

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 20<sup>th</sup> March 2019

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** Is the Member for Wundanyi, Hon. Dan Mwashako in? He is not in. Hon. Washiali, the Floor is yours.

### PAPERS LAID

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Reports of the Auditor General on the Financial Statements in respect of the following institutions for the year ending 30<sup>th</sup> June 2017 and the certificates therein:

- (a) Egerton University;
- (b) Kisumu West Constituency;
- (c) Awendo Constituency; and
- (d) Kitutu Chache South Constituency.

Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ending 30<sup>th</sup> June, 2018 and the certificates therein:

- (a) Judicial Service Commission;
  - (b) Kirinyaga University;
  - (c) Karatina University;
  - (d) Office of the Controller of Budget; and
  - (e) Outstanding Obligations Guaranteed by Kenya Government.
- Next Order.

### NOTICE OF MOTION

**Hon. Speaker:** Member for Kangema, the Floor is yours.

### AUDIT OF RELIGIOUS INSTITUTIONS IN KENYA

**Hon. Clement Kigano** (Kangema, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware of our ethnic, cultural and religious diversity as recognised by the Constitution; further aware that Article 27(4) of the Constitution provides that the State shall not discriminate directly or indirectly against any person on any ground, including religion; noting that Article 32 of the Constitution provides that every person has the right to freedom of religion; cognisant of the fact that the rights and freedoms under Articles 27 and 32 of the Constitution are not absolute but are rights and freedoms that can be limited; concerned that the country has been experiencing a proliferation and emergence of cults and sects under the guise of religious institutions; further concerned that the general public and revenue collection agencies have often fallen prey to fraudulent and unscrupulous persons acting as religious leaders; also concerned that the growth of these religious institutions remain largely unregulated including on matters such as their registration, standards of operation, requirements for establishment, appointment and qualifications for religious leaders, among other things; this House resolves that the Office of the Attorney General, forthwith undertakes an audit of all religious institutions in Kenya including examining their bank accounts and qualifications of the religious leaders with a view to formulating self-regulatory mechanisms and submits a report to the House on the audit within ninety (90) days of passage of this Motion.

**Hon. Speaker:** Hon. Members, before we proceed to the next Order, allow me to recognise pupils from the following institutions who are seated in the Speakers Galley: Kikuyu Township Primary School, Kikuyu Constituency, Kiambu County and Orbit School of the Cross, Embakasi East Constituency, Nairobi County. They are all welcome to observe proceedings of the House.

Next Order.

The first Question is from the Member for Kakamega County. Hon. Elsie Muhanda. The Floor is yours.

### QUESTION BY PRIVATE NOTICE

*Question No. 012/2019*

#### PROVISION OF SANITARY TOWELS TO PUBLIC SCHOOLS

**Hon. (Ms.) Elsie Muhanda** (Kakamega CWR, ODM): Thank you, Hon. Speaker for granting me the opportunity to ask Question No. 012/2019.

- (i) Is the Cabinet Secretary aware that schools in Butere, Navakholo, Mumias West and Malava constituencies in Kakamega County did not receive sanitary towels in the Financial Year 2017/2018?
- (ii) What measures has the Ministry put in place to ensure that the said schools are provided with sanitary towels, and further, that all public schools across the country are supplied with sanitary towels on time?

Thank you, Hon. Speaker.

**Hon. Speaker:** It is referred to the Departmental Committee on Education and Research. Next Question is by Hon. Janet Nangabo, the Floor is yours.

## ORDINARY QUESTIONS

*Question No. 127/2019*

## ABUSE OF KENYAN MIGRANT WORKERS IN THE MIDDLE EAST

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Thank you, Hon. Speaker. I rise to ask Question No. 127/2019 which goes to the Departmental Committee on Defence and Foreign Relations.

**Hon. Speaker:** No! The Question must be going to a Cabinet Secretary.

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia (CWR) JP): My Question goes to the Cabinet Secretary for Foreign Affairs.

- (i) Is the Cabinet Secretary aware of fresh claims of abuse of migrants in the Middle East leading to loss of lives?
- (ii) What is the status of bilateral labour agreements with Middle Eastern countries like Qatar and Saudi Arabia regarding the safety of Kenyans migrant workers?
- (iii) What measures has the Ministry put in place to ensure safety of migrant workers, licensing of recruiting agencies by the Ministry and that Kenyans seeking employment in the Middle East do so through licensed and registered recruiting agencies or through the Ministry of Labour and Social Protection?

Thank you, Hon. Speaker.

**Hon. Speaker:** This is a clear case of where your Question is misdirected. Even bilateral labour agreements are not done by the Ministry of Foreign Affairs. This Question should be directed to the Cabinet Secretary for Labour and Social Protection. Hon. Nangabo your Question is misdirected. However, be that as it may, I direct that this Question be transmitted to the Cabinet Secretary for Labour and Social Protection and not to the Ministry of Foreign Affairs. They will not know anything about the issues you have raised. The Question itself is talking about agencies through the Ministry of Labour and Social Protection. How then does the Ministry of Foreign Affairs respond to this? Do you want to say something or you still want it to go to the Ministry of Foreign Affairs?

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Hon. Speaker, I stand guided.

**Hon. Speaker:** For you to get a proper answer, this Question should be answered by the Cabinet Secretary for Labour and Social Protection. Therefore, the Committee to which the Question is directed to organise itself and prioritise is the Departmental Committee on Labour and Social Welfare. The Clerk is accordingly directed.

The next Question was to be asked by the Member for West Mugirango who has already written to communicate his inability to be present in the Chamber this afternoon. The Question is therefore deferred.

*Question No. 129/2019*

## INSECURITY IN WEST MUGIRANGO CONSTITUENCY

*(Question deferred)*

Next Question is by Hon. Dennitah Ghatti.

*Question No.130/2019*

## CRITERIA FOR DETERMINING BENEFICIARIES OF PERSONS WITH SEVERE DISABILITIES FUND

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Speaker. I seek to ask Question No.130/2019 to the Cabinet Secretary for Labour and Social Protection.

- (i) What is the criterion used in determining the beneficiaries of the Persons with Severe Disabilities Fund in this country?
- (ii) Could the Cabinet Secretary provide the number of beneficiaries under the Programme in the financial years 2015/2016, 2016/2017 and 2017/2018 and the amounts paid to each?
- (iii) Is the Cabinet Secretary aware that the beneficiaries of the Fund in Kuria East and Kuria West constituencies have not been paid in the last six months?
- (iv) Could the Cabinet Secretary explain how households with more than one Person with Severe Disability are facilitated to receive these funds under the Cash Transfer Programme?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Labour and Social Welfare to prioritise the appearance of the Cabinet Secretary.

Next Order.

## PROCEDURAL MOTION

## LIMITATION OF DEBATE ON BUSINESS UNDER STANDING ORDER NO.146

**Hon. Speaker:** Majority Whip, the Floor is yours.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to Standing Order No. 97(1), this House orders that each speech in the general debate contemplated under Standing Order No. 146 (Consideration of Senate amendments to Bills originating in the National Assembly) be limited as follows : A maximum of one hour and thirty minutes, with not more than fifteen (15) minutes for the Mover in moving, fifteen minutes (15) minutes for the Chairperson of the relevant Departmental Committee, and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party(if the Bill is not a party-sponsored Bill), and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Speaker, I want to invite Members to Standing Order No. 146. It gives us an opportunity to amend our own rules and procedures. The Bills we are talking about under Standing Order No.146 are actually Bills that have originated from the National Assembly and exhaustively discussed and referred to the Senate. In the course of the debate in the Senate, there could be some amendments. Therefore, these are Bills that generally we have had an opportunity to debate and according to the House Business Committee (HBC) and the meeting yesterday, the one that I attended and I am happy the Leader of the Minority Party here also attended, we agreed that since the Bills have been exhaustively debated in the National Assembly, we can only look at the amendments and whether they would help that Bill. That is why we have decided as the HBC to propose to the Committee of the whole House that instead of taking the entire period to discuss other Bills, we should reduce the time so that we can have time to relook at other Bills. The Chairperson of Budget and Appropriations Committee is confusing me.

We were in this meeting with Hon. John Mbadi, the Leader of the Minority Party and the Member of Parliament for Suba South. I move this Motion and request him to second.

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

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker, I think this House has made a decision in the past to limit debates and define how long we need to take on other Bills and Motions. However, we did not consider cases where a Bill which has been passed by this House and forwarded to the Senate for concurrence is returned from the Senate with amendments. It was open ended that we could debate that Bill even forever. Now, the HBC decided to look at it again and limit debate to one-and-a-half hours maximum with just 15 minutes to move and reply, and the other Members including both Leaders of the Minority and Majority Party to take five minutes each. This is basically a Procedural Motion and we are asking this House for concurrence.

I second.

**Hon. Speaker:** Hon. Members, I can see that understanding the Standing Orders for some of you is still problematic. The Question must be proposed first.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** It is the desire of the House that I put the Question. Hon. Members, I appreciate the fact that this decision was made in order to limit debate when we are considering amendments. That way, we will not spend a lot of time debating amendments only.

*(Question put and agreed to)*

Next Order.

## SPECIAL MOTION

### REPORT ON VETTING OF THE NOMINEE FOR APPOINTMENT AS THE CABINET SECRETARY FOR EDUCATION

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Committee on Appointments in its Report on the Vetting of the Nominee for Approval as the Cabinet Secretary for the Ministry of Education, laid on the Table of the House on Tuesday, 19<sup>th</sup> March 2019, and pursuant to the provisions of Article 152(2) of the Constitution and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Prof. George Albert Omoro Magoha as the Cabinet Secretary for the Ministry of Education.

On 1<sup>st</sup> March 2019, His Excellency the President forwarded to the National Assembly the notification of nomination of Prof. George Albert Omoro Magoha as the Cabinet Secretary for Education for consideration and approval. This was in accordance with the provisions of Article 152(2) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

Pursuant to Standing Order No. 42(1), the name and curriculum vitae of the nominee was referred to the Committee on Appointments on 5<sup>th</sup> March 2019 for vetting. The Committee ought to report to the House within 14 days as by law. On Wednesday, 6<sup>th</sup> March 2019, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigation (DCI), Higher Education Loans Board (HELB) and Registrar of Political Parties requesting for reports with respect to the nominee on a number of areas, including his ethics and integrity, tax compliance, criminal record, higher education loan repayments and, finally, political affiliations.

On Thursday, 7<sup>th</sup> March 2019, pursuant to Section 6 (3) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk, in writing, invited the nominee for the approval hearing indicating the time and place. As a Committee, we received clearance reports for the nominee from EACC, KRA, DCI, HELB and finally the Registrar of Political Parties on 1<sup>st</sup> March.

The Committee held four sittings. The nominee appeared before it on 14<sup>th</sup> March 2019 and was vetted in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders on his suitability or otherwise for the appointment as a CS. I want to mention that the report that we got from KRA was very categorical that they did not have any issue regarding any outstanding tax arrears or tax to be paid. The DCI was also very clear on the criminal record of the nominee. They have nothing in their records to indicate that the nominee has any previously known criminal record. It is the same with EACC which gave opinion that as per that time, they had no recorded case of any investigation regarding the nominee.

Pursuant to Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee considered various issues during the approval hearing. First, the Committee considered the procedure used to arrive at the nominee. The Committee observed that Article 152(2) of the Constitution provides that nomination of Cabinet Secretaries is a constitutional prerogative of the President, and there is no other procedure prescribed in the Constitution or any statute law. The President has express prerogative to appoint whoever he thinks can hold the position of a Cabinet Secretary. In addition, the Constitution sets out certain requirements regarding the appointment of persons to public office. Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

Article 130(2) of the Constitution provides that the composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya. The Committee observed

that the nominee hails from Siaya County. The Constitution contemplates a maximum of 22 Cabinet Secretaries whereas the country is comprised of 47 counties in terms of Article 6(1) as read with the First Schedule of the Constitution. In view of the limited number of persons who can be appointed to the Cabinet - a maximum of 22 - it is not possible to have Cabinet Secretaries who hail from all the counties in the country. Article 232(1)(i)(ii) and (iii) of the Constitution provides that the values and principles of public service include affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of persons with disabilities.

Further, Article 54(2) of the Constitution mandates the State to ensure the progressive realisation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons with disabilities. Hon. Speaker, Article 55 of the Constitution mandates the State to take measures, including affirmative action to ensure the youth have opportunities to associate, be represented and participate in political, social and economic spheres of life. Further, Article 260 of the Constitution defines a youth as a person who has attained the age of 18 years but has not attained the age of 35 years.

The Committee in determining the suitability of the nominee took into consideration the provisions on Leadership and Integrity as outlined in Chapter Six of the Constitution. Further, the Committee observed that suitability of the nominee should be evaluated holistically taking into account the nominee's academic credentials, professional training, experience, background and personal qualities as well as performance of the nominee during the approval hearing.

Pursuant to the provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act, the Clerk of the national Assembly placed an advertisement in the print media on Thursday, 7<sup>th</sup> March 2019 inviting the public to submit memoranda by way of written statements on oath or in form of affidavits on the suitability or otherwise of the nominee. The advertisements indicated... (*technical hitch*). By close of business on Wednesday, 13<sup>th</sup> March 2019, at 5.00 p.m. the Committee had not received any statements on oath in respect to the nominee whether adversely or even positive statements.

The Committee that vetted the nominee made the following general observations:

In accordance to Article 78(1) and (2) of the Constitution, he does not hold dual citizenship. As you all aware, for you to hold a State office you must not be someone who holds dual citizenship. So, the nominee was not found to hold dual citizenship. He is a Kenyan and that is all. He is a Kenyan born in Siaya County.

He is a professor of surgery at the University of Nairobi with well over 31 years of experience in academia and in the public service, 10 of which he served as a Vice Chancellor at the University of Nairobi. I worked with him at the University of Nairobi.

*(Loud consultations)*

I hear Hon. Pukose asking whether I worked with him as a student or not. Students do not work. I, of course, learnt at the University of Nairobi and worked there. Hon. Sankok knows that.

Prior to his nomination, he was serving as the Chairperson at the Kenya National Examinations Council (KNEC) where the Committee felt that he reformed the examination management thereby giving credibility and integrity to exams results. In fact, during the interview, we talked about the time before he joined KNEC to around 1998. During that period there were basically no exams in this country. He made a shocking revelation that the country

had been having two sets of exams, one for the current year and another for the following year and they could be leaked easily and bought at will.

His academic credentials, professional training and experience comply with Section 6(7) of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011. In fact, the nominee had confidence of his colleagues at the University of Nairobi who elected him as the dean of the faculty before he was elevated to become a principal then later after just about one year, he was promoted to the position of Deputy Vice Chancellor, Administration and Finance. Finally, he became the Vice Chancellor of the University for 10 years.

We observed that he meets the requirements of Chapter Six of the Constitution on Leadership and Integrity. The Committee further observed that the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Directorate of Criminal Investigation and the Office of the Registrar of Political Parties and even the Higher Education Loans Board had sent clearance certificates with the nominee...

*(Hon. Junet Nuh consulted loudly)*

The MP for Suna East is excited. The nominee has not been charged in a court of law in the last three years.

As stipulated in Article 75(1) of the Constitution, the nominee has no potential conflict of interest. He satisfied the requirements of Article 77(1) of the Constitution, in that he does not intend to participate in any other gainful employment during his tenure as a Cabinet Secretary.

He does not hold office in any political party hence he satisfies the provisions of Article 77(2) of the Constitution.

He has never been dismissed from office under Article 75 of the Constitution for contravention of provisions of Article 75(1), conflict of interest, of Article 76 of the Constitution on financial probity or Article 77 of the Constitution on restriction of activities of State officers and Article 78 (2) of the Constitution on dual citizenship. He is therefore fit to hold office as Cabinet Secretary. He has exhibited substantial knowledge on issues education and experience in public service. I remember some Members felt we should say: "He has exhibited immense...", but were cautious and said he exhibited substantial knowledge on issues education and experience in public service.

As I wind up, I want to mention that the nominee appeared before us and we interviewed him for almost three hours. During the time of the interview, he took us through his history of education from primary school. He is someone we can easily trace his education life from primary school to the time he became a professor in the country. He has served the country in public offices. When the nominee was made the Vice Chancellor of the University of Nairobi, those of us who can remember, there was a lot of turmoil in the University then. Students kept going on strike over many issues but his tenure was the most peaceful in the history of the University of Nairobi.

Shortly, I will talk about his age. His tenure at the University of Nairobi is characterised by peaceful coexistence between the students and the University management. That exhibits that he is a very strong leader in terms of networking and management skills. The work he has done at KNEC also speaks for itself for the period he has been there. Some of us and many Kenyans have also asked that he has a strong hand in managing the institutions he has worked in. In fact, I remember I asked him whether he is not mechanical in the way he deals with issues. We expressed this because we know he is going to deal with very difficult people and at the risk of



agitating my colleagues, Hon. Sossion who heads the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers, (KUPPET) chair, Hon. Omboko Milemba. I have to be careful because they are my friends. I know how dealing with them can be a challenge. We asked the nominee how he will handle the situation. He gave us assurance that he does a lot of background consultation before he takes action on matters of serious concern to the country.

There are people who are questioning his interpersonal skills, but we must also be aware that reading all the way to become a professor makes you appreciate certain things that may make you appear arrogant when you are not. I have heard many people call others arrogant, and when you look at it critically, you realise that these people just know too much beyond what other people know, and then you think it is arrogance. We urged the nominee that when he gets this appointment, it will require a lot of interpersonal skills in dealing with not only the teachers, but the unions, the TSC and with children of this country. Children are the softest section of our society. Looking at his experience, his academic qualification, his level of education and the fact that he is widely travelled, that is something that shocked us.

**Hon. Junet Nuh** (Suna East, ODM): *(Inaudible)*

**Hon. John Mbadi** (Suba South, ODM): I can hear one Hon. Member asking how that can help. You must also be exposed. You cannot be one person who moves from Migori to Nairobi for 20 years and think that you know too much. You must have some knowledge of what happens elsewhere.

Someone asked, although informally about his age. He was born in 1952. My calculation brings it to about 67 years. Sometimes, just like wine, people mature with age in terms of leadership. By the way some Ministries like that of education where you are going to deal with children, teachers and different categories of people... The beauty of being elderly is that you have experience of both; being youthful and being elderly. The youth only know how to deal with the youth because they have never been elderly. In that case, you need someone really mature. There is someone who is saying that in future, we may need to ensure that the President of this country should not be below 60 years. He should be 60 years and above. You know, there are positions you can play around with. There are positions where we can have the youth, and there are positions where we need maturity to be able to handle the pressures of life. If you are put in some positions where you are still thinking of making more children, it will be a big challenge.

In conclusion, I just want to urge Members to read the comprehensive Report of the Committee on Appointments in order to fully appreciate and enrich the debate. I further urge the Members to adopt the recommendations of the Committee as contained in the Report. But this Report was unanimously adopted and approved by all Members of the Committee present, even those absent sent word that they support. I have not heard of any Member against the Report. These are the findings of the Committee.

So, I move and ask the Deputy Leader of Majority Party for obvious reasons, to second. I would have asked the Majority Whip but I want to ask the Deputy Leader of the Majority Party for some very good reasons to do it.

**Hon. Speaker:** What is your point of order, Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. The Leader of the Minority Party has done well in profiling Prof. Magoha, but towards the end, he alludes to the fact that in future he wants this country to have Presidents who are 60 years and above. Is he doubting the performance of the existing Presidents today who are not...

**Hon. Speaker:** Now, I want to educate you today. That is not a point of order. So, you are the one who is out of order. Hon. Jimmy Angwenyi.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Speaker for giving me a chance to second this Motion. I thank God that I was one of the Members vetting this highly qualified Kenyan. You have been told of how he has qualified in every aspect as required by the relevant Act and the Constitution. The Mover did not say some things. He kept on saying that he is the son of Magoha. The son of Magoha showed concern about marginalised groups. I remember him saying that if we have to consider education for persons with disabilities, we will have to give them special consideration. People who come from marginalised regions like North Eastern or Turkana, or West Pokot should be given some special consideration so that they can catch up with the rest of the country.

Prof. Magoha reminds me of what I used to be when I was his age. He is a strong person in character and he speaks his mind. He will not lie to you to convince you to support him or to reject him, he just speaks his mind. That is the kind of person we need in the Ministry of Education. Remember before he became the Chair of KNEC, exams in Kenya had become useless. Actually, certificates were being manufactured on Kirinyaga Road. With reforms he introduced in KNEC, exams in Kenya are now credible. The certificates you get from any of our institutions are credible. I strongly believe that he will make education in Kenya to be appreciated all over the world. If you give him a chance, he will make education in Kenya to be appreciated all over the world.

He told us one other thing, that we should not appoint him to serve the Luo community. He does not want to serve a community, he wants to serve Kenyans the way he has been doing it for the many years he has been in the public service. As my colleague said, on his interpersonal skills, he told us clearly that no patient that he has operated on has died. This means he has had very special relationship with his patients. If he had special relationships with his patients, how about normal people? I am sure he will do it very well. I therefore urge the House to support this Report to approve this appointment and I am sure, in the next two or three years, you will see proper improvement in education of Kenya. You can take that to the bank.

With those few remarks, I beg to second.

**Hon. Speaker:** Hon. Members, before I propose the Question, as you are aware, starting yesterday, the Inaugural African Parliamentary Researchers' Conference is taking place in Nairobi. Allow me to recognise some of the visitors who are in the Speaker's Gallery. They are: Mr. Wolfgang Hiller, who is the Director, European Parliamentary Research Services, Brussels; Mark Quiner from the National Conference of State Legislatures in the United States of America and Mr. John Power, the Director Northern Ireland Assembly, UK. They are welcome to observe the proceedings of the National Assembly.

*(Question proposed)*

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of order, Hon. Pukose? There is a point of order by the Member for Endebess

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. Considering the interest this Motion will attract, and being historical that today the Leader of the Minority Party has moved this Motion, meaning we are in agreement to approve it, can we please, limit debate to three minutes for any other Member speaking so that most of us can contribute to it?

*(Applause)*

**Hon. Speaker:** Hon. Members, I suppose this is an appeal to the Chairperson. There is immense interest by Members in this Motion. I have 41 requests on my screen, and the numbers are increasing. Hon. Pukose has requested that every Member be limited to three minutes. I get the sense that the proposal of three minutes is generally acceptable. The Standing Orders do not provide for a procedure because debate has not been adjourned. So, you cannot use Standing Order No.37. We can only use Standing Order No.1, which is the only one that the Member for Kitutu Chache North Constituency remembers.

*(Laughter)*

Therefore, in exercise of the powers conferred on the Speaker under Standing Order No.1, I accede to the request by Hon. Pukose that debate for every Member be limited to three minutes. I now have 44 requests. It is, therefore, ordered accordingly for the Clerks-at-the Table to begin noting that. I can see that the Member for Kiminini is on top of the list.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. I rise to support the Motion. I knew Prof. Magoha when I was a postgraduate student at the University of Nairobi. I also worked with him when I was a lecturer at the university. Prof. Magoha has worked in several places. During his tenure at the UON, where there used to be a series of strikes, he stabilised everything. When he joined the Kenya National Examinations Council when the credibility of national examinations was in question, he managed to restore sanity. When you do a trend analysis, you will see that everywhere Prof. Magoha has worked, he has been successful. When you extrapolate that trend, you will realise that even if he becomes the Cabinet Secretary for the Ministry of Education I have no doubt that he will succeed.

I was privileged to be part of the vetting process as a friend to the Committee on Appointments. One of the critical things that he said is that failure has never appeared in his vocabulary. That is the kind of person we want to see. We do not want CSs who have no experience. Prof. Magoha has rose through the ranks. When you look at his history when he joined the UON, he was a lecturer. He rose through the ranks to become a college principal and finally he became the Vice-Chancellor. I have no doubt that Prof. Magoha will sort out the problems we have in the education sector.

I know we have critical issues in education. We have difficult people who are good at what they do. This was said by Hon. Mbadi. The KNUT, under the able hands of its Secretary-General, Hon. Wilson Sossion and KUPPET, under the able hands of Hon. Omboko Milemba, are there. I have no doubt that with his style of leadership, Prof Magoha will work in collaboration with them, particularly on the issue of competence-based curriculum. We asked him that question. Competence-based curriculum is the way to go but Hon. Sossion, who is my good friend, says that the trainers have not been trained. It is, indeed, important that they be trained. They are already agreeing to this.

Prof. Magoha is a staunch practising Catholic like myself. I have no doubt that he is the one we require in the Ministry of Education. I am humbly requesting the doubting Thomases that we support him. He is the one who is going to bring the true change that we require in the Ministry.

With those few remarks, I support.

**Hon. Speaker:** Nominee Member 001, Hon. David ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Speaker, for giving me this opportunity. As I had declared my interest, Prof. Magoha was my dean at medical school. When I became the Students Organisation of Nairobi University's (SONU) President, there was commercialization of education at the UON through the introduction of parallel degree programmes. This meant that somebody who scored mean grade "A" in the Kenya Certificate of Secondary Education (KCSE) examination would not pursue any degree course at the UON but somebody who had scored mean grade "D" and had money could do a bridging course and enrol in a degree programme of one's choice. It was only Prof. Magoha who understood my reasoning despite the fact that I was suspended. Even though he voiced that, he understood by voice of reason. Orders were given from "above" that I must be suspended from the UON. I thank God that 17 years later, Prof. Magoha was made the Chairman of KNEC. He streamlined education and the parallel degree programmes died a natural death 17 years later.

When Prof. Magoha appeared before our Committee, he was a voice of reason. He is firm, religious, authoritative, a go-getter, disciplined, intelligent and progressive thinker. Above all, he is a top-notch professor of surgery who is known within and outside our country. Dr. Pukose and Dr. Eseli, who are known surgeons, also went through his hands. These are known surgeons. He supervised Hon. Pukose during his postgraduate degree. So, this is a person who is known. He rose through the ranks to become the dean of students, college principal, the Deputy Vice-Chancellor and, ultimately, Vice-Chancellor of the UON. He then became the Chairman of the KNEC Board. I am sure this House will approve him to become the Cabinet Secretary for the Ministry of Education. I know he will perform well.

When Prof. Magoha was the Vice-Chancellor at the UON, the likes of Hon. Mbadi introduced a strategic management unit in costing and accommodation, which guided the institution on chargeable fees. Up to now, the UON has not found someone with that kind of brain. That particular strategy has stood the test of time. It is still there. He introduced costing and we were able to pay Kshs11 for a plate of *ugali* and *sukumawiki*...

**Hon. Speaker:** Is this in support of Hon. Mbadi or...

*(Laughter)*

Well, do not worry about that. I will give you 10 seconds.

**Hon. David ole Sankok** (Nominated, JP): I urge this House to approve the appointment of Prof. Gichaga...

*(Laughter)*

Prof. Magoha, son of Magoha. I am 100 per cent sure that he will streamline the education sector. Hon. Junet, you do not have to laugh all the time. Human beings are to err.

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

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I stand as a professional to support the appointment of a pure professional. I know Prof. Magoha well. We taught together at the University of Nairobi and we practised together. Prof. Magoha is a man of high integrity and has a healthy relationship with politics. During the establishment of the Universities Academic Staff Union (UASU), he told Hon. Jimmy Angwenyi, Kilemi Mwiria and I that it was a good thing but we should not make it political because one day, it will work. Today, UASU is working. He is a professional of high integrity and will go to any length to

protect the professional point. He was a private doctor to a senior Government officer who was going through a very hard time with the Government and he insisted that he would look after him as a professional regardless of what the Government thought.

As a surgeon, he is competent. He is committed to duty. As dean and principal, he raised money to put up an executive office block and a modern lecture theatre. As a Vice-Chancellor, he raised money to construct the University of Nairobi Tower, which we all know about. I do not have to say what he did at KNEC. Prof. Magoha's no-nonsense stance may be mistaken by some people as arrogance but he is humble enough to quickly accept whenever he makes a mistake. We need him at this time when we have many commendable projects in the Ministry of Education that need harmonisation and competent management. He fits the bill.

I support the nomination of Prof. Magoha.

**Hon. Speaker:** Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I rise to support the appointment of Prof. George Albert Omoro Magoha. I have gone through his curriculum vitae and I have no doubt that he qualifies. He has held several positions of integrity rising to be the President of the Association of Medical Practitioners of Africa and many other positions in Kenya. I therefore support his appointment.

I would like to dwell on his next duties. We look forward to see fair distribution of resources. We want to see a checklist of schools in the country. We want to see basics of a secondary school. He should allocate resources equally especially in distribution of facilities. I have in mind some of the schools in our constituencies, which are not sure they will ever see a laboratory because the NG-CDF cannot provide the required infrastructure.

Being an academic administrator, I am hopeful that Prof. Magoha will focus on infrastructure. I know he is listening and I would like to ask him to start with South Ngariama Settlement area in my constituency. There are seven primary schools that are in need of infrastructure. There is only one secondary school and for the last two years, I have not seen any allocation to infrastructure. I want to ask him to bring resources to South Ngariama so that our children can enjoy education like in other areas. They should also have access to facilities that will enable them to pursue their education as there will be equal opportunities for all students.

I support the Motion.

**Hon. Speaker:** Hon. Members, in the spirit of balancing, among the first 18 names on the screen, I cannot see a single woman Member of Parliament.

**Hon. Members:** We are here.

**Hon. Speaker:** No. I am supposed to see you on the screen. This means that they just come in and relax. Maybe it is because it is after lunch.

Let us have the Member for Kibwezi West.

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): Thank you, Hon. Speaker. I am sure we are going to pass the appointment of Prof. Magoha but I want to speak to the opportunities which are ahead of us as a country in the education sector. It is imperative that Prof. Magoha leads an able renaissance within the African region. We had universities like the Jomo Kenyatta University of Agriculture and Technology and Moi University offering programmes all the way to Nigeria. (*Technical hitch*)

Countries like Seychelles have greatly benefitted from our teachers. Kenyan teachers went to revamp the entire education sector in Seychelles and Malaysia. This needs to be seen in this current age. Prof. Magoha should lead this. We have to see renaissance in our public sector by having students from our neighbouring countries coming to study in Kenya. We need to give

ourselves a global view knowing that we are benchmarking with the best in the world. We should start to reverse the trend where a lot of people are moving to private schools. We should encourage students from Tanzania, Uganda and Rwanda to study in our schools. This will propel our Diaspora earnings. We need a lot of remittances in Kenya and the amount of money pumped into the education sector over the years in terms of investment is colossal. We must see this big return by having our students all over our counties sharing facilities with our neighbours. This will ensure that we entrench the spirit of East African Community and our African renaissance by having these exchange programmes that grow with us. We want to see the arena of teachers and our lectures growing. The investment into research has to be seen. We want to see Kenya heralding to launch satellites. We had lecturers in the University of Nairobi coming up with Nanosatellite Technology. They should be encouraged. This needs to grow because we will attract investments that will grow this great nation.

Finally, as we look into ourselves within legislation, we want to see parallel programmes being encouraged by the Cabinet Secretary that look at the inferential between the learning within this House and extending the same in the society. This will give first-hand experience and I believe this is why we have tapped into him as a 67 year old to draw into the examples that have been grown internally and ensure that...

**Hon. Speaker:** Member for Endebess.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I want to support this important Motion on the approval of Prof. George Magoha as the Cabinet Secretary for Education. Prof. Magoha taught me both at the undergraduate and postgraduate levels at the University of Nairobi. He was my supervisor for my postgraduate thesis. Even as a Vice-Chancellor, he would find time to guide me until I graduated. The other day, I was sharing something with Hon. Mbui, who happened to be in the vetting committee, about Professor Magoha saying that one should get an appointment before seeing him. The meaning of it is that he is very meticulous. He plans his time. He can give you an appointment even at 6.30 a.m. Therefore, as a Member, when you get an appointment from him, say, at 6.30 a.m. or 7.00 a.m. it is simply because he needs time to work on his schedule. It does not mean that he does not want to see you.

As a surgeon, he has done well. He is a professor of urology. He used to tell us in medical school, "Water must flow". He meant that one's tract should be able to pass urine from the body. He ensures that is done. He has done very well. Even as the Chairman of the Kenya Medical Practitioners and Dentists Board (KMPDB), of which I am a member, he has been able to guide it very well. He has been exemplary.

We cannot say more about what he has done at KNEC. My colleagues, Hon. Sossion and Hon. Omboko Milemba, now have a person who will give them audience. They should be able to address the issue of teachers going on strike every now and then. I think that is now going to come to an end.

With those few remarks, I support

**Hon. Speaker:** On account of something that was said by the Mover about the nominee when he was Vice-Chancellor of the University of Nairobi and having stabilised it, I want to give this chance to somebody who left the university not too long ago and who appeared at the vetting committee without applying to be admitted, but was very happy to cheer. The Member is now going to speak. Hon Babu Owino.

**Hon. Babu Owino** (Embakasi East, ODM): Thank you very much, Hon. Speaker. I am very happy with you today and may God add you more years on earth.

(Laughter)

Professor Magoha means what he says and says what he means. As the longest serving student leader on earth - I served for three terms during Professor Magoha's regime - I can say that he is a professor who gives students an opportunity. He gives students a second chance to correct their life. When I joined the University of Nairobi, I was suspended. Were it not for Professor Magoha to bring me back to the university, I would not be a Member of Parliament today. I am so happy and proud that during his regime, I scored a First-Class Honours. It is not easy to score even Grade C currently.

People say that Professor Magoha is arrogant, but he is not. He is just firm. He is not arrogant. For universities' fees not to be increased, Professor Magoha must be the Cabinet Secretary for Education. For our children to get quality education, Professor Magoha must be the Cabinet Secretary for Education. For our suspended and expelled children, brothers and sisters to be brought back to campus, Professor Magoha must be the Cabinet Secretary for Education. For comrades not to be shot anyhow and killed, Professor Magoha must be the Cabinet Secretary for Education. For our children to be fully God-fearing, Professor Magoha must be the Cabinet Secretary for Education. Whether the sky comes to the ground or the ground goes to the sky, Professor Magoha must be the Cabinet Secretary for Education. This is the best decision our President made this year. May God bless President Uhuru Kenyatta. He has given us an angel direct from heaven.

Thank you and God bless you. I support the Motion.

**Hon. Speaker:** Members of the Committee can understand why, perhaps, it was going to be unwise to allow Hon. Babu Owino to ask questions. He would have breached the rules. In the Committee, you do not sing praises. Here you are perfectly in order to do so, but at the vetting committee, it would not have been in order.

Let us have the Member for Nyaribari Masaba.

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Thank you, Hon. Speaker, for the opportunity. Here we are discussing about one Kenyan who has done exemplary work. He has an outstanding and impeccable record. Ever since he joined the public sector as a lecturer, he rose through the ranks up to the position of an associate professor and principal of the health sciences. He has demonstrated that, indeed, his record is not comparable to any other person. He did a lot in the 10 years he was serving as Vice-Chancellor of the University of Nairobi. During that time, there were quite a number of problems and challenges. However, Professor Magoha was able to tackle all those challenges and by the time he was leaving the university as Vice Chancellor in 2015, I think he had done quite commendable work. The achievements...

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is a point of order.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, I am sorry. I did not want to interrupt my colleague. He referred to Professor Magoha as an associate professor; he is a full professor. Associate means he is not fully a professor. I just wanted him to correct that.

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Thank you. The point is taken. This time, we are aware that the education system in Kenya is undergoing quite a lot of challenges. We are undergoing reforms. We have the competence-based curriculum and I think he is the best person to midwife that particular curriculum.

We have the 100 per cent transition from primary to secondary school and with the kind of challenges we have, the best person who will be able to tackle those challenges and ensure

that our children are able to transition from primary school to secondary school is none other than Professor Magoha. Indeed, he has what it takes. We commend His Excellency the President because this is the best Kenyan that he has given an opportunity to serve in the key Ministry of Education. Education is the prerequisite of development of all the other sectors of the economy.

We hope that once he takes up his new job, all those challenges facing university education will be solved. We are worried about quality and standards in our university education. Professor is well equipped and very familiar...

**Hon. Speaker:** Next is the Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you very much for giving me this opportunity to talk about my professor. Professor comes from Siaya and fortunately, again, he comes from my ward, that is, Yala Township. I have known him for a long time and currently he is the chair of the board of Saint Mary's Yala. The school has improved tremendously ever since he became the Chair. Every time we have Parents' Day in that school, literally every parent turns up because they want to hear from him. They cherish what he tells them. He believes in education. So, even at the village level, Professor Magoha is highly respected so that none of his advice will just pass unheeded. People consult him. They seek his advice because he is a forthright person. He is a disciplinarian and a go-getter. He speaks from the bottom of his heart and he will never tell anybody a lie.

Secondly, since he became the Chair of KNEC, we have seen transformation in the education system. We have seen transformation in the education system. There is no leakage of exams or cheating. Students today are very scared of cheating because of the discipline that has been enforced in the education sector. We have the right person for the job. There will be a lot of improvement now that he has become the Cabinet Secretary (CS) for Education. I admire him a lot because even when he was the Chair of the Kenya National Examinations Council (KNEC) and the current CS for Interior and Coordination of National Government, Dr. Matiang'i, was the CS for Education, the two worked very well. They delivered what we needed. When Madam Amina Mohammed took over, he was behind every success that she enjoyed. He is worth working with.

He must be in the Ministry of Education. He will transform it into what we want. That goes for everybody else who will be in that position. This is the person whose career, experience, education and ability to perform should be admired and encouraged. This is the way to go. The President should continue to choose or nominate such individuals.

I support the appointment of Prof. Magoha who is my village mate.

**Hon. Speaker:** Did you say your village mate?

*(Laughter)*

Let us have the Member for South Imenti. The Member is not present. He gave an indication with his card. After him, there is the Member for Kikuyu.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. At the risk of repeating what has been said by many other Members, I want to be very brief. One of the things that have been said about Prof. Magoha, son of Magoha, being forthright and very faithful to the truth, is something I witnessed during his vetting. I asked him a question about the circumstances under which Dr. Matiang'i left the University of Nairobi (UoN). He was very forthright. That told me that this is somebody who is forthright and who sticks to the truth and stands for it.



Secondly, one thing I had observed about Prof. Magoha long before he was even nominated as a CS when he was working at the UON is his dedication to results. As they testified during the vetting process, he was able to move the UON from an institution that was largely dependent on Government funding. At this time when we have challenges with public universities, it is only fitting that a person of the calibre of Prof. Magoha heads the Ministry of Education.

I pray that in his new position, he will guide our public universities to work in the way he did as Vice-Chancellor of the UON to make most of our public universities self-reliant. Many of them are still dependent on Government, and are struggling financially. With the kind of skills he used at the UON, he can impart the same knowledge and skills to many of our vice-chancellors to deliver.

As Dr. Nyikal, who has worked with him said, Prof. Magoha also comes out as somebody who looks forceful and rather aggressive. It is in his character. It is good for a Ministry where he has to deal with some of our very good trade unionists like Omboko Milemba and Sossion of the Kenya National Union of Teachers (KNUT). I encourage him not to be intimidated at all by Hon. Sossion and other trade unionists. He should do what will be in the best interests of the children of Kenya. He should know that even with the trade unions on his neck, we are there to defend him for the sake of our children.

Prof. Magoha also came out as somebody who is very articulate in what he wants to achieve. It was clear to me during the vetting that he is clear on what he is coming to do in the Ministry. The support he has got from the Members is testimony that he has been appointed on merit. I pray to God that we will see less boisterous CSs and more people like Prof. Magoha.

**Hon. Speaker:** Let us have the Member for Suna East.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker. I support this Motion. I will not belabour the point that Prof. Magoha is qualified for the job that he has been given. He has the experience, knowledge and the requisite needed to perform that job. I cannot dwell on the credentials of Prof. Magoha. If this House in its own wisdom could pass the nomination of Echesa as a Cabinet Secretary, we should spend very little time discussing Prof. Magoha. If Echesa went through with only a birth certificate, the rest is just---

*(Laughter)*

This is a point that I needed to make. This is a foregone conclusion.

There are a few issues that I picked when the interview process was going on. I read the Report of the Committee that you chaired. I hope Prof. Magoha will have very good interpersonal relationships especially with the uneducated. People who have very high qualifications of education have problems in relating with uneducated people. They sometimes look down on them. They do not take them seriously even when they spend every coin they have to educate their Children.

The second point that I picked from the Report is that Prof. Magoha looks like he is opposed to universities coming up in many counties and massification of universities. He is still living in the old days where he only wants the UON to be the only one in Kenya. He is not interested in other universities. He only knows the UON and nothing else.

The other issue I wanted to raise is a constitutional one. It looks like the President is in love with Siaya County. We have three cabinet secretaries from one county. They are Hon. Tuju, Hon. Omamo and now Prof. Magoha. We have other counties in Nyanza. Why not appoint

Millie Odhiambo to be the CS for Education? She can serve very well. She is from Homa Bay. As much as we agree that he is the right person, let us not have a situation where every kilometre square in Siaya has a CS. Other counties also require representation.

With those few remarks, I support the Motion.

**Hon. Speaker:** Let us have the Member for Bomet Central.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Speaker, for the opportunity to also support this Motion. It is in public domain that Prof. Magoha is highly experienced right from the time he was the Vice-Chancellor of the UON where he performed. He is a performer. He is academically qualified and superior. I agree with him.

The issue which needs to be addressed by the appointing authority is regional balance. To have a county with three CSs is quite awkward. We might need to redistribute those CSs so that we also have South Nyanza and Kakamega being represented. It is important to relook into that.

Now that we have been informed that he believes that the only university worth existing is the University of Nairobi, I hope he will not go after our small universities such as Bomet University College. He should try to build those universities to the same level as the University of Nairobi.

On the issues of infrastructure or funding schools, I believe he will try to be fair so that all schools can be considered and not just national schools where the kids of the rich are while the small day schools where the kids of the poor are are given very little funding. That will need to be reviewed.

On the issue of consultation, I am happy to hear that he is very good in terms of consultation. He will need to consult with all those stakeholders in the education sector especially the trade union movement right from the Kenya Union of Post Primary Teachers (KUPPET), KNUT and Universities Academic Staff Union (UASU). If he becomes a bully and a professor with a know-it-all attitude, we will not get the best education system in this country. So, I believe he needs to consult. Given that he is a specialist in the medical sector, I wish he was appointed to serve in that sector because the health sector also requires somebody with good credentials like Prof. Magoha. But since we are not the appointing authority, we leave it to the appointing authority. I also respect what he did at KNEC.

**Hon. Speaker:** Let us now have the Member for Emuhaya.

**Hon. Omboka Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I support the nomination of Prof. Magoha to be appointed Cabinet Secretary, Ministry of Education. All his good attributes have been stated, but I want to remind him that his job at the Ministry is well cut. There is the new education curriculum that is wanting. We are not sure what will be happening. The textbook policy is a challenge in the Ministry now. Schools are now being flooded with books, including books they do not need.

The National Education Management Information System (NEMIS) is wanting while at the same time lack of birth certificates, which are issued by the Government is hindering some students from registering for national examinations. The 100 per cent transition from primary to secondary school policy, which has been adopted by the Government, has left many schools without infrastructure. At the same time, the Teachers Service Commission (TSC) does not have enough teachers. Prof. Magoha should be aware that the idea of cost-sharing is back in our schools because most of the teachers are now being paid by school boards of management. De-localisation is also a serious threat in the education sector.

More importantly, Prof. Magoha is a man who has a lot of precision in surgery. He is now going to an area where that precision must be seriously harmonised with other factors. The

education sector demands public participation. It also demands that one shares the interests of the people. The stakeholders in the education sector are very many. The teachers' unions have been alluded to, but there are also many stakeholders including parents' associations and the students' councils, which must also be listened to. The stature he gives is that of arrogance. I have seen many speakers here try to harmonise that stature. They could have used the word "assertive". I want to believe that the word "assertive" does not have the same meaning as "arrogance". As he moves to the Ministry of Education, he must embrace every stakeholder in order to make good decisions in the sector.

With those remarks, I support the Motion and wish him well.

**Hon. Speaker:** Hon. Members, one of the reasons why I have to keep a balance is that the nominee is not a villager. I can see the very many eyes that are seriously looking at me. Some of them appeared during the vetting session of the Departmental Committee saying that their DNAs showed that the nominee was their villager. We are talking about a highly qualified Kenyan and not about the DNA.

Proceed, Hon. Atandi.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Speaker. Everybody here appears to be supporting the nomination of Prof. Magoha and talking positively about his leadership credentials. However, while I support and encourage the House to adopt this Motion, I would like to caution this House, having followed his vetting process on television. He appears like a dictator. The education sector is very complex. There are very many issues. There are very many institutions, including civil society organisations and trade unions. If Prof. Magoha does not apply the consultative approach in the management of the education sector, I fear that we might have a crisis. So, I want to urge him to ensure that he adopts a more consultative approach and engage the stakeholders because education is very important. We do not want to see a situation where in future there is a crisis such that people cannot talk.

I would also like to observe that there are very many good things that Prof. Magoha did in the area of leadership. During his stint at the UON, he brought order. He is one of the leaders we consider bold. At one point in time, he told us that he was bold because he touches balls of prominent people in Kenya because of his job as a urologist. That character of being a bold leader will be very important in this sector as well. He should not be intimidated and bossed around by trade union leaders. We have trade unionists today who are also Members of Parliament. If you talk to former ministers, they will tell you that the trade unionists tried to boss them around. I know this will not happen because of his bold nature and the way he acts.

The other issue I would like to repeat is that the introduction of Module II Degree Programmes in public universities in Kenya can squarely be accredited to Prof. Magoha. Because of that many universities are independent financially today and are able to run their affairs very well. We want to see a financially independent education sector, both at the primary level, high school level and university level. This will be good for Kenya.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Manderla North, you have the Floor.

**Hon. Major (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Speaker, for giving me this opportunity to contribute. Most Members have heaped praises on Prof. Magoha. Certainly, his Curriculum Vitae (CV) notwithstanding, I stand to oppose his appointment. You might have very good papers and CV, but that does not translate to being a good manager or running the institution that you are appointed to.

If you recall the way last year's Kenya Certificate of Secondary Education (KCSE) examinations were conducted, you remember there was securitisation of the entire exercise, courtesy of Prof. Magoha. It was like we were watching a Hollywood movie. Every CS and senior civil servant went out there with armed police officers guarding students as if there was war. Were we at war with the *Al-Shabaab* or we were doing exams? At the end of the exams, the good professor announced to Kenyans that there was no cheating and everything went well. However, when the results were released, it turned out that over 3,000 students' results were withheld and then he claimed that there was cheating. Why did he contradict himself? So, his first announcement was a show off that things were in order, but in between, things happened.

Over 3,000 students did not get their examination results yet the entire internal security network was deployed to ensure that there was no cheating. He confirmed that there was no cheating yet results of 3,000 candidates were cancelled. These are things that the Committee on Appointments should have asked him to explain. We did not ask such questions, but we have an opportunity to tell Kenyans that he is not fit to hold that office.

Secondly, there is the issue of arrogance. Prof. Magoha refused to accept audience with leaders from northern Kenya when they approached him on issues of exam cancellation. They camped at the KNEC compound, but there was no audience. He is becoming the CS for Education now. I am certain that all of you will not access his office because he is arrogant. He sees you as somebody who is very low in terms of CVs. As the Minority Whip has just said, you will not access him. We have people who do not have good CVs and they started very low. For example, Sultan Joho is doing very well even though he does not have papers. Papers do not mean that you are a good manager.

With those remarks, I beg to oppose the appointment of Prof. Magoha.

*(Laughter)*

**Hon. Speaker:** Hon. Members, the Member has finished his contribution. Let us now hear the Member for Suba North.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute. I wish to support the Motion. I want to inform the Member who has just spoken that Governor Joho has a serious CV and he is still continuing with his education.

I also want to correct what Hon. Machogu said about Prof. Magoha being an associate professor. He is not an associate professor. I am the associate professor because I associate with professors. I also want to correct the notion by Hon. Junet. I do not know what he said about the UON. I want to tell him that we went to the UON. The other universities were Moi University and Egerton University. We went to the UON. Even the Speaker went to the UON. I wanted to encourage Members to know that when we say that, it is an issue of confidence and not arrogance.

**An Hon. Member:** On a point of information.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): I do not wish to be informed. Thank you.

Prof. Magoha is a very confident person. Let us not confuse confidence with arrogance. We should be seeing more of that based on academic performance, but not the thievery that has become the hallmark of this country. People are proud because they can steal and get away with it. Let us see our young people getting away with some traits because of academic performance. I

do not want to dwell on his CV. This is what we call *res ipsa loquitur* in law, which means that the facts speak for themselves. So, I do not want to add to his CV. Let me caution, as my brother did, that for those of us who have been elected, when you come with the highest number of votes, the greatest challenge you face is the crisis of expectation. For Prof. Magoha, his greatest challenge will be the crisis of expectation. People will be expecting very highly of him especially because of the accolades he has received. I have worked very closely with his brother who was a DC and was in my constituency, but I have not worked very closely with the professor. It is a family trait. His brother was a very effective DC but most people did not like him because his public relations was a bit questionable.

So, Prof. Magoha needs to pick up what people have told him in terms of feedback and learn. When Members of the Parliament say and especially the Member for Mandera, that he does not meet Members of Parliament, there are cabinet secretaries who have been thrown out because they did not listen to people's representatives. I want to encourage him to listen to the people's representatives. When Members of Parliament come to your office and want you to address an issue in relation to their constituencies, listen to them. I also want to indicate that---

**Hon. Speaker:** Hon. Wilson Sossion, you have the Floor.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Speaker. I rise to support the Report of the Committee on Appointments. Of course, that goes without doubt. I want to reassure Hon. Ichung'wah that we are prepared to engage very productively with the nominee to the position of the new Cabinet Secretary in the sector.

This is one of the most meritorious appointments that has been undertaken in the recent past considering that this is a critical sector with over 300,000 teachers and 15 million children that affects every household.

There are a number of issues as the new Cabinet Secretary comes in. Of course, a lot of praise has been showered on him, but there are a lot of expectations in the sector.

Education is a social service that is very essential and requires absolute unity of the stakeholders in the sector. Therefore, we expect Prof. Magoha to provide good leadership and unite the sector so that it can deliver on the expectations of Kenyans of delivering one of the best equitable quality education for all. To deliver in this sector and from the experience of CSs who have succeeded, there must be intensive and continuous consultations. We believe Prof. Magoha possesses that.

There are a number of challenges in the sector that need immediate address by the CS. This is a sector that receives huge funding and attracts business interests and corruption. Therefore, this is one aspect the CS shall have to address among many others particularly the new curriculum. A quality curriculum that is inspiring to the learners and that is good for the citizenship must be midwived in a professional manner. There are a lot of questions about it.

I support the appointment and we are prepared to engage the CS productively without fear.

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

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Speaker. I rise to support the nomination of Prof. George Magoha.

Education is about educating, preparing, qualifying and integrating people into society. It is a learning process. For the first time, we have a scholar who has proven himself in charge of the Ministry. He is a scientist, an administrator of a learning institution, namely, the UON, where several of us passed through and he has been a chairman of the process through which we check the integrity of our education process; KNEC.

Where we are going, and I would like to borrow the comments that were made by Hon. Musimba, we expect a different way of running our education sector from Prof. Magoha. The world has become a village and requires our education system to jump many spaces. We cannot go through the natural process of improving our education system. Otherwise, we will be left behind by the rest of the world.

One of the expectations I have of Prof. Magoha in his new role as the CS for Education is to take our education system and put it at par with the best of the world. Our children and our children's children have to be competitive with students in the rest of the world in terms of economics and social skills. There was a bit of a complaint from some of our colleagues on his social skills. We are all cut from different clothes. Prof. Magoha has proven himself everywhere he has gone. We are all in unity that he deserves and qualifies, and he is the best person for this job. What we now need to look at is how to equip the Ministry.

We have heard comments about the curriculum the children will be using from none other than KNUT. One of the things we need to be thinking about is how we can ensure the Ministry of Education is well equipped. His capacity, matched with that of the Ministry, should deliver the expectations that we have to every learner, from children to adults, so that we can raise the integrity of the education system.

**Hon. Speaker:** Yes, the Member for Rarieda.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I rise to support the Special Motion.

It is my view that in the candidate of Prof. Magoha, opportunity meets competence in the presence of education. It is not an often occurrence in this House that we find candidates of such competence and ability. I want to confirm two examples. One, as the Ombudsman of the country, I worked with Prof. Magoha when he was the Vice-Chancellor of the UON. He was able to ensure that the university had a performance index of 100 per cent. That is competence. I want to confirm that as an Advocate of the High Court, I took the first case seeking delisting of the first medical practitioner in this country and the matter went before Prof. Magoha as the Chairman of the Medical Practitioners and Dentists Board. He had the courage to deregister one of his colleagues. That is courage and integrity.

I, therefore, think this is the right candidate. Some Members spoke of age. Fortunately, this is one office where age limit for other public officers does not apply in similar manner that it does not apply to Members of this House. Some Members spoke of the county. I want to confirm that the only requirement that Article 130 has in terms of composition of the national Executive is ethnic and regional diversity, and not county diversity. Indeed, if we were to consider the region and the ethnic extraction of the candidate, we will find that there is a lot of space to have a lot more candidates.

This nominee is well qualified and comes from a constituency that has a history of learning, second only to Rarieda. I am quite happy. The only caution is that we must remind the nominee that ultimately the oath of office they swear by is to the Constitution and to the people.

Article 130 and Article 153(3) compels cabinet secretaries to be answerable to this House. I invite us to keep Prof. Magoha and all other cabinet secretaries on their toe on behalf of the people.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Majority Whip, what is your point of order?

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker. As a Whip, I am able to tell the direction of any debate from those who have debated and those who are likely

to debate later. I have listened to those who have spoken and we can easily deduce the direction this debate is going. Given that Order No.10 is very important for this House and it has timelines and is likely to go for mediation, I want to request the Members listening to me and those who would have wished to support, to think about it and allow the Mover to reply. This is a request under Standing Order No.94.

**Hon. Speaker:** Hon. Members, the Majority Whip has a good point. Part of the reason Members would want to argue is because I suspect most Members do not look through the entire Order Paper. Surely, when I hear Members saying that Order No.10 may not be important, then it means, you may not---You know there is something called “vertical division of national revenue”. It is done through the Division of Revenue Act. Therefore, you must appreciate the importance of this Motion, but nevertheless, if everybody is supporting, is it that you just want to appear on television? Now they are not showing the National Assembly; they are showing the Senate. So, even if you wanted *bonga* points, the nominee is not watching. I believe you have done reasonable justice to this Motion. It is not possible that everybody will speak. So, we must put a closure to some of these things.

I will not allow if we were to continue. Hon. Elisha Odhiambo, you made a very good move, namely, you applied to appear before the Committee as a friend, just like Hon. Chris Wamalwa, who asked a very important question. However, when you were given a chance, you started telling us about the DNA of the professor, yourself and Gem. Even if you stand here now, what are you going to tell us? About DNA? Or, that he is your constituent? In any event, your name is not yet on the screen. Hon. Members, there must be a closure. It is not everybody who will speak to everything.

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

**Hon. Speaker:** Mover, Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I just want to thank all the Members who have had an opportunity to contribute to this Motion.

*(Loud consultations)*

Hon. Speaker, I am being asked to donate some minutes and yet I do not have that luxury. If it was the normal way, I would have donated but the Standing Orders block me from doing that.

I want to thank all the Members who have contributed to the Debate. Apart from one Member, I think all the other Members agreed to approve this nominee. I just want to quickly to say two things because I do not want us to lose the numbers. I want to agree with Hon. Otiende Amollo that what he has talked about under Article 130 is that the composition of the National Executive shall reflect the regional and ethnic diversity of the people of Kenya. We were debating in the committee that we should now define what a region is, if we want to have the provisions of this Constitution followed.

I hope wherever Prof. Magoha is has listened to the Members who have expressed fears about the possibility of being arrogant and being inaccessible. The Member for Mandera complained seriously about being mistreated and there is the issue of the new curriculum. Those are not idle statements.

Finally, on the issue of militarising the examination, I think it could partly be true or false because where our examination had reached something drastic had to be done. We cannot blame Magoha for taking such drastic actions to bring back sanity to our examination. Some of us are where we are today because of fair examination. If examinations were not fair, many of us would not be here today.

With those many remarks, I want to thank my colleagues.

I beg to reply.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, before the Chairperson, Budget and Appropriations Committee begins to move his Motion, there has been a request, which I have acceded to, to remove from the Order Paper for further consultations, the business appearing as Order No.12. The Motion is titled “Report on a meeting to promote and popularise the ratification of the protocol on the free movement of persons and its implementation roadmap.” Even though, this Motion was just seeking the House to note. It is a Report of a meeting. There are still some people who feel they need to do further consultation with the committee chair. So, this business is taken out of the Order Paper. It is deferred. So, after Order No.11 we will move to Order No.13. The House is accordingly guided.

PROMOTION AND POPULARIZATION OF RATIFICATION  
OF PROTOCOL ON FREE MOVEMENT OF PERSONS

THAT, this House notes the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularise the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, laid on the Table of the House on Wednesday, 21<sup>st</sup> November 2018.

*(Motion deferred)*

**BILL**

*Second Reading*

THE DIVISION OF REVENUE BILL

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Thank you, Hon. Speaker. I beg to move that the Division of Revenue Bill (National Assembly Bill No.11 of 2019) be now read a Second Time.

Hon. Speaker, as the Majority Party Whip, Hon. Washiali has indicated, this is one of those Bills that have a timeline in the budget cycle of 30 days from the first time it appears before this House. It is a Bill that is handled in both the National Assembly and the Senate. As Members may be well aware, the Senate has already proposed an additional allocation of Kshs25 billion to Kshs335 billion to the county governments. What is in this Bill is a figure of about Kshs310 billion. Therefore, as Hon. Washiali rightly stated, this Bill is bound to end up in the



Mediation Committee unless the Intergovernmental Budget and Economic Council (IBEC) and the Summit, which is usually chaired by His Excellency the President, agree with the Council of Governors (COGs) on the final figures. As it is, we work on the premise that it will probably end up in mediation this year unlike last year when the figures were agreed to at IBEC and we were able to conclude both the Division of Revenue Bill and the Appropriations Bill well ahead of time.

The Division of Revenue Bill (National Assembly Bill No.11 of 2019) was read the First Time in the National Assembly during the afternoon sitting of Tuesday, 12<sup>th</sup> March, 2019. Pursuant to Standing Order No.127(2) of the National Assembly, the Bill was committed to the Budget and Appropriations Committee. The Bill seeks to provide for the equitable sharing of nationally raised revenue between the two levels of Government for the Financial Year 2019/2020 in accordance with Articles 202, 203, 205 and 218(2) of the Constitution. The Committee has deliberated on this matter as is contained in the Report that we tabled before the House yesterday. We engaged with a number of stakeholders during our discussions of the Budget Policy Statement (BPS) top among them the CoGs, the Commission on Revenue Allocation (CRA), the National Treasury amongst others.

The enactment of the Division of Revenue Bill (National Assembly Bill No.11 of 2019) is critical in setting the stage for the preparation of the County Allocation of Revenue Bill 2019 which will inform the firming up and completion of preparation of the Annual Budget Estimates for the 47 county governments. It is, therefore, in the spirit and letter of Article 224 of the Constitution, which requires county governments to prepare and adopt their annual budgets and Appropriation Bills based on the approved Division of Revenue Bill. We will timely dispense with its approval and subsequent enactment, thus facilitating the county government budgeting process to go on undisturbed.

To buttress that point, the county governments cannot and may not be able to commence preparations of their budgets for the next financial year if we have not passed this Division of Revenue Bill. It is on the basis of the Division of Revenue Bill that the vertical sharing of revenue between the national and the county governments is done. It then informs the county governments on how much to budget on. Therefore, they are able to prepare their budgets and consequently their Appropriation Bills in line with what we would have passed in the Division of Revenue Bill.

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

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

If members peruse through the Report of the Committee, they will realise that Division of Revenue Bill (National Assembly Bill No.11 of 2019) proposes to allocate a sum of Kshs371.6 billion to county governments as follows:

1. County equitable share, vertical Division - Kshs310 billion;
2. Additional conditional allocation from the share of the national Government - Kshs3.911 billion;
3. Allocation from the Fuel Levy Fund of Kshs8.984 billion; and,
4. Conditional allocation from loans and grants of Kshs38.704 billion

Hon. Temporary Deputy Speaker, it is instructive to note that there have been increments, especially in the Fuel Levy Fund which has got an allocation of Kshs8.9 billion. The money will go to county governments besides what has been allocated to them in terms of the equitable share. So, it is a further Kshs9 billion that specifically targets roads in our neighbourhoods and in various wards in our constituencies across all the 47 counties.

It is instructive to note that many governors and Members of the County Assembly (MCAs) are not able to show the public what they do with the money from the Fuel Levy Fund unlike Members of Parliament who use the Fuel Levy Fund allocated to the Kenya Rural Roads Authority (KeRRA) and engage the public - usually we conduct public participation forums in many constituencies - on how this money can be utilised. Members of the public do not have any form of social audits on the money from the Fuel Levy Fund.

It is important for Kenyans to note that Kshs9 billion is going specifically to address roads that are under the charge of county governments. Besides what is in the budget, Kshs310 billion - out of which they will prepare budgets again - they will allocate another amount for the maintenance of roads in the wards. Many Members of Parliaments have challenges because the members of the public generally walk to them and ask them to work on roads, even those that are under the jurisdiction of county governments. It is important that members of the public understand that roads in category A, B and C are under the jurisdiction of the national Government whose oversight is done by Members of Parliament. Therefore, members of the public should know that with regard to work on county roads, they need to hold their MCAs and governors to account. They should not only account for the Kshs9 billion, but also the Kshs310 billion part of which will go into the maintenance of those roads.

With regard to the conditional allocation to county governments, if I may mention a few things, Kshs4.3 billion will go to Level 5 hospitals. Again, Members may note that many of our Level 5 hospitals are in dire need across many counties. We are noticing a lot of good work in a few counties. I must mention Mombasa and Makeni counties, which I visited during our public participation exercise last year. We saw very good work being done there in the Level 5 hospitals. The money is being put into good use. I want to encourage all other county governments to follow suit. In the healthcare sector, the counties of Mombasa and Makeni have done well.

On supplement for construction of county headquarters, as we did last year, this was supposed to go into five counties for a period of time. This year, we have allocated another Kshs485 million. The counties that will benefit from this allocation are listed in the Report. We have Nyandarua County, where Hon. Jeremiah Kioni comes from, and Tharaka Nithi, which had no county headquarters. These counties were getting funding for three years to complete the construction of their county headquarters.

There is a further Kshs900 million for compensation of user fees forgone. In support of the universal healthcare, members of the public can access healthcare at county hospitals without paying. The Government of Kenya will then refund the county governments.

On the Road Fuel Levy, I have mentioned a figure of Kshs8.984 billion, Kshs16 million short of Kshs9 billion.

Next is on the development of youth polytechnics. With the massive investment made by the national Government in most of our constituencies in the development of Technical and Vocational Education and Training (TIVET) institutions, there was a conditional allocation of Kshs2 billion each year. We have done this consecutively for three years. About Kshs4 billion will go to our county governments to develop youth polytechnics. Members of the public,

Members of Parliament and county assemblies should hold county governments accountable to see that this allocation is not diverted to other things. It should go into the development of youth polytechnics. This was informed by the fact that we were developing TIVET institutions at the constituency level.

Children should access polytechnics such that once one gets a certificate in Electrical Engineering at the youth polytechnic, they can advance to a diploma and a Higher Diploma in a TIVET institution. Members of Parliament must seek to know the number of youth polytechnics in their constituencies because in the last two years, we have allocated Kshs2 billion under the conditional grant to development of youth polytechnics.

On leasing of medical equipment, we have allocated Kshs6.2 billion and there are additional grants from donors. This is under the Managed Equipment Services (MES) Programme. This programme has been on since 2015/2016 and the initial allocation was Kshs4.5 billion. It grew to Kshs9.4 billion in the 2018/2019 Financial Year, but in the current allocation, it has been scaled down to Kshs6.2 billion.

The Minority Whip might need to ask whether we have seen value for the MES Programme. Last year, during public participation, we visited 12 counties. We were shocked to find in some counties, dialysis equipment in stores just because they did not have soft water. Only hard water was available and dialysis machines require soft water. Machines are there, but they were not being utilised. I hope the Auditor-General and the Senators will put governors to task to know whether the equipment is being paid for to the vendors who leased them to the Government.

In West Pokot County, theatre equipment had been delivered, but the room was not ready. These counties are paying for the equipment. In other counties, equipment is delivered, but it needs Three Phase power. In some counties, equipment could not be connected and utilised because there was no transformer to provide Three Phase power at a particular hospital. This is the case and yet taxpayers are still paying for the equipment.

I want to encourage the Members of the National Assembly to support the Senators in accessing the Kshs500 million that we allocated to them to oversight county governments. Your Senator, MCAs and members of the public should oversee county governments meaningfully so that what is paid for benefits the citizens in the counties.

The additional allocations that I have mentioned that are financed from proceeds of loans and grants from development partners are numerous as enumerated in the Report. I just want to touch on a matter that both this House and the Senate sought Motions of Adjournment to discuss, namely, drought and famine. It must not be lost on Kenyans that agriculture is a devolved function. At the national level, we only deal with policy formulation. I believe we have been able to do that. Adequate resources have been devolved besides the equitable share between the national and county governments. Each county government should budget for and appropriate to its department of agriculture.

There are also conditional grants in form of loans, which will not be repaid by particular county governments, but by taxpayers through the national Government. I want to urge the Members to take interest in the number of conditional grants financed using loans. There is a live debate on public debt in this country. I listen to governors, MCAs, and commentators on national television talk about our national debt, but no one speaks to what we can do to borrow less or how well to utilise the money we are borrowing.

These resources are not just being borrowed by the national Government for its use. A lot of resources are going down to county governments. Under the agriculture docket, I will mention

some allocation because of the current drought. Under the National Agricultural and Rural Inclusive Growth Project (NAGRIP), we have Kshs7.2 billion, which is a World Bank credit - an additional conditional allocation.

In the 2018/2019 Financial Year, it amounted to Kshs1.05 billion, but it is expected to increase to Kshs7.2 billion in the 2019/2020 Financial Year. This is meant to complement efforts by counties to increase agricultural productivity and profitability of target rural communities in selected counties and to provide immediate and effective response in cases of crisis or emergency. Looking at the situation in Baringo and Turkana, you wonder what the respective counties have done with the Kshs1.05 billion that was allocated in the last financial year under this programme. This year, we are up-scaling that allocation to Kshs7.2 billion.

Under the Agricultural Sector Development Support Programme (ASDSP), we have Kshs849.6 million, which is in the second year of implementation strategy of the agricultural policy for the national and county governments. In line with the agricultural policy, the overall goal of ASDSP is to contribute to the transformation of crop, livestock and fishery production into commercially oriented enterprises. The counties ravaged by drought and famine are Baringo and Turkana. There are livestock in those counties and so, they have benefitted from the ASDSP allocation.

Under the Drought Resilience Programme in Northern Kenya (DRPNK), an allocation of Kshs350 million has been made. There are areas and counties in northern Kenya that have benefitted from these funds. There are other funds, but I do not want to tire Members by going through the entire list of all these figures.

Let me also highlight the Kenya Urban Support Programme, to which we allocated money this year under the Kenya Urban Support Programme—Urban Development Grant to the tune of Kshs11.5 billion. The objective of this additional allocation is to establish and strengthen urban institutions to deliver improved infrastructure and services in participating counties in Kenya.

Again, as I said, in the second year of implementation, having started in the 2018/2019 Financial Year, it is meant to ensure provision of capacity building and institutional support to the 47 counties. However, direct financial support will be provided to 45 counties, excluding the two cities of Nairobi and Mombasa. It will also be provided to 59 potentially eligible urban areas within those counties.

I have seen implementation of this in my county with the proposed tarmacking of, at least, one road in my constituency. This is specifically Kinoo Ward. That is the Wamba wa Makima-Muthiga Regen Road. What I observed is what we are speaking about public participation in identification of projects. I have seen a beautification programme in my constituency in Kikuyu town, of a small park. This money has been allocated for beautification of a small park that the county government would have been able to do with their own resources and allocate more of these donor funds to what will give better value, for instance, the upgrade of roads like they have done in Kinoo Ward. I want Members of Parliament and members of the public to take keen interest because the Kshs11.5 billion from the World Bank is not free money. It is not a grant. It is money that Kenyans will pay back. It is the national Government that will have to pay. It is taxpayers who will pay. Therefore, members of the public must develop keen interest on how their governors and their respective county governments use this money. They should ensure that there is indeed active public participation in the identification of projects. There should be active social accountability in terms of how this money is utilised. They can

only be able to do that if they are engaged at the time of identifying the projects that will be implemented.

I want to conclude by highlighting a few of the observations that the Committee made as we finalised our work on the Division of Revenue Bill. Top among those observations was the issue of those conditional or special allocations. We observed that with the special allocations in the conditional grants, and in order to ensure that there is value for money, there is need for an enhanced role by the Legislature. When we speak about the Legislature, we are speaking about the Legislature at the national level; that is both Members of Parliament and our Senators. That is why, again, I implore on Members to support the appropriation of an amount of money to our Senators to be able to offer meaningful oversight. I also mean the legislature in our county assemblies to be able to empower them and give them capacity to offer meaningful oversight without necessarily being intimidated by governors.

As such, at the National Assembly level, the Budget and Appropriations Committee has committed itself that during the next public hearings, we will endeavour to visit some of the counties that are benefiting from these special allocations and conditional grants to evaluate the projects to see if we have got value for money, and whether we have achieved our targets as per the proposals and justification that formed the basis for resource allocation to these areas. As I said, that is what we did in the last financial year during public participation. At least we are able to evaluate the MES programme to see whether we are really getting value for money. We also identified a few of these areas that are benefiting from these conditional grants. We may be able to look at those that are benefiting from the agricultural support programmes and those that are benefiting from the urban support programme and evaluate whether these conditional grants and special funds are going into meaningful public use. If you are not able to utilise this money properly under the county government structures, for instance, under the urban support programme--- There is no harm if county governments are not able to implement these projects well. the ministries would also implement those projects like they did under what was then christened “the Nairobi Metropolitan Programme” that was done two years ago, which again was funded by the World Bank.

The Committee also notes that over the years, substantial resources have been transferred to both the national Government and county governments, in line with the constitutional imperative of resourcing devolved functions. However, on account of the Auditor-General’s reports, the Controller of Budget’s report and parliamentary reports, there is concern of also growing fiduciary risks on county resources due to misapplication and mismanagement of scarce county resources. If this is left unchecked it may curtail the very essence why Kenyans voted in our 2010 constitution to have a devolved structure of government. I believe that if we mitigate against this fiduciary risk, the people of Kenya will enjoy the true fruits of devolution. They will understand why they voted for a devolved structure of government in 2010.

It is also important to remind the House and the country at large that, indeed, all the monies being allocated to our county governments is money that should also be overseen at the county level besides the oversight that is done by the Senate. It has become the norm now for most of our MCAs to believe that oversight should be done only by the Senate. That is the second layer of oversight. The primary layer of oversight of county government funds should be in our county assemblies. It is imperative that we continue to build capacity in our county assemblies in terms of the calibre of members that are elected to sit there and also in terms of their intellectual capacity to offer meaningful oversight over the governors. I am happy that some of our county assemblies have started being assertive and holding their ground in terms of

overseeing county governments. The assemblies in my county and in Mombasa are very assertive. That is the way to go even as we encourage them to continue offering meaningful oversight over county governments.

The Committee, therefore, recommends that this House approves the Bill as follows: the national Government, on the vertical share of revenue gets Kshs1,561,416,000,000 and the county allocations be Kshs310 billion. The Committee requests the House to approve the Division of Revenue Bill 2019 and that the Bill be now read a Second Time. I request the one and only Hon. (Dr.) Makali Mulu, a very active Member of the Budget and Appropriations Committee, to second.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. (Dr.) Makali Mulu, you have the Floor.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to second the Motion on the Division of Revenue Bill. I must thank the Chair of the Budget and Appropriations Committee for ably moving the Motion. He has said most of the things relating to this Bill. This Bill is almost 100 per cent informed by the BPS. It is actually an extraction from the BPS. We are now just extracting the figures from the Budget Policy Statement and showing clearly in this Bill how the money will be shared vertically between the two levels of government. My Chairman has said that in terms of how the money will be shared, the national Government will take about Kshs1.56 trillion while the county governments will take about Kshs310 billion. That is the equitable share. After including the conditional grants, that will move the figure for the county governments to Kshs371 billion.

Last year, it was very easy to debate the Division of Revenue Bill and it made our work very easy. At that time, through the IBEC, there was an agreement between the county governments and the national Government in terms of the figures. There was a negotiated figure. It made our work very easy. This time, from our interaction with the Council of Governors, it was clear that they have not agreed on the figure of Kshs310 billion. As the Budget and Appropriations Committee, we settled on Kshs310 billion after considering everything that is happening in the country. That is what my Chairman has proposed. There are high chances that there will be further negotiations of those figures. For now, those are the figures we have proposed.

Let me make a few observations relating to these figures. This House has been very generous to both the national Government and the county governments in terms of appropriating resources, but with not much follow up. This time, we need to make sure that this House follows up on the resources which have been appropriated more seriously. I will mention a few examples of the conditional grants the national Government has allocated to the county governments. Last year, about Kshs600 million was allocated to help in the construction of county headquarters in five counties. Those were the counties that were not able to construct offices by the time they became county governments. This year, we are adding Kshs485 million. How many of us in this House are aware of the status of those county government headquarters after pumping in Kshs600 million last year? You will find that even the Members of Parliament in those counties may not have seen anything and yet, as a House, we are allocating more money. It is important that even as we approve these figures, we should get progress or status reports of those areas we are allocating money to.

There is also the area of development of youth polytechnics where we have allocated Kshs2 billion to be shared by all the 47 counties. This money is targeted at improving youth polytechnics which are now being called vocational training institutions. We pumped in Kshs2

billion last year. This is the third year we are pumping in Kshs2 billion. I do not know how many honourable Members are able to say that they have seen some improvement in the youth polytechnics in their areas. The whole idea was to make sure that those who do not go to university and secondary schools, or those who do not do well in secondary schools, have an alternative of where they can get practical skills which can be used to make sure that they have some money for their families. It is still another problem. We are allocating money but not much is being done in terms of follow-up. As a House, even as we approve this Division of Revenue Bill, it is important that we have a monitoring and evaluation framework to continue following up on the money.

There is also the area of leasing of medical equipment. Initially, we used to allocate Kshs4.5 billion every year. We moved to Ksh9.4 billion and now we have moved back to Kshs6.2 billion. The reason why we are moving back is because there are challenges with implementation. Those challenges need to be documented and shared with the honourable Members so that even as we continue allocating this money, we are sure Kenyans are getting value for money. This is an area the Departmental Committee on Health could spend most of its time to see what is happening on the ground, so that they can advise this House on whether there is need to continue allocating more money. During our interaction with that Committee, we were happy that they mentioned the challenges that they are facing. They need to intensify that monitoring. We do not have to wait until there are problems so that we go. We need to be proactive. Committees can come up with schedules to go to the counties and see what is happening on the ground and out of that, give this House status reports which will supplement the report of Controller of Budget who normally presents figures which are less in terms of fiscal implementation, but more in terms of financial expenditure.

There is also money set for capacity building for counties. Any time I look at the Auditor-General's reports, I ask myself whether this capacity building has any positive impact towards improving performance of counties. The money is in form of loans and grants. We need to thank our development partners who have gone that extra mile to support counties so that they can engage in proper use of resources. Despite the fact that money has been there for the last three years to build their capacity, we expect, as a House, to see a reduced volume of queries from the Auditor-General so that, at the end of the day, we can say that, that capacity building is adding value to the whole process.

The project of the Kenya Urban Support Programme is targeted at improving what we used to call municipalities under the old Constitution. The municipalities have now been given resources so that their infrastructure can now be improved. I am sure most of you might not be aware of what is happening. Governors are supposed to appoint the management boards for this fund. There is what they call town management board or urban centres management board. Instead of getting competent people to oversee and supervise the implementation of that important programme, they are getting their cronies and friends, some of who do not even have basic qualifications to manage such a huge portfolio. At the end of the day, our so-called municipalities remain the same as they used to be under the old Constitution. We urge the governors and, more so, the county assemblies, that even as they oversee the counties, they make sure that those management boards of the urban centres are composed of people who are very qualified and can add value.

As I conclude, because I can see my time is running out, this House has been allocating resources towards regional referral cancer centres...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have 30 seconds. One minute at most.

**Hon. Makali Mulu** (Kitui Central, WDM-K): We need to make sure that those cancer centres are implemented so that our people can stop suffering from cancer, which is a very serious disease.

With those remarks, I second this Motion.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we start with Hon. Kioni?

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak to this Bill, which deals with a very important matter; that is allocation of revenue. First of all, I want to thank the Committee for the work it has done and especially the clarity with which it has presented its reports.

It is important to note that whenever we talk about allocation of money in the two levels of government, Members of this House always seem to have a lot of interest. I wonder the reason for that interest. We need to do some bit of civic education on the role of the National Assembly and the Senate when it comes to these issues and the new Constitution. I say that it is new because we still have a few of us who are still operating under the old Constitution. We, as the National Assembly, have a role to play. Other than just allocating resources or approving the Bill, we need to be careful.

There is a lot of money that goes directly to the county governments. The grants that have been read to us by the Chairman, Hon. Ichung'wah, need to be overseen thoroughly and yet, we are not doing that. What goes through our mind is that once the money has gone to the counties, we have no role in overseeing it. Perhaps, the county governments see us as intruders when we ask questions on what is happening. There is so much money that goes directly to the counties in form of grants. We can leave out the money that they budget for, which is Kshs310billion. We have Kshs9billion in the name of Road Levy Fund. When we do not pay attention to how this money is spent on the ground, then we could be opening a room for misuse. As Members of the National Assembly, we have to play a bigger role in overseeing the use of those funds. I know that some people will say that we are overstepping our mandate. If we had no role to play, then we would not have been given a role to allocate these funds in the first place. You cannot allocate funds and then be locked out from overseeing how the same funds are being utilised.

The Chairman mentioned that there is a likelihood that the Bill will end up before the mediation committee, which is provided for in Article 113(1) of the Constitution. It says that the Speakers will constitute the mediation committee of equal numbers. Although it is a provision in the Constitution, it is something that we will need to address. This House has 349 Members and the Senate has 67 Members. When you say that the mediation committee will consist of equal numbers, there is something that is not adding up. The proper thing would be to constitute it on a *prorata* basis. That way, our representative role will have a meaning. When you say equal numbers, you may bring the whole Senate which consists of 67 Senators and then 67 Members from the National Assembly! There is something that we need to address. As we talk about referendum, we need to address that issue. It is not fair to say that we will have equal numbers in the mediation committee.



One of the things that came up when the devolution conference was going on in Kirinyaga County two weeks ago is that the National Assembly is not seen as a stakeholder in the devolution exercise, or in enhancing the effectiveness of devolution in our country. It is important that we start asserting ourselves as Members of the National Assembly. If we do not do so, we will not grow devolution any further from where it is. The amount of money that has been given to the county governments through grants is a lot. As the people who oversee the money at the national level, we need to know how it is used. Is it possible that the roads that we handle under Kenya Rural Roads Authority (KeRRA) are also handled under the Kshs9 billion, Road Levy Fund? Is it possible that the Kshs310billion which is sent to the counties only caters for recurrent expenditure as opposed to development expenditure? They have enough money for development. They can cover it up by saying that it is the amount of money that they were given. Some of the counties use the Kshs310billion for recurrent expenditure and nothing for development.

This calls for us to relook at our oversight role. Are we confident that Members of the County Assemblies (MCAs) are able to oversee governors? Is it possible that some of the governors are way up in terms of academic qualifications that our MCAs may feel intimidated when it comes to overseeing them? What role is played by the nominated MCAs? Do they help in the oversight role that is done by the MCAs or are they stifling it?

I have looked at the Report. Let me talk about a few of these issues. One, I see that Kshs495million has been set aside for the water tower protection and climate change mitigation. It is meant to benefit the Cherangany Hills, Mt. Elgon and Lake Victoria. I would have been happier to see the Aberdare Ranges covered in this programme because it is also another important water tower that is wasting away. If it is not given attention, we are likely to suffer as a country. Drought Resilience Programme in northern Kenya, including Laikipia County, will be useful. Parts of Nyandarua County, and especially Ndaragwa Constituency, suffer the same kind of climatic condition as parts of northern Kenya.

One of the recommendations of the Committee is on the oversight role. There is also the issue of misappropriation and mismanagement of resources. This is real. I know the highest concentration of corruption is at the national Government. However, we need to encourage the agencies concerned to pay more attention to the county level. That was observed by this Committee. The Auditor-General has over time highlighted, without doubt, that there are cases of misapplication and mismanagement of the resources that are taken to the counties. We have the grants now which are taken to the counties. The county assemblies may not even catch wind of what is happening. They may think it is the Kshs310billion that is being used in various places. This needs to be brought out. If there is no civic education that is given to Kenyans, we will lose out.

The Members of the National Assembly who have heard what the Chairman has said are a handful. I did not know that we have so much money which goes to Nyandarua County in form of grants. I know my Governor, Mr. Kimemia, will be very happy if I go to sleep when these things are being said. It is because he knows what to do when I am asleep. As I finish, 50 to 80 per cent of the funds given to counties go to waste. This is ridiculous. We need to pay attention when we play our oversight role.

I support and commend the Committee for the good work it has done and for waking us up on what we should do in our role of oversight. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Ochanda.

**Hon. Gideon Ochanda**, (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker.

A closer look at the Bill makes one to ask why we get to mediation stages. In the past, this has been the trend. The Senate has been going with exactly the figures of the Commission on Revenue Allocation. If we look at this critically, we wonder what is really happening. What we have in terms of vertical revenue placement are nominal figures. The Kshs310 billion is nominal and the Commission on Revenue Allocation is talking of Kshs335 billion. This is nominal. If we look at it in that manner, we will realise that, over and above the nominal figure, which is Kshs310 billion in the Bill, there is Kshs61 billion on top. This is one thing we need to look into so that, as we move forward, it will help us a great deal in saving time in looking at the Division of Revenue Bill. Instead of constantly looking at only the nominal figure, we need to look beyond them in terms of what else goes to the counties. The extra that goes to counties is much more.

If we look at it critically as I have mentioned, we will realise that the World Bank alone sends out Kshs20 billion across counties in the name credit, loans and grants. That is over and above what we are talking about. It goes to agriculture, water and other functions that are devolved. So, when we talk about the Kshs310 billion, let us insist that it is nominal. The term we use needs to indicate that it is nominal so that these figures are looked at properly.

On headquarters, from last year to this year, they are spending Kshs1 billion. When we went to mediation last year, nobody had thought that there is Kshs1 billion that was going into the building of the headquarters of counties that did not have them. It means that those counties do not use their own money to do the headquarters. Money comes from Nairobi to help the five do their headquarters. Some of these things need to be looked into properly.

The Commission on Revenue Allocation proposes Kshs10 billion on conditional grants. The first one is supposed to go to the urban areas and cities and the other Kshs5 goes to setting up regional cancer centres. They propose Kshs335 billion while we propose Kshs310 billion. Out of the Kshs335 billion, if you remove the Kshs10 billion, then we will remain with Kshs325 billion. What is the Kshs10 billion for? The Kshs5 billion is for purposes of enhancing cities infrastructure and what they are doing. Already, there are grants here totaling to Kshs11 billion that go to cities and urban areas. So, why do we need to add Kshs5 billion yet, the Kshs11 billion I am talking about is supposed to bring out measurable results? If we are adding more money, we need to add in terms of the experience and how much has been generated and how much has gone into certain areas, particularly on issues of enhancing capacities of urban areas and cities. How much has gone into infrastructure? What has improved before we add another Kshs5 billion? The other Kshs5 billion they are talking about is for purposes of setting up regional cancer centres. There has been a big controversy in this country for the last four or three years in terms of monies spent on health. In this document, we are still using Kshs9 billion to repay for equipment that were leased. Over and above that, the Commission on Revenue Allocation still proposes we add another Kshs5 billion for setting up some of these things and yet, we have a bad experience. In my view, before we get into some of these things, and before the Senate looks at it, proper attention needs to be given on the money that is requested.

The Kshs10 billion being asked for, in my view, does not make sense because there is no way we can be struggling with Kshs9 billion and the equipment are not being used in any meaningful sense and some are lying idle. I heard my county received theirs last week and yet, we have been repaying them for the last two years. Some of these things are not right.

The other important thing to look at is where the money in the counties is going to. It is now clear that over 70 per cent of the money goes largely to recurrent expenditure and the wage bill. I have said this here over and over again. There are, at minimum, three parallel civil service

lines in counties. Some have four because they inherited former local authorities. That is a civil service with their own collective bargaining agreement and own payment arrangement which is higher than the ones of civil servants that have been seconded. This is the other parallel line. Then, there are those who were hired by the first governors. That is another parallel line. There are now those hired by the second generation governors, those coming in for the first time. So, we are talking about four different parallel service lines. What is happening in this country that we cannot put all those lines into one clear service line for county governments? This is where all the money is going to. The Chair of the Council of Governors confessed to the Committee that he has more than 100 drivers who were brought in by virtue of being drivers of the former defunct local authorities and there is no way he can chase them away and yet, they earn more money and many of them are illiterate. Why spend money in that kind of direction when we know we have a big problem? So, the wage bill is a big issue particularly at the county level. We need to put together all the four different parallel civil service lines into one such that we can have more money for purposes of services and for developing our areas.

There are two areas that I want to bring up and issue a caution. The first one is on youth polytechnics. The Ministry of Education has declared that everybody in Class Eight goes to Form One. That means there is nobody going to a youth polytechnic. If you get to Form Four, the Ministry has declared that if you score grade "E", you go to a technical training institute. So, where is the place for the village youth polytechnics we are allocating Kshs2 billion? It means that, in future, we are placing money on something that is going to be non-existent. That is one caution that I want to raise. As we allocate Kshs2 billion for purposes of conditional grants for youth polytechnics in villages, we need to know that the youth polytechnics have no catchment wing. There is no source of students. Their source has been closed by the 100 per cent transition and by the technical training institutes that we are coming up with.

Another caution I want to bring out is on the grants adding up to Kshs61 billion and they are going to counties. Are counties aware that they are spread in the 47 counties or we are talking about Kshs61 billion that will only benefit less than 20 counties? On the other hand, I am talking about a nominal fund plus grants and loans which may only be going to a few counties. We are punishing other counties that do not benefit from this. The Chair of Council of Governors and individual counties need to cross check where they are in the Kshs61 billion we are saying is for grants and loans. Where is my county, for example, when it comes to the World Bank's Kshs7.2 billion that is going to agriculture? Is it there or not? I am saying they should not be given more money in the understanding that they are benefiting. If it gets to the reverse that they are not, what will happen? So, we need a clear indication in terms of the Kshs61 billion and to which counties it is going to, and which ones are not going to benefit.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall now have Hon. Tonui, Kiprotich.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also comment on the Division of Revenue Bill which I do not agree with. I believe most of the key functions in the Constitution which are touching on the members of the public are devolved. Therefore, it is very important to devolve more funds to the counties so that people can be served at that level.

I also want to state that I do not agree with what many of my colleagues have stated. They have said that counties are poorly overseen. I tend to believe that the MCAs are doing better oversight than us at the National Assembly. Right now, we are talking about a very

important Bill, but you can count the number of Members seated here to follow up on this Bill. We have quite a number of Questions which we have raised. Personally, I have about six Questions, but they do not reach the Floor of this House. We just see about three or four Questions being raised here. Oversight in the national Government is very poor. The one at the county level is much better. In fact, the MCAs nearly understand each and every item in their Bill, whenever I interact with them. So, we should not entertain that misconception and those misleading statements.

Coming back to the Division of Revenue Bill, I believe it is supposed to divide money between the national Government and the county governments. What we have here is a Division of Revenue Bill. I believe it should be called County Revenue Breakdown because you will hardly see the other side; the national Government. All we have is one side dealing with the counties. It does not deal with the breakdown of the national Government. For instance, we have Kshs1.5 billion going to the national Government, and there is no breakdown. But in terms of the county government, there is some breakdown. So, at the outset, the Bill is misleading and it is not properly drafted. That is my simple understanding of the Bill.

Going back to the details of this Bill, especially on the side of the counties, we have funds for the leasing of equipment, where Kshs6.2 billion has been allocated. I believe those were among the ill-conceived projects by the national Government. Possibly, this is part of the scam which needs to be investigated by DCI to establish how it was arrived at. When we approved this in the last Parliament, we were meant to understand that it was going to be a constant Kshs 95million per year, per county. It has now skyrocketed to Kshs200 million per county per annum.

The governors have enquired about the same equipment and they have stated that they can buy them at 10 per cent of the cost which we are spending on leasing them. If they could be allowed to purchase directly, they could spend just 10 per cent to buy those equipment. So, this is a scam. It is only meant to enrich some people. The Kshs6.2 billion is already misappropriated. We are just rubber stamping! That is why we are saying that this is not a good House in terms of oversight and I am very sure that now that we do not have the Opposition side, I believe after the debate, we will be ready to rubber stamp this Bill. That is why when you see the Order Paper, immediately after we discuss this we are supposed to go to the Committee of the whole House. That shows the mindset of those who make the Order Paper. That the House will simply move from this before we even propose any amendments, we will have gone to the Third Reading.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Tonui!

**Hon. Ronald Tonui** (Bomet Central, JP): Freedom of expression!

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Of course, you are a Member. You have a right to speak to what you are speaking, but the freedom has limitations. The Order Paper is made after the decisions are made by the House Business Committee. So, please, do not linger there.

**Hon. Ronald Tonui** (Bomet Central, JP): I was referring to the mindset of that House Business Committee which thinks this House is just a rubber stamp.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Tonui, do not linger there. Proceed beyond that point because you are going to enter into uncharted waters.

**Hon. Ronald Tonui** (Bomet Central, JP): On the issue of Level 5 hospitals where we are proposing that Kshs. 4.2 billion be allocated, we need to understand very well that majorly, the issues of health are dealt with at the county level. At the national level, we only have about five

institutions which include, Kenyatta National Hospital, Moi Teaching and Referral Hospital, Mathari Mental Hospital and Spinal Injury Hospital. The rest include dispensaries, sub-county hospitals and county referral hospitals. They number thousands. They serve 95 per cent of Kenyans. We are allocating very little resources to those ones, leaving about Kshs70 billion at the national level to take care of only four institutions. This is quite unfair. That is why we have cases of importing mobile clinics at a cost of Kshs5 billion. It was queried by the Auditor-General. That is because there is a lot of idle money at the national Government which should have been devolved to the county governments to serve the people there. This is quite unfair. We need to have a national referral hospital in each county, so that the Kshs70 billion which remains with the Ministry of Health can be used to serve our people. Otherwise, the money that remains at the national Government level is only meant for cartels. The little money which goes to the counties is being used to serve the people. That is why, sometimes, there is shortage of medicines in our dispensaries and health centers. We are letting a lot of money to remain at Afya House and very little funds go to the county level. That needs to be enhanced to take care of our people at the lower level.

On the issue of youth polytechnics, we are allocating Kshs2 billion. That is important to develop skills. I may not agree with the figures allocated. I tend to believe it is too low and we may need to enhance it. It is a very important sector in skills development so that our people can engage in job creation, self-employment and such things.

On the issue of fuel levy fund, we are transferring about Kshs8.9 billion to assist in the improvement of roads. Roads are one of the key functions at the county level. When I talk about my constituency, most of the roads have been murramed by KeRRA and few others by the county. The roads have improved under devolved governments.

There is another issue of county headquarters. There is an allocation of Kshs485 million. I am certain that this is a very discriminatory allocation. Bomet as a county did not inherit any headquarters and is excluded from this list. This Bill is being rushed before we can table our amendments. Therefore, that may not be captured. This needs to be re-looked into. I wish the Chair of the Budget and Appropriations Committee can come with some amendments so that we can have Bomet County benefit from these allocations so that its county headquarters can be built.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Hon. Tonui, your time is up. Hon. Nakara Lodepe, Member for Turkana Central, the Floor is yours.

*(Hon. Nakara Lodepe spoke off-record)*

I doubt if you are on record. Please check your microphone. Please use the next one.

**Hon. Lodepe Nakara** (Turkana Central. ODM): Thank you, Hon. Temporary Deputy Speaker. First, I want to thank the Committee for the work that it has done. The Committee Members have tried their best. However, I want to challenge those who are saying we have allocated a lot of money to the counties. The Kshs310 billion is not small and neither is it equal to the services that you have devolved to the counties.

Hon. Temporary Deputy Speaker, many services that have been devolved are those that target the common *mwananchi*. That is why we are always competing in this House; that we need to see the budgets allocated to counties being bigger than what you have given them now. We are complaining that the counties are not doing anything. However, compared to the budget that you have given them, we cannot blame them. Although there is wastage in the counties,

there are some counties which have changed the lifestyles of their people, their environment and infrastructure. We need to encourage them by giving them more resources.

We have what we call feeder roads, which connect major towns. These roads can make businesses in counties grow because they feed the headquarters of the counties. By doing so there is rapid development of those counties. We want to encourage the county governments to make sure that the feeder roads serve all corners of the county. Through these roads, people get goods and take them to the rural areas where they are needed.

Hon. Temporary Deputy Speaker, on the issue of hospitals, I agree with the Members who have said we need our hospitals to have enough drugs. If you visit some areas where there are no Level 5 hospitals or health centers and people depend on private clinics and churches, you will find that the county governments must partner with churches and NGOs that offer medical services to the community. They cannot afford to build health centres all over the country. However, there are some churches and organizations that give services to the community. We want to see the partnership between the county governments and those private sectors offer those services at a low cost. We should ensure we give them more drugs so that patients can have adequate medical services.

I agree with the issue of youth polytechnics. We need them in the counties to enable us create job opportunities for our youth. The youth need to get skills like carpentry and masonry so that they can be self-employed. We have no jobs in this country now. The only way we can engage our youth and make them busy is by taking them to those polytechnics. I agree with them that even if you get a 'D', you can get to any polytechnic and take a course. After that, we should give them tools or documents to start the projects in the areas they are trained. This is because if they get the training and go out without tools to do the jobs, they still remain unemployed. Let us tell the Government that after somebody receives the skills, we must give them those apparatus so that they can go out there and do things by themselves. We, therefore, need to increase this budget because that is where majority of the youth are. Though we have given Kshs2 billion, we need to increase that amount later.

Hon. Temporary Deputy Speaker, on the issue of leasing medical equipment, some counties are paying for them and yet, they have never tried to use them. They are lying in the hospitals and yet, we are paying a lot of money for them. We need to challenge the counties which have not utilised the equipment to do so to enable our people to benefit from those services. It is of no use for us to pay and yet, they are not being used.

Hon. Temporary Deputy Speaker, it is a good idea to support Senators so that they can play their oversight role. We need to see money being used well. When we deny Senators money to do oversight, it is like we are telling them: "You have no responsibility or role in devolution." This is the case and yet, the Senate is where devolution is being "manufactured". We need to support them. Give them some money so that they can play their oversight because they are the only ones who run all over the county. A Member of Parliament only oversees what is within his or her constituency. However, a Senator can move all over the county.

I support this debate so that we can see Senators do something and not only debate in the House using a lot of English and yet, they cannot put anything into practice. If we leave them idle and yet we know most of them are old, we will make them passive and inactive in their roles. I support that we need to give them some money to play their oversight role.

Hon. Temporary Deputy Speaker, on the issue of drought and famine, you know what is going on in this country. People in some parts of this country are dying. We cannot ignore nor deny it. As money is being given out now, people are dying. We are debating what is in the

pocket of the national Government. We are blaming county governments that they are not doing anything and yet, their money is still here. We need to see to it that this money is taken a bit early so that when calamity strikes, it can be used so that we do not blame county governments all the time. This is because some of them are saying that they do not have the money. This is true because the money is still here with us. As the Chairman has said, we need to pass this Bill quickly so that counties can get money. I agree.

On urban support programme, I agree that we need to urbanise our villages. We need to see urbanization in our counties so that we can see the changes that have been brought by devolution. That can tell us how devolution is good. When you see a village getting urbanised and a village with running water, tarmac roads, telephone facilities and electricity, surely, we can say that we are enjoying the fruits of devolution. I support this programme. However, we need to see this programme being implemented in major towns so that people can see the difference now that we have devolution in this country.

Hon. Temporary Deputy Speaker, on the observation that the Chairman made about conditional allocations, surely, as one of the Members said, we need county assemblies to see how those grants are being used or utilized by our counties.

As we allocate this money to the national Government and county governments, we need to see value for it. Are the services that we give to our people equal to the money that we are giving out or they are getting under-valued services? Two, we need to allocate money mostly to programmes that change the living standards of our people.

Finally, we need to target programmes that improve the economy and also make our county more food secure. Like now, we are crying of hunger in some parts of this country and yet, we have plenty of food in other places. We need to allocate a lot of money to those programmes so that they can make our country food secure.

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

**The Temporary Deputy Speaker** (Hon. Mariru): Very well, Let us have Hon. Kamuren Charles.

**Hon. Charles Kamuren** (Baringo South, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. First, I congratulate the Budget and Appropriations Committee for the good work that it has done. These allocations may appear like a lot of money has been allocated to counties, but in my view, this money may not be enough due to the challenges that are there. These are devolved governments which have very many challenges. By virtue of being close to the people, there is high demand to fix the challenges that exist. The situation in which this country is at the moment demands that we work with this Bill as it is. In future, there will be need for more allocation.

I can see several items in the Bill that have been given allocations relating to agriculture. I can see the National Agriculture and Rural Inclusive Growth Project. It has been allocated Kshs7.2 billion; Agriculture Sector Development Support Programme has been allocated Kshs849.6 million; Drought Programme in northern Kenya has been allocated Kshs350 million, while Kenya Climate Smart Agriculture Project has been allocated Kshs3.6 billion. If you calculate the total, you will find that it is Kshs11.996 billion. All these allocations are in relation to agriculture.

At the moment, what is happening in this county is that people are lacking food. This includes people in my constituency which is Baringo South. There are many problems with food security. That is why we call upon the Government to support us. If we have such allocations, their major objective is to improve food production so that we can take care of our people. It is worrying that we can allocate such amounts, and yet we still have people suffer due to lack of food. That

means that there is a gap in the implementation of these proposals. I am aware - and that is what is going on - that we are lacking agricultural extension officers who are supposed to move round educating people on how to farm and get good yields from their farms.

Hon. Temporary Deputy Speaker, I think there is a gap in terms of oversight. So, we do not get value for money. We need to improve on that. Any idea that comes should originate from the farmers, so that they can own and sustain every new technology and approach to farming. In my constituency, we have 14 irrigation schemes. There is Perkerra National Irrigation Scheme, Mukutani, Embossos in Arabal, Sandai and Kamoskoi. There are several other irrigation schemes, but there are no funds allocated to develop them. We still have many challenges in Perkerra Irrigation Scheme. I appreciate what the Principal Secretary did recently. He sent a team from the Ministry to assess the situation. I am, however, not sure about the allocation that will be made to those irrigation schemes. If the funding will be inadequate, then we will still face the same challenges next year. We will be affected by hunger and we will again call upon the Government to assist us. Farmers are now willing to work on their farms to produce food that will be enough for them and other Kenyans.

Hon. Temporary Deputy Speaker, I support the additional conditional allocation for rehabilitation of youth polytechnics. I have seen that Kshs2 billion has been allocated for that. I hope this money will be equally distributed among the constituencies in the county to help in the rehabilitation of polytechnics. There are youth in villages who did not make it to colleges or universities. They should get vocational skills to sustain their livelihoods. We have Marigat Vocational Training Centre that is of great assistance to the youth in my constituency. It is a very old institution and the only one in that area. Its condition is worrying and yet, an allocation was made last year. If these funds are not equally distributed, some constituencies and polytechnics will not receive enough. Marigat Vocational Training Centre only needs Kshs29 million to be refurbished and it will serve about 1,000 youth. But there is no funding. We were also planning to open Ramacha, Sandai, Mogoswok and Sokon vocational training colleges, but we do not have money. I believe the allocation of Kshs2 billion that has been made to this sector will help us achieve that.

Kenyans need to understand that this is their money. Kenyans only wait for the Auditor-General to give the report on audited accounts and then go all over the social media to react. As citizens, they do not follow up on those allocations. They have failed in their duty. There is need for public participation. The county governments should educate citizens on the importance of holding governments accountable. Citizens should monitor projects once tenders have been awarded to contractors so that they can own the process. Public participation should be enhanced.

The Members of the County Assemblies (MCAs) should oversee county projects. Senators should also educate citizens on various projects. They should not just be in the Senate in Nairobi. They should visit their counties. Whenever there are problems in the counties, Senators should offer solutions. I have stayed for long without seeing my Senator. I, however, saw him recently distributing food to residents of Tiaty. I want to request him to also visit Baringo South. I requested the Government for food for my constituents, and I appreciate its support. We, however, still need its support.

Hon. Temporary Deputy Speaker, I support the Division of Revenue Bill, 2019.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Mutemi.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to oppose this Bill. In my view, this Bill is pedestrian. It is routine. It is



like a dream. The Chairman of the Budget and Appropriations Committee that prepared this Bill does not appear serious. He is hovering around the Chamber. At one point, he walked away and yet we are debating a serious Bill that he moved. I wish he could listen to me. He is a member of the *Tanga Tanga* Movement.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mulyungi. We do not know what that is in this House.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I withdraw that word.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I guess the Chairman of the Budget and Appropriations Committee is consulting.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Hon. Temporary Deputy Speaker, allocating Kshs310 billion to 47 counties is ridiculous. Those are peanuts. A simple arithmetic shows me that it is about Kshs6 billion per county. Allocating Kshs6 billion to a poor county like mine is a joke. Those are peanuts. It will not achieve any meaningful development. I wish the Committee divided the revenue equitably such that the national Government gets 50 per cent and the county governments get 50 per cent. Although they are following the Constitution, something needs to be done. In the spirit of the Constitution, devolution was meant to transfer development and services to counties. More than five years down the line, devolution of services has not been felt in counties.

Hon. Temporary Deputy Speaker, instead of devolving development and services to counties, we are devolving corruption. Some counties are conduits of corruption. Some counties have constructed tarmac roads; others have free medical care while some have value addition factories. But it is regrettable to note that there are counties that have nothing to show more than five years down the line.

In my county, one-and-half years since the current regime took office, roads are impassable. Yet, I am being asked here to allocate more money to that county. There is no significant and visible infrastructure. When you question the Governor, she says that her projects are software. I do not know what software is, but I want to see a road, a market and scanning machines in hospitals. I do not want to see software. I wish development in counties can be equated to development through the National Government Constituencies Development Fund (NG-CDF). Most of the development in villages is as a result of NG-CDF. I wish this money could be allocated to Members of the National Assembly instead of governors because their stomachs are now too big. Some are even diarrhoeating.

It is unfortunate that we are being asked to pass all this money. I have heard the Chairman say that we allocate money to Senators for oversight. I wonder who between the Senator and the MCA is in a better position to oversee counties. The MCA is closer to the people than the Senator. Therefore, I do not support the idea of money going to Senators for overseeing counties. I want a lot of money to be given to MCAs to oversee their wards so that they can see what the governor is doing in their wards. The Senators should be busy overseeing the governors in Nairobi. You can see the Chairman is not serious with this thing. I have heard the Chair of the Budget and Appropriations Committee in his presentation say that he has got a tarmac road in Kinoo. We are here discussing about devolving money when actually some Members are benefiting from this money while others are not. I want a tarmac road in my constituency and I do not see it in this Division of Revenue Bill. The chairman has spoken about a road in his constituency.

Article 10 of the Constitution provides for public participation. I have been in this Parliament now for almost one-and-a-half years. I have never been called for public

participation on money allocated to the county government. I do not know who participates in that exercise. The money being allocated to county governments is being allocated to be spent at the discretion of governors; that is with no reference to the main stakeholder.

The main stakeholder in the county is actually the Member of Parliament, the Senator and the Women Representative. However, they are not consulted. Therefore, I think we are being used as a conduit to siphon money to be stolen by county governments. I have heard about conditional grants which have been given to county governments. The roads which are being constructed through those grants in counties are only being constructed in the main shopping centres at the headquarters of the counties. It does not reach villages and shopping centres which are in dire need of development.

There is a lot of wastage of government resources and I wish, when the Budget and Appropriations Committee is preparing this budget, they also look at merit and reward counties based on performance and not just dividing money and taking it to counties. We have had a lot of money. We are talking about money for dams being stolen when Kenyans are dying of hunger for lack of water. We have heard about the NYS and SGR scams. I have also read about a tender scandal at KeNHA. Therefore, we have to be very careful when we are passing this money. We cannot be used as a rubber stamp to devolve money to be stolen. I can see my time is over. I do not want to be party to theft. Therefore, I oppose this Bill vehemently. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nyoro Ndindi.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute. I rise to support this Motion by the able Chair of the Budget and Appropriations Committee. I have to commend the Committee I sit in, that is, the Public Accounts Committee (PAC). It is because of the report of PAC that now we are able to get a new amount in terms of the sharable revenues, especially the monies that go to our devolved units in the name of counties. I want my contribution to dwell more on how we use county money and even how we spend the national revenues. I have listened to many Members and I concur with them that over 70 per cent of the money that we take to our counties goes to recurrent expenditure.

When you talk about recurrent expenditure, most of this 70 percent goes into paying salaries for the many workers that are based in our county governments. If you analyse the employees of our counties, I dare say without blinking of an eye that most of those workers are actually a product of patronage. The reason why we have a ballooning workforce in terms of the national Government and also in the counties is because most of the employment that happens in most developed economies like Kenya, and we have trickled down the same to our counties, is never based on need.

Employment of any expertise is not based on demand. Most of the employment that happens in our country at the national level and also in our counties is purely a product of patronage. This is especially if we talk about our governors and the Executive. Most of this patronage is based on kin selection, that is, nepotism. I dare say that most of the people you find in our counties, and I am sure they have also borrowed heavily from what happens up here, is based on who knows who. Therefore, the work and the positions that are created are not necessarily based on service. Most of it is based on creating a position for this or the other person.

The other side of patronage that is bedevilling our counties is based on reciprocal truism, where you now campaign for this person and they have to scratch your back. If you are to do an

audit for the entire workforce that we have in our counties, most of it is actually unnecessary and pure duplication. Even as you talk about duplication, it is not purely an issue of county governments singularly. There is a lot of duplication when it comes to the devolved functions. In many counties, you find there is a person who is, for example, employed by the Ministry of Agriculture to oversee the work of the national Government in our counties and even in our sub-counties. However, even our governors have the same officer playing exactly the same roles. I tend to believe that, as a country, we need to harmonise the workforce that we have in our counties and streamline the same with what we have at the national Government. I believe it is not just in the counties that I am familiar with but also in the national Government.

We tell Kenyans that we have devolved a function like healthcare or agriculture. But even from the Committee that I sit, that is, PAC, I can see billions of money that goes to the Ministry of Health in the national Government and yet, we have given the devolved units most of the functions. Maybe, in future, this House needs to clearly demarcate the functions that are purely devolved so that we do not have this issue of hide and seek where there are some functions that are shared and *Wanjiku* the taxpayer down there may not know who to apportion blame to when there is a hitch in service delivery. We need to either exclusively devolve a function like agriculture or assign it to the national Government. We need to clearly demarcate the health function instead of having this hide and seek of shared functions.

Hon. Temporary Deputy Speaker, I heard many Members talk about youth polytechnics that we have in the many villages across our counties. Those institutions can play a very critical role in so far as creating expertise for the many things we are doing as a country and in the concerned counties. Some of those institutions are purely sleeping giants. Some polytechnics have the relevant equipment, but we are not marketing them especially in the counties in terms of having a critical mass of people who are being trained by those polytechnics.

There is also the case of under-funding of those facilities where people can only be taught theory. Some of the courses being trained are very technical and practical. Therefore, it is not of any essence to take a person to learn masonry or welding in an institution that does not have the equipment that can impart technical and direct expertise to those students.

The elephant in the room when it comes to the revenue allocation per county is the issue of how much we receive. I am talking of my county of Murang'a and many other densely populated counties. It is the voters who pay taxes. It is people who pay taxes and not kilometres! It is Kenyans who pay taxes and who vote and not the cows, camels and trees. It is people. We need to progressively evaluate the formula for revenue allocation when it comes to counties, and give more weight to what matters. What matters in our country are people. Therefore, the population of our counties needs to have a critical percentage when it comes to revenue sharing. I do not find it to be equitable when a county like Turkana has a per capita allocation per voter of around Kshs60,000 compared to my county which is Murang'a, whose per capita allocation per voter is close to a sixth of that - at Kshs10,000. We need a formula that will harmonize and bring about equity in the monies that we allocate to our counties.

I have also perused the Report. I have seen that, by the last financial year, the counties owed Small and Medium Enterprises (SMEs) that were the majority of their suppliers, a whopping Kshs108 billion. Probably, this is one of the reasons why there is a cash crunch in our country. We seem to be doing well in terms of many things but, there is no money in the pockets of Kenyans.

Parliament needs to make laws that can govern how we handle this issue of pending bills in our counties. We have it right when it comes to the Executive at the national level. Many

suppliers, especially small traders are languishing in poverty when their money is held by the national Government in the name of pending bills.

As I wind up, we need a lot of consultations when it comes to grants and the monies given by other bodies like the World Bank. I cite this because---

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Ndindi. Let us have Hon. Oyoo Onyango.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I had intentions to speak to this Motion but unfortunately my machine has been malfunctioning. I have just discovered that all along you did not see my pending request to contribute. Many of the speakers who have overtaken me have spoken more or less on the same thing I would have wished to cover. Given that the enthusiasm about this Bill is now going down, I suggest that the Mover be called to reply because we are merely repeating ourselves.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Members.

*(Hon. (Ms.) Peris Tobiko spoke off-record)*

That is appreciated, Hon. Tobiko. But when a Member rises and requests that the Mover be called upon to reply, I cannot make that decision. I will ask the House to do so.

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

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker.

*(Hon. (Ms.) Peris Tobiko spoke off-record)*

Hon. Peris Tobiko, the Member for Kajiado East is asking that I donate a minute. But since she is serving her second term, she should be aware that when Hon. Oyoo asked that the Mover be called to reply, I do not have the latitude to donate time.

I thank the Members who have contributed to this Bill. As Hon. Oyoo has said, Members have raised many similar issues. I thank Hon. Oyoo for calling on the Mover to reply. The calls by many Members for our county governments to be more accountable with the funds that have been allocated to them have been well articulated. Concerns over drought issues, devolving agriculture and issues to do with many of the unclassified roads that were devolved to the counties are issues that Members have raised. I hope that even as this Bill moves to the Senate, it will play its rightful role especially in providing meaningful oversight over county funds.

I wish to mention the issues that have been raised to do with an economy where many people are struggling. Many SMEs around the country are struggling because of pending bills. Just like it is in the national Government, pending bills constitute the first charge to the Exchequer even for our county governments.

I take this opportunity to ask our county governments to ensure that even as they budget for the 2019/2020 Financial Year, they prioritise the settling of all pending bills. Many of the people who supply goods and contractors who work in projects across the country for our county governments are SMEs. Those SMEs have been struggling to access credit from our banking sector. With the struggles to access credit, you then advance the little money that you have to county governments that do not pay. The SMEs have cried that they have been owed by county

governments for the last three years. We ask county governments to ensure that all pending bills are settled, at least, at the beginning of the next financial year as the first charge to their exchequer.

With that, I thank all the Members who have contributed. I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, on account of numbers at this time, we shall defer the putting of the Question to that particular Order. That will be done in a subsequent time.

*(Putting of the Question deferred)*

Therefore, it follows that Order No.11 may not proceed because it is dependent on the decision of the House on Order No.10. That as well will be stepped down. The earlier Communication by the Speaker is that Order No.12 should as well be stepped down.

So, we shall go with that. Next Order!

*(Committee of the Whole House on The Division of Revenue Bill  
(National Assembly Bill No.11 of 2019) deferred)*

## MOTION

### ADOPTION OF REPORT ON REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

THAT, this House adopts the Report of Departmental Committee on Transport, Public Works and Housing on its consideration of the Revised Constitution of the African Civil Aviation Commission (AFCAC) for Ratification, laid on the Table of House on Tuesday, 12<sup>th</sup> March, 2019, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012 approves the ratification of the revised Constitution of the African Civil Aviation Commission.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Where is the Chairperson, Departmental Committee on Transport, Public Works and Housing? Hon. Mbarire, you are not the Chair!

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): I am not the Chair, Hon. Temporary Deputy Speaker. The Chair is absent. I wish to request that you step down this Motion until the next available day.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Under the circumstances, that Motion will be stepped down as well.

Next Order!

*(Motion Deferred)*

ADOPTION OF REPORT ON INSPECTION VISIT TO  
NAMANGA ONE STOP BORDER POST

THAT, this House adopts the Report of the Committee on Regional Integration on Inspection Visit of the Namanga One Stop Border Post, Kajiado County, held from 7<sup>th</sup> to 10<sup>th</sup> April 2018, laid on the Table of the House on Tuesday, 13<sup>th</sup> November 2018.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Chairperson, Committee on Regional Integration.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Temporary Deputy Speaker, I wish to request that the same decision be made with regard to this particular Motion as the Chair of the Committee is not in the Chamber.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is your point of order, Hon. Ichung'wah?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I agree with the Majority Deputy Chief Whip who has just walked in and did not whip the Members and the Chairs of Committees. They are not in the House. You need to pronounce yourself because these Order Papers are available on the internet the night before. So, every Chair of the Committee knows the order of business in the Order Paper. I do not know why Chairs of Committees are not in the House. We sit here all day. You saw the challenges we had in moving on to Order No. 11 for obvious reasons. Therefore, I want to ask the Majority Deputy Chief Whip to ensure that she whips the Chairs of the Committees and the Members next time for House business not to stall on account of numbers.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What do you want to say Hon. Mbarire?

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Temporary Deputy Speaker, I have heard what Hon. Ichung'wah has said. It is noted. If you look at Order No.14, you will find that it is way down in the Order Paper. I had seen the Chair here earlier. From the look of things, we did not appear like we would get there. I will make sure that the Chairs of Committees are all here tomorrow the whole afternoon.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mbarire, your explanation does not help. When you say that the Order was way down in the Order Paper and, therefore, the Chair left that is not satisfactory. Even if it is the last order, he should be available because the House, like in this circumstance, could as well reach that Order. Nevertheless, that Motion will be stepped down. It will be scheduled for another time.

*(Motion Deferred)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, there being no other business and the time being 6.28 p.m, this House stands adjourned until Thursday, 21<sup>st</sup> March, 2019 at 2.30 p.m.

The House rose at 6.28 p.m.