to curb cases of corruption, especially at the county level. We have heard of hiring of ambulances. There is need to harmonise procurement services, maintain product quality assurance and control because, we cannot compromise quality of health. There is also need to regulate the industry, especially on the issue of traditional medicine for purposes of safety and to avoid tampering with documentation, which may result to potential gains being lost.

Finally, Hon. Members have talked about the right of a person to file a complaint on the manner one is treated, either in a private or a public health facility. This has been put in the Bill. Therefore, I would like to end by saying that the relevant committee of this House should see what Members have said in their contribution, consolidate it through the Committee Stage and bring the necessary amendments that will improve this Bill.

With those remarks, I beg to reply.

(Question put and agreed to)

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

Second Reading

THE PHYSICAL PLANNING BILL

*(Hon. Katoo on 19.11.2015)**(Resumption of Debate interrupted on 19.11.2015)*

Hon. Deputy Speaker: Hon. Members, this is another Bill that had been debated. Using my discretion, I can maybe give a chance to two Members from each side and then we can call for a vote on it.

Who really feels they would like to say something on the Physical Planning Bill, which has not been said?

Hon. Yusuf Chanzu, you can take the first bite.

Hon. Chanzu: Thank you, Hon. Deputy Speaker for the chance to make a contribution to this Bill. I consider it very important. This is because somebody said that “if you do not plan, you plan to fail”. This has also happened. In fact, a number of problems we are having in this country, with regard to our towns and cities, are because of the way we deal with the matters and not having foresight.

If you look at places like the eastern parts of the City of Nairobi, I do not know whether it was an imagination that the population was not going to grow. The roads are narrow and the buildings are encroaching on roads and so on. This Bill is very important because of the changes we are making and the rate at which our country is growing. The population is still growing very fast. It is very important that we have the proposals in this Physical Planning Bill implemented. That is why it is very important for our country. If you want to talk about how we can decongest cities and towns, you must have a Physical Planning Bill.

It is unfortunate that earlier on, there was no planning at all or it was so haphazard. Now it is very difficult to correct. There is a saying that, “Better late than never.” Therefore, I believe the Bill we are putting in place now, the Physical Planning Bill, National Assembly Bill No. 46 of 2015, will open up the areas where we have had problems because of lack of proper planning earlier on. It will help and provide a road map.

When we talk about issues to do with Vision 2030, we are talking about how our cities and towns are going to grow, and how Kenya, as a whole, is going to develop. It is, therefore, a very critical Bill in terms of the development and the growth of the country and our cities. If you look at roads which are being done now in Nairobi, for example, Langata Road--- After a long time it was made a dual carriage way. Immediately after that, it got a lot of congestion because a lot of other towns mushroomed outside Nairobi. The residents there are people working in the City of Nairobi.

Places like Ongata Rongai have become big towns. In fact, most of them are cities themselves, an example is Kiserian, which is also growing. Because of the cost of property within the city, people who come to Nairobi are finding it logical and economical to go to the outskirts. That is the reason why this Bill is essential.

If you go to the eastern part, you find places which were not even expected to be there have grown big, areas like Jerusalem and Uhuru Estates. Eventually, other areas developed because of population growth, as we have not developed the rural areas.

Hon. Deputy Speaker, we have not injected enough money into agricultural development. Towns require planning because of expansion. I hope that as we plan Nairobi, we also---

Hon. Deputy Speaker: Your time is up, Hon. Chanzu!

Hon. Mwaura, have you contributed to the Physical Planning Bill?

Hon. Mwaura: Yes, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, all of you have made requests. Each one of you is waiting to contribute to the National Constituencies Development Fund Bill. We have one physical planner. Let us allow him to give us some expert advice. We can then call upon the Mover reply.

Hon. Kihagi!

Hon. Kihagi: Thank you, Hon. Deputy Speaker. I rise to support the Physical Planning Bill. This Bill is envisaged to bring more order to the spatial growth of the country. To the extent that the Bill gives us a framework for development of the spatial plan for the country, it is very progressive. Our country has developed without any planning of the cities. We need to ensure that rural management does not continue to be the nightmare that it is today. All that you need to do when planning for a town is to decide how to sub-divide the land. The Bill provides for a clear framework on sub-division of land through the national spatial plan.

The Bill provides for regional and inter-county plans. One county is not going to plan in isolation of the others. Issues of regional resources will be addressed by this Bill. The establishment of an institutional framework enables counties to sit and agree on how to handle inter-county issues that spread across counties.

Planning is a devolved function. The national Government uses policies. The Bill shows us how to devolve those policies to especially address depreciation of agricultural land. It provides for sub division of agricultural land into sub-economic units. This will ensure that we address food security.

The alternative dispute resolution mechanism in terms of land use and resource planning is provided for. As the Constitution says, not all our matters should end up in court. We should have a mechanism for arbitration of land issues at a lower level before taking them to the High Court. The establishment of the national and county physical liaison committees is a positive move in this respect.

Our county has experienced accelerated physical development. Giving order to physical development ensures that physical development benefits the economy as opposed to foreclosing some of the benefits that our country should get, especially when *El Nino* and flooding becomes a nightmare in this country.

Fundamentally, this Bill enables us to put in place a framework to ensure that the National Land Commission (NLC) undertakes its mandate of overseeing land use planning as envisaged in the Constitution. There are complaints that some of the Bills before this House are unconstitutional and retrogressive since they tie the hands of the NLC. We believe that the NLC will be enabled to oversee physical planning and land use in this country.

As a Member of the Departmental Committee on Lands, let me confirm that we have proposed a number of amendments to this Bill. We believe that the amendments will enrich this Bill during the Committee of the whole House stage.

With those remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Members, I now call upon the Mover to reply.

Hon. Katoo: Thank you, Hon. Deputy Speaker. I want to thank the Members who have contributed to the Physical Planning Bill.

This Bill seeks to streamline physical planning through enforcement of development permits or licences, and streamline the procedure of obtaining planning permission by developers, processes of preparation, revision, modification or withdrawal of resolution of dispute in relation to physical planning and land use.

I want to inform the House that the other related land Bills slotted for debate will work hand in hand with the Physical Planning Bill in order to improve the general land sub-sector. Regarding this particular Bill, I expect some amendments from the Departmental Committee and individual hon. Members during the Committee of the whole House.

With those remarks, I beg to reply.

(Question put and agreed to)

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

Hon. Deputy Speaker: Next Order!

Second Reading

THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BILL

Hon. Lessonet: Hon. Deputy Speaker, I beg to move that the National Government Constituencies Development Bill be now read a Second Time.

From the outset, let me inform the House that this Bill is a result of the court ruling of 20th February 2015. I want to thank the Members of my Committee. The National Assembly Select Committee on Constituencies Development Fund (CDF) consists of 19 Members. The mandate of the Committee includes considering and recommending to the National Assembly any matter requiring its action, pursuant to the provisions of the CDF Act.

The Committee oversees the implementation of the CDF Act. In this respect, every two years, we are required to submit a report to this House and, where necessary, propose any amendments to the CDF Act. The Committee also oversees the policy framework and legislative matters that may arise in relation to the CDF. The Committee is also required to continually review the framework set out for efficient delivery of development programmes financed through the CDF. They consider and report to Parliament the recommendations and names of persons required to be approved under this Act and most of the time appointment of members of the CDF Board.

On 20th February, a court ruled that the CDF is unconstitutional and, therefore, invalid. The ruling came about as a result of a petition filed at the High Court by TISA, the Institute for Social Accountability, and the Centre for Enhancing Democracy and Good Governance.

The National Assembly was represented in court. It was among the respondents together with the Constituencies Development Fund Board.

Hon. Deputy Speaker, with that ruling, the court required us to, within one year, amend the law by correcting the various issues which it had identified to be offensive to the Constitution. The court, therefore, gave us one year to do that. That year lapses on 19th February

2016. We are here today to debate and see whether the National Government Constituencies Development Fund Bill has corrected those anomalies which were identified by the court.

In summary, there were four key issues which were identified by the court, and which we are required to address. Number one is whether the process which led to the enactment of the Constituencies Development Fund (CDF) Act was constitutional. The second issue is whether the CDF Act offends the principles of public finance and division of revenue provided for in the Constitution. The third issue in court was whether the CDF Act violates the division of functions between the national and county governments. The final issue was in respect of the principle of separation of powers between the Executive and Members of Parliament.

With that, declaration on 20th was that the CDF Act, 2013 is unconstitutional and invalid. As I mentioned, that order of invalidity was suspended for a period of 12 months. We are actually now in the process of doing what the court directed us to do, that is to remedy those defects.

In remedying those defects, I just want to inform the House that CDF has been in operation now for the last 13 years. In those 13 years, it has received a total of Kshs172 billion. When you look at the achievements of Kshs172 billion in 13 years in comparison with what the counties received, Kshs210 billion in their first year while in the second year they received Kshs230 billion and in this third year all the counties put together have received Kshs280 billion, you see more of what has been done by Kshs172 billion in 13 years than by almost now close to Kshs800 billion in three years.

The CDF is the reason behind teachers refusing to go to North Eastern. Ten years ago there were no schools there, hence such teachers did not exist. But with CDF, there are now enough schools in North Eastern; they are adequate for the needs of the residents of that particular region. When the Teachers Service Commission (TSC) indicates that they have a shortage of 100,000 teachers, the reason is only one; it is because of CDF. It is because of the investment through CDF and through Members of Parliament that we now have a shortage of 100,000 teachers. Those are among the milestones achieved in only one sector called education.

If you look at health, we have health facilities in every constituency down to every location because of CDF. Whether those health facilities are staffed with health personnel or have equipment is another question; we hope the counties will address it because the CDF basically has provided infrastructure in those particular areas.

The court found the CDF to be doing activities which are otherwise devolved. The current CDF Act, 2013 allows us to do anything that is community-driven, whether it is health, education, security, water projects or early childhood development centres (ECDs). But with the new Constitution, a good number of those activities in terms of health, water, early childhood education, among others, have been devolved to another government; the Constitution tells us that there are another 47 governments out there to do those functions. It is for that reason that the National Government Constituencies Development Fund Bill proposes, in accordance again with the ruling of the court, that we will no longer be able to perform those functions. We are proposing to limit in this Bill the activities of CDF to basically those activities of the national Government. When I talk of activities of national Government, basically I am talking of primary school education, secondary school education, infrastructure, tertiary education, that is the Kenya Medical Training Colleges (KMTCs), teacher training colleges and the technical institutes all the way to universities. This Fund will be available to do those activities, which are of the national Government.

This Fund will also address the question of security. We want to see the Fund we are proposing, address issues of security in our nation, whether it is building police stations, chiefs' offices, accommodation for prison officers, accommodation for police officers, it will do that. As we do that, we shall not be limited to education and security. We are also proposing in this Bill that there is going to be a very robust way of addressing social security. We want to see this new Bill addressing the issue of social security and the inequities found in our society. This Fund should come to the rescue of our people.

We are going to see this Fund address the question of National Hospital Insurance Fund (NHIF). At the moment the CDF Act, 2013 does not pay NHIF. While it meets the cost of bursary for students, at the moment it does not pay NHIF. We are proposing in this Bill that it includes NHIF payments. For that matter, we are proposing to increase the allocation to bursaries and what I am now calling social security from the current 25 per cent to 35 per cent. If your constituency is allocated Kshs100 million, an amount of not more than Kshs35 million will go to social security, which includes bursaries for students.

While looking at this new Bill, we advertised for public participation. We invited the Cabinet Secretary for Devolution and Planning, the CDF Board and even the petitioners who took us to court, who are the Institute of Social Accountability and the Centre for Governance. We invited them to make presentations to our Committee. We have taken note of their observations. Those petitioners were satisfied and were comfortable that in this new Bill, we have attempted to address the particular issues.

I know that Members are concerned about the role of the Member of Parliament (MP) in this new Bill. I want to assure Members that this Bill has attempted to address that question of the role of Members of Parliament. I want to beg Members to read the National Government Constituency Development Fund Bill very comprehensively. You will be able to identify your role in the Bill.

Members of the Constituencies Development Fund Committee (CDFC) in the current Constituencies Development Fund (CDF) Act, 2013 were derived from an electoral process which started from the location, the ward level to the constituency. In this new Bill, there will be no elections. This House will be invited to table regulations shortly after the passage of this Bill, because we have agreed that the appointment of the CDFC shall now be done in a manner to be stipulated in the regulations. We are all aware that regulations are also processed through this House. We will invite Members to comment on the regulations at that time, on how the CDFC members should be appointed. As we discuss this Bill, I want to request Members to go through it and give us their views immediately the regulations are tabled. Even before we break for recess in December, the regulations should have been tabled in this House.

The Ministry of Devolution and Planning was very supportive. They are with us 100 per cent in the belief that the Constituencies Development Fund will remain intact to fill the development gaps and shortcomings in every constituency. They were very committed to the fact that this is the most devolved fund. There is no other fund which is available in every constituency. We are aware of the challenges that we have when funds remain at the county level and have to be processed through a House like this one, namely the county assembly. The CDF is a citizens' fund. It is a *mwanaanchi* fund. It is there for the *mwanaanchi* to decide on how to spend funds at the grassroots level. It is the only fund which interacts directly with the *mwanaanchi*. It is for that reason that we got strong support from the Ministry of Devolution and Planning. Equally, we continue to see the commitment of other sectors of the Executive such as

the National Treasury, which is very supportive. The National Treasury has demonstrated its commitment to the CDF by disbursing a total of Kshs10 billion as of today, in this financial year. Some people tell us that there is a cash crunch in this nation. However, we are comfortable with the disbursement from the National Treasury. It has committed itself to disburse Kshs2 billion every week. By mid-December, we shall have received at least 50 per cent of the funding to CDF.

The court has told us that the current CDF Act shall expire on 19th February 2016. The question on everybody's mind is what will happen when we get to 19th February 2016 yet the National Treasury will not have disbursed 100 per cent of the funds to the CDF. I wish to inform Members that in this new Bill, we have created a transition clause to enable the current CDF board to continue transacting business even after 19th February 2016. We have also created a transition to allow all the projects which are now in operation, and which will not be complete as at that date, to continue being implemented through this new Bill. We also hope that by that time, we shall have new CDFCs. We hope that through regulations, which we should be able to finalise in December, each constituency will have identified new members of their committees in every constituency by 19th February 2016, so that business will continue without interruption. Members should be calm because disbursements will continue to flow to the CDF even after 19th February 2016.

In this new Bill, we noted the challenges that constituencies face in administration. We know fund managers appear in constituencies and CDFCs once a week. Sometimes you may not even see them for a whole month. We have attempted to address that shortcoming in this new Bill. The fund managers shall be reporting administratively to the Constituencies Development Fund Committees at the constituency level. A fund manager will have to seek permission from the chairman to be absent from office. To be away from duty or on leave, a fund manager will have to file a leave application, which will have to be approved locally at the constituency level. That will force rogue fund managers not to disappear from their work stations. They have been recruited for each constituency. Sometimes you call them but you cannot reach them or see them. But now that they will be responsible to the CDFC, we believe that, that will force them not to disappear from their work stations.

In this Bill, we have provided that the performance evaluation of those fund account managers shall also be done by the CDFC. In this Bill, that committee shall be called the "Constituency Committee". They will be responsible for evaluating the performance of fund account managers.

Through this Bill, we shall also be creating a provision to allow for citizen oversight of this fund. This Bill requires the Member of Parliament for every constituency to, every year, hold not less than four meetings which will be called "citizen oversight meetings." They will be called by the MP because it is only the MP who can mobilise citizens to come to meetings. During that forum, the CDFC, through the MP, will make disbursements to projects being funded in that locality. It will be a requirement that all funding of projects through the CDF shall be done through that forum, to be convened by the MP, in the presence of the CDFC members, to give out cheques and receive all the reports from CDFC in terms of the performance of that fund. The CDFC or the Constituency Committee referred to in this new Bill shall be appointed through regulations.

We have also allowed, noting the importance of the Parliamentary Service Commission (PSC), that the constituency office is going to nominate two people to sit on the Constituency

Committee. We appreciate the importance of that office. We also appreciate the linkages it gives to various sectors and the various performances in the constituencies. We are going to allow in this Bill the constituency office to nominate two people to sit on the Constituency Committee.

I know Members are asking about the percentage of allocation to the Constituencies Development Fund (CDF). We are proposing that we continue to maintain the same level of percentage of at least two and a half per cent. Noting that most of the Members did well in English, when we say at least two and a half per cent, it means that it cannot be less than two and a half per cent. It can go as high as it can. This House in the past two years has demonstrated that it is the one that makes the Budget. The Constitution has given this House the power to make the Budget and it is for that reason that even in the Financial Year 2014/2015 when Treasury proposed an allocation of Kshs22 billion to CDF, this House said it was not enough, and at its discretion through the mandate given to it by the Constitution, increased the allocation to CDF from Kshs22 billion to Kshs33 billion.

In this financial year, Treasury proposed Kshs33 billion to CDF. This House found that it was not enough and increased it to Kshs35 billion which is the allocation that we have now. It is for that reason that I want to beg Members not to be worried about the percentage. You now are the ones who make the Budget and are, therefore, the ones who know how much to allocate to CDF. This is based on the power that the Constitution has given this House.

Despite that enhancement to Kshs33 billion and then to Kshs35 billion, it is exciting to note that there is no loss of money in CDF. We have seen other sectors, after getting an allocation as high as ours, for instance the National Youth Service (NYS), losing money. We have also seen a boost of allocation to Judiciary and the money disappearing. We have seen people being taken to court from PSC which had a huge allocation because money disappeared. The only fund that is almost immune to fraud and losses is the CDF. That is why we continuously protect the CDF to ensure that it continues flowing directly to constituencies.

Hon. Deputy Speaker, due to the interest that Members have in this particular Bill, I want to end my submissions by requesting Members to support that we pass this Bill in this Second Reading. I also want to request members of my Committee to lobby strongly, so that we go through this Second Reading. Noting that we have a few days to go on recess, I request Members to stick around to pass this Bill, so that we can process it the Committee Stage next week before we break for the long recess. If we do not do that, it will mean that we will get to February next year without a new CDF Bill.

So, this is a matter of urgency. We have this week and next week to process it. I know Members may also be asking what is happening in court. We are still in court because of the ruling that was made. There was an appeal which is yet to be heard. We requested an extension of time. A ruling was to be made on 13th November, but for reasons known to the court, they chose to defer that ruling and told us that the ruling was not ready and they would be giving it on notice. We do not know how long it will take. It is for that matter, that I am begging Members that we finish prosecuting this matter of the National Government Constituencies Development Fund Bill, 2015.

Hon. Deputy Speaker, with those remarks, I request a member of my Committee and my friend, Hon. (Eng.) Gumbo, to second.

I thank you, Hon. Deputy Speaker.

Hon. (Eng.) Gumbo: Thank you, Hon. Deputy Speaker for the opportunity to second this Bill. As I rise to second, I want to thank my Chairman, Hon. Moses Lessonet, the venerable

Member of Parliament (MP) for Eldama Ravine, for the tenacity he has shown in trying to bring back on track this uniquely Kenyan development battle. I would like to say on the Floor of this House that other than Safaricom and *M-Pesa*, there could be no better known Kenyan brand like the CDF. I have been privileged to sit in this Committee for the eight years that I have served in this House, and I can tell you in those years, many countries of the world both from within and outside Africa have come to study and replicate this completely unique and very innovative Kenyan innovation.

Hon. Deputy Speaker, as we debate the National Government Constituencies Development Fund Bill, which will succeed the Constituencies Development Fund Act, it is a good opportunity to pay tribute to the greatest son of Kenya from Nyandarua, my senior in the distinguished profession of engineering, the Hon. Sen. Muriuki Karue, who designed, perhaps as only engineers can do that, this uniquely and most effective grassroots development model, way back in 2002.

Even the worst critics of CDF, and I have had an occasion to meet them in the eight years that I have been here, admit that in terms of attaining success rate, CDF has attained a minimum of 80 per cent all over the country. Anybody who has walked across this country - I have had a chance in the years that I have served in the Committee to walk across the landscape of Kenya - must have witnessed the glaring transformation that has been occasioned by CDF all over Kenya.

I remember that about three years back, we went to Garsen Constituency in Tana River where we were told that for over 50 years before the advent of CDF, there was only one secondary school. But for the three years that CDF had been in place, Garsen had increased the number of secondary schools in that constituency more than fourfold. There are constituencies in this country which before the advent of CDF did not have a single girls secondary school, but with CDF, today the admission rates in schools, as has been alluded to by my Chairman, is all over the place. I, therefore, find it surprising that those who have chosen to criticize the uniquely Kenyan model have opted to take cover under legalese instead of admitting the earth-shaking impact it has had all over Kenya.

Indeed - I can speak with authority - there is hardly any village in this country where you cannot see the footprints of CDF. I would, therefore, want to believe that it is a model that has worked so well. Of course, nothing in this world is perfect. Even the world that we leave in, created by the Almighty God, is not perfect. When something works like CDF has done, the way to go about it is to identify the weaknesses and rectify them instead of trying to literally throw away the baby with the bath water.

If I were to identify one of the greatest weaknesses with the 2010 Constitution, it is its failure to provide explicitly for CDF and how it is to be disbursed. We were all infatuated with the belief that by going into the counties, we would be rolling out development to the grassroots. That maybe so, but today what have county governments become? I speak with authority and I have seen roads in my constituency which I opened and graded with less than a million shillings, today the county government can purport to re-grade those roads with Kshs5 to Kshs7 million. This is almost 10 times the cost. I have seen classrooms of Early Childhood Development Education (ECD) built in our constituencies by the county governments at a cost of Kshs.5million to Kshs7 million, whereas with CDF, we built the same classrooms with between Kshs400,000 and Kshs600,000.

I want to argue here, and I think most Members will agree with me, that most county treasuries across Kenya are operated as personal treasuries for the governors and their County

Executive Committees (CECs). Governors in Kenya have perfected the art of grabbing. When we speak like this some of them criticize us and say we have ambitions to be governors. Today, they grab more than the caterpillar and this is something that we have to speak about. This was not the idea of devolution, in my opinion.

Hon. Deputy Speaker, I have said it before, and I want to say it again, that being a Member of Parliament is a contract. At some point, all of us seated here will either be former Members of Parliament or we will have left the scene anyway. It is said that good leaders plan for the next generation, while bad leaders plan for the next election. Let us rise above the little considerations and the criticisms that have been levelled against the CDF, so that we can demonstrate to this country and to the world that the 11th Parliament is endowed with good leaders, who are able to plan for the next generation, by ensuring that this unique development model for Kenya is preserved unto posterity.

I know the interest on this matter is a lot and every Member would want to contribute. Having sat in the Committee – I am glad that Hon. Lessonet mentioned it – I know that there are weaknesses that we speak about and we have tried to rectify some of them. The roles of the project management committees (PMCs) and the constituency fund account managers (FAMs) have been strengthened. Perhaps, one of the weakest links in the amended CDF Act, if indeed the courts were to identify a weak link, is the role of the FAMs. The FAMs appear to answer to nobody. The CDF Board does not seem to know what they are doing nor what they want to submit to the CDF Committee. The idea of giving the CDF Committee supervisory duties over the FAM is a good innovation that we need to support. The creation of the oversight committee which will include the Member of Parliament is a good idea. After all, our role as Members of Parliament, other than making laws and representing the people, is to provide oversight over the use of resources.

I encourage all Members to support this good Bill. I have had a chance to speak to some of the judges who presided over declaring CDF Act illegal and they admit that some of the court rooms from where they work were actually built by CDF money. It is a contradiction that something which has benefitted everybody across the board can merely be cast aside because people think that something which is being rolled out, and which still has a lot of problems in the name of devolution, is probably a better model.

I second this Bill and encourage all Members to support it. The ideas being espoused in this Bill are largely those of the CDF Committee, where I sit. For the purposes of enriching this Bill, and ensuring that this uniquely Kenyan model that has worked so well and that has ensured that today there are Kenyan youth almost in every shopping centre in Kenya making windows or blocks, I encourage as many Members as possible to go through this Bill in detail, so that they can propose amendments which will make this Bill a better law, a law that can ensure that the original intentions of CDF are realised.

The CDF is a kitty that is available at the very local level. It is a kitty that can be used to address some of the emergencies that emerge from time to time. This kitty should not only be encapsulated into our legal system, but it should be made better, so that its impact can go from strength to strength.

Hon. Deputy Speaker, with those remarks, I beg to second the Bill.

(Question proposed)

Hon. Deputy Speaker: Hon. Johana Kipyegon is the first on my list. Hon. Members, there are 35 requests. I would plead that you agree, after what Hon. Lessonet said, and in the interest of completing debate on this Bill, on the time limit for each Member contributing.

Hon. Members: Five minutes.

(Question, that debate be limited to five minutes, put and agreed to)

Hon. Deputy Speaker: It shall be five minutes, Members.

Hon. Kipyegon: Thank you, Hon. Deputy Speaker, for the opportunity. All of us would not want to say so much on this Bill because it is a Bill we have been waiting for.

I wish to support this Bill. We as Members of this House are given the responsibility of amending the Constitution and making any law. Today this House has been given the mandate by the courts to relook at the CDF Act and make sure that we come up with another Act to allow the CDF to continue.

The reason why the courts decided not to abolish CDF but gave us a grace period was because of the great work that CDF has been doing in every constituency. Going by the projects the Fund has financed in the nation, it has been doing a very good job. You cannot compare the success of CDF with the progress made by the county or national governments. The only projects visible in the villages are CDF projects. We rarely see any serious projects by the national Government in the constituencies.

The reason we would fight tooth and nail to ensure that we have this money allocated directly to the constituencies is not majorly because we want to run, own or manage it, but because we want funds to go closer to the people. There are funds managed at the national level. Those funds cannot be accessed by the people in the villages. There are funds managed at the county level. Those monies cannot be accessed by the people in the villages. This is the only money that can be accessed by the people in the constituencies. So, the reason most of us would want to see this Bill passed is not so that we can run it, but so that people who have been marginalised for quite some time can also have access to these funds.

[The Deputy Speaker left the Chair]

[The Temporary Deputy Speaker (Hon. (Ms.) Shebesh) took the Chair]

Article 43 of the Constitution says that every Kenyan, wherever he or she is, should have the highest standards of economic and social rights. The CDF is the only framework that allows citizens of this country to have equal access to resources. That is why I voice my support for this Bill.

There is serious corruption in this country. Among the corrupt institutions in this country, the CDF institution is the least corrupt. We have been chasing governors up and down. I have never thought of sleeping until I see my governor out of office, because of the corruption in my county. I wonder whether we should follow the governors or the President. You want to build a bridge, there is no money. You want to pay a teacher or a doctor, there is no money. Recently people were complaining because doctors and nurses were on strike, and people were dying in

hospitals. Teachers also went on strike and schools were closed. Suppose those schools were hospitals, how many people would have died?

Hon. Temporary Deputy Speaker, I wish to support this Bill majorly because we do not want to burn the counties or the national Government. The money that goes to the constituencies is for cushioning these people. Supposing this money was not there, what would have happened? We would have been waiting in vain. My county government has not managed to build even a single toilet in my constituency. Suppose this money was not there, what would have happened? There has been a tug of war between the urban and the rural areas.

Most activists are found in the urban areas, and they do not understand the plight and the problems facing the people in the villages. That is why sometimes they ask why we need the CDF. There is nothing to build in the urban areas. They have hospitals, roads and schools, but in the villages we have nothing. We have no roads, hospitals and schools. When I took over my constituency, most of the primary school children were studying under trees. As I speak, I have a permanent classroom in almost every primary school. When I took over, I had only nine secondary schools, but today, I am a proud Member with 24 secondary schools. We never had a single girls' school and Hon. Tonui can bear me witness, because he was a principal in one of the schools in my constituency. Today, I have over five girls' secondary schools in my constituency, courtesy of the CDF.

When somebody goes to court thinking that this money is there for nothing, we do not feel good. We want to tell these Kenyans that there are Kenyans in the villages who want development. There are Kenyans in the villages who cannot access what we access in Nairobi, Nakuru and other urban areas.

I wish to support. I wish to ask the Chairman to fast-track this Bill. I urge the Members to pass this Bill before we go home. The President needs to sign into law this Bill before we go home. We want to go home knowing that the CDF will live on.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up. I can see the Leader of the Minority Party, Hon. Francis Nyenze.

Hon. Nyenze: Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this very important Bill. I support it. I thank the Constituencies Development Fund Committee for inviting me to a forum to try to sort out the High Court ruling.

I take the earliest opportunity to thank the Chairman, Hon. Moses Lessonet and the able Committee Members for coming up with a very good Bill that will largely try to streamline the CDF, so that it conforms to the Constitution of Kenya, 2010. This Bill is very timely. As my colleague from Narok has said, it is good for the Members to be available, so that we can pass this Bill into law. It is very important.

I cannot overemphasise what the CDF has done. Everywhere you go in this country, you find landmarks that have been done through the CDF. The CDF allocation is very little compared to allocations to the county governments. Most constituencies get between Kshs95 to Kshs150 million, but the work that the CDF has done is more than what the governors have done. You never hear of wheelbarrows costing over Kshs100,000, trips abroad, conferences and other costs that come with it. The CDF has helped many communities.

This Bill excludes Members from the management of the CDF, although it should be realised that the Members have an oversight role over the CDF. I am sure they will be very useful.

Today, even areas that are represented by Opposition Members have something to show. There are projects under the CDF. There are chiefs' offices, police lines, schools and feeder roads are being graded at very low cost. There are schools and dormitories in areas where they never used to be. This is very good. The CDF has brought about equity in constituencies that had been marginalized, whether by the national Government or the county government. Education gets the lion share of the CDF money either through bursaries or building of classrooms, which cost very little. Early Childhood Development Education (ECDE) classrooms that are built by the county governments are very expensive. They cost between Kshs800,000 and Ksh1.5 million, but the CDF builds classrooms at a cost of between Kshs400,000 and Kshs500,000.

The CDF has built several dispensaries. I have talked with many Members here and the county governments have not posted nurses, clinical officers and doctors to run these dispensaries. There is no medicine and staff. This should be addressed. The National Assembly has a role to appropriate the Budget and those county governments that do not post staff to those dispensaries should not be allocated money because they have failed.

The CDF has done many good things, and we should all be available to support this Bill, which will streamline the CDF and align it with the Constitution of Kenya, 2010. It should be allowed to exist and the role of the Member of Parliament should be recognised. This will provide competition between the funds from the county governments and the CDF. People will compare and contrast.

Hon. Temporary Deputy Speaker, salaries for the staff in constituency offices have delayed for months. This Committee, that has done such a good job, should not let the staff go without salaries. Those salaries are so small. They have rent to pay. Their salaries should be released to all the constituencies, so that they can get paid.

I support this Bill. I would wish that the Members of the 11th Parliament run the CDF until the end of their term in 2017, so that we do not leave many white elephant projects.

Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Okay. Your time is up. I now give the Floor to Hon. Priscilla.

Hon. (Ms.) Kanyua: Thank you, Hon. Temporary Deputy Speaker. I also join in the conversation on the National Government Constituencies Development Fund (CDF) Bill 2015. I congratulate the Committee, led by my friend, Hon. Lessonet, for bringing this Bill to this House.

I will start by noting that the judges who made the decision on CDF started by praising what it has done. They accepted that CDF has indeed changed our country and it is helpful. They came short of saying that CDF is here to stay. At no point did the judges say that we do not need CDF as a country. That is very important for us to note as we look at the revised law.

I have had occasion to speak to Eng. Muriuki Karue, the former Member of Parliament (MP) who brought the CDF Act. His story is actually quite interesting. He starts by noting that he used to sit at Jamhuri Day and Madaraka Day celebrations. He would sit at the stadium and citizens would come and say that their school is run down, their bridge is broken or their road is poor. There was a lot of suffering. The director, MP or District Commissioner (DC) would rise up and say that one day when funds become available, matters of schools, bridges and roads would be looked into.

I come from a county where, not very long ago, we had classrooms that were made of mud. Our children used to carry water every day to sprinkle on the ground in the classrooms so

that they would not get jiggers, which we call *ndutu* in Nyeri. You can imagine how sad that is; that we have children who go to primary school and get jiggers in school because the classes are made of mud.

Eng. Muriuki Karue got this very good idea of solving problems in our localities, constituencies and counties. As a believer of the Constitution, I am also aware that the Constitution is a living document. It is interpreted in context and not read like a text book. You cannot open Article 97 and say that MPs are supposed to sit here and pass laws. The people who voted for us in our constituencies expect us to be agents of development and change. If you are an MP here wearing a good suit and a tie and you have children in your village in a classroom with jiggers, there is nothing to be proud of. There is no law that can address the jiggers in your county. The only way out is to have development going on in the constituencies where we come from. The Constitution we are interpreting and implementing must allow that aspiration. The Constitution was not an end in itself. We were passing a good Constitution to get to development. People should not think that we were passing a good Constitution so that we can have a good Constitution with separation of power.

Judges have a very easy life. They sit in the courtrooms and do not see or talk to citizens. So, it is easy for them to sit down and say: "Let us have separation of power where a judge sits in court and he is guarded and the citizens never get to him." That is not the case for parliamentarians. When you go down to the village, you find a bridge that is broken down or children who need to go to school, but they are not. The CDF is useful. Hon. Members are not implementers; they are merely agents of change and development in their constituencies. That is what this law is going to allow. As we support this Bill, we hope that our judges will agree that, at least, for the next 10 years, we need MPs who are able to influence development and not to implement again and again.

I beg to support this Bill and urge all the Members to support it. I urge our judges to allow the Constitution to be a living document and to be interpreted in relation to the aspirations of all Kenyans.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Isaac Mwaura.

Hon. Mwaura: Thank you, Hon. Temporary Deputy Speaker. As a nominated MP, I do not have CDF for the people I represent, which are the special interest groups. However, I rise to support this Bill, which is very good and timely.

We have been disappointed by governors in this country. We actually thought that when they get money, they would do miracles and wonders. But what we have seen is a difference between the poverty before they came in and the wealth that we see in them and the people around them. I just curiously note that this Committee, led by Hon. Lessonet, seems to only have one female member. I do not know whether that has an impact on the resolutions of the Committee. Just on a light note, I think that needs to be looked at.

As an MP representing special interests, I confess that it is extremely difficult to represent people when you cannot actually solve their problems or help them or speak to their needs and concerns. Maybe, many Members do not think this happens; that when we are out there, people know that we represent them. The nomination of some of us was not the way it used to be before, where you just represent your party.

Article 97 of the Constitution clearly states the groups that are supposed to be represented by nominated Members. It is on that basis that we find ourselves in this august House. However, when people make requests to us like having a special unit in a school, we cannot respond. For example, when they make requests that they may require to be assisted to go to school, we cannot assist them. So, many are the times that we say: “Okay, we hear your concern, but we do not have CDF.” Therefore, as representatives of the people we need to solve our people’s problems. Politics is also about resource allocation and the art of the possible.

Looking at this Bill, I can clearly see that it does not have the role of geographical constituency members, as has been the case before. However, I propose that a certain percentage of the total allocation of CDF should also specifically go to target persons with disabilities. This would be a timely move. Maybe, 1 per cent to 5 per cent can be set aside. If that is done, we will lift the lives of marginalised people, particularly persons with disabilities. We should ensure that there are provisions for school fees, infrastructure development and the rights of the people as enshrined in Article 43 of the Constitution. This is one of the preamble statements that justify the existence of this law, and particularly within the new definition of what would constitute social security.

The concern I have is if this Bill provided for the payment of the National Hospital Insurance Fund (NHIF), we would target people with disabilities, especially those with severe disabilities who are in constant need of medical attention. Those people approach us and tell us they need to be assisted to pay medical bills and yet, we cannot respond to that. If we do that, at least, they will have some reprieve.

Because my time is up, I support the Bill. The only concern I have is the resolution of disputes by the Cabinet Secretary (CS). This may be turned political. We may want to look at other alternatives.

Hon. Temporary Deputy Speaker, I rise to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. John Nakara.

Hon. Nakara: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. As my fellow Members have stated, I cannot over-emphasize what the CDF has done, especially in the pastoralist areas. This Bill has taken away the mind of the *wananchi*, the Judiciary or the Civil Society, who are saying that the MP is everything in the CDF. Now, we have been relieved of many duties, so that this Bill can pass the ratio that the Judiciary wants it to be.

We are not after the CDF. Our aim as Members is for the money to remain in the constituency, and not who will be in charge of it. Our major aim is to make sure that people at the constituency level get the money and whether the Member of Parliament is in charge or not, there is no problem at all. A good leader considers his people first before himself.

We have received many submissions from the Ministry of Devolution and Planning on their observations and amendments. We have also received submissions from the Institute of Social Accountability and the Centre for Enhancing Democracy and Governance. They all read this Bill and came back to us and said that the Bill is better than the former one. We also expect the Judiciary to also accept that this Bill has reached their expected ratio. When we talk about equality, the CDF reaches every corner of this country.

When I joined politics, one of my desires was to make sure that the wards in my constituency get equal development, whether a ward belongs to CORD or Jubilee. I have 13

projects for each ward. If you go to my constituency, you can see what the CDF has done in three years. I have built four secondary schools with classrooms, dormitories and toilets through CDF.

When we talk about economic empowerment, this is the only Fund that gets into contact with local people. It is small money, women *chamas* and small contractors who can apply for tenders. Those self-help groups are given tenders and they grow the economy of the area. They improve the living standards of their people.

On the issue of separation of powers, the Members' role is completely down. We have now enhanced the power to the board members who are going to be appointed to oversee the Fund. One of the things that I appreciate in this Bill is the social security programme. In some areas, we do not have the National Hospital Insurance Fund (NHIF). Some old women and men in our constituencies have no medical cover. They die in their homes. If we approve this Bill, those poor people can be given NHIF cards to access medical care in every corner of this country. That is another important thing about this Bill. In conclusion, this Bill is for all Kenyans and we need to support it.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. James Nyikal.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the debate on this Bill. Let me start by appreciating the Committee that worked on the Bill to meet the requirements of the court as was made in the ruling.

The fact that the CDF was unconstitutional, in fact, was a sorry situation. There is no single agency that has done as much in development as the CDF. No single agency has had tangible results in the constituencies like the CDF. Many children that were studying in mud classrooms and under trees are now in permanent classrooms. Within two or three years that this Parliament has been, in my constituency, we have put up over 50 classrooms and many dormitories for our children. The CDF is a direct agency for participation of the people. People participate directly at the time of identification of the projects and you get to know what they need. People get satisfied to see that after they have sat and talked with their leaders and expressed what they need, something is done.

To that extent, I appreciate what Eng. Karue did. When I was the Director of Medical Services (DMS), we were flooded with dispensaries that had no staff. We sat with him one day and worked out how the CDF could be used to employ staff on temporary basis. Unfortunately, that never came to be. That just shows how useful it can be.

The CDF has been most accessible to people. It is cheaper. The CDF Board did a survey and found out that people appreciate the CDF. The last thing they would like to see removed from the development process in this country is the CDF. The CDF Board has that information. This Bill defines what we should do in projects. It clearly states a national function and a county function. But truth be said, if you look at the lives of people and the projects that we do for them, whether in health or education, it is very difficult in the minds of the people to say that, that should be done by the county government or the national Government. We should have an institution that can bridge the gap.

We passed a Bill here, but it was never implemented. It sought to coordinate the working of the country governments and the national Government. That is really needed and I think the CDF has gone a long way in bridging that gap. As it is now, we are going to be confined to

basically security and education. Whereas those are very important functions, we must realize that there are times when even in other functions, people will be faced with emergencies and would like to approach an agency that can quickly make a decision and provide services. That is what the CDF has done.

I am happy that social security has been included in the Bill, particularly when we can buy NHIF cards. When we sought to bring the National Social Health Insurance Bill, it did not work because of the large number of indigents who could not be taken care of. If we can, in a small way, start adding to this and the counties also add some numbers, it will help in protecting our people.

I support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Peter Njoroge.

Hon. J.N. Chege: Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Bill. Before the enactment of the CDF Act, we used to have *Harambees* in every village trying to construct cattle dips, schools and dispensaries, which was a function of the Government. Since the introduction of the CDF, this country is well served in terms of schools, health centres and many facilities which were lacking before.

Before I was elected the Member of Parliament for Kasarani, three wards in the constituency, namely, Kasarani, Clay City and Mwiki did not have a single secondary school since the creation of the universe. Thanks to the CDF, each ward has now a new secondary school. We have enrolled more than 150 students in each school within a year. What would have happened to those children without CDF?

Without CDF, we would still have the mud walled classrooms that we used to see around. The transformation that has been brought up by the CDF requires the people who went to court to sit back and ask themselves what issues they had with the development of this country. We thought that by devolving funds to the county governments, most of our problems would be sorted out. However, most of the projects that you see in the country are done by the CDF. I wish we could even change the Constitution to put the CDF in it, so that we can have development. I am worried because what is remaining in our health centres, the county governments are taking up that mandate. The CDF caters for the least, namely, the constituency. It goes to the ward and every ward must get a share of the money to do a project.

I thought that CDF is part of devolution. The only problem is that it was not included in the Constitution. With the current clamour for change and trying to rectify the 20 per cent of the Constitution 2010 which was not good, I am hoping that this House will anchor the CDF into the Constitution, so that we can cover bigger areas than what we are covering.

Thank you, Hon. Temporary Deputy Speaker. I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Robert Mbui.

Hon. Mbui: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Kenya is one of the developing nations. In such a nation, there are many problems that are faced by the people. It is of utmost importance to look for solutions for the welfare of our people.

In 2010, one of the main attractions of the new Constitution was devolution. Real devolution had started in 2003 when the CDF Act was enacted. So, the citizens of this country believed that when we devolve funds through the counties, we were going to get a bigger and

better share of the resources of this nation, Kenya would develop at a faster rate and their problems would be solved. Two or three years after devolution, within the current system of operation, when you look at the amount that is allocated to Machakos County and share it fairly to the eight sub-counties, approximately Kshs2.2 billion has been set aside for my constituency. However, from 2003, only Kshs700 million has been allocated. You can see the effect of Kshs700 million, but you cannot see, at all, the effect of the Kshs2.2 billion.

The CDF has done tremendously well and it needs to be protected by all of us. It has done a lot of work in education, health, security and other infrastructural developments. So, it is important for all of us to support this Bill. I attribute the success of CDF to two things. The first one is the public participation that is enshrined in our Constitution. Before any CDF project is implemented, members of the general public are called. They give their views and proposals of the things that they would like to be done, so that their lives can be improved. There is also the transparency and accountability of CDF. Most of the projects are implemented through community leaders. They form project management committees.

I find it unfortunate that CDF was ruled unconstitutional. Members of the National Assembly are very good in prayers. Maybe, we could have held prayer rallies for the CDF around the country and the judgement would have been different.

*[The Temporary Deputy Speaker (Hon. (Ms.) Shebesh)
left the Chair]*

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

Hon. Temporary Deputy Speaker, I support the new Bill on CDF that we are coming up with. One of the reasons is that it solves the problem of the court. We are now able to only undertake national government functions. However, I have an issue with the role of the Member of Parliament in this new Bill. As the people's representative, I understand that we do not need to be the implementers of CDF, but there are certain obvious things that we need to be involved in. Being involved is not implementing. One of the things that we should be involved in is in identifying the projects. I do not think there is anything unconstitutional for a people's representative to be involved in identifying the projects that are to be done. After all, who do they talk to constantly? They talk to us. We listen to them. We know where the problems are.

The other area that we need to be involved in is identifying the good people who can assist us in implementing projects within the constituencies. We know those people. When we were vying for seats, there are those who cheated us and we know them. There are those who are loyal and we know them. So, it is important that Members of Parliament be given a very clear role in running this national Government function because they are the representatives of the people.

I know there are people out there who are waiting for this Bill to be passed, so that they can run back to court and try to stop us. In case the enactment of this Bill fails, a constitutional amendment can be done through a referendum. As the CORD, we have the *Okoa Kenya Initiative*, which is important and can help.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Hon. Members, just remember that we have five minutes for each Member speaking. The Member for Kiminini, Hon. Chrisantus Wamalwa!

Hon. Wakhungu: Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Bill. Hon. Members have talked so much about CDF. The CDF has done very good work in healthcare, schools and security. We were told that 20 per cent of the Constitution of Kenya, 2010, was not good. However, as time goes by, this has moved from 20 due to the emerging issues and has reached 40 per cent. We can only anchor the CDF in the Constitution through the *Okoa Kenya* Initiative which we are working on.

As we move on, we should not look far. Our colleagues from the other side should look at this side. We also need to have Cabinet Secretaries (CSs) on the Floor of this House. We are the representatives of the people. I know that Hon. Peris will be one of the CSs in charge of devolution. I wish her well. Article 1 of the Constitution is very clear that the sovereign power belongs to the people.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! Hon. Members along the gangway, kindly resume your seats. There is a very serious debate going on, Hon. Members.

Hon. Chrisantus Wamalwa, there is an intervention by the Member for Baringo. What is out of order, Hon. Grace Kiptui?

Hon. (Ms.) Kiptui: On a point of order, Hon. Temporary Deputy Speaker.

Hon. Wakhungu: It is relevant. Listen.

(Laughter)

Hon. (Ms.) Kiptui: Hon. Temporary Deputy Speaker, I am a bit concerned and would want to ask whether---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let me know what is out of order. Is it a point of order?

Hon. (Ms.) Kiptui: It is a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): What is out of order?

Hon. (Ms.) Kiptui: On a point of order. I am wondering whether the Hon. Member is within the rules of relevance by deviating from the discussion on CDF to something else.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, as far as we appreciate our Standing Orders, sometimes it is also important to know when you---

Hon. Wakhungu: Thank you very much. I wish my good colleague was listening. I said that 20 per cent was not good. That is because CDF was not anchored in the Constitution. That is why the court ruled that it was unconstitutional. Her being a lawyer, I expected her to have known this better. Now that *Okoa Kenya* is there, it is going to anchor CDF in the Constitution and this is the relevance.

(Applause)

As I move on, I am happy that she has listened. She is also my fellow Catholic Member of Parliament.

As I move on, Article 1 of the Constitution states that the sovereign power belongs to the people of Kenya. It can be exercised by the people themselves, or by their representatives who are democratically elected. In this case, the Members of Parliament can represent the people. Indeed, it is important when it comes to project selection where Members of Parliament must be involved. At the same time, when it comes to implementation, if Members of Parliament are not involved, we will have a problem because the buck stops with the Member of Parliament.

As we move on to the Committee of the whole House, we need to see how we are going to hurry and bring those issues together so that CDF can continue helping people. The CDF can be helpful in the marginalized areas, like the Maasai Community, where Hon. Peris comes from, so that those people can get power.

Another issue is about the fund managers. This animal called “fund manager” is an embarrassment. When it comes to payment in the constituencies, there are intentional delays for purposes of them getting kick-backs so that they can pay those people. If you go to the constituencies right now, they are driving bigger cars than Hon. Members of Parliament. Where are they getting that money from? When it comes to the CDF Board, they do not even know what is going on. They take forever to report to the office. When you go there, small amounts of Kshs100,000 are not being paid just because fund managers want kick backs. As we move into the Committee of the whole House, we are going to bring amendments so that those fund managers report directly to those committees. They have no respect even to committee chairpersons. It is, indeed, very embarrassing. The corruption we are seeing today in CDF is because of the fund account managers. It is key that we put mechanisms in place as we move on and anchor--- Please, listen to *Okoa Kenya*! We are going to anchor CDF so that it can be part and parcel of the Constitution. CDF is not going anywhere.

Under Article 94 of the Constitution, the legislative power belongs here. We are here to make laws and CDF is there to stay.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I must remind you that when you are debating, you should observe relevance. I am just giving guidance and not pointing to anybody.

If you are rising on a point of order, please, quote what you think is not relevant and what you need to inform. Let us be above the bar. The Hon. Member for Bomet Central! He is not in. He only left his card on. Hon. George Omondi, Alego Usonga Constituency.

Hon. G.W. Omondi: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this important Bill.

I must start by thanking my friend, Hon. Lessonet, the Chairman of the Committee, for having done a good job with his team. Initially, when this matter came to the Budget and Appropriations Committee, we thought that they had not done a good job. It appears they went back and reviewed the whole thing and now they have brought in some relevance concerning the complaint that the people had and which made them to take us to court.

I will not talk much about the good things that the CDF is doing. That is very obvious and almost all Hon. Members have talked about it here.

I will restrict myself to the effort the Committee has made to align the CDF Act to the Constitution. That was the bone of contention. The new Bills set the National Government Constituencies Development Fund which now creates the CDF as an organ of the national Government. In this respect, the new national organ will operate in conformity with various articles of the Constitution as stipulated in Part 1, Sections 3(c) to 3(j) of this Bill.

Part II Section 4(ii) of the Bill will make the new CDF. The new little CDF will operate in conformity with Article 206(ii) (c) of the Constitution. I am trying to put the relevance the Committee had put on the new Bill. Part IV, Section 22(a) ensures that there will be no duplication of projects as had been the case previously. In this respect, it will be difficult for corruption to take place as before. It was possible for the projects to be duplicated between the projects carried out by the MCAs and CDF.

(Loud consultations)

As I said, this will lessen the possibility of corruption that was there earlier.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, please, can we listen to Hon. Member for Alego Usonga?

Hon. G.W. Omondi: Next is Part V Section 25(ii). It is about the consideration of the national development plan. It is being taken into account and it should be realigned with ----

Hon. Temporary Deputy Speaker, these Members are having a meeting next to where I am.

(Hon. Wamalwa retreated to his seat)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you for the good discipline, Hon. Chrisantus Wakhungu.

Hon. G.W. Omondi: Section (25)(ii) will take into consideration the national development plan which will also take into account the strategic development plan of the CDF committees.

Finally, it is true just to mention a little bit that CDF has done a lot in this country. I would request other funds which have been created to take a leaf from the CDF and make any devolved fund to work. At the moment, there are so many funds that have been devolved, but nobody is seeing what they are doing anywhere.

In my constituency, we have become creative in using the CDF in the whole of Siaya County. Only Alego Usonga did not have fertilizer stores. But using the creativity that was brought within the CDF, we managed to give---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is up.

Next on my request list is the Member for Kitui Central.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill. This Bill is very important because it is discussing CDF. We all know that CDF as a development model is actually one of the best in the world. I always get very surprised when I see some Kenyans who want to oppose this important development model. I have taken time to read through this Bill and there are a number of important issues which we should note as Kenyans.

Looking at Section 4, there is the issue of how the money is shared. After the division of Revenue Act, there is always money which goes to the national Government and money which goes to the county government. The CDF money will come from the share of national Government. In that case, it is not interfering with the amount going to the county governments.

Hon. Temporary Deputy Speaker, Clauses 4 and 51 put a lot of emphasis on accountability of the Fund. Whatever funds are received through the CDF must be fully accounted for. Clause 51 provides for serious penalties for those who misappropriate funds. This

ensures minimal misuse of CDF funds. That is why there is no misuse in the CDF. There are no funds for spouses to do other things. There is no money for entertainment, travelling and aircraft charters. The CDF is used very well.

Administrative expenses must not exceed 1 per cent. During the Committee of the whole House, we will amend that clause to ensure that administrative expenses are pegged to the budget submitted to the Board, and ensure that those expenses do not exceed 5 per cent of the total allocation.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, in order to avoid repetition, I call upon the Mover to reply. If he is philanthropic enough, he can donate some time for some of you to contribute. At 6.00 p.m., we will have the Motion to adjourn the House.

I now call upon Hon. Lessonet to reply. As he gets ready, when we debate the Motion for Adjournment, you can import your argument on the CDF Bill.

Hon. Lessonet: Hon. Temporary Deputy Speaker, allow me to thank hon. Members for their positive contributions, suggestions and comments, which we will incorporate during the Committee of the whole House. So many Members are desperate to say something. Allow me to donate one minute to Hon. Gichigi, Hon. Melly, Hon. Kubai Iringo and Hon. Kitungi.

(Hon. Members raised their hands)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, we do not raise hands to catch the eye of the Chair. Hon. Lessonet, you will have your minutes to reply.

Hon. Gichigi: Thank you, Hon. Temporary Deputy Speaker. I support this Bill. However, I suggest the introduction of an amendment to ensure that for constituencies that have more than eight wards, we add two members to have nine members instead of the seven members that come from that constituency. I will be suggesting that amendment during the Committee of the whole House. In order for a Member of Parliament to know what is happening in his constituency and carry out his oversight role effectively as envisaged by the Constitution, his office must be included.

We must also ensure that people appointed---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Melly!

Hon. Melly: Thank you, Hon. Temporary Deputy Speaker. I would like to thank Hon. Lessonet, the CDF Committee and all those who have participated in the preparation of this Bill. As a fund of the national Government, the CDF will ensure that services reach *mwana nchi* at the local level. Citizen awareness will improve how CDF will be used, especially when members of the public participate in proposing projects and giving annual reports showing how the funds have been used.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Igembe Central, Hon. Kubai Iringo!

Hon. Kubai Iringo: Hon. Temporary Deputy Speaker, I would like to thank the Chair of the CDF Committee for donating a minute to me. I would also like to thank the Committee for a job well done. The CDF is the only fund whose impact is felt in constituencies across the country. It is properly structured and has proper monitoring systems. It is a good move that the Bill allows the chairs of the committees to be in charge of the fund managers, and check on wastage in the CDF. The CDF is felt deeply in the villages because it works. I would like to challenge the Board to---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Kitungi, please put your card on the intervention slot of your gadget.

Hon. Kitungi: Thank you, Hon. Temporary Deputy Speaker. I would like to thank the Chair of the CDF Committee for donating a minute for me. The CDF is the best model for development that we have in this country and in the world. We had a meeting in Burkina Faso and the delegates there wanted to know how we operate the CDF. The CDF should be here to stay to bring more development in this country.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Lessonet, you can now reply. You have a balance of five minutes to do so.

Hon. Lessonet: Hon. Temporary Deputy Speaker, allow me to donate a minute to Hon. Mwadime from Taita Taveta County. Those are minorities who have felt the benefit of the CDF.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Lessonet, you have about three to four minutes to reply, having donated your time to the other four Members.

Member for Mwatate!

Hon. Mwadime: Ahsante sana, Mhe. Naibu Spika wa Muda.

Msukumo wa Katiba unaenda sambaba na vile Kamati ya Hazina ya Ustawi wa Maeneo Bunge imeelezea. Lakini wangefanya marekebisho katika kipengele kinachozungumzia wanaosimamia pesa hizo, haswa wale ambao wameajiriwa na Serikali Kuu kama CDF managers. Hao ni watu wakora. Ikiwezekana, tuwe na mfumo mpya wa kuwaajiri mameneja wanaosimamia fedha hizo mashinani.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Lessonet, you have to go on record as replying as the process and procedure of the Motion requires.

Hon. Lessonet: Hon. Temporary Deputy Speaker, I beg to reply.

(Question put and agreed to)

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

The Temporary Deputy Speaker (Hon.) (Ms.) Mbalu): Next Order.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.31(1)

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

Hon. Katoo: Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 31, this House adjourns until Tuesday, 1st December 2015 at 2.30 p.m.

This is to enable Members of Parliament to participate in the Pope's Visit to Kenya from 25th to 27th November 2015. This was a humble request by the Catholic Members of Parliament Spiritual Support Initiative that was made last week by their able Chair, Hon. Thomas Mwadeghu, who is also the Whip of the Minority Party. This is to enable all hon. Members to attend and participate in the Mass by His Holiness Pope Francis.

The Holy Father's visit to Kenya is a great blessing to the nation. It provides us with an opportunity to reflect and search our souls as a nation, particularly on our common humanity and in the manner in which we treat one another. We are all aware that Pope Francis has been outspoken in his support of the world's poor and marginalised people. He has also been involved actively in areas of political diplomacy and environmental advocacy. Because of our past and the failings exhibited during electoral cycles, it is a good moment to pose again to ourselves the vital question: What do we need for ourselves, our country and children? To the country as it stands today and even with the new Constitution in place, Kenya has still not experienced true cohesion and integration. We are still fighting over issues that can be discussed and resolved through engagement with the institutions we have established and through dialogue.

Our political discourse is mediated through language that is laden with abuse, indignity and lack of consideration for the other. We engage in politics of steering people apart, instead of making legitimate criticisms of individual conducts or the institution created to address such failures. We are painfully aware that the language of hate is only one small step away from violence that can tear apart the fabric of our nation and of our nationhood. We need to reflect on this past and create a future that will bring about change, healing and reconciliation that we need. It is my hope that each one of us will take advantage of the visit by His Holiness Pope Francis to reflect and do soul searching as we pray and as we get the message and blessings from the Pope. Let us use this opportunity to strive in our hearts and seize this rare opportunity. Let us embrace the spirit of tolerance and reconciliation in the country. Indeed, we are all desirable of national unity and reconciliation thus peace, love and unity.

As I beg to move this Adjournment Motion, you are all aware that I stated last Thursday that on 19th November 2015, the House Business Committee (HBC) prioritised the business of the House for the week starting on Tuesday 1st December 2015 on the Second Reading of the National Government Constituency Development Fund Bill 2015 - which you have just passed its Second Reading - the National Resources (Classes of Transactions Subject to Ratification) Bill, National Assembly Bill No. 54 of 2015, Physical Planning Bill, 2015 and the Forest Conservation and Management Bill, 2015.

There are reports of the Mediation Committee on the Mining Bill, 2014 and the County Governments (Amendment) Senate Bill, 2014, the Health Bill, 2015, the Tax Procedures Bill, 2015 and the Protection of Traditional Knowledge and Traditional Cultural Expression Bill, 2015.

The Cabinet Secretaries are also scheduled to appear before the Committees on Tuesday 1st December 2015, as I had stated last week.

Finally, Hon. Temporary Deputy Speaker, the HBC will reconvene on Tuesday December 1st 2015, that is if the House agrees to this Adjournment Motion at the rise of the House, to consider business for that week.

I beg to move and with your permission, request my colleague, Hon. Chris Wamalwa, to second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Chris Wamalwa to second.

Hon. Wakhungu: Thank you, Temporary Deputy Speaker. I rise to second this Motion and to thank the Holy Father for accepting to visit Kenya and Africa at large. We know very well that Kenya really needs healing as outlined even in our National Anthem. We have had many challenges here and there but, as the Holy Father comes with a message of peace, reconciliation and forgiveness, we need each other in this country. We are one family. I know that he is a man

with a lot of simplicity. There is a message of simplicity and humility. This is the right time. As leaders of this country at such a time, we are facing a lot of issues such as corruption. We must reflect upon that and see what we can borrow from him.

There is this aspect of religious tolerance. We know very well that the Holy Father is supposed to meet different religious groups and those meetings will call for religious tolerance. We know we have had issues of youth radicalisation and extremism in this country. As we fight terrorism, this is the high time we had religious tolerance.

I know the Holy Father is passionate and compassionate about environmental matters. That is why he is going to have a meeting with the Committees on Environment from both the National Assembly and the Senate. It is, indeed, important that we must take care and protect our environment. As we move on, we call upon Kenyans to come in large numbers so that we can attend the mass that will be at the University of Nairobi. For the Hon. Members, we have been provided with cards to be at State House so that we can be with the Holy Father. It is a holy time for Kenyans to reflect and be together as a family.

Thank you, Hon. Temporary Deputy Speaker. I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I will give the first chance to the Member for Lugari, Hon. Ayub Savula. Hon. Members, remember that each Member will have five minutes to debate as per our resolutions.

Hon. Angatia: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this important Motion for Adjournment. Kenya is a country that is blessed with diverse cultural values and with 42 tribes. After the post-election violence, Members of Parliament have been going round the country praying for the victims and the suspects at The Hague but, with the coming of the Pope, I would wish we all converge there and pray for this important occasion. This is the opportunity where we can have genuine prayers led by our Pope for the healing of this country. Some of the prayers have been political, but the true prayers are coming with the Pope. That is the moment we are waiting for. I urge Kenyans to turn up in large numbers irrespective of the denomination they attend every Sunday because Catholics have shown an example that their leader is coming to a Third World country like Kenya to pray with Kenyans.

This will be a great moment for us to show respect to one another and to ensure that we pray and remain a united country. We need to remain peaceful irrespective of political party affiliations. This will be a true moment where Kenyans will gather together to show respect to God. I belong to the Church of God but I married from the Catholic side. I promise I will be there because this is a defining moment for this country and we all believe in one God.

With those remarks, I support the Adjournment Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Hon. Member for Kipkelion East, Hon. Joseph Limo.

Hon. Limo: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Adjournment Motion. The Pope is one of the very important guests of this country, after the President of the United States of America (USA), Barack Obama. It is, indeed, a blessing to this country. This year has been a real blessing. We have received two important guests. This House should stand with the country to welcome the Pope. As we welcome the

Pope, it is our time to preach reconciliation. It is our time to ensure that we reflect on what we have achieved throughout the year as we plan to achieve more next year. Even all the businesses which we have transacted the whole of this year---I know that we had a lot of business lined up for tomorrow and Thursday. This should not affect the quality of our business come next week. We have quite a lot of time. The House Business Committee (HBC) can consider extending the time before we go for the long recess to ensure that we complete the business.

The National Government Constituencies Development Fund (CDF) Bill which was before this Adjournment Motion is no doubt one of the most important businesses we have transacted. It must bring peace to our minds especially to *wananchi* who have been worried that a very important Fund is under threat. It is the first Fund in most of the villages in our constituencies that has brought development since the world was created by God. This Fund has brought us peace of mind and we do not want to let it go. We must ensure that its existence is not threatened at all. One of the very key businesses come next week is to ensure that we complete it. We want to call upon the President to assent to it because the country is waiting for it.

I support the Adjournment Motion and let us all be available to welcome the Pope. Let us ensure that this country is well prepared to receive this very important guest and all of us are together with the Catholics of this country. We are assuring our friend, the Member for Kimini, that we will be together to welcome the Pope. I am very sure that he will come back next year because Kenya is one of the best countries in the world.

Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kanduyi, Hon. Wafula Wamunyinyi.

Hon. Wamunyinyi: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to make my remarks on this important Adjournment Motion. *Papa* Francis' visit is very important for this country. For us, it is a great moment and I call upon everybody to come out in large numbers to receive *Papa* Francis tomorrow.

All of us, including hypocrites, pretenders and sinners should seize the opportunity to receive the Pope's blessings. This is the time for reflection and everybody should be able to repent, reconcile, come together as Kenyans and remain together with the Pope's blessings.

Tomorrow is a great day. Members have been invited by His Excellency the President to go to State House. Irrespective of your religious affiliation, you are a Kenyan Member of Parliament. Let us be together during this moment to ensure that the Pope meets all of us tomorrow, as the leadership of Kenya, so that we all can receive blessings.

With those few remarks, I support the Motion for Adjournment.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kajiado East.

Hon. (Ms.) Tobiko: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion for Adjournment.

It is important that we take those two days off for spiritual nourishment and for Kenyans to reflect on the value of the lives of each Kenyan. Even as we approach the election period in 2017 - because it is not very far - I have been worried by the very sensitive talk of politicians in various forums. We need those Kenyans, particularly people like George Aladwa, Hon. Moses Kuria and Hon. Johnstone Muthama, to make sure that they attend those prayers so that they can be prayed for. We need to tame our tongues because they can set this country on fire.

With regard to the business that has just been completed on the National Government Constituencies Development Fund Bill, the Constituencies Development Fund (CDF) has

changed the lives of Kenyans. I support that the fund be retained. The constituencies are some of the lowest units of devolution which are not in competition with the county government. Our people need those funds. These funds have also been well-managed and have shown the great work that can be done by well utilised funds.

Even as we reflect on the visit of the Holy Father, Constituencies Development Fund are contributions from all Kenyans and are funds that could be utilised in constructing social amenities like religious centres, sanctuaries, churches and mosques. You and I know that every weekend, we hold *Harambees* for churches. We need those religious places. The CDF should be enhanced to support the building of churches and mosques so that Kenyans can get proper directions and this country is kept together.

The visit of the Pope is very important for all of us. Kenyans need to take care of our money which we collect through taxation. I thank the President for taking action on corruption. Even as we fight corruption, there has been a witch-hunt against women leaders who have been hounded out of offices. This should never happen. I am greatly concerned that Hon. Ngilu and Hon. Waiguru were hounded out of office and yet, women are known to be better managers of finances in this country than any other people.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): For appreciation of all denominations, allow me to give an opportunity to the Member for Matuga.

Hon. Mwanyoha: Shukrani, Naibu Spika wa Muda. Nilidhani hunioni, kumbe waniona!

Mhe. Naibu Spika wa Muda, mimi nasimama kuunga mkono Hoja hii kwa sababu anayekuja ni mtu mtukufu, na hata kama dini ni tofauti zote zaelekea kwa Mungu mmoja. Mimi ni Muislamu na najua kwamba Bunge hili lina Waislamu wa kutosha. Nawauliza Waislamu wenzangu, waheshimu Baba Mtakatifu ili tuweze kuhakikisha kwamba tunaenda kukutana na yeye. Baraka hazitoki sehemu moja. Zinatoka sehemu mbalimbali na nina imani kuwa yeye akiwa kiongozi wa ulimwengu, atapatia baraka zake.

Langu tu ni kumuuliza Mwenyezi Mungu, siku moja Baba Mtakatifu aje awe mtu wa Kenya kama Mhe. Gunga, ili tuweze kupata baraka za karibu, kuliko kungoja miaka mingi hadi Baba Mtakatifu Francis aje. Tunataka tuwe na mtu karibu sana. Ingawa Mhe. Gunga anakataa, ni nafasi ambayo angeitumia.

Nataka kutoa shukrani zangu za dhati. Itakua si sawa kwetu kusema kuwa tunabaki hapa ilhali kiongozi mkubwa wa dini ya wenzetu anakuja. Nawaomba Wakatoliki wakumbuke kuwa Uprotestanti pia ni dini, na Uislamu pia ni dini. Kiongozi wa Kiislamu pia naye akija siku moja, pia nao wavunje kazi zao na waelekee kumuona ili tuweze kuwa kitu kimoja ndani ya nchi hii.

Ahsanteni. Mungu atubariki na naunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Unaunga mkono. *Member for Wajir West.*

Hon. A.O. Ahmed: Thank you, Hon. Temporary Deputy Speaker. I support this Adjournment Motion. As Kenyans, we very well know that we have a lot of problems, particularly at this time. It is very important for us to join together and pray together. Corruption is bringing this country to its knees. We also have a lot of insecurity and the only way to overcome that is to come together and pray for this nation. We do not have an alternative and we, as leaders, need to be an example. This country is at its lowest moment. Let us use the two days of adjournment to pray, reflect and see how we can lead this country to a better future. That is the only way we can support our nation because over 40 million Kenyans are looking at us and we have a responsibility and an obligation. We also need to give rightful advice and support His

Excellency the President and the Jubilee Government. This is not the right time to talk politics. This country is not concerned with politics. We hope that the Pope will advise us, as leaders. We are in a moment where a third of the Cabinet is missing. It is very unfortunate. The running of this country is at risk.

Thank you so much. God bless you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): From the prayerful woman, Hon. Mary Wambui.

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support the Adjournment Motion. We love God because he created us. It is, therefore, important to give respect to the Holy Father. We should learn to forgive our enemies and be one. We should be able to sit with the Opposition in one table. As God said, when we forgive, he will also forgive us. I hope that since the Pope is coming to this country, we as MPs should unite. If there is something wrong, let us sit together and solve our problems as one so that our children can see a difference in the 11th Parliament.

We support the National Government Constituencies Development Fund Bill since the Fund is helping ordinary persons who cannot get direct funds from the national Government. The county governments are not doing much since they came in. They are just thinking about themselves.

If you go round, you cannot even see a single project that has been done by a governor. So, let the CDF remain at the national Government level. Allow Members of Parliament to oversee what is happening. If things go wrong, people will say it is the Members of Parliament who did not do their work. We are also going to hold to account the accountants who sign cheques. We hope they will not delay signing the cheques because some projects are delayed because of the signatures of the accountants.

I beg to support the Adjournment Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member for Mukurweini, Hon. Kabando wa Kabando.

Hon. Kabando wa Kabando: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I celebrate the fact that the Government of Kenya, under President Uhuru Kenyatta, in conjunction with the total leadership of this country, is setting aside our time in order to welcome a global religious leader of special repute. Lessons to be learnt include celebrated humility of the Pope.

These are good times when we should insist on the values enshrined in the Constitution, whose preamble is also about the Supreme Being; God. While we support this, it is also important for us to reiterate that, as a nation, we must be consistent and fearless. Jesus Christ abhors violence and He dislikes hatred. Jesus fought corruption even in the church. We celebrated when Obama spoke to us at Kasarani about the need to distribute wealth, safeguard national wealth and protect the poorest in all the corners of the country. For the next two days, let us forget about the political parties we belong to or the position we occupy.

It takes more than a baptismal name or an English name to be a good Christian. It takes the heart, spirit and soul of an individual. We should not use the two days to celebrate and then forget and go back to our conflicts. I totally disagree with those who say that on certain frameworks, we must talk about our ethnic groups, gender or special interests such as minority groups. Power belongs to God. The sanctity of life is bestowed by the supreme, indispensable and irreplaceable God that we worship. The Bible, Quran and other holy books of God guide us

to do what is good. Our earthly works should be guided by supplication and worship to the Almighty.

We have said many times before that drug abuse, terrorism and graft are a threat to national security and peace. His Excellency the President has said the same. Let us stand as one people and support the President. As we go to worship with the Pope, let us commit ourselves to zero tolerance to graft, terrorism and drug trafficking. That is why we are saying: *“Boresha Katiba wakati Pope ako nchini.”*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): One minute to the voice of the people of Siaya.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I also want to add my voice to this. First, we are a blessed nation to have His Highness the Pope, the world leader, coming to this country. This is the second time we are having a Pope visiting Kenya and we should be proud of that fact.

Lastly, this country is divided along tribal lines. Today, we are united because the Pope is coming. I want to see a situation where we are still united when the Pope leaves. Tribalism should never be part of our lives because that division is what is causing insecurity and unfairness in the distribution of resources. It is causing Kenyans to hate one another. The coming of the Pope is a uniting factor. Let it remain as part of our history forever.

Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity. I support the Adjournment Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Well spoken. I must appreciate the requests. This being a House of rules and procedures, the debate was for 30 minutes.

Hon. Members, as you rise, I must appreciate the debate. From the Office of Speaker, allow me to take this opportunity to wish Kenyans and the Members of Parliament the best during the Pope's visit - the Holy Father.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, the time being 6.30 p.m., this House stands adjourned until Tuesday, 1st December 2015 at 2.30 p.m. I thank you all.

The House rose at 6.30 p.m.