

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 18<sup>th</sup> February, 2015

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) in the Chair]*

### PRAYERS

**The Temporary Deputy Speaker** (Hon. Cheboi): Order Members! We are waiting for the Members who are getting in so that we can ascertain the issue of quorum. We are doing very well so far.

*(Hon. Members walked into the Chamber)*

So, we now have quorum. Therefore, we will start our Business.

### NOTICES OF MOTIONS

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, on that one, I see hon. Waluke has a notice of Motion. I do not know if he is in. How about hon. Malulu Injendi?

### REVIEW OF MARRIAGE REGISTRATION PROCEDURE

**Hon. Injendi:** Thank you, hon. Temporary Deputy Speaker. I wish to give notice of the following Motion:-

THAT, aware that the Marriage Act 2014 was assented to by His Excellency the President on 29<sup>th</sup> April, 2014 and commenced on 20<sup>th</sup> May 2014; noting that the Act was by and large an amalgamation of the previous Acts, thus amendments relating to the regulations were minimal in effect; deeply concerned that there are only 12 offices for the Registrar of Marriages in the whole country thus making it difficult for the hopefuls to issue notice of marriages; mindful of the fact that the upward revision of the marriage certificate acquisition fee is not affordable to many Kenyans thus inhibiting them from registering marriages as envisaged by the new Act; this House urges the Government to review the procedure and the cost of marriage registration and to decentralise the offices of the

Registrar of Marriages to a minimum of all sub-counties so as to reduce bureaucracy and enhance accessibility.

The other one---

**The Temporary Deputy Speaker** (Hon. Cheboi): Do you have two notices?

**Hon. Injendi**: I have two, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Which one have you just done now?

**Hon. Injendi**: The first one is on the Marriage Act, 2014.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay, proceed.

#### CREATION OF JOMO KENYATTA NATIONAL MEMORIAL

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

THAT , aware that the late His Excellency Jomo Kenyatta was the founding President of the Republic of Kenya and as such is an important historical figure; also aware that upon his death he was interred in a stone, glass and marble mausoleum on the grounds of Parliament; noting that unlike mausoleums of many other deceased Heads of State, President Jomo Kenyatta's tomb, though situated in a most public place has been off limits to the citizens for 37 years and only open to the public during the anniversaries of his death and on rare occasions when visiting Heads of State pay their respects; concerned that despite the clamour over the years for the mausoleum to be opened to the public and possibly be a tourist attraction, no steps have been taken in this regard; further concerned that 70 per cent of Kenya's population is below the age of 40 years, to whom Jomo Kenyatta remains a distant historical figure with whom they have little or no connection despite his importance in Kenya's history; this House resolves that the Government creates the Jomo Kenyatta National Memorial at the current mausoleum similar to the one of the founding President of the United States of America (USA), George Washington, where archival information of his life and his remains will be open to public viewing.

Thank you, hon. Temporary Deputy Speaker.

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

#### COMMITTEE OF THE WHOLE HOUSE

*(Order for the Committee read)*

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

#### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Cheboi) took the Chair]*

THE ORDER OF PRECEDENCE BILL

**The Temporary Deputy Chairman** (Hon. Cheboi): Order, hon. Members! Now we are proceeding to the Committee of the whole House to deal with the Order of Precedence Bill No. 11 of 2014 by hon. Adan Keynan. I see hon. Keynan is in. Therefore, we will proceed to it.

*(Several hon. Members walked out of the Chamber)*

Order, hon. Members! Those who are exiting the Chamber should exit in silence.

*(Clause 3 agreed to)*

*Clause 4*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Kamama, do you have an amendment to this? You have not requested for the microphone yet.

**Hon. Lentoimaga:** I already have.

**The Temporary Deputy Chairman** (Hon. Cheboi): That is not hon. Kamama. So, do we assume that it is a Committee amendment?

**Hon. Lentoimaga:** Yes.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay, proceed.

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

THAT, Clause 4 be amended by deleting Sub-clause (1) and substituting therefor the following new sub-clause—

- (1) There is established an Order of Precedence for the holders of the following State offices and public offices in the following hierarchy—
  - (a) the President;
  - (b) the Deputy President;
  - (c) the Speakers of Parliament;
  - (d) the Chief Justice;
  - (e) the Leader of the Majority Party/Leader of the Minority Party of Parliament;
  - (f) Members of Parliament/County Governors;
  - (g) Former Presidents/Prime Ministers;
  - (h) Justices of the Supreme Court;
  - (i) Former Vice Presidents and Deputy Presidents;
  - (j) Judges of the Court of Appeal;
  - (k) Judges of the High Court;
  - (l) Cabinet Secretaries/Attorney-General/Auditor-General;

- (m) Principal Secretaries;
- (n) Chief of the Kenya Defence Forces;
- (o) Inspector-General of the National Police Service/ Director General of the National Intelligence Service;
- (p) Chairpersons of constitutional commissions;
- (q) Commissioner of Prisons;
- (r) Ambassadors and High Commissioners.

It is continuous after (n) as per the Order Paper.

**Hon. Murungi:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): What is your point of order, hon. Kathuri? I thought the first thing we should do is to propose the Question. Unless it is something specific, we could propose the Question and then I will allow your point of order.

Okay, proceed! What is your point of order, hon. Kathuri?

**Hon. Murungi:** Hon. Temporary Deputy Chairman, I would like the Mover to tell us what has informed this amendment or its import. But if you want to propose the Question and then he responds, that is okay.

**The Temporary Deputy Chairman** (Hon. Cheboi): I obviously agree with you on that one. As we do our proposals, it is important to give the gist of what you are proposing in your amendment; what you intend to achieve. That makes perfect sense. Let me propose the Question. What is it, Leader of the Majority Party?

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I do not want to take the Committee back, but I am sure you have dealt with Clause 4 of this Bill.

**The Temporary Deputy Chairman** (Hon. Cheboi): That is what we are dealing with now.

**Hon. A.B. Duale:** So, in Clause 4, if you look at the Order of Precedence---

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Leader of Majority Party, I want to propose the Question and give you the opportunity to speak.

*(Question of the amendment proposed)*

*(Hon. Keynan stood up in his place)*

Hon. Keynan, I know that in the order of precedence, you should be the first, but the Standing Orders tell us a different thing. I will give you an opportunity, but let me hear from the Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I want to raise a constitutional matter.

*(Hon. Keynan stood up in his place)*

**The Temporary Deputy Chairman** (Hon. Cheboi): In terms of the Standing Orders, hon. Keynan, it is the Leader of Majority Party who has a priority, but you will have an opportunity. There will be no quarrel.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, hon. Keynan is a very seasoned Member of this House. He should know that when the Leader of Majority Party, stands, he should “freeze”.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Cheboi): That is also not true. It is only the Speaker who makes everybody else to “freeze”.

**Hon. A.B. Duale:** That is on a light touch. Hon. Temporary Deputy Chairman, if you look at Clause 4, I have no problem with the order of precedence; (a) The President, (b) the Deputy President, (c) the Speakers of Parliament, (d) the Chief Justice, but (e) is where I have a problem. Unless the Mover brings an amendment, Article 108 of the Constitution creates the Offices of the Leader of Majority Party and the Leader of Minority Party. In the context of the National Assembly, Article 108 of the Constitution sets up precedence. It says that there shall be a Leader of the Majority Party and a Leader of the Minority Party. In (2), it says that the Leader of the Majority Party shall be the person who is the leader in the National Assembly of the largest party of coalition of parties. If you go further, it says the Speaker, the Leader of the Majority Party and the Leader of the Minority Party. Here, he is putting the Leader of the Minority Party and the Leader of the Majority Party at par. We even do not have the same shares in this House. My shareholding is bigger than that of the Leader of Minority Party.

Having said that, unless the Mover amends (e), it should be the Leader of the Majority Party and then (f) becomes the Leader of the Minority Party. One day, hon. Keynan might become the Leader of the Majority Party. If he does not bring an amendment, then it becomes unconstitutional.

**The Temporary Deputy Chairman** (Hon. Cheboi): Before I give anybody an opportunity, let us have the Mover of the Bill. I will give you an opportunity Members. We have time on this one.

**Hon. Keynan:** Thank you, hon. Temporary Deputy Chairman. I concur with what hon. Duale has said. While the majority must always have their way, the minority must have their say. To that extent, what he said makes a lot of sense. As the Mover, I know the procedure allows me to make an amendment anytime on the Floor and that is one thing I intend to do. Secondly, because this was something we discussed with the Committee and we went through it, what informed this was a deliberative discussion that we have had with the able Members of the Committee on Administration and National Security. There are only two clarifications on the same.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Keynan, why do you not move a further amendment to rectify that particular---

**Hon. Keynan:** I want to move a further amendment on separation of (e). Before that, I want the issue of former presidents in (g) to move immediately after the Chief Justice. We know that former presidents are critical individuals who have governed this country and, therefore, should be after the Chief Justice in the pecking order. Equally, we should also separate the Leader of the Majority Party and the Leader of the Minority Party. (e) therefore, becomes the Leader of the Majority Party and (f) becomes the Leader of the Minority Party.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Keynan, we will allow you a few minutes to put together your further amendment. You will probably need to discuss with the technical people. In the meantime, the Members will proceed and ventilate on this particular one as we wait for you to be ready. I will give this opportunity to hon. Serut. Did you remove your card? At one point, you wanted to contribute and you were way ahead. Proceed.

**Hon. Serut:** Thank you, hon. Temporary Deputy Chairman. Whereas my colleagues seem to agree with (c), I have a problem with (c). I do not think the Speaker of the National Assembly and the Speaker of the Senate are at par. In the pecking order, the Speaker of the National Assembly comes first. He is in charge. He is third in the pecking order. I want to beg that the Mover of this Bill rethinks that pecking order.

**The Temporary Deputy Chairman** (Hon. Cheboi): There is no question of re-thinking, hon. Serut. You are a seasoned legislator. There are only three solutions. Either you support, oppose or you propose an amendment. If you want to propose a further amendment then, maybe, you should approach the Mover of the Bill who will be able to factor it in the further amendments that he is putting together. I will give this opportunity to hon. Wamalwa.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Chairman. I support what the Leader of the Majority Party has said because as provided for in the Constitution---

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

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Wakhungu, why are you sitting down? I have not given the Floor to the Member for Kitui Central.

Hon. Mulu, do you have a point of order?

**Hon. Mulu:** Yes.

**The Temporary Deputy Chairman** (Hon. Cheboi): But you are already standing even before I have given you the opportunity.

You now have the Floor.

**Hon. Mulu:** Thank you, hon. Temporary Deputy Chairman. I just want to find out whether it is in order for us to discuss this Bill, when the Mover is not here to listen to what Members are saying.

**The Temporary Deputy Chairman** (Hon. Cheboi): The Mover is within the precincts of the Chamber and he is busy working out one or two things. The Chair is aware of his whereabouts.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Chairman. I agree with what the Leader of the Majority Party had said. I also support what hon. Serut has just said. The Constitution is very clear. It says that in the absence of the President, the person who takes over is the Deputy President. In the unfortunate circumstances where the President and the Deputy President are incapacitated for any reason, it is the Speaker of the National Assembly. That is outlined in the Constitution.

Therefore, it is important, looking at (c), to note that you cannot say 'the Speakers of Parliament'. At one time, I had an opportunity to go to Lagos, Nigeria, with both the Speakers; of the National Assembly and the Senate. It was chaotic. I remember I was with you. So, it is important that we must remove this anarchy and confusion and put the National Assembly Speaker at number three on the pecking order, as provided for in the Constitution.

Secondly, Article 1 of the Constitution talks about the sovereignty of the people, where they can exercise it directly or through their democratically elected leaders. I have in mind the Members of the County Assemblies (MCAs). They are elected but, looking at the pecking order, I cannot see them located anywhere. They represent people. It is, therefore, my humble request that we amend this Bill to place the MCA somewhere on the pecking order. The other day---

*(Loud consultations)*

At the national Government level, we have to involve Members of Parliament but when it comes to the County Government level, we are leaving out the Members of the County Assemblies (MCAs). Why have we not left out the governors? Is the governor not part of the county government? He is with us on the pecking order. Therefore, we must include the MCAs.

**The Temporary Deputy Chairman** (Hon. Cheboi): Order Members! Order, hon. Wamalwa! You need not exchange; you have the microphone. You do not have to exchange with the Member for Ijara, for example.

**Hon. Wakhungu:** Hon. Temporary Deputy Chairman, MCAs are elected leaders. It is important that when we do our forums, they are recognised and put somewhere on the hierarchy.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Wakhungu, you are doing well yourself because you have a right to opinion and that is why this is a debating Chamber. Any other Member who has a different opinion will have an opportunity to give it on the Floor of this House. So, let us give this opportunity to hon. Wakhungu to make his point because he has the right to do so. Even if he decides that the village elder should be on the pecking order, he has the right to do so. Please, let us not engage in exchanges from the Floor.

**Hon. Abass:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will now give this opportunity to the hon. Member for Ijara. I could see that you were agitated. I want to hear what you have to say. It should not come as a point of order. Contribute!

Hon. Members, you realize that we are taking a little longer on this Order. We want to give a little time to the Mover of the Bill to move an amendment.

**Hon. Abass:** Hon. Temporary Deputy Chairman, I support this amendment with the understanding that (g) will become (e) and (e) will be separated. I also want to inform hon. Wamalwa that if the MCAs are not on the pecking order, it only means that they are somewhere below. So, there is no problem. You cannot have everybody and every public officer in Kenya on the official order of precedence. Otherwise, the number will go to thousands. The fact that some people are not on the order of preference does not mean that they are not there. It only means that they are somewhere below there and they will not be captured. You cannot capture every office.

Thank you.

**The Temporary Deputy Chairman** (hon. Cheboi): Let us now hear the Member for Aldai.

**Hon. Serem:** Thank you, hon. Temporary Deputy Chairman. In my view, the governor should always be ahead of the Member of Parliament.

*(Loud consultations)*

Hon. Temporary Deputy Chairman, I am in this House to debate. If one has a different view, he or she can raise it after me.

**The Temporary Deputy Chairman** (Hon. Cheboi): That is where you go wrong, hon. Serem. The unfortunate bit is that you know you are doing the right thing, but you still want to argue with those who are doing the wrong thing. I want you to simply canvass your position. You are well protected. Hon. Members, let us give him an opportunity.

**Hon. Serem:** You are not protecting me, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): You are well protected!

**Hon. Serem:** Hon. Temporary Deputy Chairman, I want your protection, especially from hon. Wamalwa, who is shouting!

**The Temporary Deputy Chairman** (Hon. Cheboi): I will protect you from everybody else.

**Hon. Serem:** Thank you, hon. Temporary Deputy Chairman. I feel that the governor should be ahead of the Member of Parliament. We do not want a situation where there will be an exchange between governors and Members of Parliament when we attend public functions. That is my view.

If you look at the level of representation, a governor represents more people than a Member of Parliament. A governor is elected by more people than a Member of Parliament.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Very well. Let us have the Member for South Imenti.

**Hon. Murungi:** Thank you, hon. Temporary Deputy Chairman. I also want to echo the sentiments of the Member for Aldai. Let us do away with strokes. We should not be 50-50, the watermelon way. A Member of Parliament should either rank lower than the governor or *vice-versa*. We should also separate Members of Parliament of the National Assembly from those of the Senate. That way, one can differentiate one category of Members of Parliament from the other. Therefore, there should be no strokes at all.

**Hon. Maanzo:** Thank you, hon. Temporary Deputy Chairman. I have looked at this clause. The Senators are missing. This clause should be specific.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Maanzo, to clarify, because it is fairly straight forward, Members of Parliament include the Members of the National Assembly and the Senators.



**Hon. Maanzo:** Hon. Temporary Deputy Chairman, that is okay, but I still have an issue with the placement of the Vice President and the Deputy President immediately after the former President

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Maanzo, did you talk about Vice President and the Deputy President? That is at (i)?

**Hon. Maanzo:** It should be just below former Presidents, followed by former Vice Presidents and former Deputy Presidents. This is my proposal to the Mover of the Bill.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Maanzo, that is your opinion; you are entitled to it. Are you through?

**Hon. Maanzo:** Yes, hon. Temporary Deputy Speaker.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): I want to know whether the Member for Eldas is ready. In the meantime, as we get to know that, let us have hon. Injendi. Are you ready?

**Hon. Injendi:** Yes.

**The Temporary Deputy Chairman** (Hon. Cheboi): You have two minutes as hon. Members ventilate on the issues.

**Hon. Injendi:** Thank you, hon. Temporary Deputy Speaker. On this pecking order, we have the President and the Deputy President. I would also propose that since we have the governors, we also provide for the deputy governors.

**The Temporary Deputy Chairman** (Hon. Cheboi): I have a problem when hon. Members say 'I propose'. You can either be supporting this amendment or you are not. If you are not supporting and you have a proposal for an amendment, follow the correct procedure. I want Members to be clear.

Hon. Members, I am having problems with people who have pressed the intervention buttons. Let us hear the Member for Kwanza.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairman, I oppose this list. The ranking is going to cause a lot of controversy out there. Let us not be selfish. I want to agree with hon. Serem and the way he has put it. Even when you go out there for a public meeting or something, normally, a Member of Parliament will ask the Senator to talk first and then ask the governor to speak last. In this proposal, I suggest that we should prolong the list by giving each office holder his own position. For example under "e", we should have the governor, then "f" the Senator and "g" the Member of Parliament.

*(Loud consultations)*

Let us not start creating problems out there. Then for "i" on the Cabinet Secretary, Attorney-General and Attorney-General, I would suggest that the first holder should be Attorney-General---

**Hon. Kombe:** On a point of information!

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Member, do you require any information?

**Hon. F.K. Wanyonyi:** No! I do not need any information.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay. Information rejected hon. Member for Magarini.

**Hon. F.K. Wanyonyi:** I am talking because I am sure we are being selfish by putting ourselves first. Out there, let us work with decorum. I quite agree that Members of Parliament want to be first---

**The Temporary Deputy Chairman** (Hon. Cheboi): There is something which I must dissuade you, hon. Member for Kwanza. When you say “we are being selfish” you and who? That is because there is only one person who has brought this Bill and it is the hon. Member for Eldas. I do not want us to use those hard language issues here.

**Hon. F.K. Wanyonyi:** I withdraw my remarks, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): Yes! You have to withdraw that one. That is because when you bring in issues of selfishness and so forth and you say “we” I certainly know, looking from where I am that the hon. Member for Luanda here does not look selfish at all.

*(Laughter)*

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairman, all I am saying is that instead of us putting, for example, Members of Parliament, Senators and governors on the same ranking, I was actually opposing the list. I say let them stand on their own - the governor, the Senator and Members of Parliament. I think it is better that way so the perception out there---

**The Temporary Deputy Chairman** (Hon. Cheboi): Now you are bringing in--- Even seated from where I am here, I think you are bringing in quite some confusion. You are saying a senator and then Members of Parliament. So you---

**Hon. F.K. Wanyonyi:** In that order.

**The Temporary Deputy Chairman** (Hon. Cheboi): I am about to give a chance to the hon. Member for Eldas but, first, let me give some other hon. Members from this direction. Let me confirm this first. All these nine hon. Members who are on intervention slot, I do not know whether they are on points of order or what. I am having a problem. Let us have the hon. Member for Chuka/Igambang'ombe.

**Hon. Njuki:** Thank you, hon. Temporary Deputy Chairman. The only way we can speak is to tell you we really want to contribute. This list has two things. One, I have an issue with putting the former President with the former Prime Minister because at no time did they serve in a similar capacity. We have to differentiate the two because the former presidents were having a rank higher than the Prime Minister when they served. The President was actually elected by the people of Kenya while the Prime Minister was appointed to that position. So, we should put it lower than that. On the other hand, putting Members of County Assembly (MCAs) somewhere is a very good idea. But this list will end up being very long, and it will include the sub-county commissioners and chiefs. So, I think we should terminate the list somewhere so that the rest can be called “others”. Thank you.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Now, hon. Members, this is for purposes of--- I see there are already 24 requests and 11 interventions which means there is a lot of interest on this particular amendment. So, I will be magnanimous and give four hon. Members from this side and four hon. Members from the other side and that will be it. That will be it. Let me go to the left of the Chair. Hon. Chachu Ganya.

**Hon. Ganya:** Thank you, hon. Temporary Deputy Chairman. I have a problem with “c” in terms of order of precedence. Those are the Speakers of Parliament of both Houses. I really want to urge the Mover of this Motion to look critically at the Constitution because even when you have joint sittings of the two Houses here – the Senate and the National Assembly - always the Speaker of the National Assembly is the one who presides over the business of this House. That clearly shows that the Speaker of the National Assembly is ranked higher than the Speaker of the Senate. In that line, I really want to urge hon. Keynan to ensure that we have the Speaker of the National Assembly at “c” and the Speaker of the Senate at “d”.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): We will have the hon. Member for Lagdera, hon. Shidiye.

**Hon. Shidiye:** Thank you, hon. Temporary Deputy Chairman. Hon. Keynan did a good thing but we borrow a lot of precedence from other democracies and this is a matter of protocol. These are protocol issues---

**Hon. Keynan:** On a point of information.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Member for Eldas, who would you be informing? I thought you are the one who should be informed. So, you should inform yourself there.

**Hon. Shidiye:** I do not need any information from him.

**Hon. Keynan:** It is clarification!

**The Temporary Deputy Chairman** (Hon. Cheboi): Clarification? But you are saying: “Point of information!” I do not know who you are informing. If you tell me who you are informing, then I will ask him or her to give you permission.

**Hon. Shidiye:** Hon. Temporary Deputy Chairman, let me continue.

**The Temporary Deputy Chairman** (Hon. Cheboi): Well, I will give you an opportunity. Let us have hon. Shidiye finalizing.

**Hon. Shidiye:** Thank you, hon. Temporary Deputy Chairman. I have some “beef” with the issue because we have three arms of Government and, sometimes, when you bring the judges down and then you have the former presidents and prime ministers up, it looks like there can be some little misunderstanding there. Having said that, I propose---

**The Temporary Deputy Chairman** (Hon. Cheboi): Be brief. Let us not get into debate. You have made your point hon. Shidiye.

**Hon. Shidiye:** Secondly, Cabinet Secretaries should be on a higher level than the Chief Justice or former Heads of State. Something like that!

**The Temporary Deputy Chairman** (Hon. Cheboi): Coming to the left of the Chair, I see the Chairman of the Departmental Committee on Justice and Legal Affairs. You do not seem to be seated in the chair that is slotted for you.

**Hon. Chepkong'a:** Thank you, hon. Temporary Deputy Chairman. I was just visiting my neighbours. As you know, I am a good neighbour to my neighbour here. There appears to be some confusion between order of precedence and order of speaking. Those are two totally different things. Hon. Serem spoke in the right place saying the wrong thing. For the order of speaking, if you visit my constituency when we are MPs alone and you are visiting me, I will always allow you to speak before me. I will be the last one to speak. That does not show that there is order of precedence; that I rank higher than a Member of Parliament. The other thing is that I was on a point of order. The Standing Orders are very clear, when a matter that is unconstitutional is raised in this House, that matter needs to be disposed of.

**The Temporary Deputy Chairman** (Hon. Cheboi): You are saying you are on a point of order. I gave you an opportunity to contribute.

**Hon. Chepkong'a:** Yes, I am contributing!

**The Temporary Deputy Chairman** (Hon. Cheboi): Now you are contributing and again getting into a point of order. I would rather you contribute.

**Hon. Chepkong'a:** Yes, I am contributing.

**The Temporary Deputy Chairman** (Hon. Cheboi): You can still bring what you are bringing at that point.

**Hon. Chepkong'a:** Thank you, hon. Temporary Deputy Chairman. The Leader of Majority Party raised the question of the ranking as provided for in the Constitution. As it is in this Bill, it is in contravention of the Constitution. That is because when you lump together the Speakers of Parliament and state that in the order of precedence they are together, that is wrong. The Speaker of Senate and the Speaker of the National Assembly should rank differently. I will ask the Mover so that we do not go to court and strike down this Bill. He should please amend this so that it reads properly. Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay. So we will have another Member from this side, before I go to the other side. That should be the hon. Member for Bondo.

**Hon. Ogolla:** Thank you very much, hon. Temporary Deputy Chairman. One thing that we need to remind this House is that we opened a box that we must be extremely careful in terms of how to close it. In this scenario, I want to believe it is neither about salaries nor issues to do with power and stuff like that. However, when many of those officers are in one place, for example, sitting somewhere during a public day, how do we place them? In my view, the amendment is fine, but how do we place them. Where we are placing the former President and the former Prime Minister? I think we need to elevate this a little bit higher, particularly when we are dealing with issues such as sitting and precedence in terms of addressing the public. My suggestion is that we move the former President and the former Prime Minister up ahead of the Leader of the Majority Party and the Leader of the Minority - up somewhere after (d). I also want to recommend that if you look at the issues of State Officers in the Constitution--- Maybe, the Member might want to listen to this.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Ochanda, I think you have made your point. Immediately after this, we will be having a further amendment which will probably cure that particular bit. If you think that you need to contribute at

that point, you will have an opportunity then. This is so that we do not have two contributions on the same line.

I will come back to this other side and we will have hon. Angwenyi. Hon. Members, after we get two more contributions from here, we will have hon. Keynan's further amendment. You will still have an opportunity to speak at that point. We now have 28 more requests. I also see the hon. Member for Narok South and the rest are atop the list. All of you will have an opportunity.

**Hon. Angwenyi:** Thank you, hon. Temporary Deputy Chairman. This is actually a very good Bill which can even solve some of the problems we have with Sarah Serem. That is because in the pecking order, she has pecked us at position number 43. As you know in Kenya, we have Senior Assistant Secretaries. However, there is no way the Speaker of the Senate will be at the same level with the Speaker of the National Assembly, who is the third in the hierarchy of running the affairs of this country. Two, with regard to the former President and the former Prime Minister, one was elected and the other was elected by Koffi Annan; and, hence, they cannot be the same. Three, the former Deputy President and the former Vice President are not the same. The Deputy President was elected while the Vice President was appointed - you remember going through the bush! Cabinet Secretaries should be upgraded because they come second in command in the Executive.

**The Temporary Deputy Chairman** (Hon. Cheboi): I am having a challenge picking anyone because, already, there are eight interventions here. Hon. Member for Borabu, what is your point of order?

**Hon. Momanyi:** My point of order is this: Is hon. Angwenyi in order to confuse this House that the Deputy President was elected? I did not see on the ballot paper the name of a Deputy President and nobody elected one. The same way---

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Cheboi): You are out of order, now hon. Member for Borabu. I have ruled you out of order and I will tell you why. You are actually the one who is creating some confusion. In terms of the ballot, I am sure it is in public domain. That was a different type of election and the President and the Deputy President were all on the ballot. Let us not confuse that bit.

Hon. Angwenyi, proceed.

**Hon. Angwenyi:** Hon. Temporary Deputy Chairman, the Cabinet Secretary (CS) should be upgraded the same way we have been upgraded because we are second in command to the Speaker. However, I do not see the Deputy Speakers here. We should provide a position for them because they are actually our bosses.

Finally, we should thank hon. Keynan for being intuitive and reasonable so as to bring us this far.

**The Temporary Deputy Chairman** (Hon. Cheboi): Very well. Hon. Member for Narok South, the Floor is yours.

**Hon. Ekomwa:** Thank you, hon. Temporary Deputy Chairman. I also want to thank hon. Keynan for bringing this Bill. I agree with my colleagues on a few amendments. I also want to suggest and agree with my brother that we move the former

President from (g) to (e) and, of course, we separate the former President from the former Prime Minister. I still propose the same. I propose that the former Vice-President and the former Deputy Presidents need to be brought at (f), so that they are above the hon. Members of Parliament.

**The Temporary Deputy Chairman** (Hon. Cheboi): Very well. I will now give an opportunity to the Mover of the Bill and I must advise Members. I have heard many Members speak. I realize that the recess was actually fairly long and we might have forgotten a few things. We are not supporting or opposing anymore. We are basically proposing amendments. Every Member who is standing is actually proposing an amendment in form of a contribution and I think that is really out of order. Let us either support or oppose and if you think you have an issue, bring an amendment because you have an opportunity. It is much easier that way. Let us either support or oppose. Let us have hon. Member for Eldas, the Mover of the Bill. I think you have a further amendment. Are you ready?

**Hon. Keynan:** Yes.

**The Temporary Deputy Chairman** (Hon. Cheboi): Proceed.

**Hon. Keynan:** Thank you, hon. Temporary Deputy Chairman. Before I propose further amendments, I want to make the following clarifications.

First, pursuant to Article 93, whether you are the Member of the National Assembly or a Member of the Senate, you are a Member of Parliament. Therefore, the issue of Senate, this-and-that, all these are sub-titles.

Two, Pursuant to Article 106, regardless of whether you are the Speaker of the National Assembly or the Speaker of the Senate, you are a Speaker of the House of Parliament. This is under Article 106 (1) (a).

We have consulted widely on this Bill and we were very careful not to include issues that will push this Bill to the Senate. I am being frank with you hon. Members. Therefore, if you have that understanding, you will realize that this Bill has gone through the legal system. Finally, I want to propose the following amendment, which will cure some of the concerns raised by hon. Members.

**The Temporary Deputy Chairman** (Hon. Cheboi): Further amendments.

**Hon. Keynan:** Yes, hon. Temporary Deputy Chairman. They are further amendments.

Hon. Temporary Deputy Chairman, I beg to move the following further amendment:

THAT, the proposed amendments by the Committee be further amended in Clause 4 as follows-

(i) by inserting the following new paragraph immediately after paragraph (d);

(e) former President/Prime Minister:

(ii) by deleting paragraph (e) and substituting therefor the following;

(f) Leader of the Majority Party;

(iii) by inserting the following new paragraph immediately after the new paragraph (f);

(g) Leader of the Minority Party;

- (h) Former Vice-Presidents/Deputy Presidents;
- (iv) by deleting paragraph (g) and (i); and,
- (v) by renumbering all paragraphs under Subsection (1) accordingly.

This will cure the issues that have been raised in terms of what is clearly spelt out in the Constitution. Otherwise, as far as that clause is concerned, those are the issues that are raised and I am sure also the issue of sitting arrangement. Let us not speculate. Let us also imagine a national function where everybody attends and not a county function. What we are thinking about is a national function. The county arrangement will be separate. They will be at liberty to come up with their own regulations at the county level. However, we are talking about national functions where the President and the Deputy President are, and everybody else is invited. What happens? You have seen of late that there is no seat even for the Member of Parliament. So, these are issues that we must cure so that even those who handle these protocol issues can also understand that they are serious.

The most difficult job is to be elected as a Member of Parliament. I am sure you know that and, of course, the governor and the President. It is the most difficult job. Therefore, Members of Parliament and all other elected officials must be given respect that resonates with their elected positions. So, this in a way is meant to bring a semblance of law and order so that when you are in your villages or in a national function somewhere, people will know. These days you realize that because there are too many elected representatives, the Member of Parliament is not even acknowledged. So, what happens? Next time, you will be forced to carry seats in your cars so that when you go to a public function, you can ask your aide to have your seat placed somewhere. That is what is happening right now. This is an attempt to cure that. Otherwise, ideally, if we would have had very serious implementers of the law, this Bill would not have been necessary. However, because of the challenges we are going through right now, it is necessary.

Secondly, you have also seen recently--- This also affects you hon. Members. You will allow me one second, hon. Temporary Deputy Chairman. I want to say this. You have heard that there is another purported Gazette notice in circulation which touches on your welfare. I do not want to talk about it because I think we will discuss it. Sarah Serem normally times when you are on recess to bring cheeky purported Gazette notices through the backdoor that affect your lives. If you keep quiet on this, who is the angel who is going to talk about it? This Bill attempts to regularize that irregular, purported Gazette notice by Sarah Serem, which had put Members of Parliament at number 43 in the pecking order and moves them to somewhere near where they are supposed to be. So, if we understand this, I am sure it is something that will assist the State and the electorate and accord us respect.

Thank you, hon. Temporary Deputy Chairman.

*(Question of the further amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Cheboi): I will give an opportunity to two Members from both sides. I will start with hon. Wanjiku Muhia.

**Hon. (Ms.) Muhia:** Thank you, hon. Temporary Deputy Chairman. First, I am in support of hon. Keynan, 100 per cent. I support this Bill because this country needs to be in order. This is the only way we can follow laws. This is the only way Sarah Serem can recognize us and many other people.

Having said that, I want to recognize the students from Nyandarua High School in the Public Gallery. They come from the county which is known because of a great politician, J.M. Kariuki. I am happy that they are in school in spite of the crazy school fees in our country. I pass greetings from hon. Kabando to Nyandarua High School.

**The Temporary Deputy Chairman** (Hon. Cheboi): I think that is the wrong way to go about it. You have done well, but *mambo ya kutuma salamu* will be inappropriate for now. You should have allowed the Chair to recognize them. However, you have done it on his behalf.

I will give one more Member from the right of the Chair, and that will be the Member for Turkana West.

**Hon. Nanok:** Thank you, hon. Temporary Deputy Chairman, for recognizing me. From the outset, the Bill's spirit is in order. I would only request the Mover to listen to these observations. One, the challenges we have been facing emanate from lack of a criteria and order of precedence. If we had this Bill, it would have sorted out many of the issues that we are raising now. Having said that, I will not support Clause 4 as it is even after the Mover has moved the amendment.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us transact the further amendment first and then you will make your decision.

**Hon. Nanok:** The further amendment that the Mover has introduced is bringing forward the former President after the Deputy President and removing the Leader of the Minority Party and only retaining the Leader of the Majority Party.

**The Temporary Deputy Chairman** (Hon. Cheboi): That is obviously not true. However, you either say you are supporting or opposing.

**Hon. Nanok:** So, I have said that in this order of precedence I do not support the stroking.

**The Temporary Deputy Chairman** (Hon. Cheboi): Very well. Now that---

**Hon. Nanok:** Secondly, hon. Temporary Deputy Chairman--- Let me just make this other point.

**The Temporary Deputy Chairman** (Hon. Cheboi): I want us to be brief so that many Members can have an opportunity.

**Hon. Nanok:** Hon. Temporary Deputy Chairman, please. You give an opportunity and you honour it so that I can make my point.

**The Temporary Deputy Chairman** (Hon. Cheboi): Make it brief. That is what the Standing Orders say.

**Hon. Nanok:** The point I want to make is the one that the Mover has raised. It is about curing that purported Gazette notice through this Bill. How does it do it? That means that this order of precedence has a relationship with welfare issues. If that is the criteria that determine the order of precedence, then we really need to do a thorough job on this. So, that is why I do not support the order as it is.



**The Temporary Deputy Chairman** (Hon. Cheboi): Sorry, hon. Nanok. I do not want to open that for debate. You have had your opportunity. Let us have the Member for Funyula, hon. Otuoma.

**Hon. (Dr.) Nyongesa:** Thank you, hon. Temporary Deputy Chairman. First of all, I have to thank hon. Keynan for trying to bring sanity in the way we operate and structure ourselves as a society. I want to further support the amendments that have been proposed by the Mover of this Bill that the former Presidents and Prime Ministers should be separated, but they should also be moved slightly a bit higher, just below the Deputy President. Also, for the Members of Parliament, as he has said, we represent the people. When you have peoples' representatives, it is very important that, that is recognized. Sometimes, it is not just about the individual, but it is the honour of the people that you represent. Having looked at some of the structures and the way Members of Parliament have been put previously, this proposal that has been put here by the Mover of this Bill is going to help bring back the dignity of Members of Parliament. All the people and everywhere that we go will know that you represent the people. That is very different from just direct appointment. So, on that note, I want to support.

Thank you, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): Very well. Now, that should be it. I wanted to give the Member for Magarini, but he has just stepped out. In his absence, I will go to his--- Oh, Member for Magarini. Okay, quickly and be straight to the point.

**Hon. Kombe:** Thank you, hon. Temporary Deputy Chairman. Whereas I am in support of the further amendment, I still do not agree with placing the Members of Parliament at par with the governors. As I speak, within the public out there, there is a question of who is superior to the other. Is it the governor or the Member of Parliament? In defence, the Member of Parliament will always say: "I make the laws of this country whereas the governor deals with the county and not beyond the county boundary." So, I would still urge the Mover to separate the two.

**The Temporary Deputy Chairman** (Hon. Cheboi): You must be winding up now. Let us not open debate. I am giving you some few seconds.

**Hon. Kombe:** It is okay. Let me rest my case there.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will now put the Question.

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

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

**The Temporary Deputy Chairman** (Hon. Cheboi): There is an amendment here by hon. Wanyonyi. The first bit has been cured by the proposal by hon. Keynan. What do you think hon. Wanyonyi? What you were proposing has been cured by hon. Keynan, especially the first bit of your proposal. By the way, as we move forward, we will be moving fairly quickly. I had given some time because I thought Members should

ventilate. Do you not think that, that has been cured by hon. Keynan's further amendment?

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairman, I was out doing some consultations. It has been overtaken by events. Hon. Keynan has also convinced me that my amendment has been overtaken by events. Therefore, I withdraw my amendment.

*(Hon. F.K. Wanyonyi's amendment withdrawn)*

**The Temporary Deputy Chairman** (Hon. Cheboi): That is in very good spirit, hon. Wanyonyi. What is it, hon. Millie Odhiambo?

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman. I know I have a tie, but I am the same one. I wanted to bring to your attention that we were negotiating with the Mover if he could, please, bring a further amendment to the one on former Vice President and Deputy Presidents. If we are being very practical and thinking in terms of posterity, I cannot go to a function say, with hon. Kalonzo Musyoka, and then I am given more recognition than him. It has got nothing to do with the fact that he is in CORD. It has to do with the decency, manners and protocol. I would just request, in the same manner that we have recognised the former Presidents and Prime Minister, whether it is possible that we push the former Vice President and Deputy President? He has informed me that he has already drafted that. It is really not in order because practically, it will not happen. We will not go to a function and then all the Members of Parliament speak and then you call the former Vice President. It is not going to happen.

**The Temporary Deputy Chairman** (Hon. Cheboi): That has been settled, hon. Millie. Probably, you need to approach the Mover of the Bill. It has been sorted out.

Hon. Member for Eldas, you propose an addition to that. You can only proceed by way of a further amendment. So, do you want to proceed on that one quickly and then we finalise it? Let us hear you.

**Hon. Keynan:** Hon. Temporary Deputy Chairman, sometimes when you hear colleagues making very reasonable statements, it is also fair to listen.

I want to propose a further amendment to the amendment that I have just suggested.

I propose that Clause 4(1) be further amended by inserting a new paragraph (f) immediately after (e)-

**The Temporary Deputy Chairman** (Hon. Cheboi): Former Vice Presidents and former Deputy Presidents?

**Hon. Keynan:** Hon. Temporary Deputy Chairman, I further propose that this moves to immediately after (e).

**The Temporary Deputy Chairman** (Hon. Cheboi): So, you are inserting a particular new paragraph as (f)?

**Hon. Keynan:** Yes, a new paragraph. Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 4(1) be further amended by inserting a new paragraph (f) immediately after (e) -

By inserting the following new paragraph (f) immediately after (e)-

(f) Former Vice Presidents and former Deputy Presidents.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will not open that for debate, Members. I hope you have got it. For you to be clear, Member for Eldas, let us know it is coming immediately after (e) because there is already an (f). The renumbering will be done.

**Hon. Keynan:** Hon. Temporary Deputy Chairman, it will come immediately after the Leader of the Minority Party and before the Member of Parliament/Governor.

**The Temporary Deputy Chairman** (Hon. Cheboi): Well Members, I am not going to open that for debate. It is up to you to either support or oppose that particular further amendment.

*(Question of the further amendment proposed)*

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

*(Clause 4 as amended agreed to)*

*Clause 5*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Leintomaga.

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

That, Clause 5 be amended—

(a) by deleting Subclause (1) and substituting therefor the following new subclause—

“(1) The following State officers and persons shall be entitled to use sirens on their motorcades and processions—

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice;
- (e) Cabinet Secretaries/Attorney-General/Auditor-General;
- (f) the Chief of the Kenya Defence Forces;
- (g) the Inspector-General of the National Police Service;
- (h) former Presidents/Prime Ministers;

(b) by deleting Sub-clause (2) and substituting therefor the following new subclause—

“(2) Subject to the provisions of any other written law, a person, other than the State officers listed in Subsection (1), who uses a siren on a motor vehicle commits an offence, and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both”

We did this as a Committee to avoid misuse of national symbols and avoid creating confusion in the use of sirens and motorcades.

**The Temporary Deputy Chairman** (Hon. Cheboi): So, hon. Lentoimaga, you are saying that you want the Cabinet Secretaries, the Chief of Kenya Defence Forces,

Inspector General of Police and former Presidents and Prime Ministers to have sirens? That is the gist of your amendment. It is good for Members to be clear.

**Hon. Leintomaga:** Let me read what is there.

**The Temporary Deputy Chairman** (Hon. Cheboi): I do not want you to read because you have already done that. The Members have a set of what you intend to amend. So, I am just clarifying for the Members to know that the gist of your amendment, that the Cabinet Secretaries---

**Hon. Leintomaga:** No. The President, the Deputy President, the Speakers of Parliament, Chief Justice, the Chief of Defence Forces and the Inspector General of the National Police Service.

**The Temporary Deputy Chairman** (Hon. Cheboi): I am looking at the amendments on the Order Paper. What is it that you are really proposing? I do not know if Members are clear on this one. It is important for you to be very clear. It is an issue of sirens.

**Hon. Leintomaga:** Hon. Temporary Deputy Chairman, in the piece of paper that I have here from the Committee, it is only the President, the Deputy President, the Speakers of Parliament, Chief Justice, Chief of Defence Forces and the Inspector General of the National Police Service. In my list, there are no Cabinet Secretaries.

**The Temporary Deputy Chairman** (Hon. Cheboi): There is a technical issue there, hon. Leintomaga. What is in the Order Paper looks different! Probably, then you need to come out very well on HANSARD that it is the President, the Deputy President, the Speakers of Parliament, the Chief Justice, the Chief of Kenya Defence Forces and the Inspector General of the National Police Service. Those are the only persons you are proposing to have sirens. Cabinet Secretaries, former Presidents, former Prime Ministers and the rest are not included.

**Hon. Leintomaga:** Yes, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): If that is the case, then I will propose the Question and then we will, therefore, proceed and debate. Members will ventilate to it.

*(Question of the amendment proposed)*

**Hon. Mwaura:** Thank you, hon. Temporary Deputy Chairman. I rise to support this amendment. However, I am at a loss. Even though the hon. Member has clarified from his notes that he has not included former presidents, prime ministers and cabinet secretaries, based on the Order Paper, I would propose that former presidents and prime ministers be included. I am also wondering whether governors should be included. They are actually heads of county governments. As such, they need to be given the opportunity to also use a siren. Even in the other clause that we have just passed, we actually equated Members of Parliament to governors, which I do not agree with. I think governors are senior, much as we disagree on this.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will give an opportunity to hon. (Ms.) Sunjeev. What is your point of order, hon. (Ms.) Odhiambo-Mabona? It has to be a point of order.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Temporary Deputy Chairman. My point of order stems from the contribution by hon. Mwaura. If you noticed, there was a bit of confusion. Hon. Mwaura is referring to the amendment by the Committee as per the Order Paper. The confusion is arising because the person holding brief for the Chair of the Committee purported to move an amendment improperly. Therefore we are actually debating two different provisions.

**The Temporary Deputy Chairman** (Hon. Cheboi): That makes perfect sense.

**Hon. (Ms.) Odhiambo-Mabona:** Can we be very clear because I know that hon. Mwaura is supporting what is in the Order Paper, but is not supporting hon. Lentoimaga's amendment. Please clarify.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Member for Mbita, that is why I asked the Committee Chair several times what specific offices he referred to. He went on record. I agree with you that, that creates quite some confusion. Probably, you need to be consulting with the technical people here, so that we can be very certain of what we are discussing. In the meantime, hon. Members will be free to ventilate on it because I went ahead and read out the specifics which, in terms of the Order Paper--- He omitted Cabinet Secretaries, former presidents and prime ministers. That is what we want you to do formally, so that we know specifically what we are dealing with. This is because there was a lot of confusion.

**Hon. Lentoimaga:** Hon. Temporary Deputy Chairman, I am sorry for that error but we were talking about the flag and the motorcade.

**The Temporary Deputy Chairman** (Hon. Cheboi): But we are doing the sirens here. Let me tell you, hon. Members, particularly the Committee, we should come here prepared. Whatever we want to move should be ready. That is really creating quite some confusion. I agree with hon. Members that we have some issues here. Hon. Lentoimaga, you have already gone on record removing Cabinet Secretaries, the former presidents and prime ministers from use of sirens. Now you are saying you want us to leave it the way it is, so that all Cabinet Secretaries, former presidents and prime ministers can use sirens.

The Committee has a right to proceed in the manner they have decided. It is for hon. Members to make a decision on whether to support or not. I had given the opportunity to hon. (Ms.) Sunjeev. Let us hear the hon. Member speaking. However, let us know that we are speaking on the entire list – the one on the Order Paper. Hon. Lentoimaga, I must say that, that was very wrong. This is because you cannot have two sets of thoughts. You read specifics and went on record. That was not proper.

Proceed, hon. (Ms.) Sunjeev and let us know that we are speaking on the Order Paper amendment. Any hon. Member who wants to move a further amendment is allowed to do so. Let us have hon. (Ms.) Sunjeev.

**Hon. (Ms.) Sunjeev:** Thank you, hon. Temporary Deputy Chairman for this opportunity. In my humble view, I ask the Committee to consider removing all of (e) and (h). This is because there is a lot of traffic in Nairobi. We cannot have people travelling with sirens on when everybody is stuck in traffic. We should keep this list as short as possible. I do not see any governors here. It is okay. I did not want governors here, anyway. I am saying that we should delete all of (e) and (h). I do not agree with this list. Paragraph (e) proposes deletion of Cabinet Secretaries, Attorney-Generals and Auditor-General, and (h) proposes to delete former presidents and prime ministers.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Now let us have Member for Samburu West, hon. Lati. Hon. Members, I am considering very strongly putting separate questions on every sub-clause. That will be the option that we might end up with, because of the confusion that was created by the Committee.

Proceed, hon. Lati.

**Hon. Lati:** Thank you, hon. Temporary Deputy Chairman. My understanding is that the use of sirens is intended to allow any dignitary to bypass traffic and get to certain events or places because there is an urgent public need for him or her to be there. In my opinion, (e) and (h) should be removed. Why do I say that? Cabinet Secretaries are now ordinary people. It is not like when we used to have Ministers and Permanent Secretaries. It should be like that. For (h), retirement takes away the urgent need for dignitaries to attend to public needs. Why do we want a former head of state to rush? Where does he want to go? Furthermore, this guy is in retirement. We want him to travel slowly and rest. You want to rush him to where?

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Very well, you have made your point. Let us have hon. Muluvi, Member for Kitui East.

**Hon. Muluvi:** Thank you, hon. Temporary Deputy Chairman for the opportunity. I equally support the removal of (e), that is Cabinet Secretaries, Attorney-General and Auditor-General. However, I strongly recommend that former presidents and prime minister be accorded use of sirens for the following reason: Use of a siren is not just allowed because you want a clear way. There is an element of security involved, especially for those who are entitled to it. Therefore, I recommend that former presidents and prime ministers be allowed use of sirens.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay; hon. Member for Emurua Dikirr.

**Hon. Kipyegon:** Hon. Temporary Deputy Chairman, I would have wished to support the removal of (h) and (e) but just as my colleague has said, former presidents are special people in our country. These are former heads of State whom we need to respect a lot. We cannot keep them in the traffic jams. I will not support the removal of (h).

On (e), I would have wished we remove all Cabinet Secretaries from having sirens. There are some Cabinet Secretaries who used to have sirens, especially the Cabinet Secretaries for the National Treasury and Interior and Coordination of National Government. We believe these are also people who do a lot, and they should be given special preference. I would have wished that we remove (e), but we should look at Cabinet Secretaries, whom we know carry a heavier workload. They used to have sirens. I believe the Cabinet Secretaries for Interior and Coordination of National Government and the National Treasury have been having sirens. We need to look at the workloads that these Cabinet Secretaries have.

**The Temporary Deputy Chairman** (Hon. Cheboi): Unless you move a further amendment specifying those Cabinet Secretaries, there will be very little we can do on that one.

Let me have the hon. Member for Eldas and hear what further amendment he has, and if it cures the problem. If it does not then we will have to put a Question on every one of them.

**Hon. Keynan:** Hon. Temporary Deputy Chairman, having listened to what the Vice-Chairman of the Committee on Administration and National Security has proposed, I want to concur with him and move a further amendment to clause 5(1)(a) and have (e) on Cabinet Secretaries, Attorney-General and Auditor-General deleted. Equally on (h) on former presidents and prime ministers, I think I concur; I am persuaded by what hon. Lati said.

*(Loud consultations)*

You want us to leave this?

**Hon. Members:** Yes.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Order, hon. Members! What we are going to do to cure this is that we will put the Question on every one of them. It will be up to you to make your decision. It is as simple as that. We will put the Question and we are not going to take any more time on this. We are putting the Question on every one of them.

*(Hon. (Ms.) Odhiambo-Mabona  
consulted the Chairman)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Order, hon. (Ms.) Odhiambo-Mabona, I am not going to take more of that.  
*Clause 5(1)(a)*

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

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

*(Clause 5(1)(a) as amended agreed to)*

*Clause 5(1)(b)*

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

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

*(Clause 5(1)(b) as amended agreed to)*

*Clause 5(1)(c)*

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

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

*(Clause 5(1)(c) as amended agreed to)*

*Clause 5(1)(d)*

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

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

*(Clause 5(1)(d) as amended agreed to)*

*Clause 5(1)(e)*

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

*Clause 5(1)(f)*

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

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

*(Clause 5(1)(f) as amended agreed to)*

*Clause 5(1)(g)*

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

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



*(Clause 5(1)(g) as amended agreed to)*

*Clause 5(1)(h)*

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

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

*(Clause 5(1)(h) as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, before I put the Question, I want to note that as you did what you did, clause (b) was included. Can you see the Order Paper? I will proceed to put the Question to make it clearer.

Are we together or I give you some little time to look at it? Look at it so that we do not pass laws that we have not properly considered. I am giving you one minute. Hon. Chairman, what did you intend to achieve on this one for it to be clearer to hon. Members? I am sure hon. Members can read it anyway. That is the bit where there is a penalty for using the siren when you are not allowed to. I am sure you are now on board.

*(Clause 5 as amended agreed to)*

*Clause 6*

**The Temporary Deputy Chairman** (Hon. Cheboi): There is an amendment by hon. Lentoimaga. Let us be a bit clearer on this so that we do not take a lot of time on it.

**Hon. Lentoimaga:** Hon. Temporary Deputy Chairman.

I beg to move:-

THAT, Clause 6 be amended—

(a) by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) for purposes of public address, the following titles shall be used to refer to the following persons—

(a) the President shall be referred to as “His or Her Excellency”;

(b) the Deputy President shall be referred to as “His or Her Excellency the Deputy President”;

(c) the Speaker of Parliament shall be referred to as “The Right Honorable Speaker of Parliament”;

(d) The Chief Justice shall be referred to as “Your Lordship or Ladyship the Chief Justice”;

(e) Members of Parliament shall be referred to as “Honourable”;

(f) The Governor of a county shall be referred to as “the Governor”;

(g) Judge of the Superior Court shall be referred to as “Your Lordship or Ladyship”;

(h) Chairpersons and members of constitutional commissions shall be referred to as “Commissioner”;

(i) Spouse of the President shall be referred to as “His Excellency the First Gentleman or Her Excellency the First Lady”;

(j) Spouse of the Deputy President shall be referred to as “His or Her Excellency”.

(b) By deleting Sub clause (2) and substituting therefor the following new sub-clause—

“Notwithstanding the provisions of any other written law, a person, other than those listed in subsection (1), who uses a title reserved for the persons listed in that subsection commits an offence and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term of not less than twelve months, or both”.

The justification for this is to provide for clarity and distinguish them from other cadres or leaders.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us hear from hon. (Ms.) T.G. Ali but in the meantime as she prepares let us have hon. Makenga.

**Hon. Makenga:** Thank you, hon. Temporary Deputy Chairman, for giving me an opportunity. I support the amendment of clause 6 as proposed by the Chairman. I think the proposals have been very well thought out by the respective Committees. I am happy that now hon. Members can be referred to as the “honourable Members”. I do not see the MCAs appearing on this list. I support the amendment because now I will be comfortable being called an hon. Member of Parliament and not have MCAs being called Members of Parliament.

**The Temporary Deputy Chairman** (Hon. Cheboi): Well, let us be clear on that. Anywhere where MCAs have been called hon. Members of Parliament is definitely not in order. They could be hon. Members of the County Assembly; there is no problem with that.

Let us have hon. Limo.

**Hon. Limo:** Hon. Temporary Deputy Chairman, this proposal seems to be okay except that we need to be clearer. When clause 4 was being discussed, there was a question as to why we were not bringing in the MCAs. Then there was the issue that they are in the County Assembly, and the Governor is also in the County Assembly.

**The Temporary Deputy Chairman** (Hon. Cheboi): That is factually incorrect. The Governor is not in the County Assembly.

**Hon. Limo:** He is in the county.

**The Temporary Deputy Chairman** (Hon. Cheboi): He is in the County and is a State officer.

**Hon. Limo:** Yes, he is in the county. If you were to legislate for the county, then we should not include the Governor. If we are saying that we are not including the MCAs, then we should also not include the Governor. We should not be discriminative in the way we are making our laws. We should either leave out both of them or we bring in the MCAs and define their titles.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay, you have made your point. I am surprised that there is a lot of interest in this particular one. I thought it was fairly non-contentious but I will give opportunity to a few Members who must be straight to the point. Yes, we will give an opportunity to many Members, some 30 seconds each. I will especially look out for Members who have not contributed this morning starting from M'eruaki here. Hon. M'eruaki.

**Hon. M'uthari:** Thank you, hon. Temporary Deputy Chairman. I rise to support this amendment and in particular I appreciate the fact that we are clarifying the titles because at the moment there appears to be a lot of confusion in terms of the titles entitled to different offices. This clarity is important given that we are in a new constitutional dispensation. I support.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have hon. Rachel Amolo. Hon. Rachel Amolo, do you want to contribute on that one or you are not ready? Let us proceed to hon. Agostinho Neto.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Chairman. I would like to support this particular amendment and appreciate the fact that we need to create order of titles. This is the best we can do in these circumstances. I am in love with the penalties stated because there will be a few people who might not be willing to obey and respect the law. The penalties attached therein are sufficient to create the necessary restrictions.

I support. Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Kigo Njenga. Hon. Tiyah Galgalo, I am not giving you an opportunity. You were actually walking out when I gave you the Floor.

**Hon. Njenga:** I support this amendment and ask the Mover whether he could consider including Members of County Assembly (MCAs) so as to deal with the confusion of the reference *Mheshimiwa*. We should refer to them as Members of the County Assemblies. That is my suggestion. The penalty given is quite good but I would like the Mover to think of a name for the MCAs.

Thank you, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Letimalo.

**Hon. Letimalo:** Thank you, hon. Temporary Deputy Chairman. If I heard it well, the amendment is to delete (h). I think I am opposed to that because chairpersons and members of constitutional commissions are people who need to be recognised if they have been put in constitutional offices. So, I am really opposed to that.

**The Temporary Deputy Chairman** (Hon. Cheboi): You have finished. Hon. Kitungi.

**Hon. Kitungi:** Thank you, hon. Temporary Deputy Chairman. Let me support the amendment but it has to be very clear and especially when it comes to MCAs and Members of Parliament. That category is the most confusing. I, therefore, support it with that amendment.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Rotino.

**Hon. Rotino:** Thank you, hon. Temporary Deputy Chairman. I want to concur with my colleagues in supporting this very important amendment. Confusion is everywhere because you meet everybody saying “*Mheshimiwa, Mheshimiwa*” and you do not know who is *Mheshimiwa*. It is important that this Bill has come at the right time.

**The Temporary Deputy Chairman** (Hon. Cheboi): No, hon. Rotino. I do not think we are legislating against anybody being called *Mheshimiwa*.

**Hon. Rotino:** I am not really against that but you know it is everywhere such that you do not understand who is *Mheshimiwa* and who is not. It is important that this Bill is passed today.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay. Let us have hon. Dennitah Ghati.

**Hon. (Ms.) Ghati:** Thank you very much, hon. Temporary Deputy Chairman. I want to support the amendments but I take great exception on (f) because there has been a lot of confusion in this country as to who should be referred to as “His Excellency.”

Governors have been going everywhere using that title. So, I take exception and say that this is a job well done. The Governor of a county shall be referred to as “the Governor” and not “His or Her Excellency”.

I also want to make an amendment. Probably the proponent of this should have had a space for the MCAs because it is very confusing when you have MCAs referred to as “Honourable” and yet it is not clearly stipulated here. I would therefore have suggested part (k) that would also say “Member of the County Assembly shall be referred to as an MCA.” This is so that it is clear where Members of Parliament and those of the County Assembly fall.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have hon. Gimose.

**Hon. Gimose:** I support the amendment but I do not see any problem in referring to the Governors as “His Excellency the Governor.” Let us not be selfish to ourselves because they are running an important institution and they should therefore be referred to as “His Excellency the Governor”.

Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have hon. Gunga Mwinga.

**Hon. Chea:** Thank you, hon. Temporary Deputy Chairman for this opportunity. I rise to support the amendment. Once this passes we will have some serious reference to these Members. In fact, hon. Mwaura is extremely happy. He has indicated to me that one day, probably, he will be referred to as “His Excellency the First Gentleman.” This is quite important.

I support.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have the hon. Member for North Imenti, hon. Dawood.

**Hon. Dawood:** Thank you, hon. Temporary Deputy Chairman. I would like to make an amendment to this clause. If hon. Keynan is listening, we have got former Presidents, Vice Presidents and the former Prime Minister. I think they are His Excellencies. I think it would be good if hon. Keynan added them.

The second thing is that for the MCAs, like my colleagues have said, they should be put there as councillors.

*(Laughter)*

A councillor has now become an MCA. There is nothing wrong in being called a councillor. I think that will suffice.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Wanyonyi.

**Hon. (Ms.) R.N. Wanyonyi:** Thank you, hon. Temporary Deputy Chairman. I want to support this particular clause but I have concerns on part (a) which says: “The President shall be referred to as “His or Her Excellency.” I tend to think that this part (a) is hanging because we are saying “His Excellency” then you move on and say “His Excellency the Deputy President.” I think part (a) needs to be completed. It needs to read: “The President shall be referred to as His or Her Excellency the President”.

I also want to add my voice to the issue of MCAs. It will be good to clarify here and clearly come up with the title “MCAs” so that we know them by their titles. In some counties, we have County Executive Committee Members (CECMs) who are also calling themselves honourable. In fact they are referred to as “Honourable Ministers.” The “Minister” thing is too much in the counties that you get confused as to who is the Minister and who the CECM is.

I think we need to clarify those titles and it will be good. Thank you.

**The Temporary Deputy Chairman** (Hon. Cheboi): Okay. I think we should bring that to a close.

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

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

*(Clause 6 as amended agreed to)*

*(Clauses 7 and 8 agreed to)*

*(Clause 2 agreed to)*

*Clause 1*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Lentoimaga are you ready?

**Hon. Lentoimaga:** Hon. Temporary Deputy Chairman, I have no amendments for that clause from the Committee.

**The Temporary Deputy Chairman** (Hon. Cheboi): You check again so that we do not close you out. Are you sure you do not have any amendments to it? I should read it to you so that it rings a bell.

“THAT, Clause 1 be amended by inserting the words “and titles” immediately after the word “Precedence.”

**Hon. Lentoimaga:** Sorry about that, hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 1 be amended by inserting the words “and titles” immediately after the word “Precedence”.

**The Temporary Deputy Chairman** (Hon. Cheboi): So, you still want to move the amendment? At one point it looked like you had absolutely no intention. Do you want to move that amendment?

**Hon. Lentoimaga:** Yes. I want to move that amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Now, I will only give one Member from each side. This is because it is a fairly straightforward amendment. Does hon. Chidzuga have an intention to contribute to this one? I can see your card here. Let us have hon. (Bishop) Mutua. Well, I see no major interests on this particular one.

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

*(Clause 1 as amended agreed to)*

#### *Long Title*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon Lentoimaga, we are having a problem with the Committee’s amendments. Do you have an amendment to the Long Title?

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

THAT, the long title be deleted and replaced with the following new long title—

“AN ACT of Parliament to provide for the Order of Precedence for officials at diplomatic, official and social state functions within Kenya and abroad; to provide for official titles of designated office holders; and for connected purposes”.

*(Question of the amendment proposed)*

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

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

*(Long Title as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, just to save time, we will report progress immediately after this. We have another very short one. I think we could quickly dispose of that.

We will now proceed to the Central Bank (Amendment) Bill, National Assembly Bill No. 32 of 2014 by hon. Kabando wa Kabando. The reason why we are doing that is so that we can report progress on both and, therefore, save time. I hope we are following what we are doing.

Hon. Kabando wa Kabando, I really want you to be keen because we are now moving your Bill. I do not want Members interfering with your concentration.

THE CENTRAL BANK (AMENDMENT) BILL

*(Clause 2 agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

**The Temporary Deputy Chairman.** (Hon. Cheboi): Thank you, Members. We are now through with both Bills and I take this opportunity to thank you. I will proceed to call the Mover to move the Report. That is the Mover of the First Bill that we transacted, that is the Order of Precedence Bill, National Assembly Bill No. 11 of 2014 by hon. Adan Keynan, MP.

**Hon. Keynan:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Order of Precedence Bill, National Assembly Bill No.11 of 2014, and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

THE CENTRAL BANK (AMENDMENT) BILL

**Hon. Kabando wa Kabando:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Central Bank of Kenya (Amendment) Bill and its approval thereof without amendments.

I also request hon. Lati for agreement to the report of the whole House.

**The Temporary Deputy Chairman** (Hon. Cheboi): I do not know whether we require that.

**Hon. Keynan:** It is not required.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have hon. Lati saying something anyway but it should have been done by you. It is not really in order. Hon. Lati, you will have your opportunity. We will give you an opportunity to speak. I know you were more interested in the previous one.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') in the Chair]*

## REPORTS AND THIRD READINGS

### THE ORDER OF PRECEDENCE BILL

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right, we will start with the Order of Precedence Bill.

**Hon. Cheboi:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Order of Precedence Bill, National Assembly Bill No.11 of 2014 and approved the same with amendments.

**Hon. Keynan:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I also request hon. Wamalwa to second.

**Hon. Wakhungu** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Keynan:** Hon. Temporary Deputy Speaker, I beg to move that the Order of Precedence Bill, National Assembly Bill No.11 of 2014, be now read the Third Time.

**Hon. Wakhungu** seconded.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Before I put the Question, let me establish that we have a quorum.

*(The Clerk-at-the Table counted the hon. Members)*

Having confirmed that we have a quorum in the House for the purpose of making this decision I will, therefore, put the Question.

*(Question put and agreed to)*

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



I can see lots of requests here. I take it that these may be requests which were put during the Committee of the whole House. I want to listen to one or two comments from hon. Members, just congratulatory comments after the passing of the Order of Precedence Bill, which now needs assent to be an Act.

Let me look at the intervention list because the request list is crowded. Can I hear hon. (Dr.) Pukose?

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, thank you for allowing me to make a few comments on this Order of Precedence Bill. I want to thank hon. Keynan for the effort he has put in; I want to also thank hon. Members for having sat here. There was a lot of interest on this Bill. As you know in our country, after the passage of our current Constitution, we have undergone many changes. It is upon this House to streamline issues, make sure that things are done properly and everybody is referred to accordingly.

I want to thank hon. Members because today we have had order even in terms of sirens. In the past, if you went through the towns, you heard many sirens, and you did not know who was passing, or whether it was an ambulance or an important person. I also want to thank hon. Members because in the passing of this Bill, we have been able to make sure that VIPs – the former Prime Minister and former Presidents – are also given sirens, because it is not just a question of them passing, it is a question of their security. These are dignitaries who have served this country in their capacities. During their time they worked for this country; they also need to be protected and to move freely and with recognition.

The only disappointment is that we have not been able to sort out the mess about the MCAs; when you are at the county level, everybody is referred to as an honourable member. We have also not sorted out the issue of the chief officers, because people will be referring to them as “waziri”. You will wonder whether it is the *Waziri* for Agriculture or it is a Minister from the counties. These are still challenges but I know they are teething problems, and with time we will sort them out.

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, from the outset I want to congratulate hon. Keynan for this wonderful legislation that he has brought to the Floor of this House, and thank hon. Members for passing it. I will also correct hon. (Dr.) Pukose. If you are not a Member of Parliament, you are not supposed to be called “honourable”. It is, indeed, good for them to know the punishment. If you call yourself “honourable” and you are not a Member of Parliament, you will be fined Kshs1 million as a minimum. So, let them know this, because if you look at the law, you will see what is said. From today henceforth, they should know that they are MCAs, members of the county assemblies. That is what they need to know.

Again, for our friends, the governors, from today they are not “their excellencies”; they will be called “governors”. Those who are listening need to know this. The law now is going to be very clear, because we have had a lot of confusion.

The last time I had a chat with one of the executives from South Africa and he said that about three months earlier, he had had so many hon. Members from Kenya who had gone to Johannesburg and Pretoria in buses. Indeed, it was a critical embarrassment, and so people need to know the difference between an MCA and a Member of Parliament.

I am also happy to note that even the Senators wherever they are, are also Members of Parliament. There is a big confusion.

At one time, I was at a forum and a Senator did not know that he was also a Member of Parliament. He was criticising Members of Parliament; I rose on a point of order and told him that he was also a Member of Parliament.

Therefore, this proposed law will bring order. It will remove anarchy and confusion. We will not have confusion henceforth. If you go to the villages, you hear of “Her Excellency, the First Lady”. In some forums, they call them “their excellences”. They need to know that if they repeat use of such titles, their days will be numbered. They will be fined the minimum penalty of Kshs1 million. The maximum fine is Kshs2 million or 12 months imprisonment.

I would like to congratulate hon. Members for bringing order; we will not have confusion anymore.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, we have spent a lot of parliamentary time on this matter. I want us to proceed to some other business.

I want to ask the Chairperson who presided over the Committee of the whole House that considered the Central Bank of Kenya (Amendment) Bill to report progress to the House.

THE CENTRAL BANK (AMENDMENT) BILL

**Hon. Cheboi:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Central Bank (Amendment) Bill (National Assembly Bill No.32 of 2014) and approved the same without amendments.

**Hon. Kabando wa Kabando:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**Hon. Lati** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Kabando wa Kabando:** Hon. Temporary Deputy Speaker, I beg to move that the Central Bank (Amendment) Bill (National Assembly Bill No.32 of 2014) be now read the Third Time.

I call upon hon. Yusuf Chanzu to second.

**Hon. Chanzu:** Hon. Temporary Deputy Speaker, I want to congratulate hon. Kabando wa Kabando for bringing this amendment because it is very important to undertake reforms in the financial and money market sectors. It is very important that reforms in these sectors are undertaken along with the major reforms that we are making in the economy in order to make the cost of living much lower. The cost of getting money and the digital platform need to be at the same level.

With those remarks, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Yes, Member for North Imenti!

**Hon. Dawood:** Thank you, hon. Temporary Deputy Speaker.

From the outset, I want to support hon. Kabando wa Kabando’s Bill, which seeks to reduce an amount from Kshs1 million to Kshs100,000. I also support the digitisation of the whole system, so that it is easier for anybody to access money from the Central Bank. I urge hon. Kabando wa Kabando to do more in future by maybe, reducing the amount from Kshs100,000 to Kshs50,000.

With those remarks, I beg to support.

*(Question put and agreed to)*

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

**The Temporary Deputy Speaker** (Hon. Kajwang’): Next Order!

## BILL

### *Second Reading*

#### THE PARLIAMENTARY POWERS AND PRIVILEGES BILL

**Hon. Keynan:** Hon. Speaker, from the outset, I want to appreciate the significance of this Bill. However, I am not in a position to proceed with it today because, as you have noted, or as you might have read – I hope the members of the Fourth Estate are hearing this – there has been a lot of comments, suggestions and criticism from the Editors’ Guild, the Media Owners Association and other stakeholders on this matter. It is my intention to, before I move this Bill, sit down with all the major stakeholders, in particular the Media Owners Association and the media practitioners, and ensure that some of the pertinent issues that they have raised are taken into account. Therefore, I seek more time to consult.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Well, the request sounds reasonable. This is a Private Member’s Bill and there is need for more consultations with the stakeholders. That is the spirit of the Constitution of Kenya, 2010.

*(Hon. Keynan stood up in his place)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): What is it, hon. Keynan?

**Hon. Keynan:** Hon. Temporary Deputy Speaker, I also want to put it on record that this was an initiative of the Parliamentary Service Commission (PSC). I was only an agent of the Commission. I want to put the record straight that it is not basically my Bill, it is a Bill that was prepared by the PSC for the good of Parliament.

Therefore, in the next few days, we will organise a public hearing session to ensure that all the positive and negative comments made on this Bill are taken into account; eventually, the Bill will be passed by this House.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Keynan, I hear you. I rule that the business appearing as Order No.9 be deferred until further notice.

*(Debate on Parliamentary Powers  
and Privileges Bill deferred)*

Next Order.

## MOTION

### DEVELOPMENT OF RENEWABLE/GREEN ENERGY

THAT, aware that the Kenya Nuclear Electricity Board (KNEB) was created and tasked with spearheading the development of nuclear energy in the country; deeply concerned that the construction and maintenance of a nuclear plant is a highly technical, expensive and risky undertaking that potentially exposes a country to the threat of nuclear radiation and the challenge of disposal of radioactive nuclear waste; further aware that due to these inherent risks in nuclear energy production, many of the developed countries like Germany, India, Japan and South Africa, amongst others, have increasingly embarked on the systematic shut-down of their nuclear plants, and instead are promoting the development of clean renewable energy, especially wind and solar energy, this House resolves that the Government stops any further investment in the development of nuclear energy and instead invests in the development of renewable or green energy which is safe and abundant in the country.

*(Hon. (Dr.) Ottichilo on 19.11.2014)*

*(Resumption of Debate interrupted  
on 10.12. 2014)*

**Hon. (Dr.) Ottichilo:** Hon. Temporary Deputy Speaker, I had moved the Motion. What is remaining is for hon. Members to contribute.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Let me look at my copy of the HANSARD.

*(Hon. Kajwang’ perused the HANSARD)*

Thank you for reminding me, hon. Ottichilo. I have looked at the HANSARD and seen that hon. (Dr.) Susan Musyoka had a balance of nine minutes.

Yes, Member for Rarieda! Do you want to give some information?

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, I just wanted to alert the House that in the course of debate, I moved an amendment which was also passed. So, what we are debating now is the Motion as amended and not the original Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Is the amended version what appears on the Order Paper?

**Hon. (Eng.) Gumbo:** No, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That is all right. I will get the amendment in a short while.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, the Motion on the Order Paper is not the amended version. What we have on the Order Paper is not correct. We should be debating the amended Motion. The amendment was moved and passed.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That is all right. Dr. Susan Musyoka, are you there? The Member not being in the Chamber though willing to contribute, forfeits the balance of her time.

I see a string of requests and I take it that this is how you wish to debate this Motion. We will start with the Member for Kaiti.

**Hon. Makenga:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. From the outset, I would like to take this opportunity to congratulate the Mover of the Motion, hon. Ottichilo.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Of course, you are aware that you are debating it as amended. I take it that you have the amendment with you. Do you have it?

**Hon. Makenga:** No; I do not have the amendment.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Are you prepared to prosecute the Motion as amended?

**Hon. Makenga:** If I could get the amendment---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member for Rarieda, are you able to help your colleague?

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, it has been a while; it is quite some time back. We passed the amendment last year.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Ottichilo is always conscientious. He already has the Motion as amended.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, what I can do is just read the Motion as amended, so that it goes on record because the amendment was passed.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you. Can you just refresh the memory of Members?

**Hon. (Eng.) Gumbo:** Yes. The Motion as amended reads as follows:-

THAT, aware that the Kenya Nuclear Electricity Board (KNEB) was created and tasked with spearheading development of nuclear energy in the country; deeply concerned that the construction and maintenance of a nuclear plant is a highly technical, expensive and risky undertaking that potentially exposes a country to the threat of nuclear radiation and the challenge of disposal of radioactive nuclear waste; further aware that due to the inherent risk in nuclear energy production, many of the developed countries like Germany, India, Japan and South Africa, amongst others,

have increasingly embarked on the systematic shut-down of their nuclear plants and instead are promoting the development of clean renewable energy, especially wind and solar energy; noting that Austria which hosts the United Nations International Atomic Energy Agency has terminated the development of any nuclear energy, this House resolves that the Government shifts its attention from the development of nuclear energy and instead invests in the development of renewable or green energy, which is safe and abundant in the country.

Hon. Temporary Deputy Speaker, after you come to the word “energy” in the fourth last line, the amendment introduces the words “noting that Austria which hosts the United Nations International Atomic Energy Agency.” It deletes “stops any further development” and introduces the words “shifts its attention from the development”. That is the information that the Members need to have.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. That is a very good clarification.

Member for Kaiti, can you just press your intervention button and I will recognise you? Proceed to debate the Motion as amended.

**Hon. Makenga:** Hon. Temporary Deputy Speaker, as you are aware, development of green energy offers the opportunity for clean, safe and reliable energy supply to the country. Development of green energy should be encouraged in this country.

Kenya is blessed with abundance of sun, wind and geothermal resources that should be fully utilised to ensure that domestic energy needs are met. We should also create surplus to export to our neighbours. For instance, 10 per cent of the target renewable energy suggested by the World Summit on Sustainable Development has been met in Kenya and on the electricity front by geothermal power. This clearly shows there is immense potential of the country’s renewable energy resources.

In Kenya, we have untapped resources such as PVT and CHP types of energy, and power can be generated purely from PV and then T, which is photovoltaic and thermal energy as well as CHP, which is combined heat recovery. These types of energy are purely green. If they are encouraged in the country, we will produce sustainable energy, which can bring development. Shortage of power in this country is enormous. Many investors may not want to come and invest in our country simply because of the cost of power. Also, the availability and sustainability of power is not guaranteed.

Therefore, it is important that the country comes up with ways of encouraging production of this renewable and sustainable energy. We can have renewable energy, which is variable. We need to have sustainable energy since if it is a question of supplying power, the power is guaranteed. We need not produce, for instance, about 100 megawatts and at the end of the day consume about 60 or 40 megawatts. It is important that sustainable development of renewable energy is encouraged.

A legal framework should be provided to guide the sector to ensure that there is harmonious co-existence with the nation’s development agenda. Other closely related laws like environmental laws should also be put in place. There should also be policies on the funding of the sector and the development of technical capacity. In Kenya, we need to enhance green energy to significantly reduce the cost of energy. That has already come

out clearly. I have said that with renewable energy, the cost of energy will come down, when compared to the hydro power and diesel powered generation. Once green energy is encouraged, it will bring down the cost of manufacturing goods. This will also bring down the cost of living.

There is need to address the potential problem of solid waste management. This is being done elsewhere and biomass is used to produce biogas. For this purpose, gas turbines can be produced.

I have personally developed the so called PVT and CHP production of energy and, therefore, I believe the potential of the e-waste can be tapped and generate the required energy.

Hon. Temporary Deputy Speaker, there is also the so called transfer of technology. We need not rely so much on foreigners coming to our country to develop power. We are also capable of developing our own power. It is very possible because we have the resources. We have the sun, water, biogas and e-waste. Therefore, I would like to support this Motion as amended and the Government should move fast and ensure that it provides the legal framework to ensure that people who are able to produce this kind of energy come up and move the country forward and reduce the gap in power production.

We also need to encourage our people to use the small prototype of producing power or gas in their domestic homes because it is very simple. They can do it with poultry, pig or cattle farming. They can produce energy using biogas. Therefore, this country needs to urgently address renewable energy.

We also need to take heed of the climate change whereby if we encourage diesel power to take centre stage, then we are also threatening our climate and, therefore, global warming will be eminent and we will have problems in controlling the climate. Therefore renewable energy is key and it is the way to go. I would encourage the Government to move very fast to approve the Independent Power Producers (IPPs) who have applied for licences for generating this kind of power and not to delay any further. It will be very important that we move very fast and help the Government to bring power into this country and even to reduce its cost.

With those few remarks, I beg to support. Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Thank you very much, Member for Butere.

**Hon. A.T. Anyanga:** Thank you, hon. Temporary Deputy Speaker for the opportunity to contribute to this Motion. First and foremost, let me congratulate the hon. Member for Emuhaya, Dr. Ottichilo, for having come up with this very noble and good Motion to propel our country's energy generation strategy in a sustainable manner.

Hon. Temporary Deputy Speaker, it is true that if you look at Vision 2030, which is the national development blueprint for this country, we are by far behind many of the countries at our level of development in terms of our energy generation. I know that the Government has been very ambitious to try and look for alternative ways to generate energy in Kenya. That explains why probably the whole idea of setting up the Kenya Nuclear Electricity Board (KNEB) was mooted.

However, we have to be realistic that the capacity that we have as a nation does not allow us at this particular point in time to sustainably generate our energy using

nuclear when we know for sure that we have got very many other alternative ways which are much cleaner and greener that we can generate power from.

Hon. Temporary Deputy Speaker, historically we know countries that have had nuclear generated energy. Part of it has given them a lot of competitive advantage but we also know that some of these countries have also had to suffer some huge catastrophes as a result of relying on nuclear for their energy generation.

Hon. Temporary Deputy Speaker, if you remember in the year 2011 we had a major nuclear leakage in Fukushima in Japan which was almost a global catastrophe because of the kind of waste that was released into the Pacific Ocean. You remember sometimes back we also had a nuclear accident in Chernobyl in Russia and in 1985 there was a similar accident in Alabama in the United States of America (USA). The Czech Republic in the year 1977 had this kind of problem and even there was the Bhopal nuclear explosion in India whose effects are still being felt up to today. These are just reminders of the kind of dangers that nuclear generated energy can expose a country to.

Hon. Temporary Deputy Speaker, but that aside we are not saying that nuclear energy in itself has all the disadvantages. Indeed, countries that have embraced nuclear energy have been able to achieve certain kinds of advances because nuclear energy in itself has certain advantages. We know for sure that one of the ways that nuclear energy has been very useful particularly in countries where it is extensively used is in medical applications. We also know that in terms of carbon emissions and being clean, nuclear energy is a fairly low carbon technology because it does not emit greenhouse gases and carbon dioxide. Therefore, up to that level it is fairly a clean source of energy.

However, for a country like Kenya, and I would like this House to really come to the realities where we are in terms of our development, on average it takes about 5 billion Euros to develop one nuclear plant even using the latest technology. That is almost half a trillion shillings per one plant and you are saying that a country as poor as Kenya should be able to commit those kind of resources to put up one nuclear plant That is almost half of our entire annual budget and yet in our backyard we have a lot of potential for other much greener sources of energy which have hardly been utilised and tapped.

Hon. Temporary Deputy Speaker, if you look at the geothermal potential in Kenya all the way from Lake Turkana up to down the Rift Valley, we have hardly scratched what lies beneath the faults of the Rift Valley. The geothermal potential in Kenya is about 30,000 megawatts and that is almost the kind of energy we require to properly propel Kenya to be a truly industrialised nation. This is because that is the kind of production of energy that South Africa has and that is right here beneath our own Rift Valley through a company called Geothermal Development Corporation (GDC). We are capable of doing that. This is clean, green and sustainable energy.

Hon. Temporary Deputy Speaker, we know that today in Kenya there are two major sources of wind energy. We have the Lake Turkana area and the Marsabit area. These are areas that have attracted a lot of international investors to convert the wind energy into a source of income. Potentially we can generate about 3,000 megawatts from wind alone in Kenya using those two points. I have not mentioned the coastal area. I have not talked about Lamu, Kilifi and Mombasa. These are areas with high potential for wind production.



Hon. Temporary Deputy Speaker, we have relied on the Seven Forks project for many years for hydro-electricity generation. These are the Kindaruma, Gitaru, Masinga and those other dams but we still know that up the River Tana we have the potential for the grand falls whose potential is also bigger than all the seven dams downstream combined but this again has never been tapped.

Hon. Temporary Deputy Speaker, if you look at the kind of potential we have in terms of biomass, we are fairly an agricultural country. At family level, each family or community can actually produce enough energy to serve communal areas like villages and homesteads using biomass. This is very clean and cheap-to-produce energy which will not cost us much in terms of increasing the cost of energy production. We need not make energy a luxurious item. Indeed, as a nation, everybody is entitled to some form of electricity and the source of that electricity does not matter.

In villages in this country in the evening, young students and small children have a lot of problems even doing their revision because they cannot afford the cost of buying paraffin to put into their little lanterns that they can use for studying. A lot of schools in Kenya fall in total darkness in the evening. Students cannot undertake either evening or morning preparations. This has also affected performance in schools and yet we know that with deployment of cheap, clean and sustainable energy like solar, most of our schools can actually be powered, not only for lighting purposes, but even for supporting programmes like the school laptop project.

Hon. Temporary Deputy Speaker, we have also had cases in the past where nuclear reactor plants have been a target of terrorist attacks. We know, for example, that during the Iran /Iraq war in the 1980s, one of the main targets was actually the nuclear reactors. We also know that in 1979 in Spain and in 1991 in Israel, the Palestine Liberation Organisation (PLO) targeted the nuclear reactor plants for attack. My fear is that being a country prone to terrorist attack, having a nuclear plant in Kenya would probably just be exposing ourselves to terrorists in terms of how many targets they can attack with catastrophic results to the population of this country.

Therefore, as I conclude, I want to urge that the Government shifts from developing the nuclear energy and seriously invests in sustainable green energy.

I thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I thank you for clarity of thought and presentation. It is interesting that Members on my right are not willing to contribute to this debate.

Member for Embakasi West.

**Hon. Theuri:** Thank you, hon. Temporary Deputy Speaker. I stand to support this Motion. It is high time we re-evaluated ourselves as a nation in order to see if we can handle the nuclear energy. It is good, but for sure, are we ready to invest and sustain it? Are we really ready to deal with it in terms of repercussions? It will be wise for us---

**Hon. Temporary Deputy Speaker** (Hon. Kajwang'): If you speak directly to the microphone, Members will hear you better.

**Hon. Theuri:** I am sorry. It will be wise for us as a nation to embark on investing in renewable energy or the green energy which is safe for the country. We also have readily available materials for this kind of energy in the country. I support the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you for being very brief and to the point.

I am still on Members to my right. Member for Endebes, I see you are here on my right.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Speaker for allowing me to contribute to this very important Motion in which we resolve that our country should stop investing in nuclear energy. Putting into consideration the efforts that have been put by the International Energy Atomic Agency in terms of making the world free of nuclear energy, it will be negative for us as a country to start now moving into that direction where we start investing in nuclear energy. As has been put clearly by the Member for Emuhaya, to invest in one nuclear plant, we need half a trillion shillings which is almost a half of our annual budget. This will be a very expensive venture and it will take us about 20 years to be able to do that. It will even take us more than 20 years to do that because for one, we have limited capacity in terms of human resource and the technical know-how. When you look at the issue of nuclear energy as much as it is very clean, safe and attractive, many of the countries that have invested in nuclear energy have had disasters. For example, we had the Chernobyl disaster, the recent Fukushima nuclear disaster and so on. We have seen a lot of serious challenges that affect human beings, the environment, and the plants and animals within those areas.

Hon. Temporary Deputy Speaker, we have very limited areas where we need to establish nuclear plants within our country. When you look at our country, many of the areas are inhabited by humans. It will, therefore, be very dangerous for us to engage ourselves in this adventure considering that we have huge and abundant alternative sources of energy such as geothermal, solar, wind, hydro and biomass forms of energy. These are areas that if we invest in as a country, we will be able to have enough energy to take us to the next stage. Furthermore, we have limited technical capacity and it will take not less than 20 years for us to be able to do the required critical mass for us to be able to invest in this.

Nuclear reactors are prone to terrorism as has been put by our colleague. We will be courting a disaster if we invest in that. Therefore, I support this Motion that our country should not invest in nuclear energy. Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): What is your point of order, Member for Rarieda?

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, I have no intention whatsoever of trying to contradict the good doctor for Endebess. However, I think he is debating the Motion which had not been amended. The Motion as amended actually has deleted the word "stop". We are now emphasising more on diverting attention. I just thought that, that clarification should come out because people are still talking of "stop". That is what had been deleted and that was the essence of the amendment so that we shift and focus more on green energy.

It is good to clarify that the reason we proposed that amendment in consultation with the good doctor hon. (Dr.) Ottichilo was that knowing the risks that are associated with nuclear energy, we did not want to stop our country from doing the necessary preliminary work that can help us to understand the risks involved. If we say "stop" then even the processes that are going on in understanding the whole concept of nuclear

energy will have to be stopped. So, it is important that as Members debate, they put that amendment into perspective.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right, I will not take it as a point of order, but as a point of very good information. Thank you so much.

Member for North Horr.

**Hon. Ganya:** Thank you, hon. Speaker for this opportunity to contribute to this very important Motion. I really want to appreciate the good work of hon. (Dr.) Ottichilo of having brought this very important Motion to the Floor. As an environmentalist, I oppose in totality any development of nuclear energy in this country. I even have a problem with the Motion as amended. I do not think that we should spend a coin or a minute on even contemplating about developing nuclear power in this nation.

It is a very risky and expensive investment. We have no reason whatsoever, as a country, to expose Kenyans to the threat of nuclear energy radiation. The trend the world over, even with those who have invested in nuclear energy like the United States of America (USA), India and Germany, is to now invest in green energy or what we call soft energy or renewable energy. This is because of the threats and the cost involved.

In the past when nuclear energy was developed, the knowledge or the technologies used in developing renewable energy like solar, wind, geothermal, biogas and hydro were not well-developed. That is why they invested largely in nuclear energy. Today, with the kind of knowledge that we have in the world and the state of the art technologies that are available to humanity, we have no reason whatsoever to invest in nuclear energy. In particular, Kenya, having been blessed by God with so much sun, wind, potential for geothermal sources of energy and biogas development, has no reason even to contemplate about the production of nuclear energy. This country is blessed. We have these alternatives, which are green energy. In Turkana, a company that is working in northern Kenya is able to produce over 300 Megawatts of reliable low cost energy from wind. They are investing over Euros 620 million to do this. There are many others like the Chinese, Americans and Europeans who were in Marsabit a week ago with the strategic goal of investing in wind energy. Since we have alternatives and better options than the rest of the world, we have no reason to invest in nuclear energy.

Nuclear power plant accidents that have happened in the world such as in Japan in 2011, in Ukraine, at Chernobyl in 1986 and Alabama, USA, in 1975 to mention a few, have led to catastrophic impacts on the environment, properties and humans at large. Those countries had very few options. Due to winter seasons, they have very few months of sunshine. They do not have a good wind regime as we do here. They have very little potential for developing geothermal sources of energy. Even for hydro energy, it is very limited. We have those alternatives and potentials. Nuclear energy is one development that we should never take. I strongly oppose the development of nuclear power plants in this country.

It is well known that terrorists strategically use power plants as a tool to enhance their evil work all over the world. The terror attacks that happened in Iran and Iraq in 1980, Spain in 1979, South Africa in 1982 and lately in Israel in 1991 are just a few examples where terrorists have used nuclear power plants as a tool to enhance and advance their terror attacks on humanity. In Kenya, we live in a terror haven. We have the *Al Shabaab* here and many other groups which are willing to destroy this country. We

do not even have the capacity like others to manage these terrorists. That is why we have been victims many times in this country. Building a nuclear power plant basically means that we are giving terrorists opportunities to destroy humanity and our country.

Disposing of the hazardous wastes that emanate from nuclear power plants is a major problem. Even countries like the USA, Germany and India who have developed nuclear power plants have not, up to today, managed to dispose of those hazardous wastes. It is a problem in our environment and one that we have lived with for many years. We do not need any other problem. Green energy to support a green economy is the way to go. That is the path the entire world is taking today. Having been blessed with wind, solar, hydro power, biogas and geothermal sources of energy, we should not consider at all investing in nuclear power plants, which condition people with no alternatives to invest in, in other parts of the world.

We are different and we should work with our development partners. We have Chinese who are willing to invest in wind energy in this country. The Europeans are already investing over Euros 620 million in Marsabit County, hoping to generate about 300 Megawatts of reliable wind energy. There are others who are going to do the same in the near future.

Technology in the world is so advanced. I was in China a few months ago with the Governor of a certain county and other leaders, to see the potential and the kind of energy that has been developed in the recent past both in Europe, America and China. They have produced so much wind energy using some of the best turbines in the world today. Because of that, we are able to generate more energy from wind and other reliable sources of energy than we have ever done in the past. We have an advanced technology, it was available and the whole world is willing to invest in it. That is why when we develop wind and solar energy, we even get carbon credits from the United Nation (UN) bodies, the World Bank and many other international lenders. Because of that, I do not think this is an option. I would really call upon our Government to disband the Kenya Nuclear Electricity Board right away. The intention of developing nuclear energy in this country is not necessary and we should not even waste a shilling of taxpayers' money on this board which has no time in Kenya today.

**Hon: Kemei:** Thank you, hon. Temporary Deputy Speaker. I wish to add my voice to the sentiments expressed by my colleagues. On the outset I wish to congratulate hon. (Dr.) Ottichilo for bringing this Motion in this House and join my colleagues in saying nuclear energy is not the direction to take at this point in time. The scientific and technological advancements have been good for the human race but nuclear advancement has so many disadvantages that outweigh the advantages it give us in terms of energy, medical application and the rest. I want to say that this country and indeed the entire world has got so much potential in terms of wind power, it has got so much potential in terms of solar power, and so much potential in terms of geothermal power. Indeed, there are other sources of energy that we capitalize on. If you visit the streets of Nairobi, you will see so many people walking along our streets. If we, for example, established panels along our streets, we are able to get energy from the people walking along our streets. Scientific advancement has taken us to levels where safe energy should be capitalized upon, but not nuclear energy which is too dangerous to the human race.

Let me mention one advancement which we thought initially was good; the discovery of Kalashnikov as a rifle---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member, just educate me more. You get energy out of people walking on the streets?

**Hon. Kemei:** Yes, hon. Temporary Deputy Speaker. That is correct

**The Temporary Deputy Speaker** (Hon. Kajwang’): How is that?

**Hon. Kemei:** If you watch National Geographic, there is so much scientific advancement that you get from national geographic and other science based on television. If you walk along the streets, you generate so much power such that if panels were established below where people are walking then you are able to generate power and tap that power for use instead of it going to waste. I want to confirm that.

I was talking about the Kalashnikov rifle; the AK 47. We celebrated its discovery some 50 years ago but today, we regret because the Kalashnikov is responsible for global insecurity, not just in Kenya but the entire world.

The number of people we are losing to the Kalashnikov is so much such that we regret the advancement along those lines.

Hon. Temporary Deputy Speaker, my colleagues have mentioned about the dangers posed by nuclear power. I just want to mention one aspect in which we do not need nuclear power in this country. We are committed under Vision 2030 to supply water to each and every home but at the moment we are not able to do that. Instead of diverting our attention to nuclear power, we should concentrate our finances and our energies towards supplying water to our people. The amount of water required in terms of management of nuclear power is so much. The resource that we need in terms of water is so much and we should use the finances that we have to supply water to our people.

Finally, three quarters of our country is marginal and has so much solar power. Many parts of our country experience floods. For example, where I come from, Kericho, the excess flood waters that go to the low lying areas of Kano and the rest of Nyanza should be tapped to generate hydroelectric power. We should regulate the flow of these waters to the low lying areas so that at the end of the day they do not cause us so much havoc in terms of flooding.

I wish to thank hon. (Dr.) Ottichilo. I agree with him on many scientific views with the exception that I have not agreed with him a 100 per cent in terms of Genetically Modified Foods (GMO).

Thank you for the opportunity given.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. I see both hon. Members for Mbita and Ndhiwa are requesting to contribute but I have problems with the ranking order. So I have chosen hon. Member for Mbita because I also need the voice of the gender.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Speaker. In terms of the ranking order, I am senior not just in terms of age but in terms of arrival in Parliament. I am sure, as a lawyer, you know that it works pretty much the same way that the roll of advocate works. I am your senior as an advocate but you are more senior in the House.

Thank you for giving me this chance. I want to take this opportunity to thank hon. (Dr.) Ottichilo and congratulate him for bringing this beautiful Motion. Hon.(Dr.)

Ottichilo has distinguished himself not just in this Parliament but even in the last Parliament on bringing issues that are very close to my heart especially in relation to environment. In another life, I was an environmental lawyer so I am very keen on issues that may have an impact on the environment. I also want to thank hon. (Eng.) Gumbo for the amendment that he has brought. The only thing I wished he had strengthened is the issue of research so that we do not render the Kenya Nuclear Electricity Board (KNEB) irrelevant. On the issue of nuclear power, hon. Members have indicated a lot of negatives around it but also a lot of positive comments around it. From the comments that hon. Members who are greater experts than some of us have said, it appears that the disadvantages outweigh the advantages. Nonetheless we cannot be left outside the cutting edge of development and innovation. Therefore, for purposes of staying at par with the others we should not necessarily develop nuclear energy but we must be aware of developments in the field. That is why I was very keen that we should have retained a very strong research component.

Hon. Members who have spoken before have spoken to the issue of the high risks and accidents that we have seen especially in reference to Chernobyl nuclear accident in Russia, the Alabama one in America and others. What this speaks to is the issue of governance. As a country, we are not very strong on the issue of governance. If you want to even talk about just one nuclear plant other than the attendant costs that go into trillions of shillings, I would also want to talk to the issue of governance. That because of our weak governance system, if we were to put something as big as this---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, hon. Members! Can you reduce your level of voice consultations? I know this is a Bill that will require people with what it takes to be in the National Assembly and let us not lose concentration because we are dealing with hard subjects.

Hon. Member for Mbita, proceed.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Speaker.

I know this is a fairly technical subject, but some of us have learnt that even in the most technical, there is something that will deal with *Omena* and I am getting to the *Omena* part of it.

I would just want to say that because of the issue of governance, I would be very hesitant to support the establishment of a nuclear plant in Kenya. However, I have indicated that the Board retains a very strong research component. We should not disband the Board. As an environmentalist, I want to thank the Mover for getting us to focus on green energy which is cheap, efficient, and sustainable. As the Member for Mbita, our strategic plan is actually focusing on Green Blue Economy. On Green Blue Economy, we are talking about green energy and investing in water in the lake. We can do so much with very natural things that God gave us, for example, the sand, wind and the lake.

In fact, I have been talking a lot at length with my Departmental Committee on Agriculture, Livestock and Cooperatives, the Cabinet Secretary and the Principal Secretary (PS) for Fisheries. I have said that the greatest revolution that will happen to this country is investment in what we have which is natural. Concerning the very basic

level in Mbita, already there is so much change that is happening in the lives of women in investment in green energy. Many of our women have been depending on kerosene lamps which affect their health. A lot of women have been using firewood for cooking which also affects our forests. If we move towards green energy, we are going to empower our women and fishermen because, then even the cost of energy is going to be lower for them. Therefore, I am very happy that we are trying to move away from nuclear energy and towards green energy which resolves and deals with our issues.

In conclusion, I want to say that, as a country, let us not try to be over-technical. Let us not try to be over-complex. Let us look for solutions in ways that deal with our people directly. I want to give an example: When you walk on the streets of Nairobi, or Mbita or Ogongo – I am sure you know of Ogongo Market because you have been campaigning very vigorously in the last few months - you will see, especially in the evening, women selling by the roadside. In Nairobi we call them hawkers while at home we call them *aswekra* because they are people who are moving on their buttocks. Any solution that we want to give to these women--- I have seen what the Government has done, that is, building huge markets. There is a huge one in Mbita yet nobody occupies it. This is because it does not respond to the needs of the woman. We must build markets that respond to the needs of the local people. The need of hawkers in Nairobi is to sell by the road. So, what we should be doing is building structures that do not overshadow the big shops, but that are responsive to the need to hawk and that are responsive to the need of the woman to sell *mboga* by the roadside and not in a big market that nobody will sit in.

This responds to the same issue that we are talking about, that is, nuclear energy. We are going complex and technical when all that Kenyans need to do is to get lightning for purposes of their daily work. Right now we have brought a few lamps through the county government and the CDF. The economy is changing so fast. Women are selling up to even 12.00 a.m. Before, they would be stopping at around 6.00 p.m. My dear friend here, hon. Agustino Neto, is my neighbour.

Now, when I pass by the market which is next to my grandmother's home on my way to Mbita, I see women selling up to very late courtesy of green energy. So, I want to congratulate hon. Ottichilo for moving us in that direction. Please, continue bringing things that touch on the lives of ordinary Kenyans as this. I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Member for North Imenti.

**Hon. Dawood:** Thank you, hon. Temporary Deputy Speaker. On the outset, I would want to support this Motion by hon. (Dr.) Ottichilo. It is a very good Motion as amended by Eng. Gumbo. This is the way to go. Nuclear plants, we have been told, all over the world have been a problem. The people who have them do not know what to do with them. It is such a problem disposing nuclear waste which if not disposed of in a good way can hinder the way progress is made in human kind, for instance, the nuclear disaster which was in Russia many years back as well as the Bhopal one in India and many others which have occurred over the many years nuclear energy has been exploited. Yes, we do understand once a nuclear plant has been established it gives long term energy. However, the consequences of it radiating nuclear waste and other radiation can affect a lot of the population.

The Government should not completely stop the investment in nuclear, but it should go further and look at other green energy sources. For instance, in my constituency we have got very big rivers which flow through my constituency and there are people who want to set up small power stations along the river. However, for lack of funding they cannot do it. If this Motion can be turned into a Bill then those small people who want to produce power can be given investment funds so that at least they can supplement what the Government is doing. The Government on its own cannot do everything and we need private enterprises. We need to look at how we can improve the generation of electricity or green energy.

When I was going towards Ngong the other day, I saw wind mills. My constituency which borders Mount Kenya can have wind energy being harnessed. So, this is a good Motion. The Government should take note of this. Wasting a lot of money on establishing a nuclear plant is not in the best interest of this country. We can get better energy which can be done in each and every part of the country. If we can harness the potential we have got in each and every county and constituency, we can go very far in fulfilling the energy requirements of our country.

Regarding the development of nuclear energy, the nuclear waste, like the e-waste we are talking about in computers, is even worse. If it does get to the people on the ground it will not be very good because we do not have the capability of containing the radiation as well as what hon. Chachu Ganya said. If the nuclear plant gets into the wrong hands like the *Al-Shabaab* or any terrorist organisation, you can imagine what catastrophe we would have. We will be blown into oblivion and this country will be no more. So, I would want to support this Motion and I would ask hon. Ottichilo to maybe see how we can convert it into a Bill. I would ask the Government, once it is done, to look at how the people downstream can be funded so that they can create more energy and let the water not go to waste.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Likuyani.

**Hon. (Dr.) Kibunguchy:** Thank you, hon. Temporary Deputy Speaker. First, I would like to thank my friend and brother, Dr. Ottichilo, for having come up with this Motion.

To begin, let me touch on two areas. First of all, the importance of green energy came into sharp perspective when President Obama was campaigning for the very first time to be elected as the President of the USA. At that time, it was one of his flagship agenda that he was going to promote and push for the establishment and the enhancement of green energy in the USA and in other parts of the world. Knowing very well that nuclear energy is extremely important in the USA, you can then understand why President Obama was pushing that agenda in the context of this Motion.

The second thing is that as much as we have talked about nuclear energy, the amendment was saying that we need to shift slowly. I agree with some Members of Parliament that we need to completely disband the Kenya Nuclear Electricity Board and establish a new board, which I could call the Green Energy Board. That way, we can then do a lot of agenda and work on green energy. Most of my colleagues in this House have said that we have not even scratched the surface when we look at the potential for green energy in this country. There is a lot of potential in terms of wind, geothermal and hydro.



Let me stop there and talk about hydro a bit because for a long time, most of the hydro generation of electricity has been on Tana and Athi River yet in this country, we have many rivers. Let me touch River Nzoia that borders my constituency.

When River Nzoia floods, our brothers in Bundalangi normally suffer a great deal. For many years, we have cried and said that many dams or a series of dams should be built on this river, which can then be used for many other things including generation of electricity. For a long time, it has just been cries for people in our part of the country. The potential in generating of green energy in this country is enormous. I do not see the rationale why we had to rush to nuclear energy, which as you have heard, has a lot of hazardous consequences in terms of exposure and the danger for terrorism. So, I would like to go on record and say that the Kenya Nuclear Electricity Board needs to be disbanded. Then we should come up with a board that will look at the enormous potential that we have in green energy and exploit it to the maximum for the benefit of our people.

As I wind up, let me once more thank Dr. Ottichilo for having come up with this Motion. I also concur with those who are saying that we need to quickly - because I am sure we shall pass this Motion - develop a Bill out of it, so that we can once and for all disband this Kenya Nuclear Electricity Board and set up a board that will look at this potential in green energy.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, hon. Member for Vihiga.

**Hon. Chanzu:** Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to support this Motion by my brother and neighbour in Vihiga County, hon. (Dr.) Ottichilo.

This Motion is very loaded because at the beginning, the Mover explained in a very good manner why he felt that we do not need nuclear energy in this country. He talked about the disadvantages, cost and so on. It is a milestone because when you come at the end of it, what hon. (Dr.) Ottichilo is suggesting, which should be the case; makes a lot of sense. As we talked about Vision 2030, we needed to put measures in place for us to be able to achieve our objectives. Hon. (Dr.) Kibunguchy has talked about something that we brought here in the last Parliament. There was a Motion on the issue of hydroelectric power. We talked about quite a number of rivers we have in this country. It was very interesting because there are quite a number of rivers from which we can generate power. The only problem we were looking at then was the issue of cost. However, when we were looking at the cost at that particular moment, we were not looking for how long into the future. If the cost is spread across many years, it becomes very cheap. For example, in 2000, we had a lot of problems of electricity to an extent that we had to put in place some short-term measures, which involved engaging some independent power producers. We were in a crisis.

Hon. Temporary Deputy Speaker, the reason as to why up to now power is expensive in this country is that the independent power producers entered into long-term contracts with the Government. They quoted very high prices because we were in a crisis. They were holding the Government by the neck. So, we got into some contracts, which are still running. When electricity used to be produced by the Kenya Electricity Generating Company (KenGen), before we got into those contracts, it was comparatively

cheaper. Due to the short-term problems that we were experiencing then, and because we were unable to foretell what the future had in store for us, the independent power producers charged the Government about five times of what the cost of electricity should have been. There is now massive investment in geothermal energy, which looks expensive at the moment. However, in the long-term, it will be cheap. Initially, imagining building a road like the Thika Superhighway looked very expensive but if you take into account the convenience such infrastructure brings, and consider the long-term benefits, it becomes cost-effective.

I believe that we have alternative sources of energy, like geothermal and hydro as well as massive wind power potential spread across the country. When we had uncertainty at that particular moment, we were looking at a number of options. That is how the corporation that hon. (Dr.) Kibunguchy referred to came into existence. Now that we see light at the end of the tunnel, with these other sources of energy, given that geothermal power is going to be produced in large quantities; there will be no need for us to venture into nuclear energy production.

This Motion should also be an eye opener to the sector at the moment. This is because Kenya Power is using old technology. That is why whenever there is a little drizzle of rain, like it happened yesterday, we start experiencing power outages. Therefore, if this Motion is well handled, it will help us to cover quite a number of aspects that we need to cover. However, we should project ourselves in the long-term future and not the short-term so that we can spread the cost of our programmes.

Hon. Temporary Deputy Speaker, even the wind energy we talk about, as a Government, I do not think we have really had some kind of concerted effort to do it. The northern part of the country is very windy and we can trap this and then we put it in the national grid. I believe that the Motion is timely. We always say timely but it would have been much better if it was earlier but for now we can say it is timely. As a country we have woken up. From the year 2003, we have been woken up from the slumber we were in. For example, you can see the economy at that time was Kshs283 billion but today we are talking about Kshs1.7 trillion or Kshs1.8 trillion. So there are a lot of prospects and I congratulate hon. (Dr.) Ottichilo.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Can we now hear from the Member for Ndhiwa?

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Speaker. First, I want to congratulate hon. (Dr.) Ottichilo for having patience and a clear eye on issues on energy. Last year, he brought the issues of orbital satellite space in parts of the Coast. That has not left my mind because I really thought it was a special thing that most of us were not environmentally aware that such things existed in Kenya.

I would want to say a couple of things. The first one is to agree with the hon. Member for Likuyani to the extent that I think that we need to disband the Kenya Nuclear Electricity Board (KNEB). I think it is totally uncalled for. It is a waste of time. I think it is priority in the wrong direction. I think in terms of development where we, as the country go wrong, is sometimes trying to go for things grandiose, things we cannot explain, things that look really wasted---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Oyugi, I am not stopping you, just hold your horses there. You will get enough time. Just give me a minute.

Hon. Members, even as you debate this very important Motion considering the energy situation in Kenya, many hon. Members have given their views on it which are concurring. It will still have 35 minutes even when we rise but you know you are the ones who are controlling the agenda of this House. If you choose that you want it to lapse and come back another time for 35 minutes, it is really up to you. I am saying that just before hon. Oyugi finishes his discussion, if an hon. Member is persuaded to address the Assembly and to say that the Mover be called to reply, you will be saving a lot of parliamentary time.

Hon. Oyugi, proceed to prosecute your case.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Speaker. In that connection I will try to be very brief so that at least an hon. Member proceeds in the manner that you have proposed. We were in a conversation with hon. (Dr.) Ottichilo and I think he wanted us to proceed that way.

Let me be very brief so that we do not waste parliamentary time. I would like to say three things. One, I would like to thank hon. (Eng.) Gumbo who highlighted the reasons why we cannot go the way of nuclear energy. It is expensive, technical and risk averse. He describes very well in his amendment the reasons why Kenya as a country cannot afford to move in that direction. The thing I like about his amendment is the fact that he would like us to shift attention towards development of green energy so that we are not really saying no to prospecting for nuclear energy. We just need to shift our attention to where Kenya has comparative advantage. There is a lot of sunshine in this country. There is a lot of wind and there is a lot of biomass. So if we, as a country, put our resources to the sunlight in Kenya, to the wind in Kenya, I think we will not be engaging in a lot of wasting of funds in the manner of establishing nuclear energy and nuclear power. I think the best we can do is to rethink and move in the manner that my colleagues have suggested. One, let us establish a green energy board or if you want to call it the sunlight board or the wind board so that we have more of our money and more of our thoughts going towards the idea of green energy as opposed to nuclear energy. This is because it is expensive because of the various reasons my colleagues have canvassed and it is going to take more of our water.

Hon. Temporary Deputy Speaker, with those remarks, I would like to be brief so that my other colleagues can then conclude debating this particular matter. We are all on the same page; to disband the KNEB and also move in the manner of green energy.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Siaya.

**Hon. (Ms.) Ombaka:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I would like to support this Motion for the reasons that have been given against the nuclear energy. Historically, the nuclear energy has been known to be dangerous and I cannot forget the history behind the Hiroshima whose impact is still known or felt today. Many children are born deformed due to the nuclear energy and other countries that adopted it are abandoning it because they realise that it is very dangerous for human, animal and plant life.

Secondly, we do not need to go the way First World countries are going. Just because they developed nuclear energy, we also want to do that. We are a Third World country and Africa is blessed with so many forms of energy that is green, friendly, and cheap and that can be utilised. Unfortunately, a lot of this energy that we have in Africa is not well developed. I have in mind the hydro-electricity because we have water all over. From where I come, we have Lake Victoria that has never been developed for energy in any way. We have various lakes and rivers yet we are still lacking---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Kaiti, what is out of order?

**Hon. Makenga:** Thank you, hon. Temporary Deputy Speaker. The mood of the House seems to show that they are all in concurrence with the---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, order! Member for Kaiti, you have contributed to this Motion and I can tell where your discussion is going. If you check your Standing Orders you will find that you cannot rise in your place to urge that the Mover be called to reply when you have contributed to a Motion. You will be denying Members the opportunity to debate.

**Hon. Makenga:** Thank you, hon. Temporary Deputy Speaker. Most obliged.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Butula, what is out of order?

**Hon. Onyura:** Hon. Temporary Deputy Speaker, going by the comments that we had in the House and also by the mood of the House and the fact that this Motion has been---

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right Member for Butula, I can also tell where you are going. Can you allow Member for Siaya to take just a minute or so to finish her thought process so that we are fair to her? Just about one or two minutes then I will come back to you, Member for Butula.

**Hon. (Ms.) Ombaka:** Thank you, hon. Temporary Deputy Speaker. I will take one minute.

I just want to highlight that it is important that we develop the solar system as we already see that many counties are now into it and many streets are going into solar street lights. I think that is a good thing but we need to develop those much faster and to ensure that the whole country goes solar. Africa is blessed with the sun and I think that is the way to go and the hydro-electricity be equally developed. As it is right now, we have electricity problems; it is expensive and it is never available sometimes when it rains. We still need to put a lot of energy in the development of green energy.

In addition, Kenya is a poor country and we cannot go expensive in terms of using the nuclear system.

Thank you and I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Yes, Member for Butula, what were you saying?

**Hon. Onyura:** Hon. Temporary Deputy Speaker, I was just looking at the mood in the House and the fact that this Motion has been debated very extensively and wanted to request that the Mover be called upon to reply and in the process if he can donate a minute to me, I will also be grateful. I do not know whether that is in order?

**The Temporary Deputy Speaker** (Hon. Kajwang'): First of all, the mood of the House is only visible to the Speaker. Members are unable to see the mood of the House. However, you are perfectly in order to ask Members if they think that the Mover be called.

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

Mover you can have the microphone.

**Hon. (Dr.) Ottichilo:** Thank you, hon. Temporary Deputy Speaker. I would like to donate one minute to hon. Onyura.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order! Once the House has resolved that the Member be called to reply, you do not now have the discretion to donate anything. Please finish your response.

**Hon. (Dr.) Ottichilo:** Okay. Thank you for the advice. First, I want to thank all the Members of this House who have supported this Motion. This Motion, as you have heard from Members, should be moved to the next level. It should be developed into a Bill so that it can now effect all the contributions that have been made by the Members of this House. Green energy---

**The Temporary Deputy Speaker** (Hon. Kajwang'): You just hold on there. I see a Member who is not on his seat. Member for Turkana Central, is something out of Order?

**Hon. Nakara:** Thank you so much, I do not want to oppose your judgment. However, if the Member has spoken here and he denies the rest of us who have sat here from 9.30a.m. a chance to contribute, that is not fair. But otherwise I agree with your judgment---

**The Temporary Deputy Speaker** (Hon. Kajwang'): I really sympathise with you hon. Member for Turkana Central, but at the moment we are dealing with several things together. It is your right to debate every issue that comes before you. However, as I told you, had you not gone the way you did, you would have had 35 minutes still on this Motion after the House rises. It is for you to decide the best use you want to put the National Assembly time. You have resolved by voting orally. So, whereas I sympathise that you have been holding on your seat for a very long time, please indulge the House to move the direction we are going. Kindly finish.

**Hon. (Dr.) Ottichilo:** Thank you. This is a Motion that requires us to look at our energy requirements in details. We need to focus more on how we can develop our current renewable energy which is available in abundance. At the same time, as many Members have said, nuclear energy has its advantages and that is all agreed. I want to thank hon. Nicholas Gumbo for coming up with that amendment to ensure that we continue with researching on how best we can use nuclear energy in other aspects, particularly in medical field and agriculture. Who knows, as technology improves we may come up with best ways on how to handle some of the dangers of the nuclear energy, more so, the nuclear waste. There is a lot of research going on. Therefore, as a country and as a Mover of this Motion, I want to agree with quite a number of my colleagues who say that we should not shut the door for research. Let it continue but meanwhile let us

focus mainly on renewable energy. On this score, I want to thank the Government because it has put so much emphasis now on renewable energy particularly the geothermal energy. Currently the Government is putting a lot of money in this area.

Even county governments have started putting in a lot of money into wind energy. Like in Turkana, and I sympathize with my colleague from Turkana, there is a big project that is coming up on wind energy. If that project is finalised and becomes operational, it is going to contribute more than 300 Megawatts of energy.

In conclusion, I want to thank all the Members who have contributed to this Motion. I look forward to us moving to the next stage of coming up with a Bill, so that we can operationalise this Motion into law.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you very much to all of you who have contributed to this Motion. I order that business appearing as No.10 on the Order Paper will appear tomorrow, Thursday, 19<sup>th</sup> February, 2015 on the Order Paper for the purpose of voting.

### ADJOURNMENT

The time being 1.00 p.m, this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.