

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd April 2019

The House met at 2.30 p.m.

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

PRAYERS

PETITIONS

ACCESS TO EQUALISATION FUND BY RESIDENTS OF TAITA TAVETA COUNTY

Hon. Danson Mwashako (Wundanyi, WDM-K): Thank you, Hon. Speaker. I stand to bring a petition on behalf of Taita Taveta residents, on the issue of marginalised areas accessing resources from the Equalisation Fund. This was a petition which was submitted in the last Session and it expired, so I am resubmitting it.

I, the undersigned, on behalf of residents of Taita Taveta County, draw the attention of this House to the following:

THAT, Article 204 of the Constitution establishes the Equalisation Fund which provides that 0.5 per cent of all the revenue collected by the national Government each year, calculated on the basis of the most recent audited accounts, to provide for services that include water, road, health and electricity to marginalised areas;

THAT, in the second policy and criteria for sharing revenue among marginalised areas, the Commission on Revenue Allocation (CRA) has dropped drought as one of the key indicators of measuring access to the Equalisation Fund by counties, a decision which is likely to impact negatively on the beneficiary counties such as Taita Taveta whose inclusion as a beneficiary was arrived at due to the undeveloped road network among other factors;

THAT, the net effect of dropping undeveloped road network as an indicator for accessing the Equalisation Fund will lead to de-gazettement of beneficiary counties such as Taita Taveta, despite the area having poor or no road network for economic prosperity and is also in contravention of Article 204(2);

THAT, the claim by CRA that 78.2 per cent of households in Kishushe Sub-Location in Wundanyi Constituency have access to safe drinking water, is untrue as the said area has the worst access to safe drinking water in the country, hence casting doubt on the authenticity of the data and parameters used to determine marginalised areas in the second policy and criteria for sharing revenue among marginalised areas;

THAT, public participation done by the CRA in coming up with the second marginalisation policy was inadequate as the key stakeholders in the county of Taita Taveta and other counties in the first policy were never involved. Further, the use of school attendance rates by the CRA as an indicator of marginalisation without taking into account dismal performance in the national examinations in the county occasioned by poverty and undeveloped school

infrastructure, human-wildlife conflict and reluctance by teachers to take positing in the county due no hardship status;

THAT, 62 per cent of land in Taita Taveta County is under wildlife, leaving very little land for viable economic activity by residents, compounded by lack of title deeds or ownership, the county still registers the lowest electricity connectivity at 10 per cent of homes connected to power as opposed to CRA claims that the area is adequately connected;

THAT, the idea to spread the Equalisation Fund thinly to 34 counties up from 14 counties is ill-advised as counties enjoy equitable share of revenue and that the counties are able to sort out challenges in their sub-locations or small areas with resources allocated to them;

THAT, the CRA did not establish the level of impact achieved by the first marginalisation fund policy, neither did they submit a report of actual findings to the National Assembly for deliberation before attempting to review and implement the new policy;

THAT, the proposed second policy and criteria for sharing revenue among marginalised counties or areas adopted by CRA has not been approved by Parliament for implementation as provided in Article 216(5) of the Constitution;

THAT, efforts to have the matter resolved amicably and render a permanent solution through the concerned government departments has been unsuccessful;

THAT, the matters in respect of which this petition is raised are not pending before any court of law, constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Finance and National Planning—

- (a) Recommends that CRA include sub-counties and all areas of Taita Taveta County among the beneficiary areas in the second policy and criteria for sharing revenue among marginalised counties;
- (b) Causes the CRA to conduct public participation in the initial 14 counties before attempting to review the policy, including carrying out the level of impact achieved by the first policy and submit a report of actual findings to the National Assembly;
- (c) Recommends that CRA reintroduces roads as an indicator of marginalisation as stipulated in Article 204 of the Constitution; and
- (d) Recommends that the CRA conducts actual visits of marginalised areas and endeavour to build on the first-hand findings of the first policy instead of relying on outdated or erroneous data as parameters to measure marginalisation.

And you petitioners will ever pray.

Thank you.

Hon. Speaker: The only point to note, Hon. Mwashako, is that the CRA is an independent constitutional commission and, in the performance of its duties or functions, it is not under the direction and/or control of any person, body or authority. Yes, you can recommend that they do certain things, but whatever it is they do may not necessarily agree with what you may have desired.

Let us have the Hon. Member for Lang'ata.

NOTICE OF DEMOLITION OF SEEFAR APARTMENTS

Hon. Nixon Korir (Lang'ata, JP): Hon. Speaker, I rise to bring a petition on behalf of the people of Lang'ata regarding the notice of demolition of Seefar Apartments:

I, the undersigned, on behalf of Home Owners of Seefar Apartments in Nyayo Highrise, Lang'ata Constituency, draw the attention of the House to the following:

THAT, Seefar Apartments registered under LR. No.209/12108 consisting of a development that comprises 288 residential apartments is located within Nyayo Highrise Estate along Mbagathi Road and was constructed by Erdemann Property Limited in 2011;

THAT, the said apartments have a total population of one thousand (1000) people with approximately 60 per cent of the persons working and residing there, being women and children;

THAT, 40 per cent of homeowners of Seefar Apartments acquired mortgages with various financial institutions and are still servicing the said loans;

THAT, the said apartments have been earmarked for demolition by the National Environment Management Authority (NEMA) under the Improvement Notice (NEMA/5/4/Vol.II) and the Water Resources Management Authority (WARMA) Order Serial Number 30366;

THAT, the development of the apartments was approved by NEMA vide letters Reference Nos.PR/8208 dated 29th June 2011 and WARMA's letter Ref. No. WRMA/NRB/RIPARIAN/1(56) dated 17th April 2015, respectively;

THAT, NEMA and WARMA contrary to the initial approvals now allege that Seefar Apartments have been constructed on riparian land, that is, along the Nairobi Dam and Ngong River yet the two water bodies are man-made and their management falls squarely within their management;

THAT, when the matter was taken before the enforcement officer to establish the said allegations, officers from NEMA and WARMA who had conducted the feasibility study failed to verify the allegations as they only conducted a visual inspection tour;

THAT, on 12th October 2018, inspectors from NEMA visited the apartments and issued an improvement notice requiring Erdemann Property Limited to demolish the structure within 14 days contrary to its earlier admission that the same was not on the riparian reserve vide a Stop Order Ref. No. WRMA/NRB/RIPARIAN/1/ (55) dated 25th July 2011;

THAT, the notice and order issued did not specify provisions breached either in the Environmental Management and Coordination Authority (EMCA Cap. 387) Act or the Water Act;

THAT, the impending demolition is against the spirit of the Government's Big Four Agenda which aims at ensuring affordable housing for all Kenyans and it will affect the individual home owners who innocently and wilfully bought the said houses as investment and never anticipated uncertainties;

THAT, facts presented indicate that a number of properties are located within close proximity to the dam and the same have not been implicated like Seefar Apartments raising questions on the formula used by the NEMA and WARMA in arriving at the decision to demolish the apartments;

THAT, efforts to resolve this matter with the relevant bodies have been futile;

THAT, issues in respect of which this Petition is made are not pending before any court of law or constitutional or statutory body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

- (i) Intervenes and causes stay of the earmarked demolition pending conclusive investigations; and

(ii) makes any other order or direction that it deems fit in the circumstance of the matter.

And your petitioners will forever pray

I thank you Hon. Speaker.

Hon. Speaker: Well, Hon. Members, as you may be aware, Hon. Korir is merely trying to resuscitate his Petition which was referred to the Departmental Committee on Environment and Natural Resources in the last Session. However, the Committee decided to go to bed and was only purporting to produce a report three weeks ago which I declined to approve because they were outside the 60 days period and that was deemed to be business that died with the last Session.

So, Hon. Diriye, there is not much that needs to be commented about because Hon. Korir had already appeared before the Committee together with other stakeholders. Nevertheless, this is the way to go since the matter had already died, unless there are Members willing to comment on the other petitions... I see the Member for Mwatate desires to comment.

Hon. Andrew Mwadime (Mwatate, ODM): Thank you, Hon. Speaker. I would like to comment on the Petition on the Equalisation Fund. Through your guidance, the CRA is independent but what they have done to some parts of this country is interesting. If we dig boreholes in Mwatate Constituency, we will find that the water has minerals because we have lots of mineral deposits in the constituency. So, there is no fresh water in Mwatate because we do not have rivers, water pans and check dams. This is really serious. The infrastructure such as roads is bad. They are impassable once we have short rains.

We have the same problem with the healthcare and we are wondering why places like Mwakitau, Chungaunga, Manoa, Mbauro, Kishamba Mwachawaza have had their Equalisation Fund removed and taken to other areas.

Hon. Speaker, the CRA should consider this Petition, go to the ground and see what is happening. If they did that, they would be in a position to know the problems the people of Taita Taveta are facing.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have the Member for Tiaty. Member being a nomad...

Hon. Kassait Kamket (Tiaty, KANU): I am here.

Hon. Speaker: We cannot have Members running up and down.

Hon. Kassait Kamket (Tiaty, KANU): I was going to borrow the Constitution from the Clerk's Table.

While I sympathise with my colleagues, Members for Wundanyi and Mwatate in what they stated, I want to agree with your direction that the CRA is an independent body. I plead with my colleagues, the supposed beneficiaries of the Equalisation Fund, that we should not have the mentality of being mean with what we do not have in the first place. Marginalisation is not a birth right for anybody. The first policy excluded Tiaty Constituency from being a beneficiary of the Equalisation Fund.

Hon. Speaker: It is either a comment or you seek for information on this Petition. It is not about Tiaty.

Hon. Kassait Kamket (Tiaty, KANU): Yes. Tiaty is part of the beneficiaries of the Equalisation Fund in the second policy but it was erroneous that we were excluded in the first petition.

Hon. Speaker: Just be relevant and comment on this Petition

Hon. Kassait Kamket (Tiaty, KANU): I am being relevant.

Hon. Speaker: You are now dangerously bordering on being out of order. Just stick to the Petition.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Speaker. I was commenting on the Petition. I sympathise with what he is saying, but while he is unhappy with the second policy, some of us are very happy with the second policy. We are only eager that this policy and the Equalisation Fund hit the ground.

One of the biggest problems with the Equalisation Fund is lack of an enabling law. Instead of bringing a law to actualise the Equalisation Fund, the Cabinet Secretary (CS) decided to use the Public Finance Management (PFM) Act and have an amorphous body as a board. Without anticipating debate, I have indeed drafted a Bill to address the problems we have in the Equalisation Fund.

Hon. Speaker: Hon. Kamket and Members, I do not want a Member to rise here and start telling the House and the whole world that they have drafted Bills when they have just written letters or expressions of interest. Please, this is causing a lot of unnecessary confusion in the country. Let us have Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. I want to add my voice to what the Member for Taita raised in terms of the Equalisation Fund. This issue is both in the Constitution and has a time frame of 20 years. This is for us to see what will happen within that time, whether this fund is useful or otherwise. Just down the stream on the second tranche of Equalisation Fund is when we are hearing there is a second policy. I do agree with you that this is a constitutional commission which is protected by the Constitution. I think, when they tend to do things by putting aside the Constitution, then Hon. Members are bound to raise these issues in this House.

Thank you, Hon. Speaker.

Hon. Speaker: The Petition is referred to the Departmental Committee on Finance and National Planning. Let us move to the next Order.

PAPERS LAID

Hon. Speaker: Hon. Washiali, on behalf of the Leader of the Majority Party.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

Report on the *Boda Boda* Motorcycle Transport and Security Challenges in Kenya from the National Crime Research Centre;

Annual Report and Financial Statements of the Coast Development Authority for the year ended 30th June 2017.

Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ending 30th June 2017 and the certificates therein:

- a) Suna West.
- b) Suna East.
- c) Nyatike.
- d) Uriri.
- e) Kuria East.
- f) Homa Bay.
- g) Nyando.
- h) Mbita.
- i) Rongo.

- j) Keiyo North, and
- k) Alego Usonga.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Departmental Committee on Sports, Culture and Tourism, Hon. Munyaka.

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Sports, Culture and Tourism on its consideration of Public Petition seeking leave of the House to introduce a Private Bill entitled: "The *Mau Mau* Liberation Struggle Movement Bill," presented by *Mau Mau* War Veterans Association.

Thank you, Hon. Speaker.

Hon. Speaker: That is a Public Petition and according to our rules if there are any Members desirous of making comments, I can allow them to do so but for only 20 minutes. I do not know whether they will be doing so, from the point of view of having read the Report or general knowledge and information picked from the constituencies and villages. I do not see any interests.

Chairperson, Departmental Committee on Communication, Information and Innovation, Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Communication, Information and Innovation on its consideration of Senate Amendments to the Copyright Amendment Bill, 2017.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

COMMUNICATION FROM THE CHAIR

IMPLEMENTATION OF THE PAPERLESS SOLUTION FOR THE NATIONAL ASSEMBLY

Hon. Speaker: Order Members! Order, Hon. Member for Machakos Town! Hon. Members, I indicated that I was going to make a short communication on the implementation of the paperless solution for the National Assembly.

Hon. Members, you will recall that on Tuesday, 12th February 2019 I issued a communication reminding Members to avail themselves for training on our new paperless solution for the Chamber. I am glad a number of Members are now quite at ease with slight technological interruption. Hon. Members, I wish to keep the House abreast of the progress made so far.

(Hon. Gabriel Kago and Munene Wambugu consulted loudly)

The Member for Githunguri and Kirinyaga Central, you will find this useful so that you do not have to start running around.

Hon. Members, I had indicated that a total of 350 tablets have since been procured and installed with customised applications which enable Members to receive House Business

documents including the order papers, votes and proceedings, bills, statutes, statutory instruments, factsheets among other resources. The application has an embedded committee folder that includes committee schedules and reports, HANSARD Reports and budget-related documents among other key parliamentary journal.

Hon. Members, in the said Communication, I also indicated that Members will be allowed to use the tablets once all of them are installed and short user training on the use of the equipment is done. To this end, I have since confirmed that the tablets have been installed and the user training has been ongoing. What remains now is to gradually roll out the system for use.

Hon. Members, in this regard, I have ordered that as from Tuesday, 23rd April 2019 there will be no physical order paper in the Chamber except in situations whereby Supplementary Order Paper is prepared on need basis.

(Applause)

This takes effect as soon as the House resumes after the short recess. You will henceforth, be able to access all your documents from the application on the equipment.

I therefore, urge Members who may not have acclimatised with the use of the application to create time during the short recess to attend user training sessions that will be mounted by the Information, Communication Technology Department of the National Assembly.

Thank you, Hon. Members.

MESSAGE

APPROVAL OF NOMINATION OF MR. HILARY NZIOKI MUTYAMBAI TO THE POSITION OF INSPECTOR GENERAL OF POLICE

Hon. Speaker: Hon. Members, this is a Message from the Senate.

Given, the decision of the House under Order No. 11, I wish to inform the House that I have, moments ago, received a Message from the Senate confirming that the Senate also approved the nomination of Mr. Hilary Nzioki Mutyambai for appointment to the position of Inspector General of the National Police Service.

Hon. Members, this therefore concludes the bicameral approval of the appointment process, save for the Question to be put in this House for the said Mr. Hilary Nzioki Mutyambai's appointment as the Inspector General of the National Police Service by H.E the President as required under Article 245(2)(a) of the Constitution, after the formal submission of the written certification by my colleague, the Speaker of the Senate and I.

Thank you.

QUESTION BY PRIVATE NOTICE

Hon. Speaker: The first Question will be by the Member for Igembe South, Hon. John Paul Mwirigi.

Question No. 016/2019

ARREST OF MR. RICHARD KOOME BY INDIAN AUTHORITIES IN MUMBAI

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Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, I stand to ask the Cabinet Secretary for Foreign Affairs the following Question:

(i) Is the Cabinet Secretary aware of the arrest of one, Richard Koome, a Kenyan of passport number A2440847 from Igembe South Constituency by Indian authorities in Mumbai, India, on 28th May 2018?

(ii) Could the Cabinet Secretary inform the action taken by the Kenyan Embassy in India to secure the release of Mr. Richard Koome and further ensure that he gets legal representation?

Hon. Speaker: Hon. Members, the Question is referred to the Departmental Committee on Defence and Foreign Relations to prioritise it for response.

Hon. Members, I will interrupt the Order again. It has changed because the Whip of the Majority Party appears to have been busy consulting instead of being in his place. I want to encourage Members that if you consult with the Chair too much when Members are asking Questions, you also confuse the Chair. I am not able to follow what the Members are also saying. Let us have Hon. Washiali.

NOTICE OF MOTION

EXTENSION OF TIME FOR CONSIDERATION OF A PUBLIC PETITION

Hon. Benjamin Washiali (Mumias East, JP): Hon. Speaker, I give notice of the following Motion:

THAT notwithstanding the provisions of Standing Order No.227(2) on committal of petitions, this House resolves to extend the period for consideration of a public petition regarding de-gazettement of the 400 yards strip in Ngong Hills Forest by the Departmental Committee on Environmental and Natural Resources by a further period of 60 days from 19th April 2019.

I thank you, Hon. Speaker.

ORDINARY QUESTIONS

Hon. Speaker: We go back to Order No. 7. The next Ordinary Question is by the Member for Kiambu.

Question No. 098/2019

DETAILS ON AGE LIMIT FOR IMPORTED SECOND-HAND MOTOR VEHICLES

Hon. Jude Njomo (Kiambu, JP): Hon. Speaker, I would like to ask the CS for Industry, Trade and Co-operatives the following Question:

(i) Could the Cabinet Secretary provide details of his recent public pronouncement on the reduction of the age limit for imported second-hand motor vehicles with engine capacity above 1500cc from eight to five years?

(ii) Could the Cabinet Secretary explain the short and long-term effects the pronouncement above has on the country's economy?

(iii) Could the Cabinet Secretary explain whether the Kenya Bureau of Standards Notice Number KS 1515:2000 of 2018 on Kenya Standard Code of Practice for Inspection of Road Vehicles has complied with the requirements of the Constitution and the Statutory Instruments Act as it relates to public participation and submission to Parliament?

Hon. Speaker: That Question is referred to the Departmental Committee on Finance and National Planning to prioritise for a response by the CS. Next one is by the Member for Sirisia.

Question No. 166/2019

AWARD OF TENDER FOR BULK CARGO TRANSPORT THROUGH SINGLE SOURCING

Hon. John Waluke (Sirisia, JP): Hon. Speaker, I rise to ask the CS for Transport, Infrastructure, Housing and Urban Development the following Question:

(i) Is the Cabinet Secretary aware that the tender for bulk cargo transport through the Standard Gauge Railway was awarded through single sourcing?

(ii) What were the reasons for the award of the tender by single sourcing over other forms of tendering?

(iii) Could the Cabinet Secretary provide details of the tender award stating amount of the contract, timelines for repayment and expected revenue for the Government?

Hon. Speaker: It is referred to the Departmental Committee on Transport, Public Works and Housing to prioritise.

The next Question was by the Member for North Imenti who has requested that it be deferred. More importantly, Hon. Rahim, had I seen Part (ii) of your Question, I would not have allowed that because under our rules, you do not ask questions about what is written in law. You do not ask a question for somebody to tell you what is in statutes and the Constitution because you are expected to be literate enough when you come to this House.

The Clerk's office is advised not to allow Members to ask these kinds of Questions where you can get the answer by simply looking at the Constitution and going to tell the villagers what it provides. You cannot expect the Attorney-General to come and read to you what is in the Constitution. I encourage Chairpersons of Committees not to allow these kinds of things because it shows you in very back light. It is like you all did not read.

Question No. 167/2019

DATE OF THE NEXT ELECTIONS FOR MEMBERS OF PARLIAMENT

(Question deferred)

Hon. Speaker: The next Question is by the Member for Mwingi West, Hon. Nguna.

Question No. 168/2019

MEASURES TO ADDRESS THE PLIGHT OF CONTRACTED STAFF AT KBC

Hon. Charles Nguna (Mwingi West, WDM-K): Hon. Speaker, I would like to ask the Cabinet Secretary for Information, Communications and Technology the following Question:

(i) Is the Cabinet Secretary aware that Kenya Broadcasting Corporation's (KBC) contracted employees, who comprise the majority of staff, have served for years without promotion and salaries?

(ii) Is the Cabinet Secretary further aware that the Corporation has not been remitting employees' statutory deductions in time?

(iii) What measures is the Ministry putting in place to ensure these issues are addressed?

Hon. Speaker: You want the Question to be referred to the Departmental Committee on Labour and Social Welfare. It is your choice. It is referred to the Committee you choose which is the Departmental Committee on Labour and Social Welfare to respond.

Member for Kiharu.

POINT OF ORDER

MISLEADING MEDIA REPORTS ON THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I rise pursuant to the provisions of Standing Order No.44 as read together with the provisions of Standing Order No.212D relating to the Parliamentary Broadcasting and Library Committee, and Standing Order No.127(3A) with respect to public participation on Bills upon publication.

My attention has been drawn to misleading information being spread partly by the mainstream media, social media and other individuals regarding the contents of my Bill titled: "The Anti-Corruption and Economic Crimes (Amendment) Bill", which was published on 1st March 2019 and read for the First Time on 20th March 2019. My Bill, which has only two clauses, is amending the Anti-Corruption and Economic Crimes Act No.3 of 2003 in order to put in place stiffer penalties. I emphasise that my Bill only has two clauses and is only amending the Anti-Corruption and Economic Crimes Act, so as to put in place stiffer penalties on those engaging in corruption.

My first proposal in the Bill is to have much stiffer penalties than the ones that were passed through the Departmental Committee on Justice and Legal Affairs. I had proposed hanging as a penalty on some threshold of corruption. I propose this legislation in the realisation that currently, a person convicted of an offence under the Act is liable to a fine not exceeding Kshs1 million or an imprisonment for a term not exceeding 10 years or both. There has been a surge in corruption cases in this country and one way of dealing with corruption is enhancing the consequences of engaging in such activities. Unless the menace of corruption is dealt with, it will continue to hamper the economic growth and development of our country due to loss of public funds.

However, there has been a series of attacks on the Bill and the proposer, including misinformation that the Bill is aimed at curtailing the powers of the Director of Criminal Investigation (DCI) and the Director of Public Prosecutions (DPP). This deliberate misinformation is not only an attack on the Member for Kiharu Constituency, but also an affront to the legislative authority of this House and the individual Members, especially those of us who have more than 30 Bills to our names and more than 100 others whose legislative proposals are in the pipeline. This House has legislated against fake news and use of digital media to mislead the public. The effect of this trend now comes up five-fold as follows:

(1) That, individuals and institutions outside Parliament will now have the audacity of curtailing the legislative authority of Parliament under Article 95 of the Constitution by twisting the objects of published Bills, especially to poison the minds of the public against the institution of Parliament.

(2) That, individual Members may now be discouraged from proposing legislation or even taking part in making laws.

(3) That, other individual Members may be discouraged from supporting legislations in this House including Bills emanating from the Executive, which would be a retrogressive trend.

(4) That, this House will henceforth allow the media to continue misreporting on legislative matters before it, especially the mainstream media, which enjoys certain privileges and facilities accorded by Parliament through the taxpayers' money.

(5) That, since after publication the Bill became the property of the House and the relevant committee is required to seek public views, those views of the public will be highly prejudiced by the distorted information.

Therefore, my humble request is that you confirm that there is no other such Bill published by anyone else in my name other than the Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No.6 of 2019), which is a two-clause Bill, amending the Anti-Corruption and Economic Crimes Act No.3 of 2003 so as to put in place stiffer penalties with regard to corruption offences upon conviction.

I also request you to rule whether the Parliamentary Broadcasting and Library Committee as established under Standing Order No.221D should inquire into this matter and propose sanctions on any media house that continues to misreport on facts, particularly with regard to this Bill, which is now before the Departmental Committee on Justice and Legal Affairs.

I also request your guidance as to whether it is the role of individual Members to correct facts about Bills that are before departmental committees or it is the work of departmental committees. Should you find that it is the mandate of the relevant committee, I beseech you to order the Departmental Committee on Justice and Legal Affairs, through the Clerk, to publish a statement that will go to all media houses stating the facts about the Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No.6 of 2019).

I was perturbed yesterday when I was engaging in other parliamentary business seeing an Hon. Member of this country, who has served as an Hon. Member of Parliament, misinforming the public. I wondered whether a person of the stature of a former Prime Minister has no time to peruse Bills that we propose in this House.

Finally, I beseech the Departmental Committee on Justice and Legal Affairs to prioritise public participation of the said Bill, so that it is considered when the House resumes from the short recess. As I wind up, I call upon my colleagues in this House to kindly find time to peruse my Bill, which is available at the Table Office. It is a very simple Bill wherein I propose only two clauses. Currently, fines on those convicted is less than Kshs1 million or not exceeding Kshs1 million. My Bill proposes not less...

Hon. Speaker: Do not debate the Bill. Now you are beginning to debate the Bill. You rose on a point of order.

Hon. Ndindi Nyoro (Kiharu, JP): As I finalise, the other one is that the issue of imprisonment when one is convicted is not more than 10 years.

Hon. Speaker: Even that is not part of what you rose to say.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, on those issues, I seek your guidance.

Hon. Speaker: Could the Member for Eldas walk slightly faster? He has since acquired the title of an elder.

Hon. Members, there is nothing for debate. Even for those who are getting excited wanting to rise on points of order, there is nothing out of order. The Member for Kiharu had approached the Speaker and the Clerk upon being perturbed by media reports that he was proposing an amendment to clip - as used - or reduce the powers of the DPP. I went for the Bill by Hon. Ndindi Nyoro. To reduce or affect the powers given to the DPP, one would need to propose an amendment to Article 157 of the Constitution. The Bill by Hon. Ndindi Nyoro, which I have here, is titled: "The Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No.6 of 2019)".

It was published on 1st March 2019. As the Member has quite clearly explained, this Bill has only two clauses. It is clear in the memorandum of objects and reasons that all he is suggesting is to increase the penalty. The media in Kenya has its freedom. It decided to use it to make clips which say that Hon. Ndindi Nyoro has proposed a Bill which has not been seen by anybody within Parliament. The only Bill that the Member proposed with regard to the issue of anti-corruption is this Bill.

The reason we afforded the media a place from which to work within the precincts of Parliament is so that if they sniff something, as they normally do, they can walk to the Table Office and get copies of the various legislative proposals and find out whether there are letters which have been written about any topic or subject. The media decided to assassinate the character of the Member for Kiharu or even allocate to him certain great ideas as to amend Article 157 of the Constitution. Hon. Peter Kaluma knows that you require not less than two thirds of the Members to amend the Constitution. As to what any other person may say there including the media, what the Member for Kiharu required is a correction of that erroneous impression. The media is accordingly advised. As much as you may wish to set the agenda for the country, please, do it factually.

(Applause)

As to the point the Member for Kiharu has raised, there is nothing for the Committee to clarify. In keeping with our procedure, and more particularly Article 118 of the Constitution, there will be information in the media seeking views of the public on this Bill. The Departmental Committee on Justice and Legal Affairs will indicate the date or dates and the time that they will sit to receive views from anybody who desires to make his or her views known to the Committee. It will be put on the media inviting the public to give views on this very minor proposal. I do not think we require the Chair of the Departmental Committee on Justice and Legal Affairs to explain what they are doing because it will be known. We work in the open. The committees and the plenary are open. So, the media does not need to second-guess what is happening. They can appear before the Departmental Committee on Justice and Legal Affairs or even walk into the Table Office and get copies of this Bill in abundance. Should there be difficulties in reading, I recommend to them that Hon. Millie Odhiambo can interpret what is suggested by the Member for Kiharu, just in case they may not believe the Member when he reads the memorandum of objects and reasons, which are very clear.

Hon. Ndindi Nyoro, we appreciate that this may have caused you a lot of anxiety because things were attributed to you which you did not come up with. The blame goes to the media. The media should offer an appropriate apology both to Hon. Ndindi Nyoro and the National

Assembly for wrongfully telling Kenyans about stories which could have been figments of either their fertile or infertile imaginations, as the case maybe.

(Applause)

Hon. Ndindi Nyoro, you are quite right to seek that clarification and also to clarify to the House and the country that what was purported to have been from your head must have been from the heads of those who wrote it.

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: The Member has been out of the House for a number of years. So, he is remembering what used to happen in the past. We encourage him to rise in his place on a point of order.

(Laughter)

Hon. Wanjala.

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker. I agree with your decision that the media misled the public on Hon. Ndindi Nyoro's Bill. It is also in public domain that the team which is nicknamed "*tangatanga*", which he belongs to, has been moving out there talking about the same issues. As he wants the media to apologise...

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

Hon. Speaker: You are out of order, Hon. Wanjala. Hon. Members, I want to encourage that when you come for the afternoon sittings, just take lunch and not more than that, so that we can conduct business properly. Take lunch with some little bit of water or light drinks.

Member for Kikuyu, what is your point of order?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, my point of order is on Standing Order No.85 on anticipating debate. I am happy because you guided Hon. Ndindi Nyoro on the question of anticipating debate on the Bill.

(Hon. Adan Keynan consulted loudly)

Hon. Keynan should stop conversing in a language that I do not understand behind me. On the question of anticipating debate, I am well guided by your direction. However, I was hoping and praying that you would give direct sanctions against some of these media houses. The distortion of facts about the Bill by Hon. Ndindi Nyoro was not only deliberate, but also calculated. It is not an affront on the Member for Kiharu, but on the National Assembly. As much as you have guided that they should offer an apology to the Member for Kiharu and the National Assembly, we were accused in the past that we were working on Bills that did not exist to increase our salaries. It was reported in all the media houses. We featured on prime-time news on news of Bills that are before this House, which did not exist. We have this incident where a Bill that does not exist formed newspaper headlines over the whole weekend. What is more worrying is the trend by the Members of Parliament of taking our politicking to another level where we now join the fray. We, as Members of Parliament, are the ones who encourage the media to kill the dignity of this House. We saw and witnessed Members of this House who were debating the purported Bill in funerals and churches. Some of them were chased out of some churches over the weekend. It is imperative that if we expect dignity from the media and

members of the public, we must also carry ourselves with the dignity that we want to call on others to carry us.

It is perturbing when a Member of Parliament purports and pronounces himself or herself, like it happened over the weekend in some church in Gatanga where people pronounced themselves that they will not be supporting the Bill by Hon. Ndindi Nyoro that purports to curtail the work of the DCI and the DPP, a Bill that never existed. I do not know whether these Members of Parliament do not have access to the Table Office or, indeed, *Google*, if you cannot walk to the Table Office. I had not read the Bill. When I read about it on the newspapers on Sunday morning, I went to the parliamentary website. On the Bills listed as upcoming business, I saw a *pdf* extract of the Bill and I read it, but I was worried when I saw other Members of Parliament in funerals talking about it. Hon. Ndindi Nyoro has said that it is only yesterday the former Prime Minister was speaking in Mombasa and said that Ndindi Nyoro is a *mwendawazimu*. It is shameful that somebody of the stature of the former Prime Minister, someone Hon. Ndindi Nyoro can only refer to honourably as a former Prime Minister and a grandfather, can call him a mad man on the premise of something that does not exist.

(Loud consultations)

Hon. Speaker, I also wanted you to offer us guidance on the premise of Members of Parliament anticipating debate as much as those anticipating debate in churches may not have been anticipating debate on this Bill because it did not exist. I will name some of them. I will forgive the likes of Hon. Maina Kamanda, because he may not have read and understood the contents of the Bill, but the likes of Hon. Gladys Wanga, who is well schooled, well-read and can read, I do not know the excuse we can give for her. We should not forgive. Having been a Commissioner of the Parliamentary Service Commission, a well-schooled person and a Member of Parliament, she cannot be equated in the same category as the Chair of the Committee on Regional Integration, somebody who cannot read and understand Bills written in English.

Therefore, Hon. Speaker, I want your guidance on the question of people taking debate of issues that are before the House outside.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I do not have authority over non-Members. I do not have authority over every citizen who expresses their opinion on any matter based either on facts or rumours. For Members of Parliament, obviously, it is idle for a Member to purport to discuss a Bill that does not exist, but to the extent that Hon. Gladys Wanga has been specifically...

(Hon. Jimmy Angwenyi spoke off record)

Hon. Jimmy Angwenyi, you are suffering from a similar problem as Hon. Wanjala. Hon. Gladys Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Speaker, Hon. Ndindi Nyoro on the Floor of this House is backtracking on things he said were the contents of his Bill. We are not going to be taken to be children here. He is backtracking on it because of the kind of heat the Bill has received. When he was talking about the contents of the Bill at a meeting, he said that one of the things his Bill intends to do is to clip the wings of the DCI. I will not take back what I said in church in Gatanga, Murang'a County. I said that if there is intention by Hon. Ndindi

Nyoro, through any Bill, to clip the wings of the DCI, we will oppose such a Bill with the vigour that it deserves. That is what I said and that is what *Baba* said.

Hon. Raila, who is a brilliant engineer, cannot be made a subject of ridicule on the Floor of this House by a mere Ndindi Nyoro or Kimani Ichung'wah. *Baba* will not be made a source of ridicule on the Floor of this House by people whose intention is really to clip the wings of the DCI.

I want to take exception with Hon. Ichungw'ah for saying that Hon. Maina Kamanda has no ability to understand Bills. This is a Member of Parliament who has been here year after year. It cannot be said of him that he cannot understand Bills by the mere fact that Ichungw'ah thinks that he went to Alliance Boys High School. You do not have to go to Alliance High School. You can go to any other school and still be wise; old and wise. Old is gold. We will not be taken round in circles. Wings of the DCI will not be clipped. The DCI and DPP must be left to fight corruption. Those involved in corruption must stop. They cannot come and take us for a game here.

Hon. Speaker: Do not...

Hon. Jimmy Angwenyi (Kitutu Masaba, JP): on a point of order, Hon. Speaker.

Hon. Jimmy Angwenyi, you were not here when the matter started. So, you may not know what is in order or what is out of order. You came in when the matter was in progress.

(Loud consultations)

Hon. Members, even as I allow a few of you to make limited comments, the Bill that has been proposed by the Member for Kiharu is an amendment to the Anti-Corruption and Economics Act No.3 of 2003. Even if Hon. Ndindi Nyoro may have also imagined that the Bill deals with the DPP and the DCI, whatever that means, it does not. Even if Hon. Nyoro said he is clipping the wings of the DCI, the Bill does not clip any wings. In fact, there are no wings proposed to be clipped in this Bill. Even if Hon. Wanga was reacting to some story that Hon. Ndindi Nyoro may have made in some forum, let us also be guided that the only Bill that is here bearing the name of Ndindi Nyoro is the one I am holding.

(Hon. John Mbadi consulted loudly)

This is the problem. The Leader of the Minority Party came late.

Hon. Members, it is fair that when you make your comments, it must be about this Bill, whose main intention, as I have told you, as spelt out in the memorandum of objects and reasons, is to increase the penalty for people convicted of engaging in certain acts of corruption and that is all. It has two clauses. This is the Bill by Hon. Nyoro. We are not going to deal with what is in his head. We are dealing with that which has been published. I do not think there is need for us to begin saying that one did not say this or that.

(Loud consultations)

Hon. Ndindi Nyoro, do you want to speak? You have one minute.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Speaker for giving me a chance to respond to the allegations from my former comrade, Hon. Wanga.

I want to set the record straight and we have the benefit of the HANSARD. I have never, in the House, talked anything about the DCI or clipping the powers of the DPP. I also have the privilege to talk about what is in my mind. I have never contemplated bringing such a Bill in this House.

I urge my colleagues not to politicise such brilliant business that will assist our Government in the fight against corruption. As it was put correctly by Hon. Kimani Ichung'wah, yesterday, I was totally perturbed to see a person of the stature of a so-called engineer purporting to have read a Bill from...

(Loud consultation)

Hon. Speaker: Hon. Members, this is not business. There is nothing out of order. We are through with that. It was merely to correct the wrong impression created by the media for their own purposes that Hon. Ndindi Nyoro has a Bill other than this one. That has been done. Those are other comments, whether in churches, mosques or at funerals. Please leave them out.

Hon. Members: On a point of order!

Hon. Speaker: Hon. Members, and especially Members who are doing their second term, this is not business. It looks like those of you who are supposed to be experienced are experienced in doing the wrong things. That experience cannot count.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): First-timers!

Hon. Speaker: Because they are first timers, they need more time to speak in the House so that they are not intimidated by the elders.

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

Hon. Speaker: Not on this matter, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I thank you. I desired to seek your intervention to give us direction on a matter affecting the operations of Members of Parliament, and more so those Members proposing pieces of legislation.

Under our procedures, if you had a Bill, that Bill goes before a committee for pre-publication scrutiny. Parliament must have noted that there is no timeline for the committees to treat the process of pre-publication scrutiny. We have very good ideas. A number of colleagues came to Parliament and have taken time to develop Bills. Many of those proposals are stuck in various departmental committees and select committees without timelines. We do not know what to do.

The other issue I have seen deals with legislative proposals relates to the parameters of a committee when undertaking the task. I have seen cases where when colleagues appear before departmental committees to find out what the legislative proposals are about, it is not clear how far a committee goes in terms of interrogating such matters with a particular Member. I was seeking direction. If, indeed, a legislative proposal does not conflict with any law and it is not against public policy, committees should avoid discussing the merit of such draft Bill as if we are debating in this Assembly. There is need for direction from the Chair in this regard.

Thirdly, is a matter of conflict in terms of a committee's position on a legislative proposal. We have had legislative proposals which had to pass through the Budget and Appropriations Committee for them to find out whether they are money Bills or not but you find that by the time that draft Bill gets to, for instance, the Departmental Committee on Justice and Legal Affairs, the Budget and Appropriations Committee has recommended deletion of clauses

which have nothing to do with money. These are clauses which, in the judgement of the relevant departmental committee are at the core of the legislative proposal.

I have in mind a proposal which was brought before the Departmental Committee on Justice and Legal Affairs by the Member for Tharaka Nithi regarding reconstitution and reorganisation of the Government Printing Press. In this specific case, the Budget and Appropriations Committee went ahead to specify what the new corporation proposed in the Bill cannot publish. That is going beyond their role. I am seeking your direction now that we do not have it in the Standing Orders. Maybe, in future, we will propose to the Procedure and House Rules Committee to consider including it in the Standing Orders. As of now, I do not believe that a departmental committee should constrain a Member seeking to introduce a Bill for over a month or even 14 days so that we have things moving. The issue of conflict between committees should be clarified.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, Standing Order No.117 is very clear. I suppose Hon. Kaluma is not addressing a Bill which has already been drafted, but a legislative proposal. That is why it goes for prepublication scrutiny. It is just last month when the House Business Committee (HBC) took the decision to bring a Motion, which was passed by this House to do away with pre-publication scrutiny of various legislative proposals that Members were complaining were all stuck in the various committees. We felt that the committees were to take note of that drastic action taken by the House so that when proposals are submitted to a committee, it is acted upon within the timelines provided in Standing Order No.117.

The issue about money Bill is covered in sub-Section 3. Where public money will be involved, the relevant departmental committee should refer the Bill to the Budget and Appropriations Committee, which will have an opportunity to interact with the Cabinet Secretary for National Treasury. The committee does not need to spend a lot of time. If the Bill has covered all the other aspects, the Committee should not spend too much time trying to interrogate it and calling witnesses. There is no point of witnesses because they are not there. You call the Member who is proposing to come and explain to you what it is in his or her mind, and whether public resources will have to be spent upon enactment of the proposal.

(Hon. Moses Lessonet stood next to Hon. Kaluma)

Hon. Lessonet, surely, it is Hon. Kaluma who rose on a point of order. Now you want to first of all deal with him before I can finish with him. I am not able to see him when you stand between him and me.

I quite agree with you, Hon. Kaluma that there is need for departmental committees to expedite consideration of the various legislative proposals. There is no harm in doing so, unless the Bill has monetary implications. Committees processing such proposals should proceed to the next stages instead of sitting or sleeping on Members' draft Bills. I do not know whether it is sitting or sleeping on those proposals. Of course, just to warn committees, should the HBC again get complaints about other proposals not being moved, we will not hesitate to advise the House to proceed in the manner we did with regard to various Bills, many of which were read for the First Time this morning. I thought it was a good thing so that Members' efforts are not stifled by mere processes. That should suffice, Hon. Kaluma.

Let us move to the next Order.

CONSIDERATION OF REPORT AND THIRD READING

THE SPORTS (AMENDMENT) BILL

Hon. Speaker: Order, Members!

(Hon. (Ms.) Rehema Jaldesa walked in the aisle)

Just have a copy of the Order Paper so that you are able to know where we are even as you loiter around. This thing of just moving and nobody knows what you are doing is not good.

We are still using paper. As we have indicated, we shall not be using paper from 23rd April, 2019. We shall be using the tablets. So, it will make movement a little easier.

Hon. Members, debate on this Motion was concluded yesterday. What remained was for the Question to be put.

(Question put and agreed to)

Mover.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to move that the Sports (Amendment) Bill (National Assembly Bill No.25 of 2018) be now read the Third Time. I also request Hon. (Dr.) Robert Pukose to second.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, I second. Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, I have not seen anybody wishing to comment. Having confirmed that the House quorates, I will put the Question.

(Question put and agreed to)

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

BILLS*Second Reading*

THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL

(Hon. Isaac Ndirangu on 2.4.2019)

(Debate concluded on 2.4.2019)

Hon. Speaker: Hon. Members, again, debate was concluded for Second Reading of this Bill. What remained was for the Question to be put.

(Question put and agreed to)

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

Second Reading

THE COUNTY STATISTICS BILL

(Hon. Isaac Ndirangu on 2.4.2019)

(Debate concluded on 2.4.2019)

(Hon. Raphael Wanjala walked in the aisle)

Hon. Speaker: Order, the Member for Budalangi!

Hon. Members, this is an observation. I believe it is a fair one. Sometimes very few Members participate in the Committee of the whole House. What normally remains to happen is for the Question to be put. The only Members who know what happened are those who participated in the Committee of the whole House. Nevertheless, quite a number are present when the Question is put. Therefore, they all pass it. I imagine that is why the weekends are usually active with what we would have passed.

Again, debate on this Bill was concluded yesterday. What remained was for the Question to be put for Second Reading.

(Question put and agreed to)

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

Next Order!

SPECIAL MOTION

APPROVAL OF THE NOMINEE FOR APPOINTMENT AS THE
INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate in their Report on the Vetting of the Nominee for Approval as the Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, 2nd April, 2019, and pursuant to the provisions of Article 245(2)(a) of the Constitution, Section 12(1) of the National Police Service Act, 2011 and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this

House approves the appointment of Mr. Hilary Nzioki Mutyambai as the Inspector-General of the National Police Service.

(Hon. Vincent Kemosi walked in the aisle)

Hon. Speaker: It will be good if this Member can settle. The Member for West Mugirango, settle down.

(Hon. Paul Koinange on 3.4.2019 – Morning Sitting)

(Debate concluded on 3.4.2019)

(Question put and agreed to)

MOTION

REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR 2017/2018 AND 2018/2019

THAT, this House notes the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019 & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC Appropriation Bill, 2018, laid on the Table of the House on Tuesday, 27th November, 2018.

(Hon. Oscar Sudi walked into the Chamber)

Hon. Speaker: The Member for Kapseret, this is the Chamber of the National Assembly.

(Laughter)

The Member for Kapseret is doing his second term, so, he knows.

(Hon. (Ms.) Naisula Lesuuda on 26.3.2019)

(Debate concluded on 2.4.2019)

(Question put and agreed to)

PROCEDURAL MOTIONS

REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No.21 of 2019) from 14 to 5days.

(Several Members withdrew from the Chamber)

Hon. Speaker: Order, Members! The Member for Budalangi, make it polite if you want to shake hands with people. You are making it very violent and yet you know these are Hon. Members.

Hon. Aden Duale (Garissa Township, JP): Yes, he should know his history.

This morning read over 10 Private Members Bills for the First Time which we referred to relevant departmental committees. We also want to refer this to committees as we go on the short recess. This will ensure that by the time we come back, the Bill will be before the various relevant committees like the Departmental Committee on Transport, Public Works and Housing, and the Departmental Committee on Justice and Legal Affairs. This is to make sure that we leave this Bill with the relevant committees so that it matures when we are still away. As I move, I want to ask the Leader of the Minority Party, based on last night House Business Committee's position that, we read it then - like the morning sitting Bills - we refer it to the committees.

I beg to move and request Hon. Mbadi to second.

Hon. Speaker: Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker.

This is a Procedural Motion. We want to allow the Committee to deal with this bill as we proceed on recess. There is nothing much to say. I hope that the House will agree with us.

I second.

(Hon. Moses Lessonet walked in the gangways)

Hon. Speaker: Order Members! Hon. Lessonet has become extremely migratory today. He was here a while ago.

Hon. Members, this is a Procedural Motion.

(Question proposed)

(Question put and agreed to)

EXTENSION OF PERIOD FOR
CONSIDERATION OF A SPECIFIED PETITION

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

I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 227(2)(Committal of petitions), this House resolves to extend the period for consideration of a public petition regarding De-Gazettement of the Four Hundred (400) Yards Strip in Ngong Hills Forest by the Departmental Committee on Environment and Natural Resources by a further period of sixty (60) days from 19th April, 2019.

Given that the Chairperson is away inspecting dams, as a ranking Member of this Committee, I submit that, we are trying to avoid what happened in the case of the Petition that was brought to the House by Hon. Korir. We have a number of stakeholders in the field of environment, for example, the National Environment Management Authority (NEMA) that has to give a report in 60 days. It will become complicated in terms of meeting the required timelines.

I, therefore, request Hon. Hassan Hulufu, who is a Member of the Committee to second.

Hon. Speaker: Hon. Hulufu, you have the Floor.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Speaker. This Petition was brought before the Departmental Committee on Environment and Natural Resources. The Cabinet Secretary for Environment and Forestry appeared before us and requested for more time to engage the various stakeholders. It also has implications in terms of the 10 per cent forest cover which we are aspiring as Nation to achieve.

I beg to second.

Hon. Speaker: Hon. Members, this is a Procedural Motion. The reasons for it are almost obvious. The committee is seeking more time to consider the Petition because of the gravity of the matters raised.

(Question proposed)

(Question put and agreed to)

Therefore, Hon Washiali and Hon. Hulufu, the period of a further 60 days will run from 19th April. So, you better move with speed. Other committees are also encouraged, if they have petitions and they think time may run out, to come to the House and seek for extension of time rather than sit on them and assume that you will bring your reports and get approval. They will not be approved. Please, be advised accordingly.

Next Order!

BILL

First Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

MOTION

ADOPTION OF REPORT ON INQUIRY INTO LEGISLATIVE/REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATION SUB-SECTOR

THAT, this House adopts the Report of Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and

Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector,
laid on the Table of House on Tuesday, 5th March, 2019.

(Hon. William Kisang on 2.4.2019)

(Resumption of Debate interrupted on 2.4.2019)

Hon. Speaker: Hon. Members, the Member for Wajir you are really moving around. Are you campaigning?

Hon. Members, this Motion is about the Report of the Committee but in the course of the debate, an amendment was proposed and seconded. I was following. Therefore, because the Question on the proposed amendment could not be put, debate resumed.

The Temporary Deputy Speaker decided to resume debate on the main Report while deferring the putting of the Question on the proposed amendments by Hon. Ichung'wah and approved it. He moved the amendment on behalf of Hon. T. J. Kajwang'. I did not hear any opposition from the Committee.

I want us to dispose of this matter of the proposed amendment. I can hear from the Chair of the Committee. If there is no opposition, then we can dispose of this matter so that debate can continue on the Report either as amended or as it is.

Hon. Kisang, respond quickly.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Deputy Speaker. As a Committee, we looked at the three amendments by Hon. T. J. Kajwang'. The Members of the Committee are in agreement with the amendments. So, we can dispose of this particular Report with amendments because it has been here since July, last year. It is good now that we have quorum, we dispose the entire Report with the amendments.

Having confirmed that the House has quorum, I proceed to put the Question.

*(Question of the first part of the amendment, that the words
to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words
to be inserted in place thereof be inserted, proposed)*

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

It, therefore, means debate on the Motion will proceed as amended. Yes Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, now that we have dealt with the amendment by Hon. T.J. and because after this matter I will move a Procedural Motion, would I be in order to request the Mover to reply under Standing Order 95? That is if the House agrees with me.

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

Hon. Speaker: Hon. Kisang, you have the Floor.

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, I beg to reply.

I want to take this opportunity to thank the Departmental Committee on Communication, Information and Innovation for its time. We started this inquiry sometime in July last year and concluded meeting the stakeholders. I want to thank all the Members who contributed yesterday and today.

I beg to reply.

Thank you, Hon. Speaker.

Hon. Speaker: I can see Hon. Washiali is having difficulty with that Member who I cannot identify. Hon. Member, you are in the House!

(Question of the Motion as amended proposed)

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, this House adopts the Report of the Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector, laid on the Table of the House on Tuesday, 5th March, 2019 subject to:

a) deletion of Recommendation 5.2(i) under paragraph 102 (Committee Recommendations) appearing on page 49 of the Report and substituting therefor with the following—

(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”

b) deletion of Recommendation 5 (i) under paragraph 12.4 (Call and short message service (SMS) termination rates) appearing on page 81 of the Report and substituting therefor with the following—

(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;

c) deletion of the words appearing after the phrase “one-year” on Recommendation 11 under paragraph 12.9 (National Roaming) appearing on page 84 of the Report.

Hon. Speaker: Yes, Hon. Duale.

ADJOURNMENT MOTION UNDER STANDING ORDER NO.31

PREPARATION FOR THE STATE OF THE NATION ADDRESS TO PARLIAMENT

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I rise pursuant to Standing Order No.31 and beg to move that this House do now adjourn and resume its sittings tomorrow, Thursday, 3rd April, 2019, at 2.30 p.m.

Noting that the business scheduled for tomorrow and the preparation required by the administration of Parliament in order to facilitate the event, I move that the House adjourns to allow that facilitation to take place and make the event a success.

As a matter of fact, Members are also requested to remove vehicles from the front yard, formerly the Ministers' Parking, to allow for the preparations. This is the Chamber that will be used tomorrow for the State of the Nation Address by His Excellency.

I am sure for the Clerk's office and his administrators, this is a very important calendar of the Assembly in line with Article 132(1)(b), (c) and (d). For that important day on our calendar, we want to make sure that everything is in order. Now that it is 4.15 p.m., we will ask our colleagues to agree with me and adjourn the House to allow preparation to take place.

I beg to move and ask the Leader of the Minority Party, Hon. Mbadi to second.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, I second. I want to say that really the Clerk wanted us to allow him to prepare for tomorrow's event which is very important the whole of this afternoon. But because of the business that we had, including the approval of the IG of the National Police Service, we asked him to hold his horses until we finish the sitting, at least, the most critical assignment that we had ahead of us and then we give space for them to prepare. So, I want to ask my colleagues to support that we adjourn at this stage and allow the staff of Parliament to prepare for tomorrow's sitting.

Thank you, Hon. Speaker. I second.

(Hon. Adipo Okuome walked into the Chamber while the Speaker was on his feet)

Hon. Speaker: Order, the Member for Karachuonyo! Hon. Members, I could see the Member for Karachuonyo was desirous to sit next to Hon. Millie but somehow he did not make it.

Hon. Members, as you all know, under Standing Order No.31, any Member may move that the House do now adjourn, and if in the opinion of the Speaker the reasons given are not vexatious, frivolous or an abuse of the proceedings of the House, the Speaker may proceed to put the Question without debate. Having been persuaded that the reasons for which the adjournment is sought also affect the House and, therefore, indeed for the orderly conduct of business in the House tomorrow I put the Question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, the time being 4.18 p.m., the House stands adjourned until tomorrow Thursday, 4th April 2019, at 2.30 p.m.

The House rose at 4.18 p.m.