

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 31st July 2019

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Order Members. We do not seem to have the required quorum. Therefore, I order the Bell to be rung for 10 minutes.

(The Quorum Bell was rung)

We now have the required quorum. So, I order that the Bell be stopped and we start business.

PAPERS LAID

Hon. Deputy Speaker: On this particular Order, we have the Leader of the Majority Party who is represented by the Whip of the Majority Party.

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

Legal Notice No.107/2019 relating to the Copyright Act of 2001, joint collection tariffs from the Office of the Attorney General and the Department of Justice.

Reports of the Auditor-General and the financial statements in respect of the following institutions for the year ended 30th June 2018 and the certificates therein:

- (i) Kenya Agricultural Livestock Research Organisation.
- (ii) Strategic Grain Reserve Fund.
- (iii) Consolidated Fund Public Debt.
- (iv) Kenya Animal Genetic Resources Centre.
- (v) National Quality Control Laboratory.
- (vi) Sports Kenya.
- (vii) Ewaso Nyiro South River Basin Development Authority.
- (viii) Kenya Veterinary Vaccines Production Institute.
- (ix) National Authority for Campaign Against Alcohol and Drug Abuse.
- (x) The New Kenya Cooperative Creameries Limited.
- (xi) LAPSET Corridor Development Authority.
- (xii) Information and Communication Technology Authority.
- (xiii) Water Sector Trust Fund.

- (xiv) Kenya Medical Supplies Authority.
- (xv) Golf Hotel Limited.
- (xvi) Kenya Institute of Public Policy Research and Analysis.
- (xvii) Kenya Citizens and Foreign Nationals Management Service.
- (xviii) Agriculture and Food Authority.
- (xix) TaitaTaveta University.

I thank you, Hon. Deputy Speaker

Hon. Deputy Speaker: Hon. Members, before we go to the next Order, let me recognise in the Speaker's Gallery, students from Nyatwoni Seventh Day Adventists (SDA) Secondary School from South Mugirango Constituency of Kisii County. In the Public Gallery, we have Soy Eminging Academy from Mogotio Constituency of Baringo County, Kitune Primary School, Maragua Constituency of Muranga County, and Mwhila High School from Khwisero Constituency, Kakamega County. They are welcome to study and pick some of our workings as they go back home.

Hon. Members, today we do not seem to have Statements. Therefore, we will go straight to Questions. We have Ordinary Questions today. Starting us off is the Member for Sigowet Soin, Hon. Kipsengeret Koross.

ORDINARY QUESTIONS

Question No.349/2019

BENEFICIARIES OF THE CASH TRANSFER PROGRAMME FOR THE ELDERLY

Hon. Kipsengeret Koros (Sigowet/Soin, Independent): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Labour and Social Protection the following Question:

(i) Could the Cabinet Secretary provide details on the number of persons benefiting from the Elderly Persons Cash Transfer Programme, commonly known as *pesa ya wazee*, in Sigowet/Soin Constituency, including the amount received since the program began?

(ii) Could the Cabinet Secretary consider publishing the list of all the beneficiaries to enable the public an opportunity to inspect the list of the beneficiaries?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. That Question will be replied to before the Departmental Committee on Labour and Social Welfare.

Next is the Member for Kajiado North, Hon. Manje.

Hon. Members, even if you are having Questions to ask, please, come with your card. It will be easier for me to identify you from where I sit.

Question No.351/2019

POLICY ON REFUGEES RESIDING OUTSIDE CAMPS

Hon. Joseph Manje (Kajiado North, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

(i) What is the Government policy on refugees residing outside designated camps in the country?

(ii) What steps is the Ministry taking to facilitate and document the seventy-six refugees from different nationalities who live in Ole Oosurtia Sub-location, Olkeri Location in Kajiado North Constituency?

(iii) What measures has the Government put in place to ensure refugees residing in the country do not become a security threat to communities and the country at large?

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Administration and National Security.

Next is the Member for Funyula, Hon. (Dr.) Ojiambo Oundo.

Question No.352/2019

TEACHERS DUE FOR RETIREMENT IN FUNYULA CONSTITUENCY

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Deputy Speaker, I beg to ask the Teachers Service Commission (TSC) Question No.352/2019. However, there are some typographical errors which I hope I will be allowed to amend as I read out the Question.

(i) How many head teachers, both for primary and secondary schools, are set to retire between 1st January 2019 and 31st December 2019 in Funyula Constituency?

Hon. Deputy Speaker: Now, that is a complete deviation. You are talking about 1st January and 31st December, but this is 1st August to 31st August.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): That is why I said it was a typo.

Hon. Deputy Speaker: Who made the error? Is it you or the...

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): It happened most likely between the Table Office and my Personal Assistant. That is why I am seeking your indulgence to correct that typo.

Hon. Deputy Speaker: Just a minute, let me consult and see where the issue is.

(Hon. Deputy Speaker consulted the Clerks-at-the-Table)

I just wanted to confirm because some of the Questions that you put forward are probably already with the respective department. You want to expand it, and it is not likely that it can be a typo. I do not want to believe that. It is not easy to make such a typographical error. It cannot be that the person who was typing decided to increase the period to January and reduce it from December. Maybe, the person who did it for you had an issue. However, since you want to expand it, we will allow you to do so, but we encourage Members to be asking the Questions that they took to the Table Office. So, it is accepted, but it may create some technical issues in future.

Proceed Daktari.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Deputy Speaker, for your indulgence.

(ii) How many deputy head teachers and other teachers in the constituency have the requisite academic qualifications and grades for promotion to the position of head teachers as per the requirements of the Ministry and the TSC?

Thank you, Hon. Deputy Speaker

Hon. Deputy Speaker: You will be expecting a written reply from the TSC.

Next is the Member for Gichugu, Hon. Githinji.

Question No.353/2019

LACK OF OFFICE SPACE/FACILITIES AT GICHUGU LAW COURTS

Hon. Gichimu Githinji (Gichugu, JP): Hon. Deputy Speaker, I beg to ask the Director of Public Prosecutions (DPP) the following Question:

(i) What measures is the office of the Director of Public Prosecutions (DPP) taking to ensure that prosecutors are provided with office space and facilities at the Gichugu Law Courts?

Hon. Deputy Speaker: The Question is due for a written reply by the DPP.

The next Question would have been asked by Hon. Catherine Waruguru, but she has requested that it be deferred. I so order that it be deferred to a later date.

Question No.354/2019

DETAILS OF ONGOING LAND ALLOCATION IN KARANDI TOWNSHIP

(Question deferred)

Hon. Deputy Speaker: Next Order!

MOTION

MEASURES TO BRIDGE TRADE DEFICIT

(Hon. John Waluke on 19.6.2019)

(Debate concluded on 24.7.2019 – Morning Sitting)

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

Resolved accordingly:

THAT, aware that Kenya's trade deficit has been on the increase in the past few years with the financial year 2016/2017 deficit being estimated at Kshs.1.1 trillion; noting that the deficit is mainly attributable to the exports worth Kshs.594 billion against imports amounting to Kshs.1.7 trillion, driven mainly by the more than doubling of food and machinery imports amid slow-moving exports; concerned that the widening deficit has continued to pile pressure on the shilling against other global currencies such as the dollar; alarmed that the high demand for the dollar to fund imports has been forcing the Central Bank of Kenya (CBK) to intervene, depleting foreign exchange reserves even as the country continues to incur foreign debts; cognisant that the rising imports amplified by flat exports portends a difficult operating environment for local enterprises and farmers, including livestock and fish farmers, thereby denying Kenyans employment opportunities when locals lose out to foreign manufacturers and farmers; notwithstanding the effects of

protectionism policies which contribute towards affecting local industries and farms abilities to compete in international markets; this House resolves that the Government urgently puts in place measures to bridge the huge trade deficit including by providing incentives to potential investors and farmers, including livestock and fish farmers, supporting local production through promotion and protection of local industries and implementing competitive export promotion strategies.

BILLS

First Reading

PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

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

Second Reading

THE INSTITUTE OF DIRECTORS OF KENYA BILL

Hon. (Dr.) Chris Wamalwa (Kimilili, FORD-K): Thank you, Hon. Deputy Speaker. I beg to move that the Institute of Directors of Kenya Bill be now read a Second Time.

This Bill is to create an Act of Parliament to establish the Institute of Directors of Kenya to provide for the registration and regulation of the standards of practice of the profession and for connected purposes. A brief background about this Bill is that it was here in the last Parliament and had been sponsored by Hon. David Ochieng', who by then was the Member for Ugenya. I seconded it. I am giving a brief, so just listen. I am talking about the last Parliament.

Hon. Deputy Speaker: You must remember there was a by-election the other day.

Hon. (Dr.) Chris Wamalwa (Kimilili, FORD-K): Of course, we know that Hon. Ochieng', by the grace of God and the great people of Ugenya, was re-elected in a by-election and he is now in this Parliament. As I move, I can see he is on the Floor of the House. We have exchanged the roles and he will be seconding the Bill.

In the last Parliament, this Bill went through all the procedures even to His Excellency the President for assent. Unfortunately, he did not assent to it because it was presented to him in March. At that particular time, people were busy with the electioneering period and His Excellency the President had raised concerns, which we have tried to incorporate in this Bill. The key objective of this Bill is to establish an Institute of Directors whose core mandate will be helping in enhancing capacity building of the profession of directors.

The concern of the President was who the directors are. We have many entrepreneurs starting companies. We also have seen many lawyers starting law firms and by virtue of shareholding, they become directors. We have medical doctors who start their own clinics and by the principle of shareholding, they become directors. We have even seen carpenters who start their own small businesses and thus become directors.

Many directors get this position through the businesses they start like entrepreneurs. They may not be having the knowledge when it comes to issues of corporate governance or human

resource. In human resource, you deal with people and there is no way you can start an enterprise where you do not deal with people. If it is a commercial enterprise, there is a financial implication where the aspect of prudence in financial management is very critical. Issues of customer service, audits and tax paying are very critical obligations which directors need to know. When you start a company or a business venture, obviously you want the business to grow. If you want it to grow, it is, indeed, important that you build capacity when it comes to matters of corporate governance.

I can mention some companies which started as small businesses. For example, when you read about Barclays Bank it started as a small business which grew and became a multi-national. So, the small businesses can also grow and become multi-nationals as long as the directors have what it takes. At times, when a business grows as an entrepreneur you do not need to cling onto it and continue being a director. You can let it go and have professional managers and directors.

Another example is Unilever which is a multi-national company. Looking at its history, it started as a small enterprise, but because the directors had the capacity and what it takes, you can see how it has grown. Also Equity Bank started as an SME. Right now, when you look at it in terms of customer base in Kenya, it has the largest shareholding. Once we have this Institute of Directors, it will help in enhancing and strengthening the standards of directorship.

The concern which the President had, which I want to demystify is that he thought this Bill would interfere with directors of State corporations where the President exercises his discretion to appoint anybody. I want to say on the Floor of this House that it does not interfere with the President or contradict the State Corporation Act where the President has a leeway to appoint whoever he feels like to be on the board of directors. Again, it is voluntary. So, really, the President's concern has been incorporated in this.

I have also looked at the Departmental Committee on Justice and Legal Affairs Report, which I agree with. They made some amendments and when we get to the Committee of the whole House, we will amend the Bill in line with the issues the Committee raised. This Bill has nothing at all to do with county governments or Government finances. So, it does not entail this or concern the counties. It has no money issue from the Ex-chequer.

I humbly request the Members who are here today and those who were there in the last Parliament and passed this Bill to support it. The concerns that the President had when he sent it back with a memorandum have also been incorporated. It will add a lot of value. I can hear Hon. Wamunyinyi saying he is supporting as he walks out. I wish he could stay for the people of Kanduyi to listen and hear the good things he has to say.

Hon. Deputy Speaker, with those few remarks, I request Hon. David Ochieng', the Member for the great people of Ugenya, to second.

Hon. Deputy Speaker: Yes, Hon. Ochieng'

Hon. David Ochieng' (Ugenya, MDG): Thank you, Hon. Deputy Speaker. From the onset, I thank Hon. Chris Wamalwa for rescuing my Bill. As you know, this Bill went through all the stages in the last Parliament and went to the President for assent, but this was not forthcoming until we left Parliament in 2017. The able Hon. Wamalwa did what a good brother would do. He checked all the laws I had brought to Parliament when I failed in the hands of the other guys. He picked not just this Bill, but also the Bill on the election date which he brought to this House. So, I want to thank him very much for being a good brother.

Hon. Deputy Speaker, good governance has, in the last 20 years assumed a very critical role in the management of public affairs. It is a vital ingredient in the maintenance of a dynamic balance between the need for order and equality in society, the efficient production and delivery

of goods and services, accountability in the use of power and the protection of human rights and freedoms. Corporate governance seeks to promote the following ideals:

1. Efficient, effective and sustainable organisations that contribute to the welfare of society.
2. Responsible and accountable organisations.
3. Legitimate organisations that are managed with integrity, probity and transparency.
4. Recognition and protection of stakeholders rights; and above all,
5. Development of good corporate citizens exercising sound corporate social responsibility.

In this country, you would imagine that most of our services are done through parastatals. Parastatals are the places where you do business. In this country today, we have more than 1,400 directors of public institutions. If you have been watching lately, almost all the scandals, corruption and bad governance has happened in parastatals. These parastatals are headed by directors, but whenever things happen, the only person you see or hear from is normally the CEO of the parastatal. This Bill is aimed at ensuring that our public corporations, institutions, parastatals, agencies and authorities are run based on sound corporate governance principles. It sinks your heart to know that a very innocent Bill like this one is being fought by none other than the Attorney-General's Chambers and the State Corporations Advisory Council (SCAC). The SCAC only inducts members of the boards of public institutions. They do not train them. For example, in the last one or two months, about 800 directors have been appointed. They are taken to Naivasha for a day or two days, inducted and then brought back and told: "You are now fit enough to do your job."

What the institute is going to be doing is to institute and mount continuous training and capacity building of directors not just of public institutions, but also of private institutions that have interest in this. It will interest you that the way we manage our public affairs is quite important. In the last 20 years, almost all our parastatals and public institutions have been making losses. The reason is that they are not being run well or in the right way. So, if we are going to have public entities running well, we must agree that one or two days training is not the best way to go. So, this institute is supposed to help us. Whenever we hear corruption, we only hear CEOs.

If you have been watching television in the last two weeks, you must have seen the Kerio Valley Development Authority (KVDA) CEO and the National Land Commission (NLC) CEO. You do not hear directors coming on board because they are largely absent. They depend on the CEOs to lead or mislead them on how they run the institutions. So, we want directors of our institutions to be aware and be able to run the institutions with probity, be inquisitive and have the ethos of good governance, so that if it is the Kenya Power, RIVATEX or our standards board, it is run by a board that is competent and that understands the role of the institutions.

I hasten to add that the President had some reservations on this Bill when it was taken to him for signature. Why? Largely, people do not want to be controlled. People do not want to be told how to do things. People want to do things haywire. People want a free society where they are doing things without being overseen. This Bill creates a framework where as soon Kenyan citizens are appointed as directors, they report to the institute and go through a six weeks training that prepares them to run the affairs of the boards competently. Part of the reasons why this Bill is back to this House is that there are people who do not want directors to be trained. There are those who do not want directors to have knowledge. There are those who do not want to lose their turfs. If the SCAC's job is to induct, let them induct the directors, but let them allow the

institute to train the directors continually. Hon. Deputy Speaker, you are a lawyer and you know what we go through every year. Every year, as lawyers, we must go through what we call continuous legal education. We are asking for the same for directors that once you are appointed in the three years you are serving, every year, you go through corporate governance education, so that you can understand how institutions are run. You are able to know the emerging trends and ways of running public institutions. This is what we are looking for in this Bill.

This Bill is not meant to oust the jurisdiction of the Attorney-General or the SCAC in the role of directors. Secondly, it is not meant to oust the powers of the corporate governance society in this country from doing what they do, but what we want to do is to ensure that our entities, be it Kenya Airways, the Kenya Airports Authority (KAA), be it the small ones like the National Environmental Management Authority (NEMA) or the ones created by the county governments and the water resources boards, are run in the right way. We cannot have a country where boards are places for resting people who are tired, resting retirees or ensuring that anybody who does not have a job is put into some board somewhere. This cannot be the way we run our much priced entities. If you have the Geothermal Development Company (GDC), and you want it to produce good geothermal power, then you must make sure that in that board, we have guys who understand what is done in that institution. If we want to ensure that we connect the whole country with electricity, we must ensure that the Rural Electrification Authority (REA) and the Kenya Electricity Transmission Company (KETRACO) have boards that understand what happens in those areas. If we want to ensure that we are doing proper housing, we must ensure that the housing authorities in this country have boards that understand what they are supposed to do, but this will not happen if we keep on gerrymandering and trying to ensure that our boards are not being run the right way. That is why they become conduits for corruption and bad governance, and we do not get value for money at the end of the day.

Efficiency and accountability are principles that cohere in our Constitution. These are things that we must learn to live with. In the early 80s when we were young people, through the early 90s, corporations were doing so well in this country. Everyone wanted to work for a corporation. I do not intend any offence, but if you are a Member of Parliament today and you are appointed to be chairman, for example, of KenGen, you do not understand it. I am sure you need to be trained to understand what happens there. If you are a Member of Parliament today and you are appointed to be the chairman of the nuclear regulatory body, you may not understand what happens there. You need training to be told how things work there, so that you are able to add value to what happens there. This is the spirit and the ethos that we seek to push in this Bill.

I appeal to the relevant Government agencies, the presidency, the SCAC and the Office of the Attorney-General. I have seen the Report done by my senior, the Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. Cheptumo. I was in that Committee with him in the last Parliament. At that time, we passed this Bill and we said that this is the right thing to ensure that we instill discipline on how our corporations are run. If you look at the memoranda filed by a couple of very well meaning institutions, they are telling you that this is the way to go to discipline our boards. This is the right way to go to ensure that there is some modicum of civility and competency in running our boards. However, we are saying that this should be left to SCAC. The SCAC has no capacity to train directors. Once you are appointed, you must report and go through training to ensure that these things are run the right way.

I thank Hon. Wamalwa. I second the Bill. I request the Members that if you want to ensure that our corporations and public entities are run well, we should support the Bill and put to right tracks ways of capacity building to ensure that we are doing the right thing for posterity.

I second and thank the Members for supporting the Bill. Thank you very much.

(Question proposed)

Hon. Deputy Speaker: As is required, I will have the Chair of the Departmental Committee on Justice and Legal Affairs and then I will give another Member a chance, who has made a special request, namely, Hon. Osoro.

An Hon. Member: Put the Question!

Hon. Deputy Speaker: Is it Hon. Osoro who is asking us to put the Question?

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Deputy Speaker. First of all, I wish to thank Hon. Wamalwa for coming up with this Bill. I confirm that, indeed, this Bill was introduced in the 11th Parliament. It came before the Departmental Committee on Justice and Legal Affairs, which I was a member with Hon. Ochieng'. We passed the Bill that time. When the Bill went before the President, it was returned with a memorandum. Hon. Wamalwa, thereafter, came up with this Bill in the 12th Parliament. It came before the Departmental Committee on Justice and Legal Affairs and we subjected it to the usual public participation.

Article 118 of our Constitution requires that we receive views and comments from the public because that will inform the decision of the House. We received views from the Institute of Certified Secretaries (ICS), the Institute of Certified Public Accountants of Kenya (ICPAK), Anjarwalla and Khanna Advocates, the Association of Professional Societies in East Africa (APSEA) and Mr. James Nabangi. The decision of the Committee was mainly guided by the presentations of these institutions. I want to briefly mention some of the comments raised by these institutions.

The submissions by the Institute of Certified Secretaries are well-laid in the Report that we tabled in the House, which is currently before the Members. It will help the Members to understand this. One key issue came up which had not come up when we considered the Bill in the 11th Parliament. I must confess that this time, the level of participation was very comprehensive and we got comments from institutions which had never commented.

One of the concerns raised during the public participation is that there is no known specific body of professional skills that can identify a director from other persons who run organisations. The other issue is that the Bill seeks to regulate boards of directors. That role has already been assigned to sector regulators including and not limited to the State Corporations Advisory Committee, which regulates State corporations. The Capital Markets Authority (CMA) for insurers of securities of the public, the Insurance Regulatory Authority, the Retirement Benefits Authority, the SACCO Societies Regulatory Authority and the Central Bank of Kenya (CBK). There is a challenge. It is important that we do not pass laws in this House that conflict with other existing laws which are consistent with our Constitution.

There are a number of laws and statutes that govern the regulation of directors. For example, the State Corporations Act gives guidance on how directors of State parastatals are supposed to be managed. This Bill is still trying to manage, control and train the same directors, which has already been provided for in those statutes. The ICS was of the view that the Bill has no utility since regulation of directors fall under different existing laws. I just want to quote a

few. I do not want to repeat that. That is the first challenge that we have with this Bill. It is also what the President raised in his memorandum when he returned the Bill back to the House. The same comments were raised by ICPAK, by Anjarwalla and Khanna Advocates, in the submissions by James Nabangi and finally, by APSEA.

Taking into account all these views by the stakeholders who made their presentations during the public participation, the Departmental Committee on Justice and Legal Affairs made the following decision. Let me mention what the Attorney-General said. He gave his view and said that the Bill does not adhere to the established protocols for the establishment of State corporations. The National Treasury and the State Corporations Advisory Committee were not consulted. The level of consultation when the Bill was being passed again by Hon. Wamalwa was not thorough.

The issue was that the conduct of directors of boards in Kenya is already legally regulated by other statutory bodies such as the CMA and the Companies Act. That is why even though the Committee accepted and recognised the efforts made by Hon. Wamalwa, we decided that we do not want to legislate in vain. Unless some of these areas are addressed by the Mover of the Bill, the Committee found it not advisable to support the Bill. We plead with the House that even as we come up with Bills, it is important to consult widely. Look at the relevant statutes that can easily address the issues that you want to raise or the mischief you want to deal with in the Bills, so that we do not have laws that overlap and are already taken into account in our various existing legislations.

Part IV of our Report, which is on Page 25, outlines the reasons why we felt that the Bill should not be passed. It should be rejected entirely by the House for the reasons that I have said. That is not to say that the ideas raised by Hon. Wamalwa and Hon. Ochieng', having been the original Mover of this Bill, are not relevant. Even in State corporations, it is required that the directors are supposed to be trained and undertake their functions and perform their duties in a professional manner.

In conclusion, we are dealing with both directors of State corporations and those of private companies. If this law was to deal with directors of private companies, it would be very prudent because there is no specific legislation to regulate the functions of directors of private companies and the way they do their businesses. In private companies, directors do their businesses without any regulation. That could be the area to pursue. Where there is a conflict between the State Corporations Act in terms of how directors should work and private companies, that is where the divergent position arises. There is no problem if the House passes this Bill because this is still a House of debate and procedure. We have no problem with that, but I have a responsibility as the Chair of this Committee to advise the House on the outcome of the public participation and the legal position. I believe we still have to do something about directors of private companies who are left without any regulations.

I appreciate my colleague. That is the reason the Committee felt that this Bill should not be passed by the House. If it takes the direction of directors of private companies, there is justification to have a Bill to regulate those directors.

Hon. Deputy Speaker: Let us have Hon. Osoro.

Hon. Silvanus Onyiego (South Mugirango, KNC): Thank you very much, Hon. Deputy Speaker. When I asked earlier that you put the Question, it was just an indication that I fully support the Bill by Hon. Chris Wamalwa without any form of reservations.

Hon. Deputy Speaker, there is necessity for us to agree that, as a country, we need to equip and strengthen our leadership skills. You will agree with me, and just like Hon. Ochieng'

has said, State corporations play a major role in the drive of this country. The fact that they are political in appointments clearly shows that at times they give jobs to people who do not have adequate level of leadership skills. A person from the medicine sector is at times picked to lead or be a CEO or a director of an industry in an area that he has never learnt. This is a challenge that we have in this country. Somebody who has never been in a leadership position is rewarded at times because of political ties. The reason the Mover of this Bill is pushing to have an Institute of Directors of Kenya is to equip the persons with leadership and management skills to run State corporations.

There is necessity for us to look at the entrepreneurial side. We tell our young people to create jobs. People create jobs through opening companies and running businesses that grow gradually and they end up leading big companies. As companies grow, you realise that some of the young people get a challenge to grow their leadership skills in management positions. The Institute of Directors of Kenya will come in to play this role. These people will be trained. Although it is voluntary, they will go through some form of training and networking with the people who have been in leadership positions and learn how to manage companies. Sometimes companies start small and grow big with directors who are inexperienced in leadership because they have never been in any leadership positions.

Just like what the Chair of the Departmental Committee on Justice and Legal Affairs has said, this Bill is timely and needed in the private sector. Directors of State corporations need to share ideas across the board. They also need to be trained on ethical grounds. We have seen directors being suspended after being taken to court. At times, some of these people find themselves in problems because of lack of leadership skills or know how on what to do. Technocrats approach them and they are only told to append their signatures. They end up going to court without knowing what they signed for. The directors require training, so that they can acquire some leadership skills within a year. They will be taught how to manage people in their line of leadership and how to evade corruption or avoid some leadership challenges that they face, so that they can run the companies well. That is another way of curbing corruption and instilling ethical values in our State corporations. In that sense, it is not about micromanaging or coming up with Bills or laws that have already been passed or are in place in other channels. This is an avenue to put people to ethical grounds, have leadership skills and acquaint them to the tech-savvy kind of society that we are facing.

With those few remarks, I fully support the Bill by Hon. Chris Wamalwa. There is nothing to add or subtract.

Hon. Deputy Speaker: Let us have Hon. Yussuf Haji first. Hon. Pukose will be the next one.

Hon. Yussuf Adan (Mandera West, EFP): Thank you, Hon. Deputy Speaker. I rise to oppose the Bill. My brother, Hon. Chris, has done a lot of work and I am sure he has very good intentions. If this Bill becomes law, it cannot be admissible. If we are establishing an institution for directors, then there should be qualifications that will cut across. If the Bill becomes law, we will have some qualifications for all directors in the country. This cannot be admissible at the end. I know of very successful companies in the country which are run by directors who have never stepped in a classroom. You may call them illiterate, but they have grown their companies from as low as zero to very prominent and highly respected companies in this country. If we pass this Bill and make it law, and then we say that all directors should have a first degree, then that cannot work at all. This can only work for Government parastatals. Otherwise, this cannot work

in the whole country. There are directors who have no basic qualifications, but they know their job and they are doing very well.

On the other hand, there is no profession where you grow and become a director. I was the director of programmes for an international company for five years, but I am an agriculturalist. When I vacated that position, it was given to a social scientist and later to a lawyer. This means that there are no specific professions that can be developed to grow into directors. By the time people are being appointed as directors, background checks have been done, their efficiency has been known and their integrity has been questioned and verified very well. Therefore, anybody with that efficiency, integrity and experience can be a director depending on which business or institutions he is required to work for. Therefore, encompassing all directors under one institute and coming up with a specific qualification for directors in Kenya will restrict people who are already directors, those who are coming up with companies without any qualifications, and those who are doing very well in building this nation's economy without the basic qualifications that we will put in place. This is not admissible and it should be dropped in totality.

Thank you.

Hon. Deputy Speaker: Hon. Pukose, you have the Floor.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker, for allowing me to contribute. I want to thank Hon. Chris Wamalwa and Hon. Ochieng' for coming up with this Bill. My understanding is that when we talk about an Institute of Directors of Kenya Bill, we are talking about an Institution that will bring together all the directors to improve their skills. Directors have different qualifications and experiences. We have directors who have never gone to school, but by being a member of this Institute, they will improve their skills. I am looking at it from that perspective. We will create an Institute that will sit together and through diverse experiences, improve skills, efficiency and operationalisation of the various directors, whether in private or public institutions.

Those opposing it, including the Chairman of the Departmental Committee on Justice and Legal Affairs, have not understood it. I expected him, being a lawyer, and the other lawyers who sit in the Committee, to see how to improve it and see how the Companies Act can assist various parastatals of the Government. When the President appoints people to various boards of directors of parastatals, for example, the Kenya Pipeline, the Rural Electrification Authority, the Renewable Energy Corporation and the Energy Regulatory Commission, he brings in people with diverse experiences. Some could be lawyers, doctors, engineers, politicians with diverse political experience and others from other professions. By bringing such people together, we should ask ourselves how we can enhance what they have to realise better service delivery. I request the Departmental Committee on Justice and Legal Affairs to look at how we can improve this Bill without necessarily undermining other State corporations or even the private sector.

Anybody can be a director, as my colleague who has spoken has said, without any experience. One can start a company or be appointed to one. He has explained that he is an agriculturalist and another person can be a lawyer or an engineer. All these people have diverse experiences. We should see how best their experiences can be used because the companies that *mwananchi* can serve are not specific. It is like having counties and the national Government. There are no people who exclusively belong to the national Government and county governments. It is only the services they offer that matter. County governments have certain functions spelled out under Schedule 4 of the Constitution. They should improve on the service delivery of the functions given to them to serve *mwananchi*. The national Government, with its

resources, delivers to *mwananchi*, but with a bigger mandate in what it does. My understanding of the Bill is that it addresses such issues.

When we progress to the Committee of the whole House, we should propose amendments to make sure that the Institute of Directors performs well and does not conflict with functions of directors whether in parastatals or in the Government.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: It is your turn Hon. Mwirigi.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you very much, Hon. Deputy Speaker for giving me this opportunity to add my voice to the Bill. First, I would like to thank Hon. Chris Wamalwa for introducing the Bill to the House.

If the Institute of Directors will be put in place, it will assist a lot since most of the directors who are appointed are not conversant with the job they are given and the corporate body they lead. So, if we have this Institute in place, it will help shape the skills of the directors even the community's interests as a whole will be well catered for. Its functions and how it is supposed to operate is well stated. The service of the Institute is not long, according to the Bill. A director and seven members will serve for a period of three years with a provision for reappointment. The director of a board, according to the Bill, will be appointed by His Excellency the President.

It is good for the House to support the Bill, so that all directors who are appointed in future have an institute to equip them with skills. This will help corporate entities or organisations to be run according to their mandate. At the same time, the expectations of the entire community and the directors' office will help them in the sense that if one is appointed to a certain docket and he is not trained to take it up, no one will know and nobody will influence them when undertaking their mandate.

This is a good Bill and I urge the House to support it. We have private directors, but some may not have the skills or academic qualifications. This Institute will equip them with the right skills.

I support.

Hon. Deputy Speaker: Before I give chance to the next Member, let me recognise, in the Speaker's Gallery, students from Concord Girls High School from Ainabkoi Constituency, Uasin Gishu County. The constituency is represented by Hon. Chepkut. We have in the Public Gallery, pupils from Kaiti ACK Primary School from Kaiti Constituency of Makueni County. The constituency is represented by Hon. Nzambia. We also have pupils from Thimbigwa Primary School of Kiambaa Constituency, Kiambu County and Berurgaa Academy from Kuresoi South Constituency of Nakuru County, represented by Hon. Joseph Tanui.

The next Member to contribute on this Bill is Hon. Mogaka Kemosi.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this Bill. My understanding of it is to have all directors, both in the private and public sectors, brought into one institute, so that it regulates their functions.

I have reservation on the Bill, particularly on the definition of a director. In the absence of a clear definition, I have looked at the Bill, particularly Clause 6, where it stipulates the functions of the Institute, among them being a professionally competent body to regulate the conduct of directors, training of directors and providing continuous training programmes for members who are directors as well as providing a professional practice...

(Technical hitch)

Hon. Deputy Speaker, I also want to associate myself with the sentiments of Hon. Haji who particularly said we should not assume that the issue of directors is a professional body which has some sort of practice. Even where I come from, deep in the villages of West Mugirango, we have some people who have gone and registered their companies and they are directors of different entities. Some of the Kenyans who have registered their entities have not gone to school and these people have formed companies where they are directors and their main business is to get opportunities so that they can do business.

An institute is being brought up to train them continuously and issue certificates of competence. My reservations would be where a certificate of competence is issued and in the absence of some members attending, they may be hindered to do their business. If this Bill was tailored to the public entities, then it would make sense. If it was meant to regulate and train directors in private entities, it would make sense but where it has come generally trying to regulate both directors of private and public entities, I have reservations. I propose that the definition of “director” is given so that we do not kill small entrepreneurs who intend to register their companies in order to do business.

From the outset, I express my reservations and I propose that if we can do an amendment, I will support but the way the Bill is today, I stand to oppose it.

Hon. Deputy Speaker: Next is Hon. Iringo Kubai, Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Bill. From the outset, let me thank Hon. Ochieng who originated this Bill in the last Parliament and it went through the process up to the level of presidential assent but it came back again. Let me thank Hon. Wamalwa for making sure that it does not die. He made the necessary amendments and that is why we have this Bill with us today. I personally feel I need to support this Bill. Sometimes you find our parastatals being run by people who are not competent enough. At the end of the day, you find them crumbling or going under or you see a lot of misappropriation of funds and not because anybody presides over it but because of the ignorance of office bearers.

Most of our parastatals are run by people who are appointed politically. Sometimes they might not be having the necessary qualifications to run those institutions but because they are close to the powers that be, they get down to work with CEOs who are very smart and cleverer than them. When they sit in the board, they do not make any decisions, they just become rubberstamps to confirm whatever has been decided by the board. In the long run, it ends up being a one man show in the institution and if things go wrong, the board members will just start blaming one another without knowing that it is their ignorance which caused the problem. Therefore, I support the Bill because it is establishing a board to run the institute and it has given good qualifications for the people to run the institute especially the executive director who has to be appointed by the President, more so giving very high standards of qualification. It will resemble a college to at least improve the quality of service in our public sector, in the parastatals and State corporations so that if you are appointed a director, you go there for refresher courses and extra training so that at least you can learn skills to enable you run an institution.

It should be noted here that it will be the board that will be vetting those who want to join the institute. The board should make sure that a person who wants to join the institute with a desire to be appointed as a director in a certain institute is somebody who is qualified to do that

job because even if we are to appoint anybody and you want to do it even in a friendly manner, you must at least be qualified to work in that institution.

This vetting should be very thorough for these members, more so the institute should have a curriculum. Even those who are already in leadership positions in various institutions, there should be some refresher courses for them after a while to take them back. We have seen many institutions going under. At the end of the day, we find that the board of directors are sacked and if they are not sacked, they are taken to court and we do not know how long the cases take but already the milk is spilt. Therefore, we live to regret why we did not get the correct person for that institution.

I believe this particular institute will have the claws, teeth and muscle to make sure that we streamline whatever issues we have and teething problems in our parastatals. The Certified Public Accountants (CPAs) have their body and their own disciplinary action. Similarly, the Law Society of Kenya (LSK) has its own framework on how they handle their members in terms of disciplining and also recruiting them. The Institute of Architects does the same and so are the bodies of engineers, doctors and other professionals. Therefore, even people who aspire to be directors in our institutions need to have their own school which tailors them to handle the very serious jobs they are given to manage the subsector of our economy which carries a lot of potential, either in human resource or productivity to our Gross Domestic Product (GDP). At the end of the day, the process will improve our economy and our service rendering. That is how people endear themselves to the public.

I support.

Hon. Deputy Speaker: Hon. Gogo Achieng? Not interested. So, I will give a chance to Hon. Wamaua.

Hon. (Ms.) Mary Njoroge (Maragwa, JP): Thank you, Hon. Deputy Speaker, for giving me this chance also to air...

(Hon. (Dr.) Lilian Gogo spoke off record)

Hon. Deputy Speaker: Order! You were busy, Hon. Gogo. As soon as she finishes, you will be next.

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

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wamaua, you were on the Floor.

Hon. (Ms.) Mary Njoroge (Maragwa, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance also to contribute to this Bill. First of all, I want to congratulate the owner of the Bill who is a Member of my Committee, the Public Investments Committee (PIC), Hon. Chris Wamalwa.

The Bill establishes the Institute of Directors of Kenya. I think the Institute will also be issuing certificate of registration to its members annually as a form of quality assurance to the public bodies, entities, enterprises and companies.

As much as I appreciate the work that has been done by the Member on this Bill, I have my reservations. Going by the proposal that had been brought by the Departmental Committee on Justice and Legal Affairs, there are some fears about this House approving the Bill the way it is. Because I know this is a House of record, there is nothing wrong with taking a bit of time with it. With all the lawyers we have, especially in the Departmental Committee on Justice and Legal Affairs, we can look at the spirit of the Bill. That is so that we do not conflict any existing laws that regulate the conduct of directors. I am talking about the Companies Act, the Capital Markets Authority Act and others. We stand guided.

I also want to support my colleagues who talked about the definition of “director” so that we do not kill small companies that start as business names, or where we have directors and yet they have not gone to school. Many of these companies are very successful. When a company is started, the individuals forming the company automatically become founding directors. Even when the company grows, they never cease to be founding directors. The issue of standard qualifications and appointments, according to the requirement of the Co-operative Societies Act and other Acts, might be a bit misleading. We might kill the spirit of some of these small companies that are being started by people who never stepped in a class. That is why I am joining my colleagues to say that we really need to look at this Bill that proposes the institute. We need to be fair. Let us not bring confusion to any other existing laws. We know the Companies Act and the Capital Markets Authority Act guide us on the issue of directors.

I also know that there exists a Non-Governmental Institute of Directors in Kenya. It was established in the year 2004. It provides knowledge and also supports in networking. It also gives mentorship to both prospective and acting directors. We also have very key leaders such as Dr. Peter Muthoka who was appointed as the Chancellor of Masinde Muliro University of Science and Technology in the year 2017. We could have a policy. I think that would be a bit better – a policy to guide on what lacks in existing Acts. We can have a bit of time to debate this matter, if Members will agree, so that we do not come up with a conflicting Bill. It is possible to come up with a law that may bring about a scenario where members of the public take us to court. I know the Hon. Member, Chris, is an outgoing person. He is very vigorous. So, we support whatever he has brought forth although we are saying that we should take a bit of time to scrutinise it properly. We should not go against existing laws. We should not also kill the morale of small companies that are started by people who have not gone to class yet we know their companies are doing very well.

If we go that way, I think we shall be assisting him. We can see he is out to make sure we do more to help in terms of the management of directors in our companies. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Before I give a chance to Hon. Gogo Achieng, allow me to recognise, at the Speaker's Gallery, Nyangati Secondary School from Mwea Constituency, Kirinyaga County. They are welcome to follow the proceedings of the National Assembly.

Hon. Gogo Achieng.

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this very noble item that has been brought forth by my friend, Hon. Member, Chris. I rise to support the agenda to set up an institute of directors.

Directors are very important persons, especially when it comes to the management and running of institutions. It cuts across the board because directors work in private institutions as well as in our Government systems. What makes me really want to put a lot of emphasis on my support for this Motion is the need that has been alluded to, that it is voluntary. It will require that one volunteers without being coerced. That would also make it be known to us that, where we have such institutes, we have several institutes dealing with various disciplines. For instance, we have the Institute of Food Technologists. Where such institutes exist, we have high performance exhibited by boards. If we have in place an institute of directors, the board of directors would have their performance grow and improve depending on the particular skills and training that they would get from that kind of an institution, which should be put in law and run properly.

The Institute of Directors of Kenya would stand for free enterprise, entrepreneurship, wealth creation and good corporate governance. When it comes to good corporate governance, we have had our country go through a lot of pain, especially with regard to the issue of corruption. If persons were to join the Institute of Directors of Kenya, I believe that would be the point of training them against practices such as corruption. It would be very important given the point where our country has reached. Let us give this Motion the support it requires.

I am also thinking of market-driven courses that such an institute would offer. We have the management of our learning institutions in our basic education systems. We have boards of managers in our high schools. Boards of managers are given tenure of about two years. Most of the people who run or manage our schools, some of them lack basic skills. If we were to have this institute in place and anchored in law, it would offer necessary skills to persons given the responsibility to run our schools as managers in the boards.

When it comes to looking for opportunities for manpower development, the Institute of Directors of Kenya will look at best practices to instill in members or people who will take their trainings and benchmark with other places where this has been successful, especially in the United Kingdom (UK) and South Africa. So, I support this Bill. Many times, as I have mentioned before, our systems and institutions are suffering from corruption because of the inadequacy of certain boards. It will be important to have the Institute of Directors of Kenya evaluate the performance of the boards that are in place, identify weaknesses of these boards, if any, and provide the necessary training and skills that would bring about better management practices and good practices for running our institutions.

On promotion of good governance, we have had situations where our institutions go under for the simple reason that the oversight role is not done well. So, if we were to have the Institute of Directors of Kenya in place, it will mitigate many of these problems that we are facing as a country. So, I am supporting this Bill and I request my colleagues to support it as well. This Bill had been previously brought to this House and debated. It has been brought back to the House through another Member. That is a clear indication that there is need to have the Institute of Directors of Kenya.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we now have Hon. Koyi Waluke, Member for Sirisia.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill on the Institute of Directors of Kenya that will train on management, for directors in any institution. I want to thank Hon. Wamalwa for bringing it. Directors of any institution, be it a company or a parastatal, are important. We need to pass good laws that will

govern these directors for good management of institutions in this country. We have directors in different companies but some have not been trained to understand their roles properly. This Bill will bring good changes on the quality of directors in these institutions.

Good governance is needed in any institution. We talk of corruption where some directors have been involved in mismanagement of institutions and their resources. Sometimes, it is not their wish because, maybe, they have not been trained. If they have proper training, I am sure they will understand their roles and contribute better for their institutions and the country at large.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we now have Hon. Osotsi Godfrey.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Sorry, before you proceed, allow me to recognise this school at the Public Gallery: Migwani AIC Primary School from Mwingi West Constituency in Kitui County. They are welcome to observe the proceedings of this House.

Proceed Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker, for this important opportunity to contribute to this important Bill. From the outset, I support this Bill; it is long overdue. I have heard my colleagues who have reservations about it. If this Parliament wants to be remembered as a progressive Parliament, this is one of the Bills that we need to pass. I am saying so because I have heard what other colleagues have said. If we want to deal with the problem of corporate governance in this country, this is a Bill that we must pass. The challenges we are having with most of our organisations, whether private or public organisations, is the issue of corporate governance. Corporate governance is everything.

The Institute of Directors of Kenya is not a phenomenon in this country alone, almost all countries in the world have an institute of directors that exists as a non-profit making organisation or a Government sponsored organisation. Several countries in Africa have come up with a national legislation on matters of corporate governance, for example, Mauritius, Malawi and Zimbabwe. As we are talking, Nigeria is also coming up with a legislation on issues of how to regulate directors. So, I am surprised that some of my colleagues here are opposing this wonderful idea of having a Bill that will regulate our directors. In management, we were taught a concept called "Urgency Theory". It basically defines the relationship between the principles and the agents in an organisation. The principals in a private institution are the shareholders and in a public institution, they are the taxpayers. The agents are employees, suppliers and management. There is always a competing interest between the principals and the agents. Therefore, corporate governance exists to ensure that this relationship is managed in a proper manner, so that the principals benefit from the organisation.

We have seen many companies in this country collapse because of lack of proper corporate governance. We have it in our reports; we discuss them all the time. So, this is a Bill that we need to pass. Internationally, the African Union (AU) and the Economic Commission for Africa (ECA) have identified a strong linkage between good corporate governance and economic development. So, by opposing this Bill, we will be going backwards instead of moving forward as a country. As I said, other countries, like South Africa, have a private sector driven corporate governance framework that is recognised by the state. So, this is an opportunity, there could be a

few issues in this Bill but I am sure we will look at them during the Committee of the whole House. However, we cannot throw out this Bill on the basis of it conflicting with other legislations. Those who are saying so have not given us specific legislations that are in conflict with this Bill. In any case, Section 172 of the Companies Act defines the duties of a director of a company. It does not provide mechanism of enforcing it. Now, this Bill will provide that mechanism of enforcing the Companies Act in terms of duties of directors.

When we talk about corporate governance, we are also talking about issues of taxation. If we fix corporate governance in our organisation, we will be able to get enough resources through taxation because we are losing a lot of taxation resources because of poor corporate governance in our organisations. We are also talking about real issues like IT governance. Issues to do with cyber-crime and data protection. If we have directors who understand what corporate governance means and what issues of IT governance mean, then we will be able to deal with some of the challenges we have been having. I fully support this Bill and I want to encourage Members to also support it because it is in line with the best practice globally. In fact, at the moment, there is a huge shift in corporate governance. Instead of focusing on short term profits, we are talking about inclusive capitalism, issues of social corporate responsibility. These are issues that this country must deal with. We are talking about silo reporting. Silo reporting is where we focus too much on financial reporting. We want to see the financial report of an organisation. We need to start focusing on integrated reporting. That is what modern corporate governance says. So, this is a very important piece of legislation. Small issues which I have personally identified and Members have talked about can be corrected at the Committee of the whole House. Let us pass this Bill as it is, then we deal with those issues at the Committee of the whole House.

Thank you, I support this Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Bill. Even as I do so, I want to also recognise the presence of one of my schools, Nyangati Secondary School, the beautiful boys and girls at the top in the Speaker's Gallery. They are products of the best rice in Africa coming from Mwea Constituency. I will also be expecting Kagio Boys to get in later on.

I rise to support this Bill with some reservations with the hope that when we go to the Committee of the whole House, we will have cleared most of the issues that have been raised by Members. I have listened to the Mover who happens to be my mentor in matters Parliament, the seconder, Hon. Ochieng' and those who have reservations. I also want to support but with some reservations.

Hon. Temporary Deputy Speaker, such an institute of directors is not new to the world. In the UK, the institute of directors was formed in 1903. It is a membership of company directors, membership of senior business leaders as well as entrepreneurs. That company was incorporated by the Royal Charter in UK in 1906 and it is unfortunate that we are discussing in Kenya many years after it was formed in the UK.

I think the main issue here is the definition of the term "director". I find most of us having problems when we try to relate this particular Bill to only public directors that are appointed by the executive. I do not think the purpose of this Bill is to focus on one particular area. Whereas, the public institutions have particular laws and regulations that guard and guide them, the rest of the sector and especially the private sector... I am persuaded that this is the sector that has a lot to do with our economy. The small companies out there that are formed by people who come up as entrepreneurs who have not gone to the university or higher levels of

education but are proving to be very successful in that particular area starting very small companies, growing them with the little knowledge that they have, providing leadership to the managers in those companies. I want to make a note that there is a great difference between managers and leaders. Most of these entrepreneurs end up being leaders who carry the vision of the companies that they form. But as the world is growing, there is so much that is changing and there is need for an institution that will continually provide capacity building to such entrepreneurs. We have seen in this country companies including banks, cooperative societies and other small companies come up very well but somewhere along the line, because of lack of proper corporate governance, some of these companies end up going under receivership. They have gone under with public funds and in a way that the originators have ended up in jail. I want our colleagues to note very carefully that this institute is not coming to regulate the appointment of directors into institutions. It is not coming to regulate the knowledge that is expected to be possessed by entrepreneurs, this institute is coming to build capacity for those entrepreneurs and public directors that have already been appointed so that tomorrow, an entrepreneur will be able to separate business investment from family business, so that even as they allow their managers to run those companies, they are providing the bigger picture of those companies. They are there to provide guidance on how the vision that they had initially is to be carried forward so that these entrepreneurs and directors may not start diverting resources tomorrow in to unplanned activities that end up freezing their original companies and ending their visions because of other plans that come alongside the way.

Therefore, I want to urge the originator of this Bill to sit with the Justice and Legal Affairs Committee to ensure that as we enter into the Committee of the whole House, we will be able to thrash out some of the areas that seem to be conflicting or bringing confusion especially on the public institutions that are guided by the Act that forms them, so that even as this Bill goes to the President for assent those fears may be addressed. Otherwise, we do not want to lose this very important Bill that is going to look at an area that has been forgotten. As you are aware, every part of our economy has a term “director” in it. Those are the people we are targeting so that our economy can continue growing. These are people we have been saying for a long time, have been left on their own. As an entrepreneur, I have found myself in many cases left alone to make decisions that probably could have been made in a better way by networking with other directors that are in different areas. So, this institute is just bringing together these directors so that they can share ideas. They will look at the challenges and the areas that require improvement so that the institute can come up with standards that would help these directors wherever they are.

For this reason, I want to support this Bill and also urge the Mover to sit with the Committee on Justice and Legal Affairs and other helpful committees so that we can strengthen it as we go to the Committee of the whole House.

I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I give opportunity to Hon. Tum Chebet, to my left let us have Hon. Wanyonyi Kevin, Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. At the outset, I want to support this Bill by Hon. Chris Wamalwa. This Bill has come at the right time. It is important, as well explained by most Members who understand what this Bill is about. Of course, those with reservations, we accept their reservations.

First and foremost, the ultimate goal and the objective of this Bill is to be able to have directors not necessarily qualified in those particular fields. A director could be a medical doctor but in terms of the governance of a parastatal... We have seen so many parastatals going under. I do not want to name them but you can name some of the parastatals that have gone under because of mismanagement. All the Bill is trying to do is to get people trained for the good governance of the parastatals: the mission and vision, the objective and the corporate governance. We need to have people who understand the mission and vision of a parastatal for it to be able to move. It could be a teacher, farmer or anyone. We need to have refresher courses for people appointed as directors. Some people are now saying maybe the President should not appoint so-and-so because he is not properly qualified. No, we are saying the President can even appoint directors from a pool and run the parastatals.

We have had problems. Personally, when I was a director of two parastatals I do not want to name, I had a problem. There were people appointed as directors who were not even sure of what they were doing. They just came to get allowances and go away. This Bill now will be able to help people who are appointed or those who have gone through the same system to understand why they are in a particular parastatal. A very good example is the Kenya Meat Commission (KMC). My history tells me that even Namibia learned from us. Our people went to Namibia to teach them, but today we go to Namibia to do benchmarking. It should be the other way round. We have had cases where people go to parastatals and because they do not know what they are doing, they divert Government resources to something else. So, this Bill has come at the right time and we should support it, because then we will be able to do away with some of the problems we have been having.

As the previous speaker mentioned, I have had a chance to go to the UK and attend a three-day seminar in one of the directors' institutes. You can look at what they are doing. When you talk to the directors about the same thing, a man says: "No, this is not what I came to do here." So, this Bill will be able to assist us to have the directors trained so that the corruption, the mismanagement, the slow economic growth and the unemployment in this country will be a thing of the past. So, let us support this Bill so that directors can be trained or at least be exposed to good governance and corporate policies of various parastatals to be able to secure the economic growth of this country.

This country is doing badly economically. Look at employment. It is regrettable that we have thousands of youths completing university and going to the streets. One particular case was highlighted two weeks ago, where a graduate had First Class Honours but could not get a job. After the expose by one of the media houses, he was called to join one of the banks here. How many of our youths have left university and have no jobs? We have the resources and the money but governance has been a big problem in this country. People mismanage companies and parastatals and most of them have gone under. Let us take this Bill very seriously so that at the Committee of the whole House stage we should be able to correct some of the aspects that have been raised by those who have reservations. I urge the Members of this House to support this Bill.

Thank you very much for the opportunity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we have Hon. Tum Chebet?

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Speaker, I stand to support this Bill on establishment of an institute of directors in Kenya.

Let me take this opportunity to convey my condolence and that of the people of Nandi to the residents of Bomet County and constituents of Kibra on the passing on of Governor Joyce Laboso and Hon. Ken Okoth. At this particular time of mourning, I wish them a peaceful mourning and may the Lord take charge.

On the said Bill, there is need to enhance service delivery in our institutions in Kenya. The directors working in our corporations should be trained in business management, corporate governance and leadership, so that they run the affairs of the institutions well. Some can be engaged and they are not trained. There is need for good financial management in our institutions and the directors should be the first people to have knowledge in financial management, so that we can avoid the issue of corruption in our institutions.

There is also need for the managers to have knowledge in all areas of managing our institutions. We need to kill the menace of corruption in Kenya. The only way is to have our managers trained. There is need for effective and efficient management of corporate institutions in Kenya. We have the Kenya Institute of Management (KIM) but it does not have the required... (*technical hitch*) ...to deal with all the corporations in the entire nation. So, there is need for establishing other corporations.

I support this Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, let us have Hon. Mutua Barasa, Member for Kimilili. Is he present or he had relocated?

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also contribute on this Bill. At the outset, I support this Bill. I have some reservations which I will bring during the Committee of the whole House.

Hon. Temporary Deputy Speaker, I want to be on record that there are two things that Hon. Members have been talking about: One is that this Bill must improve the competency of the directors while others have been saying that this Bill will sort of impart good industrial practice and ethics, which I agree with.

However, I would like to make it clear that you may have a director who does not have good ethics but is competent. Equally, you can have some directors who are highly competent but they lack ethics. So, this Bill will bring some good practice in that industry that is completely unregulated. I also want to make it clear that if we will ensure that nobody will be appointed director of a company unless they are a member of this institute, we will miss the point. We have scenarios where individual Kenyans want to form their companies. I will sit down with Hon. (Dr.) Chris Wamalwa to refine and make it clear that either, after you have become a director of a company by forming it or being appointed, then you can voluntarily decide to join the Institute of Directors of Kenya as a member and then you will be bound by the decisions of that institute. That will make it liberal even to those members who have fears that this regulator may curtail interests of those who want to form companies and become directors or that it will restrict authorities in this country who quite often would want to appoint directors to govern or manage State corporations. So, once these issues are clarified we will move forward in the same way that we have the Institute of Engineers of Kenya. They do not guide you on who to employ as an engineer but the engineers that join them have privileges in terms of training and institutes that hire them have a clear peace of mind that they have engaged a competent person who is a member of a professional body.

So, this Institute of Directors of Kenya is going to redefine and provide new meaning of doing things by the directors such as provision of training opportunities and the minimum basic industrial professional practice. You will agree with me, Hon. Temporary Deputy Speaker, that

the far a corporation goes in terms of corporate management depends on the competency of the directors.

Therefore, if the Bill is refined as we have the opportunity to do so at the Committee of the whole House, it is going to be a game changer in terms of corporate governance and business start-ups. This is because we have very many people who have begun small companies which do not live to see the light of day because of lack of very basic management skills and this is going to take this country forward.

With those few remarks, I support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. John Bunyasi
Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill and have few remarks to make.

I have been listening to the discussion from the beginning this morning and wondering what the major thrust for the Bill and the debate was. That has helped me to form my remarks. This would have applied ideally to public institutions and left the private sector to their wits end to start with. As I thought more about that, I realised there is no much difference since even private institutions have such expectations. For instance, compliance with the tax laws, environmental laws, the no loss no harm policy to the citizens and so on. So, there are many dimensions that even private directorship ought to comply with. If you are trading in cattle or camels, you still must be fully aware as directors what your company's impact is on the environment. You would through that knowledge and legal obligation begin to comply as you make internal private decisions.

Indeed, people can form companies without formal education. It does not mean they are uninformed or uneducated. Generally, it will be really perverse if the completely illiterate had better knowledge of running companies than the educated. That would mean the value of incremental education is worth nothing. So, there is usually a level at which certain minimum knowledge is required.

I support this Bill by saying that in whatever roles they play, in public or private institutions, there is an inherent obligation in what they do in so far as for example, they have to meet the national obligations on taxation and clearly understand the tax laws. I know that these are embedded in the Companies Act. I do not know whether Members of this House have seen the latest version of the Companies Act. It is about six inches high. So, if you assume that people understand that, then you will be in that category which believes that ignorance of the law is no defence. If we are talking about knowledge of the law as a defence to carry out social objectives of any country, whether these people are seated in private or public institutions...

So, I support this process. I wish we would have a cadre of people who would take good care of the public resources that are entrusted to parastatals and other public institutions.

We talk about issues of graft. We have been focusing a lot on what comes out of the national Government than what comes out of counties. We have a lot of parastatals out there doing their own things that nobody ever knows and they never rise to the surface. They make lots of money, sit on lots of assets which are daily being snatched and grabbed. You saw how much we lost but we have now forgotten when we moved over from local authorities to county governments. If we had knowledge of people who understand the various public laws that deal with areas of trust that is given to directors at the minimum, they would probably have indicated what ought to have been done or not done.

Abstracting from what each one knows when they are a director in a company and just focusing on what it means for you who is sitting to direct affairs of an institution, is a way of

taking from the broad knowledge of things just that element that you need to guide and direct whether you are in a family institution or in a public institution.

It should be compulsory for all of the directors in public institutions and private institutions to be trained. If you cross over from a private institution to a public institution, you should go through this kind of training and certification however you call it. It could be for a week or month. There were some timelines being mentioned but it is terribly important that they do. We know what happens in private institutions. They may be truly making profits but maybe that is not all we are looking for in the public institutions.

We have to look at the compliance of the law and the harm to the environment. It is not just that you have turned in profit like the private companies do unless they are caught by one of the laws that exist. So, even the oversight that requires compliance will be enhanced if these people had a chance to go through this awareness type of familiarisation. No matter how highly educated you are, it does not mean that you have a grasp of what is required to guide institutions where you sit.

With those few remarks I want to add and reiterate that it is really important to allow an institution of this nature to be created. It does not matter whether its core secretariat and trustees will not be full-time. We ought to have people go through this formation before they take charge of public and private institutions so that, perhaps, the socio-economic and environmental harm done by private institutions to the economy can be minimised.

Hon. Temporary Deputy Speaker, with those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Tuitoek Kamuren, Member for Mogotio.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I would like to contribute to this Bill concerning the Institute of Directors of Kenya. The Bill is very noble and I am in total agreement that we need an institute which can guide and be used to prepare our directors to provide service to both the public and private sector.

Currently, when directors are appointed to the public sector the State Corporations Advisory Committee (SCAC) normally trains them on the *Mwongozo* Guidelines which they use to provide governance in various Government agencies. I am sure this particular Bill will encompass both the private and public sector. Looking at the functions of this institute, I am in total agreement with most of them and specifically with the ones dealing with maintaining and improvement of standards, professional competence and ethical conduct of directors. They are very important and therefore, the setting up of this institution will support and enhance effectiveness of directors.

I am sure the curriculum will be a bit diverse noting that even private individuals start their own companies and may have different levels of education. Therefore, we may need to have a curriculum which will encompass different levels of capacity of directors, those with less education up to those who are highly trained, but specifically on governance in these institutions.

I have reservations on an aspect of the role of the board where it is meant to vet directors. To me, this activity of determining who goes to the register of directors may not be the proper way to go. Therefore, this particular function of the board vetting members should not be allowed. It is something that needs to be revisited. Maybe we can make amendments on this particular aspect. This institute is supposed to empower or give directors more strength in terms of governance so that even those who are newly appointed and have never served in any institution can be empowered in various ways to serve the public or private sector in terms of

policies and strategic planning. Therefore, I support this Bill but with reservations. Thank you.

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

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. I stand to support it but with reservations. Any organisation that brings sanity to a system is welcome. This Bill comes to look at directors as they are and is trying to bring sense to their profession.

I want to exceptionally look at Clause 6 of this Bill which talks about regulation, conduct and screening of these directors. First of all, we should ask ourselves whether directors can fit as a homogeneous group. There are directors of various types and backgrounds and they are very different. Secondly, the universality of the law needs be observed because the application of the law will not be selective. We are looking at both government and non-governmental companies or parastatals and private companies which need to be regulated by this particular institute. If the institute came in as a capacity building institute which will be optional and not mandatory so that directors can join at will, then the law may not be a problem.

However, the problem we foresee here is that first of all Kenya as a country does not have sufficient capacity to employ many people. Therefore, people are encouraged to start businesses. There are no standard procedures for choosing which business a person should start. So, companies evolve without any set conditions and involuntarily. That being the case, then when looking at the conduct and vetting of directors, first of all people should be encouraged to form companies. Then, we should not have limitations of education level or profession. Having such a group being put under some regulations is something that needs to be thought through very seriously. I believe during the Committee of the whole House we will look at this.

Provisions within this Bill might be in breach of Article 40(3) of the Constitution which restricts the State from forcing people out of business. In this case, we need to look at how a company director gets regulated irrespective of his background. How can we exercise caution to ensure that company directors are given the opportunity to operate their business and do their work without being influenced by a law brought to this House? That is why I support this Bill but with reservations. There is nothing wrong with regulations and setting standard operating procedures to ensure that directors of companies are regulated and they also obey or adhere to existing laws.

Bringing sanity also has the issue of creating harmony of the directors and obeying regulations as they are in the Companies Act and in the Code of Conduct of Directors. This institute may also have a function which will enable companies to grow and perform better by providing disciplinary action against directors who leak or mismanage information. Most companies collapse, especially those which are not individually owned but owned by many people because some directors do not obey the secret service act and decide to release company information. So, such a provision needs to come in so that companies can be protected and ensure their growth.

When it comes to Government companies or parastatals *vis-a-vis* the private companies, we have a system of appointment of directors. When a person decides to start a company, we do not look at their background, their capacity to work or professional qualifications. So, this institute will have a lot of work in sorting out people and giving them the relevant training. When it comes to Government parastatals, there is a mechanism used to appoint directors and there is provision for their capacity building within the functions of that particular parastatal. I believe

there is always financial provision or resources to support their capacity building aspect so that directors behave in a specific way and carry out business as required.

The Bill speaks to existing directors and lacks intake mechanism for new directors. When this is left open then we might have a problem. Also 100 per cent inclusion might be problematic so there is a lot which the sponsor of this Bill needs to do. Therefore, there is a lot that the sponsor of this Bill will need to do once we get to the Committee of the whole House. We need to look at this Bill and make it universally applicable, in view of law-making in this country.

I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mbithi, Member for Masinga.

Hon. Joshua Mwalyo (Masinga, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this chance to give my views. I thank the Mover of the Bill who has enabled us to debate it. To me, it is a good thing that directors have an institute which will regulate them. This is because as it is presently, everybody can become a director anywhere, but when it comes to discipline there is no institute to discipline them. There is no mechanism for that. When this Bill is enacted, it will bring sanity in the boards. Directors will be regulated and they will behave, lest their contracts get terminated. Even directors of private companies should be checked. It should be known what they do. This is because there are many directors who form companies and once they have looted the companies and even members of the society, they close the companies and run away. It is simply because they are neither vetted nor regulated. So, when they run away, they do so forever.

Therefore, this institute will check directors the way other institutes, for example, the Institute of Engineers, or the Institute of Architects check their professionals. They normally have annual general meetings to review how their profession is doing. Therefore, it is a very good Bill. I support what Hon. Wamalwa has brought and even the research that he has done. Although there are a few things that need to be ironed out, it is a very good Bill. We should pass it so that we do not have people forming and closing companies at will. They should be checked and regulated by the Government.

I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Koske Kimutai, Member for Chepalungu.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Temporary Deputy Speaker. I thank you for giving me this opportunity to add my voice to this Bill. I thank Hon. Wamalwa for coming up with this very important Bill. I have looked at it from page one to the last page. The only area that I might have an issue with is Part IV. Those conditions that the Mover has put on Part IV are a bit tricky and they might pose challenges in future. Maybe he needs to relook at them and see how he can make it practical to most of the directors.

Directors of most companies in Kenya have a big challenge in terms of capacity to manage their entities. Right now, when you look at the stock exchange, most companies are reporting huge losses when it comes to shareholders' dividends. It is because of the directors. Most companies that Kenyans had a lot of hope in are now going down because of lack of skills and innovations that they need in order to move with time. I support this Bill because it will come in handy in equipping Kenyans to become directors in many firms.

When you look at the directors of most successful companies in Kenya, they do not even have degrees. There are some people who have inborn leadership qualities. Look at Chandaria. He is doing well in Kenya, but if you ask him where the directors have come from, he will tell

you it is just mere inheritance. His is a success story concerning many companies he is a director in.

Directors are messing up our institutions. People are given that position of director based on, maybe, political goodwill and they end up messing up our institutions. So, this Bill will put Kenya on the roadmap of success. I thank the Hon. Temporary Deputy Speaker for giving me the opportunity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I give the Floor to Hon. Janet Nangabo, allow me to recognise, at the Speaker's Gallery, Olerai Primary School from Kajiado North Constituency, Kajiado County. They are welcome to follow the proceedings of the National Assembly. Hon. Janet, you have the Floor.

Hon. (Ms.) Janet Nangabo (Trans Nzoia CWR, JP): Asante, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii nichangie Mswada huu ulioletwa na Mbunge wangu wa Kiminini. Huu ni Mswada unaoenda kurekebisha mambo katika nchi yetu ya Kenya.

Kabla sijaendelea, nachukua fursa hii kutuma rambirambi zangu pamoja na za watu wa Trans Nzoia, kwa familia za wenzetu waliopoteza maisha yao, Gavana Joyce Laboso na ndugu yetu Ken kutoka Kibra. Walikuwa viongozi waliochangia mengi sana katika nchi yetu ya Kenya. Walioonyesha msimamo wao hata wakati wa siasa bila kuegemea upande wowote.

Mhe. Naibu Spika wa Muda, nikubalie niongee kuhusu Mswada huu ulioletwa na Mhe. Chris Wamalwa kuhusu wakurugenzi katika taasisi mbalimbali katika nchi yetu ya Kenya. Vile wenzangu wamesema ni kweli. Tumekuwa na wakurugenzi katika kampuni na taasisi tofauti katika nchi yetu ya Kenya ambao wamenyanyasa watu. Nakumatt Supermarket ilianguka kwa sababu tulikuwa na wakurugenzi ambao hawakujua kazi yao ilhali hakuna mtu aliyejali kuchunguza kilichokuwa kinaendelea katika kampuni hiyo. Ndiyo maana nasema ni vizuri sana tuwe na wakurugenzi katika taasisi hizi kwa sababu watakuwa wanachunguza mambo yanavyoendelea katika taasisi ambazo wanashirikiana nazo.

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

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) took the Chair]*

Kile kimenifurahisha ni washikadau hao watakuwa wanahudumu kwa miaka mitatu tu na baada ya miaka mitatu, huenda ikawa tutakuwa na wengine. Hivyo ni vizuri sana kwa sababu mtu akifanya kazi atakuwa anajichunguza jinsi alivyo na jinsi anavyoendesha mambo yake.

Wengine wasipokuwa na nidhamu katika kazi zao lazima wachukuliwe hatua kwa sababu haitakuwa vyema mtu kukosea halafu aende bure bila mkono wa sheria kuchukua mkondo wake. Ninawaomba wale watapata nafasi kushirikiana na wengine katika taasisi mbalimbali wawe watu wa nidhamu na waelewe kazi yao.

Tumegadhabishwa sana na serikali za kaunti. Nyingi zimeharibu pesa na hazijafanya kazi nzuri. Ndiposa wanasema kwamba taasisi hii inatakikana kuchukuliwe na mtu aliye na maadili mazuri hata kama amefanya kazi kwingine na kuingia kwingine. Hiyo itahakikisha kwamba akipewa nafasi ya kuhudumu katika taasisi hii atakuwa mtu aliye na nidhamu na sio mtu aliyeharibu kwingine na kwa sababu ya siasa, anachukuliwa tu mara moja na kupewa nafasi tena katika taasisi ingine.

Kama kiongozi, tumeona mengi pamoja na Mbunge wangu ambaye ameleta Mswada huu katika Bunge hili kwa sababu ya kazi duni inayofanyika katika kaunti yetu. Ndiposa ni lazima wale wakurugenzi wanaochaguliwa wawe na nidhamu ili wahudumu katika taasisi hizi.

Namshukuru tena Mheshimiwa Chris Wamalwa. Kama vile wenzangu wamesema, kuna mambo yatakayorekebishwa tukiingia kipindi cha Mswada Kusomwa Mara ya Tatu.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, allow me to recognise, in the Public Gallery, the presence of students from Isunguluni Primary School from Kibwezi Constituency, Makueni County, who are here courtesy of Hon. Jessica Mbalu, their Member of Parliament, who is also in the House. They are welcome to observe the proceedings of the House.

I would also like to recognise the presence of students from Wamu Primary School in Gichugu Constituency, Kirinyaga County who are also in the Public Gallery. They are welcome to observe the proceedings of the National Assembly.

Before we proceed, I see an intervention by Hon. Adagala. What is out of order, Hon. Adagala? Hon. Adagala, could you use the next microphone? The one you are using is not very clear.

Hon. (Ms.) Beatrice Adagala (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker. On behalf of Vihiga County, I also extend my condolences to the families of the deceased, our trailblazer Hon. Laboso and Hon. Ken Okoth.

Most Members have deliberated on this Bill. We are of the same opinion that this Bill is receiving a lot of concern. As per Standing Order No.95, I ask that you call upon the Mover of the Bill to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Adagala, I understand that your intervention was based on Standing Order No.95.

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

Hon. (Dr.) Chris Wamalwa (Kimini, FORD – K): Thank you, Hon. Temporary Deputy Speaker. First and foremost, I thank all Members who have supported this Bill.

As I reply, it is important to note the fears Members have raised. For instance, there was the issue of entrepreneurship whereby some directors might be informal and have not gone to school. This regulation will not affect them. The regulation was implying that this institute will have a board. The board of that institute needs to be regulated. Entrepreneurs who start their businesses are not regulated. That regulation does not refer to somebody who has started a business such as Chepalungu Dairy Farms. It does not regulate that. This Bill is looking at issues of corporate governance. This forum will bring the directors together in terms of networking, learning the best practices and refresher courses. All the issues that Members have raised will be addressed when it comes to the Committee of the whole House.

I looked at the Report of the Departmental Committee on Justice and Legal Affairs and I am in agreement with whatever was raised in it. Once we go to the Committee of the whole House, we will amend in terms of consistency. There will not be any issues that will contradict the already existing laws.

With those few remarks, I thank Hon. Members.

I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Wamalwa. That was a job well done. Hon. Members, I direct that the next necessary steps in regard to that business will be undertaken when the matter will be set down for consideration again.

I direct that we move to the next Order of business.

(Putting of the Question deferred)

Second Reading

THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wangwe does not seem to be in the House. I direct that, that business be deferred and we move to the next Order.

(Bill deferred)

THE EMPLOYMENT (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Martha Wangari does not also seem to be in the House. I understand that she had requested that this particular business be deferred. I, therefore, direct that this business is deferred and we move to the next Order.

(Bill deferred)

THE INDUSTRIAL TRAINING (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Jude Njomo is also not in the House. It is my understanding that he had requested that this business be deferred. I direct that this business be deferred as such. I further direct that we move to the next Order of business.

(Bill deferred)

MOTIONS

REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Charles Njagua Kanyi, the Member for Starehe and owner of this Motion had requested that it be deferred. I, therefore, direct that this business be deferred to the next time that it will be set down for consideration.

(Motion deferred)

POLICY MEASURES TO ENSURE 100 PERCENT TRANSITION FROM
SECONDARY EDUCATION TO TERTIARY EDUCATION

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wambugu John, the owner of this Motion is not in the House. He had requested that it be deferred. I, therefore, direct that it be deferred and we move on to the next Order of business.

(Motion deferred)

CERVICAL CANCER SCREENING SERVICES AND
ISSUANCE OF THE HPV VACCINE TO BOYS AND GIRLS

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Tecla Tum is in the House. You may move your Motion, Hon. Tecla Tum.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware that cervical cancer is the leading type of cancer in the country causing the greatest number of deaths with at least 8 to 10 women succumbing every day to the disease; further aware that most women diagnosed with precancerous changes in the cervix are in their 20s and 30s, but the average age of women when they are diagnosed with cervical cancer is the mid-50s; considering that the Human Papilloma Virus (HPV) is one of the most common viruses in the world with 4 out of 5 (80 per cent) persons getting some type of HPV at least once in a lifetime; cognisant of the fact that men and women can get HPV typically with the immune system getting rid of HPV without needing treatment; deeply concerned that HPV is a major risk factor of cervical cancer with nearly 99.7 per cent of cervical cancers being caused by infection from high-risk HPV; appreciating that cervical cancer could be totally eliminated and further averted by putting preventative measures through timely treatments, this House therefore resolves that the national Government rolls out free screening services to all women and issuance of the HPV vaccines to boys and girls to reduce the mortality rates and completely eradicate deaths caused by cervical cancer in the country.

Hon. Temporary Deputy Speaker, you are aware that we have lost many people to cancer. We have not buried Hon. (Dr.) Joyce Laboso, the Governor of Bomet County, and our colleague, Hon. Ken Okoth. Cancer is a menace in the entire country and Human Papilloma Virus (HPV) is the major cause of all the cancers. I am moving this Motion because of the following reasons: Firstly, according to the National Cancer Institute, cervical cancer forms in the tissues of the cervix and in particular, in the reproductive organs.

According to the World Health Organisation (WHO), an estimated 570,000 new cases were reported in 2018. Breast cancer, colorectal cancer and lung cancer are killing people in this nation. Approximately 90 per cent of deaths from cervical cancer occurred in the low and middle-income countries, Kenya included. According to the reports, cervical cancer is the second most cancer which kills women in the entire nation who are between 20 and 50 years which are the reproductive ages of women.

Secondly, all women are at risk of cervical cancer. This disease occurs mostly in women over the age of 30. Human Papilloma Virus is the main cause of cervical cancer. It is a virus that is passed from one person to another during sex. Most sexually active people get HPV at some point in their lives but few women get cervical cancer. Other causes of cervical cancer are intimacy at an early age, multiple sexual partners, sexually transmitted diseases, Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome (HIV/AIDS) and cigarette smoking. According to the Information Centre on HPV and Cancer, about 9.1 per cent of women in the general population are estimated to have HPV. Vaccination has emerged as an important element of cancer prevention. Dr. Robinson from Australia, who is a Mayo Clinic practitioner states that vaccination is a miracle. We are talking about an infection that is ambiguous. By the time we are 50 years old, 80 per cent of us will have been infected by HPV. The HPV vaccine is a life changer because too many women who live in poverty die of cervical cancer.

According to the International Centre for Reproductive Health in Kenya, HPV vaccination is not part of the national immunisation scheme. In Australia, when 65 per cent of women were vaccinated, fewer heterosexual men were diagnosed with genital warts. So, when people are given HPV vaccination, there is a reduction of cancer because it is sexually transmitted. As I have said, there is need for vaccination. In Australia, infections of HPV that causes cancers reduced by 71 per cent and 61 per cent among young women after vaccination and infection of cervical cancer on women who had been vaccinated dropped by 41 per cent.

Regular screening combined with HPV vaccination is important to the eradication of cervical cancer in the country. This is the case in Australia and Scotland which have reduced cervical cancer which affects women. We should note that if a country like Australia has reduced the number of people who get cervical cancer and mortality rates, then I believe that Kenya can also do it. The cause of high mortality rates in low and high-income countries is poor access to medical facilities, especially in rural areas. We are all aware that we can have one dispensary in a ward or sub-county. There is poor nutrition and comorbid conditions. Most people who earn less than one dollar a day do not have good nutrition and cancer can really spread in the shortest time possible.

Another one is HIV. We know that there is quite a number of people who are HIV positive and finally it can lead to cancers. There is also the issue of late presentation of cancer. People are not aware whether they have cancer because HPV vaccine is expensive and many cannot afford to go to the hospital and be checked. Facilities for treatment are also limited in the low and middle-income countries, Kenya included. Where they are available, they are not affordable for many people, especially women in the region. I, therefore, note that with the introduction of the HPV vaccine to all boys and girls, as well as the regular screening of our women, we will have sorted out the challenges. I urge the national Government, through the Ministry of Health, to liaise with the county governments so as to issue the HPV vaccine as well as the regular cervical cancer screening to all the women in Kenya as it is a widespread disease which affects all of us in different capacities. It is my prayer that our boys and girls are screened from ages 10 because such a disease is passed through sexual intercourse and kissing. We need to rescue our children and women in the nation. In the entire world, 570 women die of cervical cancer while in Kenya, every year, over 3,000 women die. Many of them do not go for check-ups and do not know their status.

I call upon the Government of Kenya to provide the HPV vaccine so that our children are vaccinated from ten years up to women of 74 years.

I call upon Hon. Chepkwony to second the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Tum, before you call upon Hon. Chepkwony to second the Motion, you need to move it. You just need to say, “I beg to move”.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Speaker, I beg to move the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Chepkwony, you have the Floor

Hon. (Ms.) Charity Chepkwony (Njoro, JP): Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to second the Motion which is very crucial at the moment.

Before I continue, let me pass my sincere condolences to the family of the late Governor Laboso.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Chepkwony, hold on. Your microphone is not good. Give her another one.

Hon. (Ms.) Charity Chepkwony (Njoro, JP): Thank you very much, Hon. Temporary Deputy Speaker. I am sorry today my voice is a bit hoarse because of some reasons. Thank you for giving me a chance to second this fantastic Motion moved by the Nandi County Women Representative.

Before I continue, let me pass my sincere condolences to the family of our sister, Hon. Laboso, who was the Governor of Bomet County. Njoro Constituency, which I represent and Kenya as a whole, have lost a heroine. We are in pain as women because we have lost a champion.

Cervical cancer has become terror to girls and women. Cancer has become merciless to girls and women in the world today. As my colleague has said, cervical cancer kills over 3,000 women in the country every year. It is high time we said that we can no longer wait to lose more women in the country. Cervical cancer has become one of the most common diseases in East and Central Africa. Therefore, I rise to second the Motion by saying that it is high time the Government of Kenya woke up to the reality and realised that we can no longer sit and watch people die mercilessly and hopelessly and yet we know the Government can take care.

In order to make sure that we have taken precautions, we request the Government to introduce free medical check-ups and treatment for all patients of cervical cancer. We are also interested to see the Government provide free cervical cancer screening. This is to create more awareness and prevention. We also need to emphasise that it is high time the Government came up with primary health care services in all dispensaries and health centres in the country to make sure that all women in rural and urban areas access free screening.

I would also like to remind the entire country that Article 43(1) of the Constitution provides that every person has a right to the highest attainable standard of health, which includes the right to healthcare services, including reproductive healthcare. As an elected Member of Parliament and as a female, I wish cervical cancer is taken very seriously in the country.

I rise to support my colleague that it is high time the Government of Kenya took serious measures on this matter to prevent more deaths of our people.

I beg to second the Motion.

Thank you very much.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): I give the first opportunity to the Hon. Mutai Kiplangat, the Member for Bureti.

Hon. Japheth Mutai (Bureti, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion. I thank the Mover of the Motion for thinking about the issue.

Cancer, as it stands in the country is a national disaster. It has reached a point where the nation should declare it a national disaster because it is a scourge that is killing citizens. This Motion is coming at a time when we are mourning the death of the Governor of Bomet, Hon. (Dr.) Joyce Laboso, who passed away as a result of cancer. We are also mourning the death of a colleague, Ken Okoth, the Member for Kibra who died as a result of cancer too. Some of us have constituents who are currently suffering from this disease which I call a national disaster. Everyone in this House is affected by this scourge in one way or another. So, we are all victims of this national disaster. The idea being raised here is that the Government should take proactive measures to ensure that this matter is addressed.

Every single weekend, we attend to matters touching on cancer in our constituencies. It is not nice before our eyes. As leaders, we cannot stand by and watch as this thing eats into the society and livelihoods. It is destroying our nation and we need to address it. The fact that screening should be done for free is a welcome idea. The fact that the necessary medicine must be made available for free to the affected persons is also welcome.

I thank the Mover. The Motion has come to this House at a critical time. This is a poignant moment. It is not only cervical cancer that is a problem. I would urge the Mover of the Motion to encompass all aspects of cancer so that we address it wholesome. Indeed, cervical cancer is affecting our sisters and mothers, but other forms of cancer such as prostate cancer are equally a disaster. Men do not want even to think of somebody “visiting” their private parts to do some screening. Cancer has caused us to even put aside the issue of dignity because we want life.

It is about time, as a House, we rose to the occasion and ensured that measures are put in place to address this issue. When HIV/AIDS first struck, it took a strong intervention and cries of the entire nation to address it. Today, we are witnessing low levels of HIV/AIDS in terms of reported cases. That is a success in the entire world because we want to eliminate the disease. I think cancer should be declared a national disaster so that all the efforts and energies of the Government should be directed towards addressing this menace.

The unavailability of drugs and the treatment of this disease is what is killing our nation. To treat cancer is expensive. It kills the spirit of the patient. It clears all the investment one has and eventually kills one. Families are left behind in poverty and desperation. They have to deal with the aspect of losing a loved one. As we pass the Motion before this House, I urge the other committees to pick up this idea and follow it to its logical conclusion. Let us engage the necessary departments to ensure that we address this menace, scourge, and national disaster for the betterment of this country. We cannot imagine this country rising up to the levels we want to reach if we do not have a healthy citizenry. When someone is suffering from cancer, he requires urgent attention from the members of the family. That means other issues are not attended. We cannot have a strong economy while we have unhealthy nation.

This is a Motion whose time has come, and I urge all Members to support it.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Indeed, it is a timely Motion. Thanks to Hon. (Dr.) Tecla for bringing it. Before I give the next opportunity to the next speaker, I would like to record my condolences to the family of Hon. Okoth and Governor Laboso, who was my boss. She sat on this very seat, where I sit now, in the last Parliament. It is a sad day. This Motion is relevant at this time.

The next speaker will be Hon. Oduor Ombaka, the Member for Siaya.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Before I say anything, let me also take this opportunity to send my condolences to the family of Governor Joyce Laboso, who was a friend and also a lady we went to UK with for further studies after we had won scholarships from the British Council. I also want to send my condolences to the family of Ken Okoth who was also a friend and we worked closely in Parliament. We were both Members of the Departmental Committee on Education and Research where he participated very well.

My contribution to this topic is as follows. One, it is a topic that has taken too long to come to this House. Cancer is a disease that is long-term. It is said by specialists that it can be prevented once it is found on time. Most people cannot detect they have the disease until it has reached a certain level where it is untreatable. In that case, it becomes long-term, very traumatising and very expensive for the family, and the person who is affected normally has to abandon everything they have. They have to quit their jobs and go home to take care of themselves, as it is a very devastating disease. It is very expensive and the treatment in this country is very poor. If you look around at the hospitals that we have where one can get proper care, one sees that we do not have enough doctors who are specialised in treating this kind of disease. We have few of them. That is why most people seek treatment abroad. You can imagine those who do not have money to go abroad. Many of them die in the homes and in dilapidated hospitals. There is simply no care for the people who are affected by this disease.

It is true that women suffer a lot from this disease. My mother died of cervical cancer. So, I am aware of how traumatising it can be. In my family, we were always crying. We did not know how to manage the disease at the family level. We caused so much stress to my mother who did not want us to shed any tear because she was in great pain. A lot of people cannot manage this disease. We are all traumatised as family members when a family member or a loved one is down with this disease. Therefore, the women suffer a lot. I know women have different types of cancer. We have breast cancer, cervical cancer, blood cancer, throat cancer and others.

While women suffer from many types of cancer, we cannot forget men as well. They also have different types of cancer. They have throat cancer, blood cancer and many others. They are emerging from time to time. It may not be just a woman issue because it is also affecting men that we live with in our homes. As we talk about cancer, I would like us to think about men as well as children. If you go to hospitals, you will see a section within the hospital where children are kept to be taken care of. They suffer from cancer as well. It is a whole world of people who suffer from cancer. When we are dealing with cancer in this country, we are dealing with health matters that are not properly addressed in our system.

I want to conclude ladies and gentlemen by saying that there is a lot that doctors have talked to us about. I have listened to what cancer is all about and how it can be prevented. We are constantly reminded that individuals must go for a full check-up every year to find out if there could be a symptom of cancer. That is so that it can be prevented on time because it is a disease that is very tricky in the sense that it is very silent; you do not get to feel it and it does not pain you when it starts. It starts paining when it has overblown, when it is too advanced so that treatment becomes difficult. That is why it is advisable that people should go for check-up early enough even when you feel well. I think that is the message that you need to know. We also need to train our young girls and boys and everybody else in this country that we need to go for check-ups. It should be a culture or a habit that we do every year. I know it is also expensive to go for

check-up and so, the health sector must help us access health services on time to make them cheaper. Many people cannot even afford to be members of the national health system. Therefore, they do not have medical cards.

In the village where we come from, people just come home and ask you for money for Panadol and other medicine. So, how about checking for cancer? It is definitely going to be very expensive. That is why the health sector or the Ministry of Health should be firm on this matter and ensure that health is not only devolved but also cheaper and accessible to many people.

Health education is critical. We must educate ourselves; we must also educate our children in schools that, these are diseases that can affect them even as young as they are so that they know what to do and all that. It is the same on families. So, health education is very important.

I thank *Mhe. Tecla* for this very timely Bill on cancer. Since we have already talked about cancer, I think we now need to put more energy in making this law become real. Once it becomes real, the health sector should take it up and run with it. Cancer is killing our people. It is also devastating. We are losing young people who are very brainy and useful to this country. We are losing them too early in life and yet we need them. As we keep on losing young people, it is part of the brain drain. We are losing brains: People like Ken Okoth, people like Collymore who passed away a month ago, people like Dr. Laboso and many more who have passed on because of cancer. It is because we really need to be aware. We need to take very good care of those who are ill instead of sitting around and feeling pitiful and causing more stress to them at the family level. I think even families should be encouraged to know how to treat or manage long-term illnesses that come as a result of cancer.

Otherwise, thank you very much for giving me this opportunity. It is a very good Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I know we all have about 10 minutes to speak but, there is a lot of interest in this. We missed the boat when we would have restricted time to speak. So, please try to limit when you get an opportunity. That is so that we can have as many Members as possible to also speak on this. I think it would be fair to all of us.

The next Member will be the Member for Ainamoi, Hon. Maritim.

Hon. Sylvanus Maritim (Ainamoi, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Motion. I want to thank my good friend Hon. (Dr.) Tecla Tum for bringing this very important Motion. As she says, it is very timely.

I want to use this opportunity, on behalf of residents of Ainamoi Constituency, to sincerely pass my condolences to the people of Kibra Constituency and the people of Bomet County for the loss of their leaders.

It is true that cancer is a national disaster. It is time the Government invested heavily in advanced machines and technology to assist in detecting cancer at an early stage. I am not a medic but, studies show that we can contain cancer if we detect it early enough. A healthy nation is a wealthy nation. I want to encourage county governments in collaboration with the national Government to ensure that we have a functional cancer centre in every county. It will assist us big time.

As I contribute, we attend functions – be it fundraisers, be it funerals – that are related to cancer almost every weekend in our constituencies. As I speak today, I know of a few people, some in India, seeking medication because of cancer. Some are lying in hospital beds because of cancer. Treating cancer is very expensive. I know there is a Bill coming up on the NHIF. I wish

the NHIF would be advanced to cover medication on cancer-related diseases. The procedure and the cycles are very expensive that human beings, citizens and Kenyans who cannot afford expensive medical covers are going through a lot. I wish the NHIF would be advanced to cover up to Kshs50,000 for every session because, on average, every process or cycle of chemotherapy costs about Kshs50,000 and yet the much that the NHIF pays is Kshs25,000. The whole process covers six cycles. People who do not have stable sources of income are going through many challenges trying to treat cancer.

Therefore, I support this Motion and wish the county governments and the national Government will invest heavily on cancer screening machines. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Kitayama Maisori.

Hon. Marwa Kitayama (Kuria East, JP): Thank you Hon. Temporary Deputy Speaker, for this opportunity. I want to take this opportunity to, first of all, condole with the families of Governor Laboso and our colleague Hon. Ken Okoth. I also want to take note of the fact that I lost my mother to cancer of the stomach in 2016. So, this is a Motion which I support with a lot of attachment because it has hit my home. We went through a traumatising time as a family when this came visiting our home.

I just want us to go beyond talking in these Motions. We have spoken about cancer since we came here, probably in more than three Motions. This could be the third or fourth Motion. Each time, it just remains there and that does not help this country. What will help this country is to relook at the health set up of this country and the Constitution of Kenya 2010 that devolved health services. Maybe, that is the beginning of the mistakes that we made as a country. Probably, we could have done slightly better by identifying in each level, for example, in level 4 or level 5 and we purposely ensure that these facilities are given proper Government funding and equipment, so that cancer and other diseases that are chronic can be attended to affirmatively. I am speaking from experience.

I come from Migori County and Level 5 Hospital in Migori County Headquarters is the only facility where you find some semblance of equipment that can scan this disease. At the lower levels, where the majority of the rural people are found, they do not have basic medicines, leave alone equipment that could detect cervical cancer. You can imagine if a population of 1.2 million people were to seek medical attention in one hospital in Migori County Headquarters, your guess is as good as mine. It will be difficult for these services to reach the people who are generally poor. The diagnosis that they give – there are no doctors in the rural medical facilities like dispensaries – to poor mothers and people in the villages is wrong to begin with. They start by being told that they have stomach problems and then ulcers. By the time cancer is detected, it is at level four. That is not helpful. So, as I support this Motion, this issue needs to move beyond talking about it and supporting it, then leaving it at that stage.

So, I support and thank my sister, Hon. Tum for bringing this Motion. It is timely. However, it needs to move from the irresponsible people that we have given the responsibility of dealing with healthcare to regulations and policies that are going to ensure that, it is a must to be scanned for cancer and not just a matter that can be dealt with because somebody has accessed a cancer facility. It needs to move to that level. So, I support this Motion and request that all of us, as a country, we look at it in good light. It should be mandatory that anyone who visits a medical facility be tested for cervical cancer as one of the compulsory tests that would happen to them.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nzengu, the Member for Mwingi North, before you speak, allow me to recognise in the Public Gallery the presence of students of Nyamira Secondary School from South Mugirango Constituency, Kisii County and students from Ogiek Sotik Mixed Day School from Kuresoi South Constituency, Nakuru County. They are welcome to observe the proceedings of the House.

Proceed, Hon. Nzengu.

Hon. Paul Nzengu (Mwingi North, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this important Motion. Before I speak to the Motion, I want to take this opportunity to send my condolences to the families and constituents of Kibra Constituency for the loss of Hon. Okoth. I also send my condolences to the family of the late Hon. (Dr.) Joyce Laboso, the Governor of Bomet County. I also send my condolences to other families in the country, particularly in my constituency because as we know, cancer is killing people daily. Every weekend, we spend money and time burying different people in our constituencies out of death from cancer. I lost my father through the same. So, this is something we are very close to.

This Motion is timely and I support it. I want to acknowledge that it is not just cervical cancer, but there are other forms of cancer that are causing death. The recent deaths of our colleagues have not necessarily resulted from cervical cancer. As other Members have said, we have discussed matters about cancer and this is probably the fourth Motion. We need to make a final step in ensuring that it is entrenched in the law and that the screening of cancer is made mandatory and free.

We recognise that in the county governments, a lot of money is being spent on health services. Most of it is spent on infrastructure development and I think we now have enough infrastructure that can support our health services at the county level. Therefore, money should be diverted into buying equipment. I propose that every Level Four Hospital should have cancer screening equipment so that the ordinary *mwananchi* out there who cannot afford to pay for cancer screening can take advantage of free cancer screening as proposed by the Hon. Member.

As a matter of fact, it is a pity that even as Members of Parliament and other members who are insured, several medical insurance schemes do not cover cancer screening or cancer testing. I have had an experience of going to Aga Khan Hospital where I wanted to be tested for cancer, I was told that our medical cover does not cover any test on cancer. If medical insurance companies cannot cover cancer screening; what about the guys in the village who do not have an opportunity to even get access to insurance?

I rise to support this Motion by Hon. (Dr.) Tum and say that it is timely.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. I now give this chance to Tobiko, the Member for Kajiado East.

Hon. (Ms.) Peris Tobiko (Kajiado East, JP): Thank you, Hon. Temporary Deputy Speaker, I rise to support this Motion and congratulate the Hon. Member who has brought it at this particular time. This is the most appropriate time for this Motion. It should have even come much earlier.

Before I contribute to the Motion, let me pass my condolences to the people of Bomet County for losing Dr. Laboso, who was our colleague and Deputy Speaker in the 11th Parliament. I also want to condole with the people of Kibra Constituency for losing a very able Hon. Member of this House, Hon. Ken Okoth. You realise that this happened due to cancer scourge which has become the third largest cause of death in the globe today.

It is not only cervical cancer that is killing people. There is throat cancer which is more dangerous and is taking many lives, prostate cancer and several other tumors that have caused death. I would like to urge that we move from Motions and discussions. I want to believe that there are regulations and policies on the same, and we should move to implementation as a country.

We should move to preventive measures and food security in our counties so that our people can go back to indigenous foods and have healthier lives as opposed to a lot of drugs and chemicals going into people's bodies.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Tobiko, allow me to interrupt you. Time has caught up with us. You have a balance of seven minutes to speak when this matter is set down for consideration by the House.

One more time, I would like to congratulate, Hon. Tecla for bringing this particular Motion. The way it is crafted is good. The content is really relevant, and this is what this House should be doing. Congratulations Hon. Tecla.

Hon. Members, this Motion has a balance of two hours five minutes when it will be considered.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 1.00 p.m, this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.