

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th March 2019

The House met at 2.30 p.m.

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

PRAYERS

PETITION

NON-PAYMENT OF DUES TO TEACHERS WHO RETIRED BETWEEN 1997 AND 2007

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order No.225, I wish to report to the House that I have received a petition by Messrs. John Njuguna Kariuki, Samuel Irungu Kuria, Mary Mutire Gatungu and other retired teachers, regarding non-payment of pension and retirement benefits to teachers who retired between 1997 and 2007.

Hon. Members, the petitioners allude to a judgement of the High Court in Nakuru in 1997, being High Court Civil Case No.65 of 2006, ordering that teachers who retired between 1997 and 2007 be paid their unpaid pension and retirement benefits. The Teachers Service Commission (TSC) appealed the ruling on 12th November 2010, through Civil Appeal No.300 of 2009 and the appellate court dismissed the judgment of the High Court.

You may recall that this matter was raised on the Floor of this House in December 2010 through a Parliamentary Question. In responding, the then Assistant Minister for Education assured the House that an urgent meeting had been held on 30th November 2010 between the TSC and the Treasury's Department of Pensions. He reportedly informed the House that a decision was reached that the 1997 schedule be implemented in the subsequent financial year by adjusting the balance of lump sum (gratuity) and the monthly pension arrears for 30,000 retired teachers based on the salaries of the retirees and be paid at respective dates of their retirement.

Hon. Members, the petitioners are concerned that even after their devoted service to the country, their welfare has not been given due attention and as a result of non-payment of their awarded retirement dues, they are living in abject poverty. The petitioners are, therefore, praying that the National Assembly urgently investigates this matter, with a view to compelling the Government to pay the compensation as awarded by the court and interest accrued thereon.

Hon. Members, this Petition stands committed to the Departmental Committee on Finance and National Planning for consideration. The Committee is required to consider the Petition and report its findings to the House in accordance with Standing Order No. 227(2).

I thank you, Hon. Members. It looks like there are people who want to comment. I can see the list is led by one Hon. Milemba Omboko. I believe it is natural. You can use the Dispatch Box.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for this opportunity. I rise to support this Petition. It is true that the teachers entered into an agreement with the Government that was led by then Kenya National Union of Teachers (KNUT) Secretary-General, Adongo. In 1997, the Government was supposed to have paid them their full dues, but due to the fact that the Government said it was unable to pay the dues at once, it was paid in small bits within a period, originally, an agreement of five years and later extended to 10 years.

When these teachers finally retired, some of them were retiring earlier than the period within which the payment had been done. If the Government of Kenya would have had the money and paid at once, they would have benefited in total from the amounts that accrued to them as per the agreement by the Government. Unfortunately, because the Government was unable within the 10 years, some of them had retired and this is the case before you in this particular Petition. Therefore, they actually deserve to be paid their money because if the Government had the full amount, it would have paid them accordingly.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Mwatate, is your intervention on this? Approach the Dispatch Box.

Hon. Andrew Mwadime (Mwatate, ODM): Shukrani, Mhe. Spika kwa hii fursa. Nimesimama kuunga mkono malalamishi haya ambayo yamekuwepo kwa muda mrefu. Ni leo tu asubuhi mkazi mmoja wa eneo Bunge langu amenitumia barua kwa njia ya nukishi akilalamika kwamba yeye ni mgonjwa na hali yake ni mbaya. Kwa wale ambao hawaelewi, nukishi ni *fax*. Ni kweli kwamba wengi wao ambao walistaafu mwaka wa 1997 walikuwa ni wazee na hela hii imechelewa. Ninaomba Kamati ambayo inashughulikia suala hili iharakishe. Mwaka jana mwezi wa tano, tulikutana na wale waliostaafu 1997. Wengi wao wamekomaa na ni wazee. Wanadai hela yao ambayo ni haki yao. Ingekuwa ni vyema hili suala liharakishwe vilivyoo. Wengine walikuwa wanalalamika kwamba sehemu nyingine nchini watu wamepata hela zao ilhali wao hawajapata.

Naunga mkono kwa dhati kabisa.

Hon. Speaker: Natukomee hapo. Vile ambavyo umeunga mkono kwa dhati, wacha tukomee hapo sasa. The Petition is referred to the Departmental Committee on Education and Research to deal with as appropriate.

Let us move to the next Order.

PAPERS LAID

Hon. Aden Duale (Garissa Township, JP): 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 30th June 2018 and the certificates therein:

- (a) Anti-Doping Agency of Kenya;
- (b) Policy Holders Compensation Fund;
- (c) Kenya National Bureau of Statistics;
- (d) Unclaimed Financial Assets Authority;
- (e) Murang'a University of Technology;
- (f) Widows and Orphans Pension Fund;
- (g) National Agricultural and Rural Inclusive Growth Project;

- (h) Standards and Market Access Programme; and,
- (i) Thwake Multi-Purpose Water Development Programme Phase I by the Ministry of Agriculture, Livestock, Fisheries and Irrigation.

Report of the Auditor-General on the Financial Statements of the Lake Victoria North Water Services Board for the year ending 30th June 2017 and the certificate therein.

Hon. Speaker: Very well. Next Order.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

STRIKE BY KENYA AIRPORTS AUTHORITY WORKERS

Hon. Benjamin Washiali (Mumias East, JP): Hon. Speaker, pursuant to Standing Order No.33(1), I seek leave for the adjournment of this House for purposes of discussing the ongoing strike by the Kenya Airports Authority (KAA) workers. This morning, the city woke up to a paralysis of operations at the Jomo Kenyatta International Airport (JKIA) arising from the industrial action by the Kenya Aviation Workers' Union (KAWU). The Union is protesting against plans for the takeover of KAA operations by the Kenya Airways. The strike will have a serious economic impact on Kenya affecting tourism and businesses, including hundreds of passengers getting stranded as they try to enter or leave the country. The JKIA is a major regional hub. There is need to deliberate on how this matter can be resolved as soon as possible. It is for this reason that I seek leave for the adjournment of the House in order to deliberate on the ongoing strike and chart a way forward. I hope Members will support this Adjournment Motion.

(Several Members stood in their places)

Hon. Speaker: You have the numbers, Hon. Washiali. The Motion should be styled that you seek leave of the House to discuss a matter of urgent national importance. You can then go ahead to state what it is, so that Members can understand.

Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I totally agree. First, I want to confirm that this is not a party-sponsored adjournment Motion and that is why I did not stand. I hope the adjournment Motion will not turn into a discussion of Order No.13. The Speaker who will be in the Chair should be very careful that this adjournment Motion is not used to discuss a Report which is on the Order Paper through the backdoor.

Hon. Speaker: Sometimes it baffles me when I see so many of you completely failing to look at your Standing Orders. If you did, you would have known why the Leader of the Majority Party said what he did. Notice of that Motion has already been given.

Hon. Members: On a point of order, Hon. Speaker!

Hon. Speaker: It cannot be that when I am speaking you are shouting in your places claiming to rise on a point of order. Hon. Washiali has given the reason. That is why I was guiding him that the Motion he seeks is to discuss that matter of urgent national importance. Part of the reason is that most of you are aware that some of your colleagues who had been scheduled to travel as early as 7.30 a.m. were calling to tell me that they were stranded. Looking at the

Motion as framed by Hon. Washiali, I approved it subject to him raising the numbers which he has. It is important to discuss that particular aspect within the confines of the Standing Orders.

I hope all the Members seeking intervention are not doing so with regard to the adjournment Motion. There is nothing out of order. Hon. Washiali raised the numbers. All that is required is for me - not you - to state how much time I will allocate to the Motion. Are you rising on a point of order to tell me how much time I should or should not allocate? Hon. Washiali has complied with the rules. He has the numbers. Do not raise your hands. I do not understand that.

Hon. Vincent Kemosi (West Mugirango, FORD-K): On a point of direction, Hon. Speaker.

Hon. Speaker: Hon. Kemosi, what is a point of direction? This is very strange. It surprises me that this is what you do in committees. You are now raising points of direction or points of standing. Let us operate within our rules. There is no point of direction. Hon. Kemosi, you can rise on a point of order to seek direction. You are well-schooled in law. Why would you not look at that and see that, that is the way it is supposed to be styled in the Standing Orders?

The Member has raised the numbers. I approved the Motion. There is no other direction. The only thing left for me to do is to state what duration this Motion will take this afternoon. I have to consider the business that is available. I direct that the House will adjourn at 5.30 p.m. The duration will be one-and-a-half hours.

Hon. Members, before the House rises, you can decide to reduce the speaking time for each Member. This is a matter that you know. You just have to rise under Standing Order No.97 on the limitation of debate before the debate begins. Hon. Washiali said that you would discuss and/or debate the matter of urgent national importance. If you desire so many of you to contribute, then you are at liberty to rise under Standing Order No.97 to make a decision on how much speaking time each Member who will contribute to the Motion will have.

Let us proceed.

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Baringo South. Speak.

Question No.084/2019

MEASURES TO ADDRESS CATTLE RUSTLING IN BARINGO SOUTH

Hon. Charles Kamuren (Baringo South, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

(i) Is the Cabinet Secretary aware that on Thursday, 21st February 2019, cattle rustlers invaded Arabal location of Baringo South Constituency and killed one Josphat Lomari Leparkitore of Identification Card No.27531401 and four minors namely Joshua Lenangole, Pipilai, Ltusion, Lempanoi Lesion Kono and Lebikon Lesepei and made away with 82 heads of cattle?

Hon. Speaker: Hon. Kamuren, you have said 82 heads of cattle, but the Question here reads 43 heads of cattle. Which one is correct?

Hon. Charles Kamuren (Baringo South, JP): I am also wondering because the document which I gave out as the Question, which had the information on the ground, was not captured well. That is why I am giving clear information in line with what is going on the ground. It is a small correction.

Hon. Speaker: Hon. Kamuren, let me tell you one thing: The Question will be forwarded to the Cabinet Secretary as framed. When whoever will respond to it comes and you talk about 82 heads of cattle, he will tell you that he received the one which has 43 heads of cattle. When you started reading the Question, I wondered whether you are reading as it is in the Order Paper. Do you want to correct it to 82 heads of cattle?

Hon. Charles Kamuren (Baringo South, JP): Yes, Hon. Speaker.

Hon. Speaker: The Clerk-on-the-Table is, therefore, directed to make that correction. That correction will be made.

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Speaker.

Hon. Speaker: Read the second bit of the Question.

Hon. Charles Kamuren (Baringo South, JP): Hon. Speaker.

(ii) What action has the Ministry taken to apprehend the perpetrators of this hazardous act and recover the stolen cattle?

Hon. Speaker: Did you say “hazardous act”? I believe every Member has a copy of the Order Paper. The Member seems to be reading from some other place. He said a “hazardous act” instead of “heinous act”?

(Hon. David ole Sankok spoke off record)

Hon. David ole Sankok wants to come to your assistance and say that the problem is the English Language, which he blames to the time it arrived in the village.

Hon. Charles Kamuren (Baringo South, JP): Hon. Speaker.

(ii) What action has the Ministry taken to apprehend the perpetrators of this heinous act and recover the stolen cattle?

(iii) What measures has the Ministry put in place to ensure enhanced security in the area?

I am a bit hesitant because the Question has not captured exactly what I forwarded. I lost five young people. It is a serious matter.

Hon. Speaker: What is the Cabinet Secretary supposed to respond to? Is it this particular aspect or this Question? I know that you have discussed with me some other measures that need to be taken arising out of this problem.

Hon. Charles Kamuren (Baringo South, JP): If you can allow me...

Hon. Speaker: This is Question Time, but not time for debate. Your Question has been captured. Where we needed to make corrections, we have directed the correction to be made. If we allow you to add other things which are not here, we will break our rules.

Hon. Charles Kamuren (Baringo South, JP): I will stop, but I still request for another time, so that I can ask other Questions to the same Ministry and give a different Statement.

Hon. Speaker: A Statement?

Hon. David ole Sankok (Nominated, JP): I will assist him.

Hon. Speaker: I will ask Hon. Sankok to refrain from whispering to you because he is the one who is confusing you. Hon. Kamuren, there is no problem. You can file another Question. Since you have already spoken to me about this issue, I will allow you to do so

through a Question by Private Notice, which would require to be responded to within the shortest period possible.

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Speaker. I take note of that.

Hon. Speaker: The Question is referred to the Departmental Committee on Administration and National Security. The next Question is by the Member for Matuga, Hon. Tandaza. I have been told that some of the microphones are faulty. I thought it was the staff who was not able to see you. You can approach the Dispatch Box. Do like we normally do with Hon. Ben Momanyi. That could be where the problem is.

Question No.085/2019

DELAYED COMPENSATION OF LAND OWNERS IN MATUGA CONSTITUENCY

Hon. Kassim Tandaza (Matuga, ANC): Hon. Speaker, I beg to ask the Cabinet Secretary for Lands the following Question:

(i) Is the CS aware that the landowners in Matuga Constituency are yet to be compensated for their parcels of land acquired for the construction of the Mombasa Southern Bypass Road also known as Dongo Kundu Bypass that was expected to commence on 1st March 2019?

(ii) When will the Government compensate the said land owners?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Lands. The next Question is by the Nominated Member, Prof. Jacqueline Oduol.

Question No.086/2019

IMPLEMENTATION STATUS OF USHANGA KENYA INITIATIVE

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Hon. Speaker, I beg to ask the Cabinet Secretary for Wildlife and Tourism the following Question:

(i) What is the implementation status of the Ushanga Kenya Initiative, established for empowering pastoralist women?

(ii) Could the Cabinet Secretary provide a breakdown of the activities implemented so far and the amount disbursed for each activity to date?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Sports, Tourism and Culture.

The next Question is by the Member for Nyeri Town, Hon. Ngunjiri Wambugu.

Question No.087/2019

FACTORS THAT INFLUENCE THE PRICE OF FERTILISER

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you, Hon. Speaker. I beg to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation the following:

(i) Could the Cabinet Secretary explain why fertiliser prices remain relatively high despite the Government issuing a 50 per cent subsidy?

(ii) Could the Cabinet Secretary explain the procurement process used in awarding Export Trading Group (ETG) an exclusive contract to supply fertiliser to the Government?

Hon. Speaker: The Question is referred to the Departmental Committee on Agriculture and Livestock.

The next Question is by the Member for Dagoretti South, who had indicated that he wanted to make some request, Hon. Kiarie.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Speaker. Rather than defer this Question, because I have this opportunity, I will ask it in this format. I am sure the Cabinet Secretary will respond adequately even in the format it is.

Hon. Speaker Proceed.

Question No.088 /2019

REHABILITATION OF KIKUYU-WANYEE-RIRUTA- KINYANJUI CRESCENT ROAD

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, my Question is directed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) Is the Cabinet Secretary aware that Kikuyu-Wanyee-Riruta-Kinyanjui Crescent Road in Dagoretti South Constituency, which had been earmarked for repair, is still in a deplorable state and no works on the said road has started?

(ii) Are there plans in place to ensure that the said roads are rehabilitated?

Hon. Speaker: It is referred to the Departmental Committee on Transport, Public Works and Housing. Hon. Kamuren, the handwritten document which has been brought to me shows the head of cows as 43.

(Hon. Charles Kamuren spoke off record)

(Laughter)

Hon. Speaker: Hon. Members, that is what is in the handwritten statement. Are they stealing everyday so that the numbers increase every day? It should have been specific to 21st February 2019. The Order Paper must be prepared in advance. You gave the information on 21st February 2019. Nevertheless, Hon. Kamuren, there is no problem. The issue is about stealing of cattle. You will discuss with the Cabinet Secretary when he appears before the Committee to know if the number is 43 or 82. Maybe by then it will have increased, but there is no problem. There is the greater aspect on this matter that it is a recurring problem. Therefore, some measures should be put in place to prevent or contain the situation.

Hon. Charles Kamuren (Baringo South, JP): That is true, Hon. Speaker. Thank you for realising that. The bandits come from Hon. Kamket's Tiaty Constituency.

(Laughter)

They steal every day. Anything can happen right now, especially now that he is absent from the House. I do not know what will happen. Anything can change.

Hon. Speaker: Hon. Kamuren, I am sure you can tell that most Members have sympathies with what you are saying, but if you want to name your colleague, you will be required to do so through a substantive Motion. You can say that you suspect the rustlers come from a nearby constituency and that will be enough.

(Hon. Charles Kamuren stood in his place)

There is no problem, Hon. Kamuren.

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Speaker. I am ready to prepare a substantive Motion to censure Hon. Kamket on the behaviour of bandits stealing cattle from my constituency.

Hon. Speaker: Hon. Kamuren, as much as we have sympathy with what you are saying, we, nevertheless, must follow the rules.

Hon. Member: On a point of order, Hon. Speaker.

Hon. Speaker: There is nothing out of order. I am explaining to the Member. I heard Hon. John Mbadi whisper that the Member is new. We must all encourage each other.

Hon. Kamuren, listen to what you should do. If you desire to discuss a Member of the House, do so through a substantive Motion, especially now that the Member is making his way into the Chamber.

(Hon. Kassait Kamket walked into the Chamber)

(Applause)

Member for Tiaty, relax so that you get to know what is happening.

Hon. Members, the next aspect of this particular Order is a Statement, which is to be made by the Chair of the Departmental Committee on Finance and National Planning, Hon. Limo.

STATEMENT

Hon. Joseph Limo (Kipkelion East, JP): Thank you very much, Hon. Speaker.

Hon. Kamuren, in financial terms, I was issuing progressive numbers we call cumulative. So, the 82 was an addition up to yesterday. That is what I am made to understand. Hon. Kamket should be properly briefed that 82 cows have gone to his constituency.

(Laughter)

STATUS OF IMPLEMENTATION OF SECTION 33(C) OF THE BANKING ACT

Hon. Speaker, I would like to issue this Statement on behalf of the Departmental Committee on Finance and National Planning on the status of implementation of Section 33(c) of the Banking Act.

On 30th August 2018, the National Assembly passed the Finance Bill, 2018, which was subsequently assented to by the President on 1st October 2018. An amendment was made to Section 33(c) of the Banking Act requiring the Central Bank of Kenya...

(Loud consultations)

Hon. Speaker: Order, Members! It is important to listen to the Statement.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Speaker. I know the excitement Members have. Cattle are very important. Hon. Moroto sometimes says that cattle rustling is not rustling, but going to collect vegetables for children, according to the Pokots.

(Loud consultations)

Hon. Speaker, an amendment was made to Section 33(c) of the Banking Act requiring the Central Bank of Kenya to prescribe regulations, conditions on deposits or withdrawal by customers in banks and other financial institutions. This amendment was made because the current guidelines have no legal basis.

The intention was to give the guidelines the full force of the law in accordance with the Statutory Instruments Act and Article 94 of the Constitution, which states that this is the only House which makes laws including regulations.

On 24th October 2018, Hon. Junet Mohammed requested for a Statement from the Departmental Committee on Finance and National Planning on when the regulations under the Banking Act would be submitted to the National Assembly for scrutiny in accordance with the Statutory Instruments Act. Subsequently, the Committee invited the Governor of the CBK for a meeting on 26th February 2019, and the Governor stated as follows:

That, a petition had been filed in court challenging the implementation of Section 33(c) of the Banking Act.

1. The CBK had sought Attorney-General's opinion on the implementation of Section 33(c) of the Banking Act, but before they could get his response, a civil rights group herein referred to as Ajibika Society, filed a petition in court to which the Attorney-General and the National Assembly were sued as the first and second respondents respectively.
2. The provisions of Section 33(c) are not implementable because there are variety of requirements in the Banking Act and other laws on deposits and withdrawals, which needed to be wrapped up into proposed regulation.

Hon. Speaker, at some point, we had a lot of trouble on the ones that I am going to read. We could not allow him to read these ones because they are misleading, but I have to read anyway.

3. That if Section 33(c) is implemented, it will be in conflict with the United Nations Security Council resolutions that relate to anti-money laundering and counter-financing of terrorism.

(Loud consultations)

Hon. Members, of course, I had said clearly that we do not agree at all.

4. The effect of enacting Section 33(c) is to override other requirements on deposits and withdrawals that may be set by banks for their customers in terms and conditions.
5. The amendment will conflict with the Proceeds of Crime and Anti-money Laundering Act, 2009.

We could not agree at all.

In the meeting with the CBK, the Committee observed that:

1. The petitioners were challenging the constitutional authority of Parliament in making laws whereas Article 94(5) grants this authority to Parliament as the only body that has powers to make provisions that have full force of the law.
2. The CBK Governor was reluctant to implement the law due to misconception that Parliament is against regulation of the banking industry. The CBK consequently has run campaigns depicting Parliament as anti-regulation, which is not true. In the same meeting, he kept on locking his mind to the fact that Parliament only wanted to give the regulations the full force of the law, but he was showing the whole world that Parliament was against regulating the banking sector, which is not true.
3. There was no order granted halting the implementation of Section 33(c) pending court hearing. Therefore, the CBK was bound by the provision as it was passed by the House. Contrary to what the CBK has done, they ought to have implemented Section 33(c) pending determination. In the current case, they have not sought and have never been given an order stopping the implementation. Therefore, the fact that there is a case should not be used by the CBK to refuse to implement the law.
4. The CBK did not comprehend the intent of the law. They did not want even to understand why the law was enacted. They deliberately misinterpreted the law to suit their own interest. In fact, they have gone ahead to continuously publish articles in the Press to depict Parliament as campaigning to reverse the gains which they have done in the banking sector.
5. The nature of the guidelines issued by the CBK is subsidiary legislation to which Parliament has a duty to scrutinise under the Statutory Instruments Act. Therefore, as it is now, on the regulations which the CBK has already implemented in the banks, if someone is taken to court for violating them, the court cannot use those regulations to take action against any bank manager who has refused to follow the regulations.
6. The guidelines in the form of circulars issued by the CBK are illegal as far as they do not adhere to the provisions of Section 33(c) of the Banking Act and they cannot be used at any time in a court of law.

The CBK refused to implement the law on the pretext that the matter is in court yet the court has not prevented them from implementing.

Finally, the Governor continues to mislead the public that Parliament, by enacting Section 33(c), is opening the banking sector to illegal financial flaws. In fact, during the meeting, we explained that by bringing those regulations to this House, Kenya will be among the best in the world because they will have the full force of the law instead of following what other countries are doing by using memos.

It is upon this House to come up with the way forward. It is however, important to note that the Departmental Committee on Finance and National Planning executed their mandate according to Standing Order 216(5)(c), which is to study and review all legislation referred to it. It is, therefore, the mandate of the Committee on Implementation in accordance with Standing Order 209, to follow up on the implementation of the law and carry out further investigations on the same.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Limo has indicated that on the matter of implementation, that should go to the Committee on Implementation and the Chair is present and listening. Before we proceed, allow me to recognise the presence, in the Public Gallery, of students from Chebara Girls Secondary School, Marakwet West Constituency, Elgeyo Marakwet County.

Hon. John Mbadi (Suba South, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. John Mbadi, what is your point of order?

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, I have listened to the report from the Departmental Committee on Finance and National Planning on this weighty matter. This is a matter that should not be handled casually. As a House, we need to look at the way forward and to pronounce ourselves on this matter and even take action because we must take action. The Constitution is clear in my view. The Governor of the CBK, wherever he is, should know that this House does not want to control or fight the CBK. We do not want to promote money laundering. If anything, it is the same House that passed the law on money laundering. I was in this House when we passed that law. We were very clear in our minds why we needed such a law. But Article 94 of the Constitution is clear that the legislative authority of this republic is derived from the people of Kenya and is only exercisable at the national level by Parliament, namely, the National Assembly and the Senate.

We know the body with the authority to exercise the legislative authority at the county level. Therefore, there is no Kenyan, body, institution, individual, high up or low, powerful or weak who can claim that there is law that has been passed and cannot be implemented; that it is not implementable. If it is not, that law should be amended. There is a procedure of asking this House to amend a law that the Government finds difficult to implement. Before it is amended, the law remains the law. We have various stages of legislation. Once a Bill has been passed in this House, it goes to the President for assent. If any institution feels that some provisions in law are going to be difficult for them to implement, they need to, at the right time, seek for the President's veto power and the President would have it returned it to this House with a memorandum to propose amendment.

Since the CBK did not do that, the law remains in force. You cannot apply regulations that have not been passed in Parliament. Those regulations need to be subjected to parliamentary approval. That is the bare minimum. Now, what do we do? I have just listened to the Chair and it is like he is saying that: "We have done our part. It is for Parliament." There is someone under Article 156 of the Constitution who has been given the mandate to be the principal legal advisor to the Government. This is the Attorney-General of the Republic of Kenya. This person must be invited or summoned by the Committee to explain why a Government institution is not respecting the law. Because I want heads of institutions to work with confidence, so that they do not see like they are fighting with Parliament, I am restraining myself from recommending to this House to take drastic actions on the Governor of the CBK. We want him also to deliver. We know the sensitivity of the financial sector. We do not want to cause distortions. That is why I am asking that the Attorney-General gives answers as to why the CBK cannot respect our legal system. Otherwise, if we just allow this Governor to appear and insist that certain legal frameworks cannot be implemented or that regulations can just be applied without passing through Parliament, what will happen tomorrow with other Government departments, ministries and State agencies? Each body will start creating laws. What we will have is chaos. Some of the laws may contradict other laws because one parastatal may pass one set of regulations and another one a different set of regulations. The net effect will be confusion in our legal system.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Shollei.

Hon. (Ms.) Gladys Boss Shollei (Uasin Gishu CWR, JP): Thank you very much, Hon. Speaker. I wish to add my voice and that of the Committee on Delegated Legislation regarding this matter.

It is true, as set out by the Chair of the Departmental Committee on Finance and National Planning, that the Finance Act is clear that within 30 days of the Finance Act coming into effect, the CBK Governor should have submitted regulations to this House for scrutiny by the Committee on Delegated Legislation. This is set out in the Statutory Instruments Act. This has not been done. The Committee has noted that the Governor was appearing before the Committee on Finance and National Planning. We waited for the Committee to deal with it. I think he has assisted us in the work we are going to do going forward, considering the statements that he has made.

First of all, it is important for the Governor of the CBK to note that he is required by law to submit the regulations to the House. The regulations will then be tabled before the Committee on Delegated Legislation. Even if it is a legal notice or guideline, they are required to come before the Committee on Delegated Legislation. That is very clear under the Statutory Instruments Act.

So, the Governor of the CBK cannot also hide under international conventions and other regulations of international anti-money laundering laws. If Kenya has signed those conventions, they are required to be domesticated under our regulations or an Act of Parliament.

(Applause)

So, he should bring those international conventions or guidelines and the regulations he wants to go by to this House. In fact, my Committee has today resolved and sent a letter to the Governor of the CBK requiring him to submit the regulations to this House within the next seven days.

(Applause)

There is no public officer in this country who is permitted to contravene or be in breach of the law. You cannot create your own law. This is not a banana republic. The CBK Governor must then either abide by the law, which is to submit the regulations to this House, or be subjected to a tribunal to remove him for contravention of the laws of Kenya.

(Applause)

You cannot, on one hand, hold a position using the laws of Kenya and at the same time, say that you do not respect those laws. The CBK Governor is on notice. He is required to comply. I think this also good for other regulatory-making authorities and ministries that even if there is a regulation they are implementing lawfully and has been gazetted, the Committee on Delegated Legislation is permitted by law to recall the regulation, scrutinise them again and decide whether to approve them, amend them or bring them to the House for nullification. We did that before in the Electricity Regulatory Board regulations which had already been approved by the previous Parliament. The current Committee recalled and nullified them. This matter shall be dealt with and I think Members will be happy to know that the Committee on Delegated Legislation is seized of this matter.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Hon. Members, let us just be brief. Member for Rarieda.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. Let me add my voice to this very serious matter. In my view, it is nothing short of contempt of Parliament. Article 94(5) is very clear, as stated by the Chairman, that only Parliament can make anything that has the force of law. However, we have a situation where the Governor of the CBK is now purporting to make laws. He is reluctant to bring that law, in accordance with Section 11 of the Statutory Instruments Act, so that the elected representatives can test the legality of that law, the consistency of that law and the propriety of that law.

This is a matter in which it may not be sufficient to refer to Committee on Implementation. It is a matter of which the Committee on Delegated Legislation should give the Governor time as they have indicated, failing which, I suggest that a censure Motion be considered. It cannot be said that after Parliament has made a law, the Governor of the CBK seeks the view of the Attorney-General on the legality of that law. There is no such provision. The legality of laws is tested here. If there is doubt, they are tested in the High Court; they are not subjected to the opinion of the Attorney-General.

It should also be added that the CBK Governor should know that he is treading on dangerous ground. By not submitting the legislation, the subsidiary legislation, to this House; by not implementing the effect of Section 33(c) of the law that was passed, he is actually failing to obey the law. Under Article 251 of the Constitution, any holder of an independent office can be removed for failure to obey the Constitution or the law.

(Applause)

I think the Governor of the CBK must be thoroughly cautioned. If that continues, this House must consider removal proceedings.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, let us not debate this. That is why I was telling you to listen to the Statement made by the Chair of the Departmental Committee on Finance and National Planning. We are not there. There was a very serious aspect of the Statement that, when the Governor appeared before them, he said some funny body - I do not know the name he used - a citizen or something, went to court. It is not him, but some concerned citizens, not the Governor of the CBK or the CBK itself. It is some other fellows. More importantly, those people, by whatever name they may be known, did not obtain any conservatory orders from the High Court. Therefore, the law is in operation. That Section 33(c) is in operation. That is important to note, first, that it is not the CBK or the Governor who went to court. It is another busy body somewhere. The busy body was also in a hurry. He did not even seek a conservatory order. This debate can stop.

(Hon. Joseph Limo spoke off record)

Hon. Speaker: Are you saying that you are divided? Oh, I see you mean you have invited him. Hon. Kenta.

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Speaker. I just want to let the House know that we have invited him to appear before us on 12th March 2019. That is next Tuesday. The meeting will be held at Continental Building, 2nd Floor. I would like the Members to attend that meeting. What this man is doing is trying to undermine the authority of Parliament and the Executive. This law was assented to by the President himself. If somebody

can say the Executive is wrong, Parliament is wrong and have the audacity to come and say he cannot implement it, I think the best thing for this gentleman to do is to resign because he has no confidence in the National Assembly and respect for the President. If this is allowed to continue, institutions of this country will be laughed at by everybody. They will be ineffective. This is something that must not be allowed.

I would like Members to know that we have moved and we are going to ensure this House does not act in vain. It must be respected accordingly.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, let us leave it at that. The Committee on Delegated Legislation has written to the Governor. The Committee on Implementation has invited the Governor to appear on Tuesday next week. So, any further discussion could prejudice whatever is likely to be discussed by the Committee on Implementation. I believe there will be sufficient time to go and ask those questions - the questions that you may wish to raise here - so that we can make some progress. Remember we still have some business here that requires to be concluded today.

Let us move to the next Order.

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON
COUNTY GOVERNMENTS (AMENDMENT) BILL

Hon. Speaker: Order, Members. Debate on this Motion was concluded. What is remaining is for the Question to be put.

(Question put and agreed to)

Mover.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. I beg to move that the County Governments (Amendment) Bill, (Senate Bill No.11 of 2017) be now read a Third Time.

I request Hon. Duale to second.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. As I second, at least, we can confirm that if this law is accented to by the President, the position of deputy governors and speakers will be anchored in law.

Secondly, thanks to the Members who yesterday rejected the amendments that were creating very rogue speakers, who could only be removed through the Senate. The Senate has no business in the counties. It is the members of the county assemblies who elect their speakers. If they feel like removing them, they can have even 20 speakers in five years.

I beg to second.

Hon. Speaker: Hon. Members, even before I propose the Question, it is good that I left the House to make that decision. The confidence must be with the Members who elect the Speaker. You cannot transfer the confidence of the county assembly to another House sitting in Nairobi. Even if that House desires to sit in that county assembly, it is important that Members address themselves to that issue because, had I rejected it, it would have created the impression that I am also having a vote. So, I left it for you to vote. Article 122 is very clear that the Speaker has no vote. On some occasion, the Speaker has some eyes.

(Question put and agreed to)

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

MOTION

REPORT ON DISBURSEMENTS OF FUNDS TO NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the Status of Disbursements of Funds to the National Government Constituencies Development Fund as at 22nd February 2019, laid on the Table of House on 26th February 2019.

(Hon. Maoka Maore on 5.3.2019)

(Resumption of Debate interrupted on 5.3.2019)

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I rise under Standing Order No.95 and this matter has been discussed exclusively the whole of yesterday. Will I be in order to ask the Mover to reply?

Hon. Members: Yes.

Hon. Speaker: Do I read the mood of the House that the Mover be called upon to reply?

(Hon. Junet Nuh spoke off record)

Hon. Speaker: Why two minutes? Hon. Junet, why do you want to dictate? The speaking time for the Mover is stated in the Standing Orders and the various resolutions that the House passed in the first day. Mover!

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I beg to move that this House adopts the Report of the Select Committees on the NG-CDF on the status of disbursement of funds to the NG-CDF as at 22nd of February 2019, laid on the Table of this House on 26th February 2019.

I wish to thank the Members who have unanimously and comprehensively contributed and supported the Report. I concur with most or all the sentiments that were captured during the deliberations of the entire afternoon of yesterday. As we agree with the Report, I wanted to bring to the notice of Members some issues that members of the public have been noticing. That after 15 years of NG-CDF, there are many constituencies that have makeshift schools that appear in the media very often. It is a shame that you can have nearly 70 per cent of that money that we are getting every year and 15 years later, you have makeshift schools or schools under trees. That should be watched by the Members who happen to be patrons of the NG-CDF.

We have children who appear in the media very often stranded because they are looking for school fees yet Members have a minimum of Kshs20 million per constituency for bursaries. Those are bright and brilliant children that should be taken care of in their constituencies.

We also raised concerns that we have equal amounts, but there are loud murmurs that it should be equitable where you can have certain percentages as equal and then the rest using other factors. That will need an amendment. It is in the purview and powers of this House to do it.

With regard to the issue of the 2.5 per cent, I wish to state that we are not receiving the 2.5 per cent as per the law. We should be getting a minimum of 2.5 per cent as per the current law. Members should increase the percentage to five per cent. The 2.5 per cent should come from the counties. In Meru County, we got Kshs900 million in the NG-CDF and the governor has Kshs9 billion yet if you go to every corner of the county, the money you see is from the NG-CDF. So, it is wise that we get the 2.5 per cent of the total allocation from the county and take it to the constituency.

As I conclude, tomorrow we will be having the names of the proposed members of the NG-CDF Board in this House. When we support it, we will move forward and thereafter, this Committee will have an entity to coordinate matters with.

Finally, on the issue of the funds, by the end of the week, we will have another Kshs4 billion released from the National Treasury to the NG-CDF Board for the purposes of disbursement. So, in the next few days, Members should get a minimum of Kshs10 million in their accounts as we continue. Thereafter, the National Treasury has agreed to be sending Kshs2 billion a week until we exhaust this money. At the end of the month, we have agreed that there should be a minimum of 90 per cent into the NG-CDF Board account.

Thank you, Hon. Speaker and the entire Member for your contributions.

(Question put and agreed to)

SPECIAL MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT TO THE NATIONAL POLICE SERVICE COMMISSION

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, I beg to move the following Special Motion:

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of Nominees for Appointment as Chairperson and Members to the National Police Service Commission, laid on the Table of House on Tuesday, 5th March 2019 and pursuant to the provisions of Article 250(2)(b) of the Constitution and Section 6(6) of the National Police Service Commission Act, approves the appointment of the following persons to the National Police Service Commission:

- | | | |
|------------------------------------|---|--------------|
| (i) Mr. Eliud Ndung'u Kinuthia | – | Chairperson. |
| (ii) Ms. Lilian Mutio Kiamba | – | Member. |
| (iii) Mr. Eusebius Karuti Laibuta | – | Member. |
| (iv) Mr. Naphtaly Kipchirchir Rono | – | Member. |
| (v) Dr. Alice Atieno Otswala | – | Member, and, |
| (vi) Mr. John Tentemo Ole Moyaki | – | Member. |

Hon. Speaker, on Tuesday, 19th February 2019, pursuant to Standing Order No. 42(3), the Speaker of the National Assembly conveyed a Message to the House from His Excellency the President nominating the following persons for the positions of chairperson and members to the National Police Service Commission for approval by the House pursuant to Article 246(2)(a) of the Constitution, whose names are as per the Order Paper.

Hon. Speaker, Article 246(2)(a) of the Constitution confers upon the President the powers to nominate, and subject for approval to the National Assembly, appoint the chairperson and members of the National Police Service Commission.

Upon conveying the Message from His Excellency the President on the nomination, the Speaker of the National Assembly forwarded the names of the nominees and their curriculum vitae to the Departmental Committee on Administration and National Security to conduct approval hearings.

Hon. Speaker, on Thursday, 21st February 2019, pursuant to provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Office of the Clerk published an advertisement in the print media with wide circulation inviting members of the public to present submissions and memoranda touching on the suitability or otherwise of the nominees for chairperson and members of the National Police Service Commission. By close of business at 5.00 p.m. on Tuesday, 26th February 2019, no memoranda had been received from the public in favour or against the aforementioned nominees.

Hon. Speaker, the Committee held a preparatory meeting on Tuesday, 26th February 2019 to familiarise Members with the curricula vitae of the nominees and prepare for the approval hearing pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act No.33 of 2011. The Committee then held the approval hearings on Thursday, 28th February 2019.

Hon. Speaker, the Committee received letters of clearance from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigation (DCI) and the Office of the Registrar of Political Parties (RPP).

The Committee, having considered the academic credentials, professional training, experience, personal integrity, background of the nominees and having heard their oral submissions during the approval hearing at the sitting held on Thursday, 28th February 2019 made the following general observations:

1. The nomination of the persons for the positions of chairperson and members of the NPSC met the requirements under Article 246 of the Constitution and Section 6 of the National Police Service Commission Act.
2. The Committee did not receive any memoranda challenging the suitability for appointment of any of the nominees.
3. The nomination comprises of six persons, four men and two women and, therefore, meets the two-thirds gender rule as per the provisions of Article 27(8) of the Constitution.
4. Analysing the composition of nominees to the NPSC, there is a reflection of regional and ethnic diversity. However, there is need in future vetting exercises for parliamentary committees to be furnished with the schedule confirming the membership of all Chapter 15 commissions and independent offices to enable Parliament to ensure that nominations which are subject to vetting reflect regional and ethnic diversity of the people of Kenya.
5. Looking at the composition of the nominees, there are no persons living with disability or the youth.

Hon. Speaker, there is, therefore, need in future nominations to include qualified persons living with disabilities and the youth in the list of nominees for vetting to the National Assembly pursuant to the provisions of Article 27(6) and (7) of the Constitution of Kenya.

The Committee further received information that during the months of January and February, 2019, His Excellency the President appointed a selection panel pursuant to the provisions of the National Police Service Commission Act.

The selection panel elected Mr. Stephen Kirogo as its chairperson. It then proceeded to advertise vacant positions at the NSPC in two local newspapers of wide circulation. The panel undertook two rounds of shortlisting and interviews and thereafter forwarded names under the various categories that were vacant for consideration and nomination by the President.

Hon. Speaker, the Committee, having vetted the nominees, made the following general observations:

- (i) That, the nominees demonstrated that they had the requisite qualifications and experience for appointment as chairperson and members of the National Police Service Commission.
- (ii) That, the nominees exhibited impressive and extensive knowledge, experience and skills on issues touching on public service, human resource management, administration and matters relating to the National Police Service.
- (iii) That, the nominees satisfy the statutory requirements on leadership and integrity having been cleared by the Directorate of Criminal Investigations, the Kenya Revenue Authority and the Higher Education Loans Board.
- (iv) That, the Committee did not receive any adverse information on any of the nominees from the Ethics and Anti-Corruption Commission, which is the constitutional body mandated to ensure compliance with and enforcement of the provisions of Chapter Six of the Constitution.
- (v) That, the nominees have never been convicted in a court of law for a criminal offence in the past three years.
- (vi) That, as stipulated in Article 75(1) of the Constitution, the nominees indicated that they have no potential conflict of interest.
- (vii) That, the nominees satisfy the requirements of Article 77(1) of the Constitution in that they do not intend to participate in any other gainful employment.

Hon. Speaker, the nominees do not hold office in any political party hence they satisfy the provisions of Article 77(2) of the Constitution and are, therefore, fit to hold office as chairperson and members of the Commission.

In conclusion, I urge Hon. Members, to read the comprehensive Report of the Departmental Committee on Administration and National Security in order to fully appreciate and enrich the debate. I further urge Members to adopt recommendations of the Committee and approve the nominees as contained in the Report.

Hon. Speaker, I beg to move the Report and kindly request Hon. John Waluke to second. Thank you, Hon. Speaker.

Hon. Speaker: Member for Sirisia, Hon. Koyi Waluke.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Speaker. I rise to second. As a Member of this Committee, we considered the nominees with a lot of dedication. However, two groups were not represented. They are, one person to represent people with disabilities and another the youth. However, as a Committee, we have recommended that in future, they must also be considered.

Hon. Speaker, I second. Thank you.

(Question proposed)

Hon. Speaker: Member for Rarieda.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I rise to support this Motion and the six individuals who have been proposed. As the Chair has indicated, it is clear to me that there was a clear effort to have regional and gender balance.

In replying, perhaps, the Chair will indicate the specific compliance with Article 246(2) (a) of the Constitution. This is because there is the requirement that of these six, one person be qualified to be appointed as a Judge of the High Court and two be retired senior police officers. I believe that perhaps in replying they will point out specifically who fits that particular bill.

In supporting the Motion, I also urge that perhaps the Departmental Committee on Justice and Legal Affairs might consider appropriate amendments so that we avoid this situation of coming to appoint commissioners to offices after holders have left. I think it is good practice to have a situation where this process starts, at least six months before expiry of the tenure of the previous commissioners so that by the time they are leaving, we will have gone through this process and avoid doing it in a crisis.

I also urge that the incoming commissioners, if approved by this House, should strive to do what the previous commissioners did not sufficiently do. They must strive to ensure that the Police Service is a service and not a force. The word “independent” which we have put in the Constitution, in respect of the Office of the Inspector-General (IG), means something. It means that civilian oversight of the police is maintained and the Police Service serves the people without corruption, nepotism and favouritism.

Hon. Speaker, with those, I support.

Hon. Speaker: Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, JP): Thank you, Hon. Speaker. I stand to support the Motion. I agree with the submissions expressed by the Member for Rarieda. But, at the same time, one of the things that have really affected the Service is police welfare.

I hope and believe the incoming commissioners will seriously address the new concept of the NPSC. We know there are a lot of issues affecting the Service right now; the merging of the regular police and the Administration Police (AP). The issue of accommodation; house allowances and the uniforms is still not sorted. We see some police officers in blue, jungle jackets and others in yellow. We see all kinds of uniforms. I think it is high time this commission, just like other Members have expressed, took their responsibilities seriously.

One of the things we require these commissioners to do is to immediately embark on a mission to re-orientate the Police Service officers. Having merged the two, and coming from the issues we have experienced of indiscipline, reckless shootings and many other aspects associated with the Police Service, I strongly believe that these gentlemen and ladies who are coming in as commissioners are up to task. I have no doubt in my mind that we will be seeing a lot of changes and improvements.

Hon. Speaker, with this, I support.

Hon. Speaker: The Minority Whip.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. I stand to support this Motion. These appointments are coming at a very critical moment as the leadership of the police force transits from the current IG to a new one after six years.

The NPSC is such a critical national institution that finding the right people to lead and oversee is something of utmost importance to the people of Kenya. It is a pity we had a NPSC

that has just exited. However, there is nothing to remember about the group that has just left, a few days ago. They have not introduced any significant reforms we can take home.

I can only remember the previous Chairman's mode of dressing. However, there is nothing else I can remember about that commission. This was the first commission appointed after the new Constitution. Kenyans had a lot of problems with the police force in terms of reforms, their duties and functions. I could say without fear of contradiction that it was a wasted opportunity for that commission to have played that role.

This is a commission that handles the human resource issues of the police force and places people in certain positions so that they can enforce the law. In this era where there is serious heightened war on corruption, I hope the new commission will play a significant role in making sure that the right people are in the right place.

So, this war is being fought at the Directorate of Criminal Investigation and the Office of the Director of Public Prosecutions (DPP) after those two offices were reformed and given to the right people who can do that work.

The Chairman, Mr. Kinuthia, who has been nominated to chair that commission, was the coordinator of the National Police Service Reforms Programme. He also served in Justice Philip Ransley-led taskforce to reform the police. This is a man who has a lot of experience and knowledge in the reforms that we want to make within the National Police Service. There could have been no better person than him as far as doing this job is required.

I also want to vouch for Dr. Alice Otwala. She is a distinguished public servant who has served in this country in many capacities for many years having been the Secretary to the Public Service Commission. So, she understands the human resource function well. All the people who have been nominated to this commission are people who have the requisite qualifications, as it has been explained here by the Departmental Committee on Administration and National Security.

Looking at the police force, it seems like we have never taken security as a serious matter. Without security, there will be no investment and trade. Human life will be in danger and Parliament will not function. Security is the most important thing that comes ahead of any other issue that you intend to do. The way the police have been treated has been casual for many years. Their housing, remuneration and police stations are deplorable. Some police stations are so bad that you cannot go in. They are filthy and stinking. They can make you sick. You can be taken directly to hospital after visiting them.

For example, Pangani Police Station, where I spent six days, is in deplorable condition. I am lucky I came out alive. So, it is high time we focused on them. The Ministry of Interior and Coordination of National Government has come up with a good programme in terms of housing. It has been said that police officers can live anywhere they feel like. They will give them house allowance. That is good because putting police officers in camps and police station housing, where four officers have to share a room, is bad. It is unacceptable and inhuman. During the six years that these nominees will serve, they must make sure that by the time they leave office they leave behind a police force that is in a better position than they found it.

The police force is the most important institution in our country, unless we want to close our eyes on reality. As Members of Parliament (MPs), we have police officers who guard us. They travel with us in our cars to make us feel protected. The same people are not taken care of properly. One-third of the Kenyan budget should go to security, and it should be spent well. It should not be like the dams story. Every coin must go to where it was intended. The new uniform looks good but it is shinny. Its purpose could have been so that they are seen at night without

lights; the uniform is striking. It is part of the reform agenda that has been brought to this country by the Ministry of Interior and Coordination of National Government. The Cabinet Secretary, Dr. Matiangi, and his Principal Secretary, are doing a good job. As Parliament, we need to support them in terms of funding and making sure that the National Police Service is reformed once and for all.

With those few remarks, I support.

Hon. Speaker: Member for Bumula Constituency.

Hon. Mwambu Mabongah (Bumula,Independent): Thank you, Hon. Speaker. Having looked at the list of the proposed nominees, I am satisfied that they are qualified Kenyans who can take up these roles. Looking at the list, unless I do not understand what the phrase ‘regional balancing’ means, the slots have been shared out between into regions. We have regional commissioners representing the national Government. If we were to go with that, one region could not be missing out. If you look at it, there is nobody from the region that spans all the way from Kakuma up to Busia. So, when we talk of regional balance, let us be realistic. This is the same problem we find in our security forces. You will find one or two tribes dominating the forces. That is why we do not have good services as much as we complain of welfare and other things.

So, I have reservation with this list. One region has been left out.

With those remarks, I oppose.

Hon. Speaker: Hon. Member, how many regions are in Kenya?

Hon. Mwambu Mabongah (Bumula,Independent): About eight, Hon. Speaker but two names on the list come from one region. There is no regional balance here.

Hon. Junet Nuh (Suna East, ODM): On a point of order, Hon Speaker.

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

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. It looks like the Member is not aware of the new Constitution that runs this country. This country has only 47 counties. It has no regions. The Constitution says we are a republic made up of 47 counties. Regions were in the Kenya African National Union (KANU) times, in the old Constitution. There are no regions in this country.

Hon. Speaker: Hon. Members, Hon. Mabongah is an independent candidate. That is why I gave him a chance to speak, notwithstanding that the Motion was seconded by the Member for Sirisia, who comes from his county. So, he should also consider himself lucky that he is an independent MP. Therefore, he can be considered on account of being independent notwithstanding that the Motion had been seconded by a member from his County.

Therefore, we could look at some of these things with an element of...

Let us have, Hon. Katoo Metito.

Hon. Katoo ole Metito (Kajiado, JP): Thank you, Hon. Speaker. I rise to support the Motion. These slots are only six. It is not possible to have all regions accommodated. However, you can remember that the Chair of the outgoing commission comes from that perceived region. I have convinced him that, since the outgoing chairperson came from his region whereas I had nobody from my county, this time round we should have somebody from my region. He will take care of the interests of his region.

These are qualified Kenyans. Two of them are well known to me. One is, Mr. Naphtaly Kipchirchir Rono. I want to inform the Senior Counsel, the Member for Rarieda. He said that when the Chairperson of the Committee will be replying, he should say...

The Member for Rarieda, who is my good friend, said that when the Chairperson will be replying, he should inform the House who is qualified to sit as a Judge of the High Court. Mr. Kipchirchir Rono is a lawyer with 17 years’ experience. He is also an advocate of the High Court.

That should satisfy that requirement. This nominee is well known to me. He has served as an intelligence officer and rose through the ranks up to the level of Chief Intelligent Officer. I have no doubt whatsoever on his capacity and ability to serve in this commission. Therefore, I wish to request Members that they give him full support.

The last nominee, Mr. John Ole Moyaki, is from my county. I want to plead with Members that this nominee was our first nominee for the position of Chairperson to Kajiado County Public Service Board. As you may know, all the County Public Service Boards in the 47 counties started from scratch; part of their achievements were to ensure that there was a county service board in place and a county organisational structure. These are great achievements and they deserve to serve as commissioners at the national level.

I want to highlight three issues on the National Police Service Commission. If approved by this House, it should take them seriously. One is salary harmonisation. There has been a lot of agitation, especially from graduate police officers who claim that the structures as put by the Salaries and Remuneration Commission (SRC) do not favour them. In a way, they may have lost some coins as graduate police officers. This commission needs to take that issue seriously. If there are loopholes in the salary structure, they need to work with the SRC and harmonise the salaries of police officers.

The second issue is on housing. I agree with the Member who talked about the big issue of welfare of police officers. I have reservation on the idea of police officers living with members of the public as part of police reforms. As a former Minister in charge of Provincial Administration and Internal Security, I do not agree with the idea. It was not well thought out. There are merits and demerits of allowing police officers to live with members of the public. As a policeman, you are in charge of security. When you guard the citizens and their properties, your life is at risk. Policemen are the first people who are at risk than anyone else in this country. Allowing them to live in the same estates with members of the public would be exposing them to criminals they could have arrested and taken to court. I know they will not be armed while in those estates. Police officers are safer living in their own quarters. So, that idea needs to be given a second thought.

The third one is on recruitment. I must congratulate the Jubilee Government, led by his Excellency Uhuru Kenyatta. When he took over in 2013, we were way below the required United Nations police officer to civilian ratio. At that time, the ratio was 1:900 whereas the UN requirement is 1:450. The Jubilee administration took deliberate moves of recruiting more officers. We are now below the ratio of 1:450. We are at about 1:400. That is a good achievement. Once these nominees are approved by this House, they need to look at the structure of the National Police Service, which is bottom-heavy. We have recruited a lot of officers at the bottom. We have done reforms that recognise merit at the top.

However, in the middle-level cadres, there is a gap. They need to effect some promotions to fill the middle-level gap before they conduct recruitment at the lower level. We now have a police force that is bottom-heavy. Maybe, that is what they considered as the reason for not recruiting for one year. The National Police Service did not recruit officers last year. So, they will need to look into the aspect of staffing levels. I want to support all the six nominees for one good reason.

When the Chairman of the Committee was moving the Report, he said there was no single memorandum against any nominee written by the public. Therefore, having been subjected to public participation and the public has approved all of them, and that is why they have not indicated any issue against any nominee, as a House, I request that we agree with the public and approve all the President's nominees and we have the jobs start immediately.

With those few remarks, I support the Motion.

Hon. Speaker: I just want to get this correct. There is a point that was raised by Hon. Otiende Amollo. I think it has been partly responded to by Hon. ole Metito. However, when you look at Article 246(2) (a) of the Constitution, what Hon. Metito has responded to is (i). I think the House should be grateful to Hon. Otiende Amollo because it is only fair when we are debating this Motion that those issues are cleared. Hon. ole Metito has said one of the nominee he has named is a lawyer of 17 years' standing. Of course, if you look at the qualifications, it means that that is one aspect.

Article 246(2)(a)(ii) of the Constitution requires that two others are retired senior police officers. Part (iii) is partly addressed by what Hon. Katoole Metito said as persons who have served with integrity in public service. That is what you have mentioned about the last nominee. I believe somebody else mentioned about the fifth nominee. Maybe I may not want to go to the others, but can we get an indication of whether this list has two retired senior police officers so that at least Members will be clear about being faithful to the constitutional requirement? Who can respond to this? Let us have Hon. Koinange.

This is not for any of you. The Chairperson is here. Everybody is raising their hands. The chairperson is here, Hon. Nkatha.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. Ms. Lilian Mutio Kiamba was working in the Directorate of Criminal Investigation for very many years. Mr. Eusebius Karuti Laibuta was working for the Administration Police for very many years. The rest, that is...

Hon. Speaker: I think you have responded to my concern, although not quite exactly. The requirement in the Constitution is not for very many years. It is "senior". One could have been there as a constable for many years. That is not sufficiently senior. The Constitution is talking about senior but it has not defined "senior". Maybe Hon. Koinange could also clarify at what level they serve and then the House can determine whether that is senior enough or not.

Hon. Paul Koinange (Kiambaa, JP): They were very senior officers and that is why they were called back.

Hon. Speaker: What are the ranks?

Hon. Paul Koinange (Kiambaa, JP): Lilian was actually a senior commissioner.

Hon. Speaker: Member for Suna West, do not get agitated. There is enough time to debate this Motion or you know the ranks of policemen? Hon. Koinange does not appear to have known the ranks.

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, Laibuta was an Assistant Inspector-General (AIG), that is, SSP.

Hon. Speaker: What about the other one?

Hon. Paul Koinange (Kiambaa, JP): Lilian was Senior Superintendent in the Directorate of Criminal Investigation.

Hon. Speaker: That clears it. That is why I was attentive to the point raised by Hon. Otiende Amollo. It is important so that we clear the constitutional issues first. Let me hear the Member for Kiminini who has been here for a long time now.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker for giving me this opportunity. I thank you for bringing that clarity. It is important that when Chairs come to this Floor of the House to move Motions, they should highlight critical issues. The third part says: "three persons of integrity who have served the public with distinction." The Chairman cannot run away from this. He must be able to demonstrate if the three have worked in the public

with distinction. How do you measure that somebody has served with distinction? Of course you do not have a “distinctionmeter” but there are other indicators...

Hon. Speaker: Hon. Wamalwa, have you looked at the Committee Report?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Yes, I have looked at the Report, Hon. Speaker.

Hon. Speaker: It does not address that.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Yes, because here we need to address issues.

Hon. Speaker: Then you can point that one out so that the Chair, in replying, can explain. Proceed.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker. When it comes to reply, you can highlight that, but in the real sense it should not be in the reply but actually when you are moving so that you qualify this to the Members that this has happened. For instance, when it comes to distinction, if somebody has...

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Kaluma, what is your point of order.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I think it is wrong for Members, without reading a Report of a Committee, to burden Members of the Committee or Chair to be giving them the information. In so far as these individuals are concerned, we have gone through each and every nominee from their dates of birth to the schools they went to; to areas they have been serving in public service or otherwise to date. I do not think Hon. Wamalwa is right to mislead the House that this Committee took its job casually.

There is also the other issue which was raised by a Member concerning regional and ethnic balance. I feel it is also brewing. What the Constitution, in Chapter 15, requires is that the commissions are looked at as a whole. You cannot attain regional or ethnic balancing in one but all commissions looked at as a whole should meet the requirement of ethnic and regional balancing.

If you did that, Hon. Members, then we would not take time debating those issues. You just need to look at the composition of the ethnic communities which claim they are not properly incorporated in this one and you will be satisfied that if you looked at all these commissions and independent offices, there is satisfactory accommodation. I request Members so that we focus debate that we do not make contributions that seem to undermine the work of a committee without reading the Report. All these issues, even the issue concerning the qualifications of the two former police officers, if we cared to read the Report, those levels at which the individuals served are all there in the Report.

Hon. Speaker: I thought I heard: “When I looked at the Report, for instance, nominee number 5...” This is so that we can disabuse ourselves from some of these issues we are raising. If you read the Report, you will see that this lady has served in the Public Service Commission (PSC) as secretary. Yes, the CEO is the secretary to the Commission. The Member from Wajir, they are called secretaries in the Constitution. Those other things you are introducing are in enabling legislation. She was the secretary to the PSC and she left there not because she was sacked. When, sometimes, we raise some of these issues, we are just bringing passions for no reason. Why do we not read the Report so that if you want to criticise your own Committee, you criticise it with facts? It is a Committee of this House. Proceed.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker. What I meant is that when you are moving a Motion, you highlight those issues as you qualify what is

stipulated in the Constitution. That is very important. However, you realise that if those issues are not put when you are moving the Motion, it creates doubts. That is why it is important when you are moving, you highlight critical issues. That is why everything has been done with regard to the issues of the High Court.

There is also the issue of succession. We know very well that the term of the previous commission ended sometimes back. It is important that before the term expires, we put everything in motion so that we are not in a vacuum. This is something we should look into as we move on.

There is something critical about the police living with members of the public. We had an incident in Trans Nzoia where a police officer somewhere in Kolongolo in Kwanza Constituency had an affair with somebody's wife. When the gentleman came to complain, he ran towards the police to try and get his gun and was shot. That is why I agree with Hon. Metito that this issue needs to be revisited. We are allowing these people to mingle with civilians. It is a threat. There are police officers who cannot be contained when they are out there. They will snatch people's wives. This must be revisited. They will even snatch people's husbands. Nowadays ladies have become worse than men. I agree with you, Hon. Cecily Mbarire, that your husband might be taken.

I support the Report.

Hon. Speaker: Let us have the Member for Bomet. These are Members who put their cards and disappear.

Let us have Nominee No.001, David ole Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker for giving me this opportunity.

From the outset, I support these nominees especially because they meet the two-thirds gender balance rule. Looking at their names, the appointing authority tried as much as possible to ensure regional balance.

I have some reservations. Many people with disabilities who acquired their disability during old age were mostly courtesy of road accidents and violence. Majority of them who acquire disabilities through violence are in the police service. It would have been imperative for the appointing authority to make sure that in this particular commission, there is somebody with disabilities. Even if we will miss out on other commissions, it was very important for us to have a representative of persons with disabilities in the National Police Service Commission. I have received a lot of complaints from police officers who acquired their disabilities in their line of duty, have been stigmatised and sometimes sacked from the service simply because they acquired disability while protecting this nation.

As I support this list, I plead with the appointing authority that in the next appointments of commissioners, they should consider persons with disabilities. A person with disabilities would have greatly benefited this commission. As you know, the Police Service requires physical strength. Any one of us is a candidate for disability including those police officers. The moment they acquire their disability through disease, bullets or accidents, it becomes very difficult to serve in that service. It would have been very nice and imperative to have a commissioner with disability in the NPSC so that we can know ways of dealing with those who have acquired disabilities while protecting our citizens. At times, we advise them to appoint police officers who have acquired disabilities in office work in writing AOBs.

Hon. Speaker, my brother is a regular visitor to such stations. I am not so I may forget some of these things. He has assured me that it is called an Occurrence Book (OB). Police

officers who have acquired disability can still be of assistance in recording OBs in office work. The Police Service requires office work. This can only be streamlined if we have a commissioner with disabilities.

The reason why I support this list against those odds is because of the nominees themselves. The nominees are not only qualified but there are two female nominees amongst the six nominees which gives us two-thirds gender threshold which we want. There is a nominee called John ole Moyaki. The Maasai people say that if things get worse, you go back to your father's house. That is why when I see the name of a Maasai, I support the nominees.

Nowadays, pastoralists do not have names of Maasais, Somalis, Ndorobos or Pokots. We are now under a new name of *wafugaji*. They are pastoralists. We control 80 per cent of the whole country. We are endowed with underground resources including oil in Turkana, gold and other underground minerals. So, when we see one of our own, we support them because after a long time, especially after Sessional Paper No.10 of 1965 which marginalised pastoralists, we are now coming back. We have to support our fellow *wafugaji*.

With those many remarks, I support the nominees.

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

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Members. I must appreciate the number of Members who want to contribute to this. In fact, there are 33 Members who want to contribute to the Report. I am sure that guided by your own conscience, you can decide to be a good brother to your fellow Members of Parliament.

Let us have the Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM – K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this very important Report. I want to thank Hon. Koinange and his team for a job well done.

There are quite a number of issues which the new commission is likely to do to make the police force more useful to Kenyans. Security is a very important aspect of our nation. That is why the docket of security is squarely under the President of the Republic of Kenya. Security of people is prime and very important for business, especially tourism. Considering the fact that we are in a region constantly visited by terrorists, all the arms of Government dealing with security are very important, this commission being one of them.

Under this commission, we have the Inspector-General of Police. We also have Cabinet Secretary Matiang'i who is doing a very good job. His Principal Secretary has done very well. The Director of the Directorate of Criminal Investigation, Mr. Kinoti, has also done very well. There is no single homicide case in the country where someone is not arrested within three days and subsequently charged in a court of law. That is efficiency. There is also the fight against corruption. Hence, it is important to have an independent commission to ensure that the work of those people is smooth, effective and eventually serves the nation.

I want to contribute to the issue of the housing of police officers. They were given house allowance. One of the things I expect the National Police Service Commission to do while re-visiting this area is to first look at this new house initiative which will be introduced into the country according to the law and Constitution. Article 43 of the Constitution says that every

person has the right to accessible and adequate housing. There is also the Housing Act and other Government institutions which deal with housing. Currently, we are coming up with regulations on how we will fundraise to make sure that houses are constructed. The first priority should be given to the police officers and their welfare. We have a lot of police stations with adequate land where good housing can be given priority, so that the officers who choose to live within the quarters and near where they work can have a choice and those who want to stay outside the police stations can also have a choice. Housing aspect is very important. People who take care of our security carry guns. They are at risk from people who want to get those guns and those they may have dealt with previously. Therefore, the security of a police officer is extremely important.

One of the things which have come up and should be of big concern to these particular new Commissioners is the new activity which is going through the courts. If somebody dies in the hands of police officers, a lot of times, it is a case of misadventure. If there is a robbery and somebody who is far away or near that incident gets shot, the police officers are convicted for murder. From what we have seen in the Press, the Director of Criminal Investigation went through that experience. He almost lost his life trying to save Kenyans. This is a situation for most police officers in the country. It is a very serious matter. The police officer is likely to lose his life or the criminal loses his life at that particular moment. Guns are not used to scare or shoot in the air. They are used to secure property and lives of other Kenyans, beginning with the life of a police officer. In those instances, a lot of police officers have been convicted of murder.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members. Order, Members who are on the walkways! The consultations are very high. We have to listen to the contributions by Hon. Maanzo. Please lower your consultations.

Hon. Daniel Maanzo (Makueni, WDM – K): Thank you, Hon. Temporary Deputy Speaker. These police officers come from our constituencies and other parts of the country. They do a very important job. Each one of us is assigned a police officer for taking care of our security. Therefore, the whole scenario must be re-looked at by the new commissioners, so that we can make sure that our Kenyans are safe, and also the people who take care of our security are safe and happy where they live with their families. A lot of other Kenyans who are looking for job in security area will look forward to do so, without looking at enormous challenges.

I want to come to the vetting of Ms. Lilian Mutio Kiamba whom I know very well. As a practising lawyer, I had an opportunity to work with her on matters pending at the DCI. I want to confirm that this is a very able officer. She has balanced the gender. She has the capacity to work. She is still very strong, despite the long service in the police force. I believe she will deal with matters relating to children, gender, women and people living with disabilities. A lot of Members have alleged here that a lot of police officers acquire their disability on the line of duty. After that, they are abandoned, are not very active or retire early miserably. I believe the new commissioners will look into their plight.

I also want to assure Kenyans and this House that the Inspector-General, Mr. Boinnet, is very keen on the safety, security and welfare of police officers. Even though he will go on retirement, I am very sure Kenyans will miss him and will look forward to another officer of that nature to come to serve Kenyans. These are the same people the Constitution talks about. People who serve the public with distinction should be considered in serving Kenyans in different

capacities. As you heard earlier on in the House, one of the biggest challenges in Kenya is cattle rustling where lives are lost. We passed a law on cattle rustling. What can we do to make sure that lives are not lost because of cattle rustling which at times is a cultural practice but it has now been turned into a crime equivalent to murder or robbery with violence in the new law which we passed in this House? I believe that if we do all this and we approve these very important commissioners, Kenyans will be served in a better way. I urge Members to support this team, so that we can have new commissioners in force.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Maanzo, Member for Makueni. Hon. Cecily Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): I am sorry, Hon. Temporary Deputy Speaker. I rise to support this important Motion on the Approval of the Nominees for Appointment to the National Police Service Commission.

I want to appreciate the work that has been done by the Committee under the leadership of Hon. Koinange who is the Chairman. I appreciate that they seem to have taken time to vet these particular nominees and ensure that we got a good mix. The reason I support this Motion is that I like the mix of these particular commissioners. I am extremely impressed with the Chairman, Mr. Eliud Ndung'u Kinuthia. First of all, he is a fairly young man because he was born in 1973. He has a lot of experience and has been deeply involved in the police service reforms that took place. He was an advisor under the Ministry of Interior and Coordination of National Government. He seems to have vast experience in matters relating to the police force.

I am also happy to see that he has not only done a Masters Degree in Statistics but he has also done Development Studies and Gender from the University of Nairobi. This means that he is committed to his work. He will look at the policies that come before the Commission from a gender lens and ensure that the police force is truly gender sensitive.

I am also happy to see that we have met the two-thirds gender principle in this Commission. So, we will not sit here and fight like we always do. We are happy that this time round, this has been followed to the letter. I am happy that the two ladies who have been appointed, Ms. Lilian Mutio Kiamba and Dr. Alice Atieno Otwala, are of great integrity and repute, as the Committee has told us. They are also well educated. I am particularly happy to see that we are adding into the mix, in terms of professional background in this Commission, a lady who has studied Criminology and Fraud Management. Therefore, we are getting a well-equipped team in education background and professionalism.

Ms. Lilian Kiamba has done Criminology and Fraud Management. She said that she would make sure that she would give special focus on matters of gender-based violence. This is not a small matter. We have seen serious domestic and gender-based violence that is happening at homesteads. People are killing each other. She said that she would make sure that there are gender-based violence centres, starting with the DCI and all the way to the stations up to the grassroots level, so that we can start handling matters that are now threatening the very fabric of our society which is the family.

I support the fact that she is committed to this matter.

Hon. Temporary Deputy Speaker, I also see that there is another lady in the list I would like to mention; Dr. Alice Atieno Otwala. She is well educated and has also served at a level no one can dispute, as secretary to another commission. Therefore, I support her. We want not just women but women of merit who meet the qualifications and who will add value at the decision-making table. We look forward to a commission that will work very well for this nation by

improving the services of the police force as it improves their welfare to ensure that they have a chance to study and improve their education so that they can be promoted on the basis of their fields of study. If there are some who have acquired university degrees, let them be promoted because that is what we want. We want a well-educated police force.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi Godfrey. Hon. Members we are following the request list.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Motion.

At the outset, I support the Motion but I want to raise a very important procedural issue about it. The Public Appointments (Parliamentary Approval) Act, 2011, in Section 5 talks about notification of nomination. It requires that the appointing authority when communicating the nomination to the House must provide full information about the procedure that was used to nominate the individuals.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Osotsi. Even before you go on, this is a Report of a Committee. The House operates in different ways. We have the Committee-level and the House-level. So, this is a Report of the Committee.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, I am raising this issue because, having read the Report, I noticed that that particular information is missing. According to the law, it is a requirement for communication from the appointing authority. He must explain the process that was used in nominating these individuals. I am saying this because one of the people who applied for these positions happens to come from my county; that is former Speaker of the National Assembly, Hon. Kenneth Marende. All of us know that Hon. Kenneth Marende is a distinguished lawyer qualified to serve in the High Court. He is a distinguished Kenyan with high integrity, having served the public with distinction, but we have not been told why his name was left out at the last minute. The law is very clear. We needed to be told what the process in nominating these individuals was.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, you are out of order. Let me remind Members that we are debating a Report of a Committee that has been presented to his House. It went through other processes. I can see from where I sit that you are representing your people. Though you are nominated, he comes from your county.

Hon. David ole Sankok (Nominated, JP): On a point of information, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do you want to be informed? I direct that you define yourself.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, I wish to be protected.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi, there is a point of information by Hon. Member "001". Do you want to be informed?

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I want to inform the Hon. Member that the advertisement was very clear that politicians should not apply. So, by applying, it means he lacked integrity.

Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): That is information from Member No.001. Carry on.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, you need to protect me because my time is running out.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected now that you have been informed and I have guided you that let us restrict the debate to the Report.

Hon. Godfrey Osotsi (Nominated, ANC): The National Police Service Commission is very important in the management of the Police Service in this country. As a Member said, it deals with human resource matters. Those of us who understand how HR works, we realise that the commission has not been dealing with HR matters. They have been dealing with personnel matters. Modern day HR

(An. hon. Member consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, you are out of order. Actually, you are making noise. There is a better way of expressing yourself. I do not want to mention your name. I will rule you out of order very soon. Carry on.

Hon. Godfrey Osotsi (Nominated, ANC): You will have to add me more time. Modern day HR requires focus on soft issues affecting people. In the police force, there is no work-life balance for police officers. That is why we have increasing cases of murder, suicide and even laxity. This weekend, we had five people murdered at Kilingili Market, which is 200 metres away from a police station. No policeman went out to rescue the victims. I am happy Hon. Omboko Milemba has walked into the Chamber. He is the Member of that area. He raised a Question on the matter this morning. These things happen because there is no work-life balance and no focus on serious HR issues affecting police officers, including housing, police uniforms, salary and many others.

I hope the incoming commission will be serious in addressing issues affecting police officers. All that the outgoing commissioners managed to do was to earn salaries for themselves. They have gone. We have not seen any tangible thing that they did to improve the welfare of police officers.

The commission is supposed to be independent, but the outgoing one was not. They have been directed by the Executive on what to do, including appointments. So, we expect the incoming commission to deal with issues that affect policemen. I hope they will make the commission really independent.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, a ruling was made by the Hon. Speaker that matters of procedure and constitutionality of the whole Report were followed. So, let us confine ourselves to the Report of the Committee as presented. I also remind Members that as you debate, it is important that you look at the Report itself to see what the Committee has said.

Member for Kajiado Central, I am aware that you do not have a card. We recognise the presence of the father of the House, but allow the Member who does not have a card to contribute.

Hon. Memusi Kanchory (Kajiado Central, ODM): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this debate.

At the outset, let me say that I support the appointment of these nominees to the Police Service Commission. One of the reasons I am supporting is because of what my colleagues have said – that, there is regional balance in the nomination. When I talk about ‘regional balance’ I

particularly point out to the marginalised. We all know in this House that the Maasai community is among the marginalised communities. I do not want to restrict myself to tribes or areas that we represent. Many of us have talked about our areas not being represented. We are all here to represent particular interests but when it comes to certain issues that touch especially on the security of this country, we must look at the interests of the country first.

Security is a very important aspect of this country. Even though your brother or tribesman is appointed in a sensitive area, if something goes wrong in the country, we are all in trouble. It is very important that the people who are appointed are competent and can come out and make a difference. On the outgoing commission, a lot has been said about them and it is very clear that they are going without having made an impact. So, if they did not have any impact and they are your tribesmen and they come from your area, it means we have all suffered. I urge Members that we look at competence of the people who are being appointed into these positions.

As this new commission is coming in, the police force is faced with a lot of challenges. I want to thank the Committee led by Hon. Koinange. They have done a very good job in vetting these nominees. We all congratulate them. However, I urge the Committee to also look at its oversight role that the money we allocate to the security agents of this country also goes to improve the welfare of the police. Our police officers are not taken care of. Our police are not motivated. We appreciate that anyone can serve in the police force. If you look at the accidents for example, that happen on our roads, some of these accidents can be so bad that you cannot even look at the bodies that are lying on the roads yet we expect our police officers, men or women to go and collect those bodies without gloves. There are small things that we need to change in the police force. This commission faces the challenge of improving the welfare of the police service. We need to motivate these people who are taking care of the security of this country.

A lot of us appreciate that without good security, the economy of this country will not be where it is today. We are not saying it is in a good place but it can improve. For it to improve, our police officers should be motivated. We allocate as a House a lot of money; billions of shillings to the police service and we want to see our officers' welfare taken care of.

In the interest of other Members who want to contribute to this Motion, I support and say that I know Mr. John ole Moyaki very well. He is from my county, not from my constituency. As Hon. Metito had earlier said, he is one of the people who were tasked with the responsibility of coming up with the procedures and systems of the Public Service Commission of Kajiado County. He did a good job. I have faith not just him in but in all the other nominees who are being appointed that they will contribute something new to this country.

I thank you and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Since we have 37 Members requesting to speak to this Motion, let me give this opportunity to the father of the House. Let me remind the Members that Hon. Angwenyi is serving his fifth term.

(Applause)

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support and commend the Committee that has come up with this Report. They have done a thorough vetting process and I should thank them. I hope all of our committees will be doing this kind of thing whenever they are given that kind of job.

I rise to support on three grounds. One, the people who have been recommended are highly qualified. They are people of integrity. They are professionals. So, I believe strongly and I have read the comments by these nominees that they are going to embark on reforms in our police force.

Two, I urge this House maybe to demand from the Committee to do some monitoring and evaluation on the welfare of our police force and come up with a report so that we can see whether the resources we are allocating to the Ministry of Interior and Coordination of National Government and the funds that they devote to police force, are adequate. If they are adequate, are they being applied appropriately? I believe that some of our policemen live in terrible conditions. Now they have been told to stay with us in the *vijiji* and yet the allowances they are going to be paid for rent is inadequate. Just imagine being in Nairobi and you are paid a house allowance of Kshs6,000. That cannot even get you a one-roomed house for you to stay with your family. It forces them to take their families back to their rural areas as they stay in Nairobi and other towns.

So, let us take it upon ourselves as a House that manages and controls the budgetary process to allocate adequate resources to this force. In my view, these are people who offer themselves to die so that we can be alive. For example, those taking care of us as Members of Parliament are willing to die so that we can be alive. How can we pay back?

Three, this country has embarked on the process of fighting corruption. If we empower our police force, we can succeed in fighting corruption in this country. Unless we fight and succeed in fighting corruption, this country is going to be another Venezuela or Zimbabwe where you are not safe, you do not have something to eat and you cannot afford medicine. This country will be insecure. That will not be a peaceful country.

Finally, the police and defence forces in most countries are given adequate resources for them to perform well. Their welfare is taken care of better than any other sector of the economy. Why can we not emulate those countries and make sure that we allocate adequate resources to the police and the defence forces so that our country can be secure and safe?

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Molo.

Hon. Kuria Kimani (Molo, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute.

At the outset, I would like to thank and congratulate this Committee led by the Chairman, Hon. Koinange, for a very well done report and specifically take cognisance of the last statement that the Hon. Chair said. In their recommendation, the Committee noted that although the nominees were drawn from across the country, they had met the qualifications of Chapter 6 of our Constitution and have met all the requirements to be in the Commission.

They noted that there was no representation of youth and people with disabilities. I very much like this because I have said on the Floor of this House that there are many young people that are qualified, competent and have everything it takes for them to serve in these commissions and Government jobs. Therefore, the fact that the Committee recognises that these nominees do not have a representation of the young people of this country, is the direction I am hoping that the next nominations that get to be vetted in this House would have a representation of competent, qualified young people of integrity that can serve this country.

The commission is taxed with looking at personnel and human resource issues of police officers. At the outset, how many of us would want our children to be police officers? When you go to a secondary or primary school and ask which career students would like to choose, how

many of these children would choose police officers as their first career of choice. Most of the time the police force is taken as that which you choose when you do not make it to the university or when you do not make it to be a doctor or an engineer or any other profession out there. Yet these are the people that take care of the security of our country. When we get robbed at night, when we are hijacked, or get in danger, these are the people that we call. How come there are not as many people that are willing to be in this force as we would want them to be? It is about their welfare. How are they enumerated? How are they treated? As a public, when you see a police officer, what do you think of them? It is high time as a country we looked at the police as human beings that need as many resources as we do in our various professions.

If we go to these police stations, there are hardly any recreational activities in those police stations. They are people who work almost 24 hours a day and there is no time that they can engage in any leisure activities. No wonder there have been an increase in policemen breaking into other people's homes, committing suicide and killing their colleagues. I am hoping that these nominees we are appointing today, will not just go and vet police officers in the name of victimising them, but will look at the HR needs of these police officers, do capacity building, train them and ensure that they are facilitated to do and execute their duties as we do to other public officers in this country.

With that, I support this Report.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You have used your time well.

Member for Ndhiwa, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I want to thank the Chair, Hon. Koinange. You and your team did a good job. You went through what is required for public vetting and other relevant competencies. This is a job well done. As I support this, I would like to say that policing is a very critical act in this country because all the security is anchored on it and what we do and our productivity depends on security. It is fortunate that we have the right person Dr. Fred Matiang'i at the helm now. This commission, if approved will be of great importance in shaping the service.

As Members approved this team, we would like to throw in some charges that when they take the office, they can consider seriously. One of them is the issue of professionalism, efficiency and accountability. This has been lagging for a long time in the image of our police service. I hope that they will introduce a performance contract so that people can be evaluated periodically and if found to be doing so good, can be acknowledged and motivated in many ways like capacity building, training and all that.

I also think that we have been talking about police reforms for too long. Up to now, that has not been done adequately. There is an attempt to house the police with community which is good enough, but I think more should be done in training them in community policing. In other words, when policemen bond with the community, they cease to be reactionary police force and become proactive police officers. That is very distinctive from reacting to a crime. It might take a while but we have to do it because these were the elements of colonial mind-set that you scare people by telling them to commit a crime and see, famously known as *fanya fujo uone*. Instead, we should be preventing the crime to begin with, not waiting for people to commit a crime in order to bust them. I think that is the essence of community policing. Bond with the people, get informers from the people and be proactive before the offence is committed.

We also would like that when these commissioners take this office, they should be sensitive to rape cases. As we speak, very many victims of rape do not come to police centers

because the centers are not friendly enough for them to do the reports. Perhaps we may hike up the gender or put special desks to receive those complaints.

In terms of HR and personnel, I am delighted to see a distinctive lady, Dr. Alice Atieno Otwala, who has worked so tirelessly in public service. I think welfare and motivation of these officers will add on to what we expect them to do. I summarise them as professionalism, efficiency and accountability to the people.

With those few remarks, I fully support this Motion and urge other Members to do so.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Minority Deputy Leader.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I want to thank the Committee for an excellent job. This Committee led by Koinange has done a brilliant job. I have heard Members raise concerns in the beginning but they set the record straight because the Report handles every issue that is required of the Committee.

I also support the appointment of the nominees, but I would like to say that we seem to have a lacuna in our Constitution that we need to deal with. It is the vacuum that seems to recur. Now this is the second commission. We have a vacuum in the National Land Commission. We also have a vacuum in the National Police Service Commission. So, we need to block those vacuums so that immediately a commission leaves office, another one takes over immediately. This is because some of these commissions are extremely important. This particular one prefects the police force.

All the nominees meet the constitutional requirements. The commission as constituted represents the face of Kenya and the gender balance. I want to point out that in my opinion, they failed in the part of people living with disabilities, but more importantly in my case, I think the issue of the youth. As this commission takes up their office, I want to point out that we all believe that a new broom sweeps better. We have seen what the DCI and the DPP are doing and I want to imagine that this commission will take up its roles and ensure that they improve the services that the police service gives to the citizens of this country.

I want to point out two issues. The first one is the issue of police brutality. It is the responsibility of this commission to ensure that they handle issues to do with how the police operate so that we are safe in this country. I have said that I wish there was a youth representative. On issues of police brutality, the biggest brand is born by the youth of this country. After our last election, there was a lot of police brutality. There were babies that were shot dead. A young boy from Mwala was shot dead.

Many young men who were bread winners for their families were killed. Two of us politicians were also hurt. I have not understood why an innocent politician in his car had to be attacked by a policeman. Police officers threw stones and broke the window of my car. They threw teargas canisters at me. The water bowsers are used to sprinkle very strong acidic water on people. They forced me out of my car, shot at me and broke my limbs. They nearly killed me. I have never come to terms because I do not even think they use that kind of violence against our criminals. So, it is important that we figure out what makes them do what they do. I think there is an issue of anger in our police force and it needs to be addressed.

So, as this commission takes up its role, it should figure out how to deal with the issue of anger management in our police service. It will also reduce cases of suicide and murders among themselves because it is not only innocent people that are shot. They also shoot at each other. They should be trained properly so that we are sure that these issues are sorted out. Also, we must improve their welfare. If the welfare of the police is bad, say, if they live in terrible conditions, they are likely to take that out to the general public. So, this commission should deal

with how the police live so that they can reduce anger and brutality. I would also like to understand what will be done for the victims who have been hurt, maimed and killed by police officers.

I would not like to speak much because my colleagues also want to contribute. I finally want to say that the police service seriously needs public relations so that there can be a way where they can communicate effectively with the public. They need to create a positive relationship and synergy with members of the public. Recently I watched an interview on television of the spokesman of the National Police Service. This gentleman got so angered in an interview and you could see he almost burst a vein on his face. He spoke words that were shocking. So, there is need for improvement of the PR department of the police service. This commission has its work cut out for it. The task ahead of it is to create a positive impression and image. It should enable us to work with the police as expected.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Odhiambo Akoth, Member for Suba North. You should have your name appear here as Millie Adhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. The name is Odhiambo Akoth; even though traditionally I should be Adhiambo because I was born in the evening. Because my father is Odhiambo, I am named after an event which was happening, that is, the rain. So, that is why I am marvellously blessed because rains signify blessings; in case you have ever wondered why I am so blessed.

Having said that, I take this opportunity to be the only single opposing voice, I wish to oppose this Report. I can see the Chairman smiling at me. I oppose this Report because from the confession of the Chairman himself, there is no gender balance in the appointments, which is unconstitutional.

Hon. Temporary Deputy Speaker, I know Members are telling you that we have two out of six before you take into account the Inspector-General of Police. You can almost automatically tell that a woman will not be appointed as Inspector-General. So, unless we have an assurance that for the first time we are going to get a woman Inspector-General of the police, I wish to oppose. If the appointing authority is listening to us, then they should know that if they do not appoint a woman Inspector-General of Police, then they would have appointed a non-constitutional body.

I know that every time we have appointments here, we keep saying that the youth and PWDs have not been appointed, but will be appointed in the next one. When is the next time? One thing I would like to say is that many times the young persons, women and PWDs suffer discrimination. There is a category that suffers what we call inter-sectionality; which means suffering multiple discrimination. I will give this example: As Hon. Millie Odhiambo, I may suffer discrimination as a woman, but I will also suffer discrimination as a minority because I am a Suba. My sister Hon. Dennitah Ghati will suffer more than me because she is a person with disability, a Kuria who is a minority, and also a woman. She will also suffer a further one if she still qualifies to be a youth.

I would want to encourage committees that whenever they consider these appointments that they advise the appointing authorities to use reverse inter-sectionality. When you use that, it means if you want to be constitutionally correct, you appoint a woman who is young and has a disability. That is reverse inter-sectionality. That way you would have killed three birds with one

stone. Nobody will accuse you of discriminating against women, youth or PWDs. It is not that they are in short supply. For those of us who watched television yesterday, there was a very brilliant girl who caught the attention of Kenyans who was doing the sign language interpretation. Imagine if you had somebody like that. I do not know if she is a PWD but assuming she is one and she is young, smart and brilliant... There are many PWDs who are young, women and minorities.

So, if we bothered to look around, we would get persons who are qualified especially because they do not qualify for appointments into the Police Service. This would have been the opportunity to include them. I also wish to indicate that the commissioners are coming in when the index of confidence in the police is extremely low. My brother has just spoken here of police brutality, especially during elections. I hope this new incoming commission will be more sensitive. There is lot of money that has been invested in police reforms and we are not seeing any positive outcomes.

We want to encourage them to know that we no longer have a police force but a police service. They must use a human rights-based approach in dealing with members of the public. What has been happening in our airport today is indeed very embarrassing. Visitors were clobbered by our police. It is embarrassing for us as a nation and I hope such things can be of the past when the commission comes in. They are also coming in at a time when there are increased cases of gender-based violence.

There is problem that is going on in this country. I do not know what it is. One of our colleagues here has indicated that the police are very angry because of the service and standards they are living in. I think there is more to it and it is not just about the police. I think the public is also involved. People are finding it increasingly easy to murder each other. Human beings have decided to make human life, rat life. Every day there is case of a man who has killed the wife or a wife who has killed the husband. We must interrogate what is going on in the society. I hope this commission will be better placed to deal with these cases of gender-based violence.

With those few remarks, I beg to oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Millie Odhiambo for observing time. Hon. Members, the time now being 5.30 p.m., allow me to pronounce myself from here that this debate will still continue at the right time, as it will be slotted in our Order Paper.

Otherwise, procedurally, today at 5.30 p.m., the Speaker had ruled that we will have a Motion for Adjournment, pursuant to Standing Order No.33, to discuss a matter of urgent national importance raised by Hon. Washiali. So, Hon. Washiali, you can move.

Hon. Daniel Maanzo (Makueni, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): I would like to seek your direction before Hon. Washiali moves the Motion. We had agreed before the Session that each Member speaks for three minutes, according to the Standing Orders.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Maanzo, you are out of order. There is a procedure of this House. Please revisit your Standing Orders and find out at what point we do this. This is usually done after the Mover has moved.

Proceed, Hon. Washiali.

MOTION FOR ADJOURNMENT

UNDER STANDING ORDER NO.33

STRIKE BY KENYA AIRPORTS AUTHORITY WORKERS

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker.

Pursuant to Standing Order No.33(1), I seek leave for the adjournment of this House for purposes of discussing the ongoing strike by the Kenya Airports Authority (KAA) workers. This morning, the city woke up to a paralysis of operations at the Jomo Kenyatta International Airport (JKIA) arising from the industrial action by the Kenya Aviation Workers' Union (KAWU). The Union is protesting against plans for the take-over of KAA operations by Kenya Airways. The strike will have a serious economic impact on Kenya. It will affect tourism and businesses, including delaying hundreds of passengers trying to enter or leave the country, given that JKIA is a major regional hub. There is need to deliberate on how this matter can be resolved as soon as possible. It is for this reason that I seek leave for the adjournment of the House, in order to deliberate on the ongoing strike and chart a way forward.

Hon. Temporary Deputy Speaker, I want to thank you and the Speaker, for giving this Motion adequate time of one-and-a-half hours. I hope within this time, most of my colleagues will have added their voice to it. Someone somewhere may be wondering why the Majority Party Whip is raising such a Motion and yet, I am in the same Government that is supposed to be in-charge of the airports. I want to notify such a person that we have an overall role as Parliament to oversee what happens in this country and to oversee the Executive.

Therefore, I am raising this in my capacity as a Member of Parliament (MP) and a leader of this House. When the industrial action took place and I got the information first thing in the morning, I imagined myself... Many times, you have given us an opportunity to travel and we have passed through airports like Amsterdam or Dubai on transit to many other countries. I was just wondering: Supposing I was the one in an airport like Amsterdam and the staff equivalent to KAA there have gone on strike, what would be happening? I would be in the middle of nowhere. I also imagined that some of passengers at the airport are patients. What would be happening, if you are a patient and you are on transit to see a doctor in India, United Kingdom, Tanzania or another place? You get to the airport and find out you cannot get to the airline that will take you to see that specialist.

Businessmen have been affected. You know some businesses have timelines. We have tenders that have to be delivered to a specific place within a particular time. You are carrying those documents and yet, you are unable to deliver because the airport cannot allow you. For students travelling the first time, for example, if there was a student going to Shanghai in China, and had a connecting flight in Dubai or any other place, what would he or she do? I even imagined that I was a hotelier whose tourists are expected to come to my hotel for their tourist excursions, what would be happening because this is a very serious loss?

In summary, JKIA is not like any other facility we have in this country. I hope Members are listening to me. It is the gateway of this country to the international community. I am sure most of the passengers at the airport even though it is in this country are foreigners. They are either on their way back to their country, are coming back or transiting within this country.

Therefore, I have done a bit of research. The revenue loss we are talking about as at now is beyond Kshs500 million. This is arising from the numerous airlines that were meant to take passengers to various destinations, but cannot now. So the trip has to be cancelled. I know my

friend wants to interrupt. However, some airlines had to book their passengers into hotels. They usually do this when flights are cancelled. This has been caused by the strike.

Just to summarise, we have the landing and taking off fees that should have been paid to KAA, and we have missed more than 40 flights that were meant to take off. Therefore, take off fees have not been received by KAA. For landing fees, we are told some airlines are landing in Arusha and Kilimanjaro and this is revenue lost for this country. I do not know why my counterpart is interfering.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Just carry on. Do not listen to the Members.

Hon. Benjamin Washiali (Mumias East, JP): For us as leaders of this country, this is a very serious matter. I just want to request my colleagues that we play a role in terms of the leadership in this country. I am wondering because the KAWU boss gave a notice of 21 days. My biggest question is: What was the CS in-charge of Transport doing for those 21 days? What was the CS in-charge of Labour doing within those days? Why could this matter not be resolved well in advance before this country is affected the way it has been affected? Questions are being asked and I think as Parliament, we must stand up and be counted that we can safeguard the interest of this country and that we can protect where Kenya would either benefit or even when the image of this country is already tainted.

Therefore, even if I do not get a seconder, I request that you give Hon. Pkosing, the Chair of the Departmental Committee on Transport, Public Works and Housing, a chance to also give his ideas on this. I thank you, Hon. Temporary Deputy Speaker. I beg to move.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Washiali, in such a debate, you do not need a seconder. This is a special motion. Let us listen to Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. I rise to seek your indulgence to direct that, because of the high interest which is already being seen, we actually reduce the talking time to three minutes so that every Member can have a chance to contribute.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): What he has just moved is procedural. We are supposed to debate for five minutes. I am sure this was also spoken by the Speaker. What the Hon. Member is asking is if we can reduce the time from five minutes to three minutes. The House will take a vote on this. Leader of the Majority Party, you know you are always protected.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, the Speaker gave this matter one-and-a-half hours. If you want to speak for three minutes, you can do so. You have no right to gag those of us who want to speak as per the Standing Orders. If you have nothing to say, you can as well say it in one minute.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, Hon. Omboko is in order.

Hon. Aden Duale (Garissa Township, JP): The unions cannot dictate to us.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, you are actually out of order. Hon. Members, Hon. Omboko is quite in order to raise the Motion and this House will take a vote. He is requesting the House that we reduce debating time from five to three minutes. This is allowed in our Standing Orders. From where I sit, allow me to put the Question to the House.

(Question, that debating time be reduced to three minutes, put and agreed to)

Leader of the Majority Party, you are protected. You always have more time than the other Members. Order, Members! From the vote, we will reduce the minutes from five to three. Again, as we begin to debate this Motion on a matter of urgent national importance, Hon. Members, allow me to remind you about Standing Order No.85(2). This will protect the interest of the Leader of the Majority Party earlier. We should not anticipate the debate of a Motion of which notice has been given by discussion upon a substantive motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the House. Hon. Members, you will be ruled by the Speaker as to be out of order.

Again, I want to guide you on Standing Order No. 106, which is about irrelevance. Please, let us be relevant to the Motion that has been raised by Hon. Washiali. It is specifically on the strike. So, please, be guided by Standing Order Nos.85(2) and 106. The Speaker will rule you out of order if you are not within the Standing Order.

The first one is Hon. RK before I give the leadership.

Hon. Rashid Kassim (Wajir East, WDM-K): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak on this matter. I am still surprised. A Member has to stay for nearly three hours before he can be able to catch the eye of the Speaker. This has been too frustrating for Members of Parliament like me who came here...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. RK, you have three minutes. Can you concentrate?

Hon. Rashid Kassim (Wajir East, WDM-K): What happened today as far as the strike of the entire airwaves is concerned was extremely disturbing for Kenyans. What we know is JKIA is a strategic airspace and institution that mans the entire movement of air traffic in and out of this country. What we have seen this morning is extremely disturbing particularly for those who have been employed and who knew that this incident was likely to come. It is important for the nation to know that if a problem is likely to occur, then we need to make necessary amends so that we can avert similar incidents.

[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) left the Chair]

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

The union has already expressed its dissatisfaction with the merger of JKIA with KQ. This thing was likely to come and we knew it was likely to come. But no measures have been taken to avert that merger. What we know is that KQ is a private institution that...

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

Hon. Rashid Kassim (Wajir East, WDM-K): It has not been a productive institution.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Order! Leader of the Majority Party, what is it?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I raised this matter when the Speaker was approving this Adjournment Motion. I am rising on Standing Order

No.85, which the substantive Chair before you referred to. Now Hon. Rashid Kassim is talking about a merger between KAA and KQ. Which is this merger?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Member! The Leader of the Majority Party is on a point of order. What is it?

Hon. Rashid Kassim (Wajir East, WDM-K): Hon. Temporary Deputy Speaker, I cannot proceed with this argument if one does not know what the cause of the strike is. It is important for Kenyans to know what the pain...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Member! Let me speak to this: You cannot raise a point of order on another point of order. I must speak to the first point of order. Hon. Members, it must be very clear, and the Speaker did allude to this and it is very clear, that you cannot anticipate debate. There is a Report and a notice has been given. The Chair will not allow you to anticipate debate. The question here is about a strike that has been raised by Hon. Washiali. Please restrict yourself to that. You have the Floor.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Members! Order, Members! You have the Floor. Let him finish his part.

Hon. Rashid Kassim (Wajir East, WDM-K): Hon. Temporary Deputy Speaker, I think this House should know the reality and the cause of the strike which happened this morning in the Republic of Kenya, and which has paralysed the entire airwaves of Kenya. They should know. It is because of the merger between KQ and KAA, which has been conceived and mooted by none other than the Executive of the Republic of Kenya. One thing we know is that KQ is a non-productive and non-performing institution. Giving 85 per cent of the income of KAA to KQ is paralysing the airwaves.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Your three minutes are over. Hon. Members, let it be very clear. There are many points of order. We have three minutes for each Member and in those three minutes, please restrict yourselves to that. I am sure Leader of the Majority Party; you want to listen to one or two other Members.

Let us have Hon. Kimani Kuria. He is not here. Let us have Hon. Rindikiri Murwithania.

Hon. Mugambi Rindikiri (Buuri, JP): Thank you, Hon. Temporary Deputy Speaker. From the information I got, the workers on strike are about 10,000. They are made up of workers from Kenya Airways (KQ), except the pilots, and also the Kenya Airports Authority (KAA) who make up the Kenya Aviation Workers' Union (KAWU).

The issue at hand is the strike that took effect in the early hours of this morning. My point of contention is that the management and board of KAA have a responsibility to communicate to the staff about staff concerns. What we are seeing now is a total failure of the board of management of KAA. The managing director of KAA was out of the country...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Murwithania, I will also restrict the points of order so that we move. I am also cognisant that when a Member raises a point of order, I must listen. I also have to balance because we cannot have...

Hon. Seroney, what is your point of order?

Hon. Sammy Seroney (Nominated, WDM-K): Thank you, Hon. Temporary Deputy Speaker. My point of order is that we want to know what the cause of this strike is, so that we stick to that. Otherwise, we are just talking about an amorphous thing which we do not know. What is the cause of the strike by the KAA staff?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, I can hear Hon. Washiali saying that the issues he raised on the causes of the strike are in the text of the

Motion. I can hear him shouting. Just consult the text of what Hon. Washiali raised and then you can restrict yourself to that.

Hon. Murwithania, please, proceed.

Hon. Mugambi Rindikiri (Buuri, JP): Hon. Temporary Deputy Speaker, one of the greatest reasons why the strike took effect was the absence of the board of management of KAA. They did not take a proactive stand and explain to the workers the rumours that were circulating in the name of KQ being taken over by KAA. At the outset, we are seeing a fear of the unknown...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Let us have Hon. Junet Sheikh.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, this is a matter of national importance, because it is affecting national security installations at JKIA.

Strikes are normal in this country. The other day, nurses were on strike for two months. Teachers were on strike for several days. Lecturers were on strike for many days. Strikes are normal. They are allowed. That is how people like Hon. Milemba came to the House. They earn their living through organising strikes. That is a normal matter. We should not blow it out of proportion.

I urge the management of KQ and especially the management of KAA to look into the issues that members of staff from those organisations are raising. Let us not trivialise the matter. We will talk about other issues that Members are anticipating on another day. Whether they are mergers, acquisitions or anything else, we will discuss them at the right time when they are brought to this House in the manner they are supposed to.

If we trivialise the matter of the strike, we will lose the issues being raised by members of staff of that organisation. Their grievances might be important. This House does not have the mandate to run JKIA. We can only discuss them if a substantive report is brought to this House so that we look at the merits and demerits of that report. If we convolute issues and consider strikes and mergers together, we will have patients dying without the doctor visiting them. We cannot allow a patient to die without giving him the necessary attention. I urge the management of KAA to look into the issues and grievances that their members are raising and let that matter end there. If Members want us to talk about mergers, let us meet here and agree that we are discussing mergers.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Members, let me repeat this. I counted the number of Members who were shouting points of order. They were six. I will have to balance. I am not saying that you should not raise a point of order. Hon. Milemba, I will give you a chance. Be sure you will get a chance to speak to this.

Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, what is before the House is an adjournment Motion. It is not a report of a committee. An adjournment Motion is a talk show. At the end of it, there is no Question to be put. Let us not raise our temperatures.

I am sure there are unions here. The problem Kenya is facing is the unions. What happened today is a threat to our national security. People who were in the air could not land. Airplanes could not take off. The reasons given...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Leader of the Majority Party. Hon. Milemba looks completely agitated.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I am not a member of the Kenya Union of Post Primary Education Teachers (KUPPET), neither am I a member of the Kenya National Union of Teachers (KNUT). I can never be intimidated by the member of KUPPET. For the first time in this 12th Parliament, there is a huge number of Members representing trade unions. We want to tell them that when they get out of the Chamber, they become trade unionists. In the Chamber, they are Members of Parliament.

I agree with the action taken by the Government. There are certain people who work in national security installations like airports. What they did today is illegal. KAA and the Kenya Civil Aviation Authority (KCAA) must sack those people. They must protect national security. Parliament and its Committees are handling the matter.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): On a point of order, Hon. Temporary Deputy Speaker.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, the former Deputy Speaker of Bomet County must know that she is in the august House. She is making noise.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Leader of the Majority Party. I must give Hon. Joyce an opportunity.

Hon. Aden Duale (Garissa Township, JP): This is not the County Assembly of Bomet.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Joyce. What is it, Hon. Joyce?

(Loud consultations)

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, do not allow the House to be turned into a county assembly.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We must give her an opportunity. She has risen on a point of order.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker. I am shocked for the first time. We were given permission to discuss this matter of national importance after we saw what was happening at JKIA. The entire country is watching this House.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is your point of order?

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): I will explain my point of order. I cannot be intimidated by any Member.

(Hon. Babu Owino stood up in his place)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Members. Order, Hon. Babu! I am on my feet. Hon. Joyce, when a Member is speaking and another Member raises a point of order, I am keen to listen to it. When you get an opportunity to speak, please raise your point of order and then we make progress. Do not use that opportunity to contribute. I will then give direction. Hon. Members, we have one-and-a-half hours. Let us balance that, so that we finish. What is your point of order, Hon. Joyce?

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Hon. Temporary Deputy Speaker, is it in order for the Hon. Members of this House to tell us that we cannot discuss this issue and yet, it is on the Order Paper? The Speaker ruled that we deliberate on this issue, which is of great

importance to Kenyans at this hour. We cannot be misled by the leaders of this National Assembly.

Hon. Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Joyce, you will not be gagged. You will get an opportunity to speak to this Motion. The Leader of the Majority Party, please proceed.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, we should introduce what happens in the United States of America Congress. When a ranking Member of my calibre, Hon. Millie Odhiambo and John Mbadi are speaking, the new Members should listen to us.

This Motion was approved because it is a matter of national importance. We do not deny that. I want to go on record that one of the major problems this country is facing is the mushrooming of trade unions and, more so, trade unionists in critical national security installations. The strike of workers at an airport like JKIA and the control towers is not like the teachers' strike. They control the lives of people in planes. People were diverted to Kilimanjaro. What would have happened if that plane did not have enough fuel?

(Hon. Joyce Korir spoke off record)

Hon. Temporary Deputy Speaker, you must rein in this former Member of the County Assembly! I am the Leader of the Majority Party pursuant to Article 108 of the Constitution. She must respect me.

As I finish, I support the Government in dealing with those striking workers. They should be sacked. If there are issues with KQ, we should look into it.

Thank you.

(Hon. Babu Owino stood in his place and spoke off record)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Babu. How do you stand and start contributing without getting a chance from the Hon. Temporary Deputy Speaker? Hon. Omboko Milemba, please have the Floor.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute. I wish to begin by stating clearly that, as opposed to what was said by the Members who contributed earlier, some of us did not come to Parliament, courtesy of being trade unionists. We must be respected by the other Hon. Members of Parliament. We were elected by the people. When you demean me, then you are demeaning the people of Emuhaya - which is not good.

Two, I wish to say that trade unions are in Article 41 of the Constitution. They have a right to exist in this country. Therefore, nobody should try to intimidate or even indicate that they are doing their things out of order.

Three, the causes of the strike that is ongoing at JKIA should be known by this House. One, there is mismanagement of KAA by the managers. Two, there is the believed takeover of KAA by KQ. Therefore, this House should not be gagged from talking about that because it is the cause of that strike.

Four, there is the issue of the Collective Bargaining Agreement (CBA) which has not been signed since 2016. In this matter, I want to go on record and say that the rights of the workers at JKIA have been stepped upon by the employer. They are replacing the regular

workers with irregular ones whom they are underpaying. For instance, those who are under the section of trade wings are being paid Kshs7,000, which is way below the minimum wage in Kenya, which stands at Kshs13,000. The workers are forced to sign or be taken over by KQ, which is taking over KAA. They are told that they will be managed under the old terms for a period of one year, after which their salaries shall be cut. Therefore, this is a matter of serious national concern. For example, 98 security officers were hired last week. They will be paid lower salaries as compared to the other security workers at the airport.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Pkosing.

Hon. David Pkosing (Pokot South, JP): I thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also add my voice to this matter of national importance. As the Chair of the Departmental Committee on Transport, Public Works and Housing, I want to inform the House and the people of Kenya that normalcy has returned to our airport. That is very important to be noted. People are travelling.

(An. hon. Member spoke off record)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Pkosing, do not listen to conversations which are off-record. Use your microphone and speak. Do not be distracted.

Hon. David Pkosing (Pokot South, JP): He is speaking to me and he knows me. We meet in other places. I want to inform the nation and this House that all flights are on schedule this evening. Everybody who is travelling in this country in the evening will travel. Everything is now back to normal. It is important to inform the country, so that people do not debate with emotions, but with the truth.

Everything is normal at JKIA. There are certain institutions that we should not encourage strikes, that is, airports and institutions concerned with security and health. In airports, if an airplane is in the air and it cannot land because of lack of directions, what happens? The people are endangered. I want to add my voice to what Hon. Members have said. Without anticipating debate, the matter of a merger is before my Committee and I can assure you, Hon. Temporary Deputy Speaker, that I will do due diligence. It is true that some of the workers fear the unknown. I want to assure them that I will bring to the House the proposal and the House will debate it and give direction.

I thank the workers who have gone back to work. Everything is coming back to normal. Members can now relax.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now have the Leader of the Minority Party, Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion that has been moved by the Whip of the Majority Party.

First, I agree with the Whip of the Majority Party that any Member can bring any Motion. A Motion that is of concern to the people can be brought at any time by any Member. I do not think there is any mistake Hon. Washiali has done.

However, we need to address the strike at our airports. I have heard people say that the KQ staff are on strike. It is not KQ staff but staff of the Kenya Airports Authority who are on strike. The Constitution allows picketing, demonstrations and public protests. If there are exceptions, they are provided for in law. The KAA management and the Government, especially

the Ministry of Labour, must resolve this matter urgently and quickly. We must also speak to the unions of this country. Sometimes, strikes have to follow some process. You do not just wake up and ask your members to go on strike. I saw it with nurses. I do not know where we are headed to because now even the lives of the people do not matter. It is really immoral and unjustified.

We may play politics of populism but the truth of the matter is that the latest strike we are dealing with today, in my view, all avenues had not been exhausted. The union should have allowed engagement. Parliament is on the matter through the Public Investments Committee (PIC) and the Departmental Committee on Transport, Public Works and Housing and through the people's representatives. I saw my friend Babu getting agitated. He should not be agitated because we have the platform; that is, the House and reports will be tabled. The Public Accounts Committee is here and the Departmental Committee on Transport, Public Works and Housing report is coming too. We can ventilate. This thing is still at a very early or preliminary stage. It was irresponsible to shut our airports. They have been shut for no reason at all. Whatever they are saying, even a concept paper or policy paper has not come from the Government. People have just spoken. We cannot take any street talk to be law. This House will deal with all these matters.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mishra.

Hon. Swarup Mishra (Kesses, JP): Thank you, Hon. Temporary Deputy Speaker for allowing me to speak. This is our country and the people on strike are Kenyans. Without Kenyans, we have no business sitting here. I challenge Hon. Junet. How can he say that this is not the business of Parliament? It is a business of security. It is business of international relations and of transport. You want to paralyse Kenya and sit here as an MP! For what? I support, Hon. Babu Owino that we should take it seriously because our people are suffering. Those striking are not our enemies. Strikers are fathers of Kenyans. Without Kenyans, we have no business being here.

Thank you very much.

(Laughter)

Hon. Junet Nuh (Suna East, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. Junet? You have spoken to this matter.

Hon. Junet Nuh (Suna East, ODM): This is a House of rules, Hon. Temporary Deputy Speaker. When a Member is speaking, he should speak through the Chair. A Member cannot address me as a Member directly. So, I do not know whether the Member is in the Kenyan Parliament or in the Lok Sabha in India. Which Parliament is he operating in? We want to know.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mishra, we are not going to open that again.

(Hon. Swarup Mishra stood up in his place)

Order, Hon. Mishra. Let us have Hon. Babu. You will now get a chance.

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Temporary Deputy Speaker. You are now our Speaker.

(Laughter)

I am the area MP. We always say that you cannot shave a man in his absence. I have watched Hon. Members shave me in my absence. First, as a Member of the Public Investments Committee, we summoned the CEO of KAA and he told us that he received two letters.

Hon Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

Hon. Babu Owino (Embakasi East, ODM): Let me finish, you will talk later, Hon. Member.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it Leader of the Majority Party?

Hon. Babu Owino (Embakasi East, ODM): I have only used two seconds.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Babu. The Leader of the Majority Party is on a point of order.

Hon Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, the Member for Bomet should go back to the Bomet County Assembly.

Hon. Temporary Deputy Speaker, I stand under Standing Order No.85. It talks about anticipation of debate. Just because the Member is a member of the PIC, it does not mean that we are discussing a PIC report. The Member is out of order because he is talking about a public servant who appeared before PIC. He wants to tell us what was said in the PIC. This is an Adjournment Motion. He should talk about the workers from his constituency, who are a threat to national security.

Hon. (Ms) Joyce Korir (Bomet CWR, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Joyce Korir, you cannot raise a point of order when another Member is on point of order. Let me dispense with that one first.

Hon. Babu, I had raised this earlier. Standing Order No. 85(2) says that it shall be out of order to anticipate debate of a Motion of which notice has been given by discussion. So, Hon. Owino, restrict yourself to that.

Hon. Babu Owino (Embakasi East): Thank you, Hon. Temporary Deputy Speaker. Today, we saw my constituents striking at Jomo Kenyatta International Airport. First of all, the CS for Transport, Macharia, called them criminals. I want to tell him that if they are criminals, then he is a criminal.

My people should demonstrate on a daily basis until the day they feel their rights are covered and fought for. The takeover of JKIA must never succeed in the eyes of Babu Owino as the Member of Parliament for Embakasi East Constituency.

The KQ has made loses and wants to take over the operations of KAA. We will not allow that. I urge all workers to come out on a daily basis and demonstrate. Any policeman who will misbehave with any of my constituents should be dealt with cacophonously.

Thank you.

(Laughter)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Without going to the thorny issues about KAA and KQ, there is a very significant issue we are missing as a House. We should be fixing problems. There is a problem the country has today. The problem is that there is a conflict in relation to rights. On one hand, workers have a right to strike and on the other hand, there is right to security, especially of travellers.

Evidently, there is a problem. Once the storm is over, this House must come back and fix it. We must look at the limitation clause in the Constitution that says that, as much as you have a right, it is not absolute. It is embarrassing! I had travelled to more than 50 countries before I came to this Parliament. I do not know how many I have done now but, never ever in my life have I seen what I saw today. It is embarrassing for our country. We must, as a Parliament, fix it after the storm has settled.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Gideon Koske.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Temporary Deputy Speaker. This thing has been going on for several months and years but, never in a single day has this honourable House sat together and decided the way forward for this country. We are lacking direction. We are supposed to provide direction as honourable Members. Since the day we lost the Opposition in this country, *raia* decided to fight for their rights. The strike was for nurses. We saw strikes and we are seeing strike for workers. We do not know whether the next strike will be by parliamentarians. We are lacking direction. We need the Opposition in this country. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Simiyu Eseli.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Thank you, Hon. Temporary Deputy Speaker. By the Constitution, Parliament should deliberate and resolve matters of concern to the citizens. I do not know whether I should agree with the previous speaker who said that lack of Opposition is creating problems. We have sinned against Kenyans and we should go to church and repent. For many years, we have committed sins. I remember the franchising of Kenya Railways to Rift Valley Railways. A company that belongs to a shanty company somewhere in South Africa came and ruined our meter gauge Kenya Railways and now it is dead. In came the SGR with all the costs that we have totally been unable to contain. We do not know whether we will be able to pay off that or auction our port. We have committed sins against Kenyans and we are still committing more sins. This strike is a lesson to us. We might laugh, play with it but it is a very big lesson to us, as Kenyans. We, as the leaders of this country, are we going to continue committing sins against Kenyans? Kenya Airports Authority should take over Kenya Airways and not the other way round.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Sankok, just a little patience and you will get a chance. Because the time is three minutes, we will get many people speaking to this.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. For sure, without saying that we do not have Opposition or citizens are coming out to fight for their rights, the pertinent issue is the trade unions using their powers to hijack the whole country and holding the whole country hostage. Some people in the air did not have enough fuel. There was an aeroplane that was diverted to Mombasa and it was only by mercy of God that it arrived in Mombasa with some fuel. It finished its fuel on the runway. We cannot hold our country to

ransom simply because you belong to a trade union. Last time, our fellow citizens who elected us were dying in masses because doctors were on strike.

Hon. Alfred Keter (Nandi Hills, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Sankok! What is it Hon. Keter?

Hon. Alfred Keter (Nandi Hills, JP): Thank you, Hon. Temporary Deputy Speaker. We are doing a disservice to the nation. We are misleading if we were to reduce the entire... Hon. Washiali had very good intentions of coming up with a Motion so that we use the Zero Hour to discuss something...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Keter, it is good you say what your point of order is.

Hon. Alfred Keter (Nandi Hills, JP): He is misleading by reducing the entire debate into matters touching on trade unionists. It is not about trade unionists. This is an issue...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Keter, what you are doing is to contribute through another door. I will get you a chance to speak.

Hon. Alfred Keter (Nandi Hills, JP): The reason I rose on this point of order is because this is a matter that was brought to this House and because of the challenges that we faced in terms of...I believe there are cartels who do not want to discuss this.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Keter, you are actually contributing. Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I know Hon. Keter has a lot of interests, but I did not know that he has an interest in this particular matter.

What I was saying is that our airports, especially the international airports, are governed by international rules and they should follow the due process of the law. Hon. Millie has said that she has travelled to more than 50 countries. If you are stranded in a foreign land, you can imagine the stress we are giving to our international visitors who have come to this country as investors. We risk losing our international status simply because of money – people do not care about lives. They care about money more than the lives of those who are travelling in the air. This House must put its foot down and say enough is enough!

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Onyonka.

Hon. Richard Onyonka (Kitutu Chache South, FORD-K): Asante sana, Mhe. Naibu Spika wa Muda. Ningependa, ikiwezekana, unipe fursa kuzungumza kidogo kuhusu mambo ambayo yametushinda katika nchi yetu. Nimesikia ndugu zangu hapa Bungeni wakizungumza kuwa wale wafanyikazi ambao wamefanya mgomo wafutwe kazi. Nimesikia ndugu zangu wakisema kuwa hata kama uongozi wa uwanja wetu wa ndege ni mbaya, wafanyikazi wasiulize maswali.

Nimesikia ndugu zangu wakizungumza kiholela kwa hili Bunge ambalo wengine wetu tumekuwa kwa miaka mingi sana. Mambo yanayozungumziwa hapa leo ni mambo ambayo yanahusu nchi yetu ya Kenya. Lazima tuanze kuangalia masuala nyeti katika Bunge hili. Wananchi wameanza kutuona vibaya. Bunge hili limekuwa la kuongea ovyo ovyo. Masuala kuhusu migomo ya nchi hii ni masuala kuhusu uongozi wa nchi hii. Waalimu, wafanyikazi wa mahospitali na wafanyikazi wa viwanja vya ndege wanagoma. Ufisadi unafanya wananchi wagome. Lazima tuanze kujiuliza kazi iliyotuleta hapa Bungeni kama viongozi. Lazima tusikize vilio vya wafanyikazi wale. Lazima tuanze kujiuliza: Wale wafanyikazi waliogoma ni wazimu

ama ni wakenya ambao wana mambo yanayowakera? Na lazima Rais Uhuru Muigai Kenyatta aulize ni nini kinachowafanya hao watu wawe na maswala waliyo nayo wakati huu.

Jambo la mwisho, Shirika la Ndege la KQ si la Kenya. Kenya Airports Authority ni shirika la Kenya. Lazima kama Bunge hili tuhakikishe tumechunga rasilimali ya wananchi wa Kenya. Mkiuza KAA, wananchi wa Kenya hawatawasamehe.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I get to my right, let us get Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Article 95 of the Constitution is very clear. This House can deliberate and resolve any issue of national importance. As we speak right now, we have just received news that someone has been shot in the ongoing strike at JKIA. This is not a laughing matter. We must take this matter seriously. The buck stops with the Head of State. The strike at JKIA is not a national matter; it is an international matter. We have investors coming from all over the world into this country. We should give it the seriousness it requires. Before a strike comes, there are grievances. We are calling upon the management of KAA to sit together with the union and find a resolution. We cannot continue losing our investments, tourists and losing the lives of Kenyans. One has mentioned that there is no Opposition. We are here as the Opposition. When it comes to uniting with the Government, it does not mean we cannot oppose. We are here to cooperate but can oppose when the Government goes wrong. That is why I am challenging His Excellency President Uhuru Muigai Kenyatta, to move in with speed and resolve this matter of international importance.

I thank you, Hon. Speaker. We are calling upon KQ not to take over KAA. I thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nduati.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Speaker for giving me an opportunity to also make my contribution. It is quite unfortunate that the workers went on strike inconveniencing very many travellers, including infants, young children, mothers and old people. We are embarrassing ourselves as a nation. We are all aware that Jomo Kenyatta Airport is an international airport and we should not allow this to happen. I call upon the Cabinet Secretary, Mr. Macharia, to deal with that matter immediately. Being a national matter, the President should also get involved. Otherwise, we are going to lose most of our associates and businesspeople who are coming to this country. I also want to talk about the trade unions in this country. They are too many and it is high time we reduced them. Any time those trade unionists want a salary increment, they hold this country hostage and ask the workers to go on strike. It is high time we dealt with this matter with the finality that is required.

Hon. Babu Owino, I want to tell you that you are not the only MP who represents those workers. We are also here. Some of them come from Murang'a and others from Mavoko.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nduati, speak through the Chair.

Hon. Joseph Nduati (Gatanga, JP): I am, Hon. Temporary Deputy Speaker. Hon. Babu Owino, you are not...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Opondo Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, let me join my colleagues who have spoken to the seriousness of JKIA as an installation. This, to me, calls us to think as Members of Parliament why, for instance, members of the National Police Service are not allowed to go on strike. Imagine you are approaching the Airport like the passengers we had yesterday. This is what the Leader of the Majority Party was talking about.

You are running on low fuel and you are being told you cannot land. Where are you going to? It is a serious security situation we cannot imagine. I want to request all stakeholders concerned that, issues that would make workers at an Airport to strike are issues we need to deal with very early.

Let me also talk to my brothers and sisters who are participating in the strike today. Even in Parliament here, we have so many reasons that would cause us to strike. We are budgeting now for all public servants to have house allowances. We do not have any, but we do not strike. We just budget. Make a sacrifice for the country when it is necessary. We are begging for your patience and we are asking all stakeholders across the country that this matter should be dealt with.

I watched a very beautiful hostess being clobbered by a police officer. We have the most beautiful hostesses in this country and across the world. I saw a very beautiful lady being clobbered on the leg and I felt so bad. Let me also ask that where we have a situation where we are dealing with a rioting situation in our airports, we approach them with a bit of care. I saw the news on Cable News Network (CNN) and it is putting us under a lot of damage.

Lastly, I think what has happened in JKIA today is a call for us to expand our other airports to international level. Kisumu was to be built to the size of JKIA. It would have alleviated the situation. Let it be expanded. Let Mombasa and Eldoret be expanded. Let us all be understanding that when you are serving in a security installation like JKIA, you will have some patience that does not expose the nation to the situation we are in. I end by requesting that when we have such matters...

(Loud consultations)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kaluma, you have three seconds.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, I am in Government and I am not going back to the Opposition.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mbithi, Member for Masinga. That Member seems to have taken leave. Hon. Malimo, Member for Laisamis.

Hon. Marselino Arbelle (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. However, before I proceed, I was wondering whether you are going by the screen before you determine which Member is ...

Hon. Members: *(Off record)*

Hon. Marselino Arbelle (Laisamis, JP): Forget about it! Let me make my point please. Protect me, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Please proceed.

Hon. Marselino Arbelle (Laisamis, JP): As I sat here, many Members have walked in after me and they happened to speak. I was wondering whether you were using the names on your screen or you were picking on Members in a different way.

However, with regard to the ongoing strike at the JKIA, I stand with the Kenyans on strike. This is because they are striking in demand of their rights. So, it is up to the management, the union and the Kenya Government to come in and address those pertinent issues and listen to their plight. That way, we will save the image of JKIA, its employees and our national carrier.

Kenya Airways was given the go ahead to fly directly to America just the other day. Now with this trend of strikes, there is likelihood that even that permit will be cancelled. Kenya

Airways has made us proud as a country. It is branded “The Pride of Africa”. Actually, many countries around us such as Ethiopia and Rwanda are coming up with similar brands such as “The wings of Africa.” Mine is to ensure and urge all the stakeholders to come together and, at least, save the KAA employees so that they are not sacked and, at least, safeguard the Kenya Airways take over.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. To answer the Member for Laisamis, the one on top of the screen here is Hon. Joyce Chepkoech. So, she gets the Floor.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you, Hon. Temporary Deputy Speaker. We have discussed a number of issues that have been raised by the Hon. Members, but I want to say this: There must be an underlying issue that caused the strike today at the airport. That issue is known by this august House. The reason why this House is here is to legislate on a number of issues, and not to go to bed with the Executive. Today, I want to confirm that there are some Members of this House who are trying to defend the Executive instead of assisting the public on their rights. The reason they have been elected in this House is to defend the country and assist it to move forward.

This is because there was a directive that was given by the Government that has made the strike to happen today at the airport. We cannot come here to cheat ourselves. I belong to the Government but either way, I will take my position when it is wrong or right. I want to say that it is wrong. It is the Government which is causing this mess. Let them stop what they are doing and look at the issues critically, with a view to solving the problem. The Government should stop fighting the workers using the police and other security agents. The police should stop chasing the workers all over the airport.

This House must stand on its feet and do the right thing. It is shocking that I am Member of this House and I know the right thing that is causing the strike, but we cover it up at the expense of some few individuals. It is true corruption is the major thing that is causing those strikes. The idea of handing over KAA and its staff to the failed parastatal must be stopped. The Government should sit down, resolve the issue amicably and tell Kenyans what is causing that strike. We do not want that mess.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Otiende Amollo.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity. What happened at JKIA was unfortunate.

(Hon. (Ms.) Joyce Korir consulted loudly)

Hon. Temporary Deputy Speaker, could the Member allow me to use my time? What happened today is unfortunate because JKIA is a premier hub for international flights. It is unfortunate because it affects travel and tourism, which we are trying to promote. The fact that it is unfortunate is not a guise for attacking our hard-earned constitutional rights.

Hon. Temporary Deputy Speaker, the Constitution is clear in Article 41, on the entitlement; the right to join and form a union. It is clear in Article 41(2)(d) on the right to go on strike. It is also clear in Article 37 on the right to demonstrate, picket and assemble. It is not right for us as Parliament, who passed the law that gives those entitlements, to attack those who apply that law. If we believe that the law is wrong, it is for us to amend it or qualify it. In this case, the facts show that notice was given for a strike. The facts also show that no steps were taken to

avert that strike. That means we, as leaders and especially the Executive and the management of KAA, have failed in our duty. What that means is that we must engage in meaningful ways to end that problem. One of the things we must focus on is the question of leadership at KAA. Obviously, there is a problem. Secondly, we must focus on the underlying causes of the strike.

The facts of the KQ-KAA merger will be looked into, but the suspicion on the merger is one of the causes of the strike. It appears to me that we, as Parliament, are also failing in our duty. On that issue, we have a pending matter of an inquiry by the Public Investments Committee (PIC). There is also the Departmental Committee on Transport, Public Works and Housing. I propose that we form an *ad hoc* committee to look into that matter and ask fundamental questions to establish by what legal process a private entity can take over a statutory body.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Garane, Member for Lagdera.

Hon. Mohamed Hire (Lagdera, KANU): Thank you, Hon. Temporary Deputy Speaker. I also wish to take this opportunity to say a few things about this very important Adjournment Motion. It is very unfortunate to see what has happened at JKIA. As much as we say that JKIA is an important security installation, the ugly scenes that were witnessed there today are very disturbing. There are a number of employees that were injured in the fracas that ensued. It was all over the international news and local news. Those ugly scenes were disturbing. You cannot use the police force to chase around employees and brutalise them. That is disturbing. It is disturbing to see employees being chased by General Service Unit officers. It is shameful that it happened at JKIA. As a country, we are beyond that ...

Hon. David ole Sankok (Nominated, JP): On a point of order.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is your point of order, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, the Member is out of order by saying that it was wrong for people to be chased. Where there is a strike, there is always chasing by police. If Hon. Mbadi's and Hon. Mbui's legs were broken and they were disabled for some time because of that strike,...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Sankok. I did not see anything out of order there.

Member for Lagdera, please proceed.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Speaker, it is a constitutional right of workers to picket and demonstrate in this country. I thought the time of unleashing GSU officers on civilians was way before the "handshake."

It is unfortunate to see that happening after the handshake. We cannot discuss this Adjournment Motion without discussing or seeing the underlying causes of this strike. We must understand what has caused this strike. The cause could be the intention of the loss-making private entity called KQ to take over KAA. It could be the handshake, which is shaking all over this country. We may never know what is causing this strike.

Thank you, Hon. Temporary Deputy Speaker.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Millie, why are you that agitated? What is out of order?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker. Is the Hon. Member in order to infer that the handshake may be

responsible for this problem? Is he in order to be like Sanballat, the Horonite in the Bible who was against the rebuilding of the walls of Jerusalem? He was pouring cold water even as Nehemiah built the wall. Is he in order to be Sanballat, the Horonite in this House? We shall not allow Sanballat, the Horonite or Tobias the Hittite in this House?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Millie! You know, you have quoted many things, Sanballat and handshake. I do not know what handshake is! So, I am not able to tell what you are talking about the handshake. Hon. Nassir, you have the Floor.

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you, Hon. Temporary Deputy Speaker. I beg Members to lend me their ears on this particular matter. As the Public Investments Committee, we stumbled across a number of issues, and one of them was regarding this. We requested the Office of the Auditor-General to conduct a special audit. It was meant to have been submitted this week.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nassir, even before Hon. Junet raises his point of order, this Report is by the Chairperson PIC under Motion No.13. So, please, do not go there.

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Temporary Deputy Speaker, I am just simply trying to explain to the House that every single matter that is being talked about here or alluded to by some Members of this House, will be in that Report. The issue that is here is the element of the strike.

Therefore, I want to categorically state here... Some Members have gone ahead and said the unions are totally wrong. Whether they are right or wrong, they are within the precincts of the Constitution of Kenya and the same laws we have put in place. In as much as we will be seeing a lot coming up, I want us to totally depoliticise this whole matter and look at it in a holistic approach. I think that is the only way we can move forward. Maybe, instead of the Members making noise, they can come up with suggestions.

Hon. Junet Nuh (Suna East, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. Junet?

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, is the Member in order to say that Hon. Members make noise in this House of records? That is because it will be in the HANSARD. He must withdraw and apologise to Members. The only Member making noise today in this Chamber is the County Woman Representative for Bomet County.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Junet! You are right in the first instance and wrong in the second one. Hon. Nassir.

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Temporary Deputy Speaker, I withdraw but I need your guidance on how we can categorise those Members who do not understand or decide to bypass the Standing Orders by shouting...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kimani.

Hon. Kuria Kimani (Molo, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, I would like to remind this House that, a few weeks ago, we had a terrorist attack at Dusit. This would have reflected very badly to our international community. However, we involved everything we could and averted that. Therefore, the risk and danger we would have found ourselves in terms of our reputation went down only for us to be treated to the scenes we saw this morning.

I will quote in Swahili, “*huu ni msiba wa kujitakia.*” We seem to be making one step forward and three steps backwards. Let us think about the core of this issue. As a country, we are

at 40 per cent unemployment and under-employment. We need to rethink about this issue of strikes in this country. Should we have 1,000 people earning Kshs10,000 a month or 2,000 earning Kshs5,000 a month? The way to deal with this strike is: Is it salary increment they want or do we need to have more people absorbed into the workforce earning a minimum or lower wage?

The first strike in this country was by the teachers in 1962 before Independence. We have had 19 strikes since then by our teachers. We have had countless strikes by our nurses. Who are the people who attend those schools? It is the have nots of this country. The son and daughter of that poor man who goes to a primary school and there is no education for months because our teachers went on strike.

Our nurses have had countless strikes. Who are the most affected? Those people that cannot afford to seek medical attention at the Nairobi Hospital, Aga Khan and MP Shah. Some of those people have even died. But, today, I watched in amazement and awe the speed at which we averted this strike. But why did we do this? This is because it affected the class of people that cannot be touched in this country. That is why those employees were clobbered by the police.

How I wish that strikes by our *matatus* that made people walk to work, or strikes by the teachers that made the sons and daughters of the poor men in this county not go to school, the strikes by nurses that made people die in hospitals could be reversed and averted in the speed at which we handled that strike.

With that, thank you Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us go to that wing. Hon. Wanyama.

Hon. Daniel Wanyama (Webuye West, JP): Thank you, Hon. Temporary Deputy Speaker. The strike at JKIA is very embarrassing. Again, this is a wake-up call to the Executive that if His Excellency the President is not aware, he should know he is losing it. When you see strikes going on, it means Kenyans are oppressed and they have nowhere else to go to but to result to the strikes.

I was so surprised when I came in and my friend Hon. John Mbadi was saying it is very unfortunate that those people had gone on strike. I do not know whether he has undergone some metamorphosis because he was seriously striking the other day. I do not know what has changed now. Where Hon. Uhuru Kenyatta is seated, he should know that he is losing it and this country is going through very difficult situations. Therefore, it is important that he takes over and stops getting advice from the other quarters. This is because this country is getting out of hand.

Thank you, Hon. Temporary Deputy Speaker.

Hon. John Mbadi (Suba South, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. Mbadi? The Member has concluded.

Hon. John Mbadi (Suba South, ODM): You know the rules of natural justice and debate in this House. When a Member mentions you adversely, you are supposed to be given an opportunity to respond. Either, Hon. Wanyama arrived late or probably, he lacks the capacity to understand what I said. This is because what I said was very clear.

Hon. Members: No! Do not demean a Member.

Hon. John Mbadi (Suba South, ODM): Who is asking me not to demean a Member? There is nothing to demean. Hon. Washiali, either you are with him or you better keep quiet.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mbadi, please proceed. What is your point of order!

Hon. John Mbadi (Suba South, ODM): Is it in order for Hon. Wanyama to misreport, misquote and imply improper motive on me and my character? I said a strike is provided for in the Constitution. Picketing is allowed, but there is a procedure to follow. Hon. Wanyama is just testing the other side...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mbadi, do not overemphasise that. Obviously, if in any case he portrayed you in that light, it should not. All Members are equal. Hon. Members, I know everyone from either side wants to speak on this particular matter. I wish there was additional time on this particular matter because many Members wanted to speak to this. Really, there is a lot of balancing to make sure that Members get the opportunity to speak. It is 7.00 p.m.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): The time being 7.00 p.m., this House stands adjourned until Thursday, 7th March 2019, at 2.30 p.m.

The House rose at 7.00 p.m.