

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 24<sup>th</sup> September 2019

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Deputy Speaker:** Order Members! We have the required quorum. Therefore, business will begin.

### COMMUNICATION FROM THE CHAIR

#### GUIDANCE ON CONSIDERATION OF SENATE BILLS

**Hon. Deputy Speaker:** Those Members, who are making their way into the Chamber, please take your seats because I have a Communication to make on guidance on the consideration of the two Senate Bills that are before us.

Hon. Members, as you may recall, on 12<sup>th</sup> September 2019, I conveyed to the House a Message from the Senate regarding passage of the Local Content Bill (Senate Bill No.10 of 2018) and the Mental Health (Amendment) Bill (Senate Bill No.32 of 2018). Following the First Readings of the two Bills on 18<sup>th</sup> September 2019, I undertook to pronounce my opinion with respect to the money Bill effects of the two Bills, pursuant to the provisions of Standing Order No.143(2) which provides:

“Following the First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.”

Therefore, having received the advice of the competent office in the Parliamentary Service Commission, I have made a determination that the two Bills are money Bills within the meaning of Article 114 of the Constitution. They, therefore, stand referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with the Bills, pursuant to the provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order No.143.

Hon. Members, the House is thus accordingly guided. I thank you.  
Next Order!

### PAPERS LAID

**Hon. Deputy Speaker:** On this particular Order, the Leader of the Majority Party has the Floor.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The First Quarterly Report from the Ethics and Anti-Corruption Commission (EACC) covering the period from 1<sup>st</sup> January to 31<sup>st</sup> March 2019.

The Defence Cooperation Agreement between the Government of the Republic of Kenya and the Government of the Republic of South Africa, and the explanatory memorandum from the Ministry of Defence.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Let us go to the next Order.

### ORDINARY QUESTIONS

**Hon. Deputy Speaker:** On this particular Order, we have some Questions. We will start with Ordinary Questions. Starting us off this afternoon is the Member for Homa Bay Town, Hon. Peter Opondo Kaluma.

#### *Question No.335/2019*

#### LACK OF TVETS IN HOMA BAY SUB-COUNTY

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker, for giving me the opportunity to ask Question No.335/2019 to the Cabinet Secretary (CS) for Education:

(i) Could the CS explain why there are no Technical and Vocational Education and Training Institutions (TVETs) in Homa Bay Town Sub-County?

(ii) Are there plans by the Ministry to ensure establishment of TVETs in the Sub-County?

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Question will be replied to before the Departmental Committee on Education and Research. Next will be the Member for Embakasi Central, Hon. Benjamin Mwangi. I must confirm that there is a Statement request which will be made by Hon. Wilson Sossion. So, let us have the Member for Embakasi Central to ask the Question.

#### *Question No.400/2019*

#### TRANSFER OF HFG LAND FOR CONSTRUCTION OF PUBLIC SCHOOL

**Hon. Benjamin Mwangi** (Embakasi Central, JP): Hon. Speaker, I rise to ask Question No.400/2019 to the CS for Education:

(i) Has the Housing Finance Group transferred the ownership of five acres of land it allotted for development of a public school in Komarock Ward, Embakasi Central Constituency?

(ii) When will the land be released to the Ministry of Education for construction of the said school?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That Question will be replied to before the Departmental Committee on Education and Research. Next is the Member for Ol Jorok, Hon. Muchira. I have been informed that the Member had requested for this Question to be deferred. I grant that request.

*Question No.409/2019*

## REHABILITATION OF GILGIL-NYAHURURU ROAD

*(Question deferred)**Question No.410/2019*

## STATUS OF THE CONSTRUCTION OF MAKONGENI ESTATE

**Hon. Ayub Angatia** (Lugari, ANC): Hon. Deputy Speaker, I rise to ask Question No.410/2019 to the CS for Transport, Infrastructure, Housing and Urban Development:

(i) What is the status of the construction of Makongeni Estate in Nairobi County being developed at the Kenya Railway Staff Retirement Benefit Scheme Land?

(ii) What measures are in place to ensure that the said project is implemented and completed on time?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. That marks the end of Question time. Let us hear what Hon. Sossion has to say.

**NOTICE OF STATEMENT DURING ZERO HOUR**

## STATE OF SCHOOL INFRASTRUCTURE IN THE COUNTRY

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Deputy Speaker. Pursuant to Standing Order No.43, I rise to seek leave to raise a matter regarding the state of school infrastructure both in public and private schools in this country.

This is in light of the unfortunate tragedy at the Precious Talents School in Nairobi City County where eight innocent lives were lost due to a collapse of a classroom. Indeed, this is an indicator of widespread non-compliance to minimum set national standards for school infrastructure by both public and private schools in the country. The lives of learners and other users of such facilities are at risk, particularly with regard to thousands of private schools operating illegally in this country either with the protection of the Ministry of Education or without the necessary approvals.

Hon. Deputy Speaker, the legal framework sets out guidelines for registering schools, both public and private. However, a number of private schools, in fact, many of them, operate without registration and without approval. This means the infrastructure and other facilities such as classrooms and boarding facilities are not established based on the set standards according to the law. Therefore, they are not inspected and certified by the State departments of Public Works, Health and Education. The Ministry of Education is allowing such schools to operate without the necessary approvals, thus putting the lives of our children at risk and despite the law being in place.

This is a brisk business frontier that operates and has escaped the Ministry of Education and Government in general. The primary objective of the Government is to ensure quality safe

learning environment that meets international standards, as well as the 21<sup>st</sup> Century standards; whether the schools are public or private. The Ministry of Education, therefore, should ensure:

(i) All learning institutions are registered and facilities inspected and certified afresh by the departments of Public Works, Health and Education.

(ii) That the minimum standards according to the law for all infrastructure facilities in both public and private schools as set out in the legal framework are enforced.

Hon. Deputy Speaker, it is, therefore, from this background, that I seek leave of this House to raise the matter in the House during Zero Hour.

Thank you.

**Hon. Deputy Speaker:** I have scrutinised what Hon. Sossion is requesting and I feel it meets all the requirements. It is a matter of topical concern. He has also asked that it be not later than 3.00 p.m. So, he qualifies. Therefore, the Zero Hour will be at 6.30 p.m. or any other such time as the business of the House would have been completed. So, Hon. Sossion, you should be ready just in case the business of the House is finished earlier. You might be lucky to have a little more time. But, if the House runs all the way to 6.30 p.m. we will have the Zero Hour then.

**Hon. Geoffrey Odanga** (Matayos, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odanga, what is it?

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Deputy Speaker. I rise because I am concerned about the time it takes to respond to Questions that are asked by Members.

I asked the Cabinet Secretary for Trade and Co-operatives a Question and I have been invited more than four times to the Committee. Each time I am invited, the Cabinet Secretary does not turn up. In fact, the last time I was invited, I was at home and I joked that the Cabinet Secretary would not come and, indeed, he did not!

When we ask Questions, we do so on behalf of the people of Kenya, and Kenyans need responses as soon as practically possible. Hon. Deputy Speaker, under these circumstances, could you guide the House?

**Hon. Deputy Speaker:** Perhaps, it is because you also joked at home before you came. Where is the Chair of the Departmental Committee on Trade, Industry and Co-operatives? It is important for us to hear the version of the Committee. What are the reasons? If we do not hear from the Committee, we will give a chance to the Leader of the Majority Party because he is the overall person. I do not even see the Vice-Chair. Let us have Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I think the Chairman is out on official duties, but both the Chair and the Member have not officially complained to the Clerk's Office, my Office or the Office of the Speaker on non-attendance of the Cabinet Secretary. I am sure if such cases are there, Chairs of Committees will tell us.

Similarly, there are times when a Cabinet Secretary comes, but Members are not there. On Thursday this week, a number of Questions will be answered before three Committees. We ask Members to be present and if a Minister does not come, please, let us know that position so that we can take it up with the Cabinet Secretary. On the matter with the Departmental Committee on Trade, Industry and Co-operatives, I will liaise with the Chair and report to the Liaison Committee tomorrow.

**Hon. Deputy Speaker:** That will be in order. If I find that it is not moving in the direction we want, I will invoke Standing Order No.42 where the Chairpersons of Committees shall be required to submit progress reports to the House on Questions referred to the

Committees or replied to. So, it is either those which have been referred to a Committee or those to be replied to. If that comes, we will start with the Departmental Committee on Trade, Industry and Co-operatives so that we see what they have been doing. But as it has been requested by the Leader of the Majority Party, we will be looking at this tomorrow at the Liaison Committee, so that we are aware of what is happening.

What is it, Hon. Member?

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Deputy Speaker. Hon. Odanga's position on lateness on responses by various Cabinet Secretaries ought to be looked into keenly.

Today, in my Committee on Special Funds, and I see my Chairman here, we had expected to have a Principal Secretary who had been properly summoned in line with our Standing Orders to appear before us, but there was no response from the PS or even his Office. He never showed up! I remember two months ago, the Hon. Speaker alluded to what needs to happen in case of an absence or failure to appear by Cabinet Secretaries. Therefore, we must employ adequate weight on this matter. Otherwise, we are going to be run roughshod by the Cabinet Secretaries and that will create friction between the Legislature and the Executive.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The consequences of principal secretaries not appearing without any good reasons are obviously dire. I would not want to condemn anybody unheard. So, we will have that matter resolved by the Liaison Committee. But in any case, we will be invoking the Standing Order I had referred to earlier so that we can get from Chairs of Committees the progress reports on Questions referred to them and the Questions which have been replied to. That way, we will be able to monitor progress. Kindly, allow us to look at that tomorrow. What the Hon. Member is saying is that this must be seen wholesome so that it is not specifically the matter raised by Hon. Odanga but, rather, it is a general response to the issue of Questions at the Committee level. So, that will be acted upon.

What is it Hon. Nassir?

**Hon. Abdullswamad Nassir** (Mvita, ODM): Hon. Deputy Speaker, pursuant to Standing Order No.43, I requested for a Statement on Tuesday, 6<sup>th</sup> August 2019 regarding transportation of cargo based on a Government directive to all public agencies and departments that transportation of all containerised cargo from Mombasa be through the Standard Gauge Railway (SGR).

Following this request, you directed the Departmental Committee on Transport, Public Works and Housing to hold a meeting with the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development on Thursday, 8<sup>th</sup> August 2019 at 10.00 a.m. to obtain his submissions on the matter. During the Sitting of the House on Thursday 8<sup>th</sup> August 2019, the Chairperson of the Departmental Committee on Transport, Public Works and Housing informed the House that the said directive, which had been issued by the Commissioner-General of Kenya Revenue Authority (KRA) and the Director-General of Kenya Ports Authority (KPA) had been withdrawn and made public through the media. However, the information that we have accessed is contrary to what the Chairperson reported. It is, therefore, clear that the Chairperson misled this House or was caused to mislead this House.

It is on this premise that I seek your indulgence in directing the Chairperson of the Departmental Committee on Transport, Public Works and Housing to provide material facts and evidence of the said withdrawal of the order on Thursday, 26<sup>th</sup> September 2019, in line with Standing Order No.91(1) or else, be declared disorderly in line with the provisions of Standing Order No.91(2).

Thank you.

**Hon. Deputy Speaker:** I hear you, Hon. Nassir. I noticed that when the Chair made a response in the House, he reported on what they had agreed with KRA and the Cabinet Secretary for Transport. I am looking at it in terms of the fact that it was not his statement. He was merely relaying facts. The best way forward as far as I am concerned is for us to have the Committee give us the factual position. I remember the Chair also reporting, and which was a factual position, that it had been placed before the daily newspapers that the directive had been suspended. Probably, what we need to do is to have them confirm the facts whether it is truly suspended or not. That should be done on Thursday.

**Hon. Deputy Speaker:** What is it the Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, the Cabinet Secretary appeared before the Committee as you directed. He said on HANSARD that it had been suspended. So, what else is the Member looking for? The Member for Mvita is acting on rumours. You directed the Cabinet Secretary to be there on 8<sup>th</sup> August 2019. He appeared before the Committee. It was communicated even to the media through 411 that it had been suspended. The Chair is in Canada, but that matter has been suspended. Yesterday, the Member was leading a demonstration in Mombasa. He must tell the people of Mombasa that the matter of curtailing transportation of cargo from Mombasa to Nairobi or any other part of the country by road has been suspended.

*(Hon. Abdullswamad Nassir interjected)*

Hon. Nassir, you are a second term. As long as I have the Floor, you relax. You will have your time. Even if we bring a Cabinet Secretary ten times here, he will give the same answer. In Mombasa and even in my constituency, there is something called *gumzo mtaani*. The matter he is bringing here is *gumzo mtaani*, but the Cabinet Secretary for Transport has confirmed that he has suspended the directive. It is on HANSARD. Unless we call somebody else, the Cabinet Secretary, Mr. Macharia, will give the same answer.

**Hon. Deputy Speaker:** Before I hear Hon. Nassir, let us hear what Hon. Wanyonyi has to say on this. Remember, the order that I have made is that the Committee, not the Cabinet Secretary – I am not asking the Cabinet Secretary to come – should give us the factual position. As far as we are concerned, it was reported on HANSARD that the matter had been resolved. So, what we expect of the Committee is to come and give the factual position, just confirming that the matter was suspended. I am told they have put it on the dailies. Let us hear Hon. Wanyonyi before I give Hon. Nassir a chance.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Deputy Speaker, I hear what the Leader of the Majority Party is saying. This is something of great importance to this country, given what we are seeing in Mombasa. We cannot just wish it away. What we are seeing in Mombasa is very grave for this country. Thousands of people are being laid off. As it is today, there are so many people out there, almost 16 million, who have no jobs. We are now saying that the directive has been suspended. People get their daily bread from SGR operations. They have been put aside just because of SGR. It is fair that we give this statement time to be explained in a *Kamukunji*. As a Kenyan, I am sad about it. It is something that we cannot wish away. Whether the Cabinet Secretary comes here or meets the Committee and says it has been suspended, he would be wrong. He is in a comfort zone. Give this Committee time to look at what is happening in Mombasa because Kenyans are suffering. There are no jobs. Therefore, I agree with Hon.

Nassir that whether the Cabinet Secretary came and said what he said, - I also agree with Hon. Duale - please, look at the fate of Kenyans in this country. They are suffering.

**Hon. Deputy Speaker:** Hon. Kirima Nguchine, the Member for Central Imenti, you have the Floor.

**Hon. Moses Kirima** (Central Imenti, JP): Hon. Deputy Speaker, I associate myself with the Member for Mvita. Even though it is said that the Cabinet Secretary for Transport and Infrastructure came to this House, if one travels along that road from Nairobi to Mombasa - as I did last August - you will sympathise with the situation. Honestly, we used to take care because of the number of lorries transporting cargo on that road. But the road is virtually empty now. This SGR is killing business in Kenya, instead of creating business. Whoever came up with that idea did not carry out a feasibility study and now we are killing many businesses. The number of markets and thriving businesses that used to exist along the Nairobi – Mombasa Road...

**Hon. Deputy Speaker:** Just a minute the Member for Central Imenti. The issue before the House is not whether the lorries are on the road or not. It is whether people are being forcefully asked to use the SGR. If it is a question of competition and SGR is competing better than the other one, it is a different thing. I want us to look at the issue as Hon. Nassir has asked, not the issue of competition. We should ask whether it is voluntary. It should be whether one goes for SGR on a voluntary basis. If it is voluntary and members of the public are opting for SGR, it is a different thing all together. So, let us look at it in that manner.

**Hon. Moses Kirima** (Central Imenti, JP): That is the position. What I am saying is that it is not voluntary as it was supposed to be. That is because you can see members of the public who used road transport are using the SGR and it is more expensive. They are being forced to use it. The Cabinet Secretary said that he was going to issue a directive to stop the enforcement, but the statement he gave was just a “by the way”. It is not effective and, maybe, he did not direct his people to start implementing what he was telling the Committee here. Members are still being forced to use it and you can see it. When you transport goods by road, they are cheaper than when you transport the same goods through SGR. Yet, people are still transporting goods through the expensive method. That is why I am saying that the roads are empty despite it being the cheaper way of transport. People have been rendered jobless in Mombasa and we should consider that. So, I associate myself with my learned friend from Mvita.

**Hon. Deputy Speaker:** Let me give two more Members a chance and then we will close it down. Hon. Nassir will be the last one. Yes, Hon. Junet.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, I wish to support the “petition”.

**Hon. Deputy Speaker:** What did you say?

**Hon. Junet Nuh** (Suna East, ODM): I support the Statement. I am very unhappy because the SGR has not reached Kisumu. If it had reached Kisumu, I would have supported it. We must accept as a country that SGR is something that has happened. It has come. So, people must look for ways and means to diversify the way they were doing things. If you expect that the SGR will not be there, then you are living in the old days. Many people have lost jobs because of robots that are doing the work of many people in the world. We must come up with a mechanism to diversify.

Hon. Abdullswamad Nassir must declare his interest in this matter. I am told he is an interested party in this matter.

**Hon. Deputy Speaker:** I am always very reluctant to hear Members discuss each other without substantive Motions. Let us hear Hon. Ichung'wah. I see a lot of interest in this matter. So, probably, I will give a chance to two more Members and then we will close it.

**Hon. Kimani Ichung'wah (Kikuyu, JP):** Even as we consider the Statement by Hon. Nassir, it is important that we be alive to the fact that it is this House that appropriated very huge resources towards the construction of the SGR line. Besides that, it is this House that is appropriating money to repay the loan. We must also be alive to the fact that all the resources needed to repay the loan from China's Exim Bank must be generated from the SGR. It is okay to argue for the transporters. However, we must also consider the flipside of it in terms of the damage to our road network by transporters. We must have a balance of the two. The question is whether people are being forced to use the SGR and not the roads.

I want to support what Hon. Junet has said. It is important for the leadership in the coastal region to come out clearly and declare their interest in this matter. I would understand when somebody from Meru, where there is no SGR, speaks about it. At least, there is the SGR in Kikuyu. It passes through Kikuyu on its way from Nairobi to Naivasha. We are beneficiaries of the SGR in terms of how much it has transformed Nachu Ward in Kikuyu Constituency. How much more transformation are we looking for as we construct a linkage between the main road and the SGR station? The leadership in Mombasa must declare their interest. Those who are benefitting from the SGR, only three years ago, were in the frontline fighting the SGR. Today, they are in the frontline supporting the SGR because they are supporting what they know. I am not looking at Hon. Nassir. I know he wants to be the Governor of Mombasa. There are others in Mombasa. I do not want to name them because they cannot defend themselves here. It is probably those whom Hon. Nassir seeks to succeed as Governor in Mombasa. They must also declare their interest and be honest to the people of Mombasa. You cannot feed on the blood of your own people and expect to get away with it. As leaders, we must be honest as we speak or purport to speak on behalf of our people. We must always be very honest with our people.

Hon. Nassir, you must be bold enough to tell your Governor that he must be sincere and open to the people of Mombasa. If there is anybody killing the economy in Mombasa, it is your own Governor; it is not the Government of Kenya. We must be honest. We cannot continue pretending to be speaking on behalf of the people while we suck the blood of those same people. Let us be honest as leaders.

**Hon. Deputy Speaker:** That is enough. Let us have Hon. Musimba.

*(Loud consultations)*

**Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent):** Thank you, Hon. Deputy Speaker. I want to add my voice to the Statement being sought by the Member for Mvita.

We acknowledge...

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members! The easiest way for me to see...

**An hon. Member:** On a point of order!

**The Deputy Speaker:** Order, Members! Shouting from where you sit is not going to be useful. I am looking at Members who have pressed the intervention slots. Some of the Members shouting the loudest cannot be seen here. There are 13 Members who have pressed that. I can



only see six. So, allow Hon. Musimba to have a say. We will give a chance to one more Member and that will be it! We will move on to the next Order.

Proceed, Hon. Musimba.

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): Thank you, Hon. Deputy Speaker.

I seek further clarification. National roads have always been part of public transport infrastructure. We have all along had the trucking business. Now that we have the SGR, many towns along the way are going to be affected. That includes somewhere in my constituency. What we seek to know is whether there is a policy for investing in bogies which can be placed along the SGR to supplement the incomes for the people who have invested in the tracking business. So, I would want that further clarification as well.

**Hon. Deputy Speaker:** All right. We will have Hon. Nassir. What is your issue, Hon. Nassir? You are the originator of the Statement.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Hon. Deputy Speaker, with due respect, I request you to rule that the Leader of the Majority Party and the Chair of the Budget and Appropriations Committee (BAC) come out clear. I will want you to give a ruling on this one. The Chair of BAC talked. He tried very hard to refrain himself from mentioning names of people. Eventually, his tongue slipped. He eventually mentioned my Governor. I want your ruling to declare that he is totally out of order, and that mentioning someone who cannot defend himself in this House is not based on the traditions of this House. That is someone who has already come out in the open to talk about this matter.

Secondly, the Hon. Member has asked me whether I have any interest to declare. My interest is not even for the people of Mombasa alone. It is for every single township that exists along the highway from Mombasa all the way to the final terminal of the SGR. All those towns are dying. I do not speak for myself. I speak for the Member for Garissa Township as well, Hon. Duale. It is easier for a truck to carry milk from Garissa to Mombasa and to other parts of the country than it is for relying on the SGR. I speak on behalf of the same Member of Kikuyu. It is easier for us to carry potatoes and eggs from Kikuyu Constituency to other parts of the country using the trucking system than using the SGR. What is the basis for seeking this Statement? I agree with Hon. Duale that in this very House, I earlier on requested that the Cabinet Secretary for Transport comes to Parliament to respond to some issues. You ordered that he comes, and he came. He is on record as having said that "it has been withdrawn". We need to be oblivious of what is on the ground. The places that hon. Members are talking about in their *gumzo mtaani* chit-chat are the same places where people are crying out loudly.

On the ground, we seem to discuss issues but when Cabinet Secretaries appear before Committees of this whole House, the sanctity of this very House is abused. We are all being abused. When a Cabinet Secretary comes and misleads this House, through a Committee, or a Committee Chair comes here to directly say that it has already been declared illegal, and that it has been lifted and yet something like that has not been done on the ground, it is not us, the people of Mombasa alone, who are being abused. It is this very House. That is why we are asking you to clearly, declare that the Chair of the Departmental Committee on Transport, Public Works and Housing or his representatives should, by Thursday, come up with a written document saying that, that is the situation and that it should be happening on the ground. If there is someone who is misleading the Cabinet Secretary, let that someone face the full wrath of the law.

**Hon. Deputy Speaker:** Hon. Members, this is something which is fairly straightforward. I have said that we will ask the Departmental Committee on Transport, Public Works and Housing to confirm the facts. The Statement was not theirs. They met the Cabinet Secretary and the Cabinet Secretary also confirmed. He even published in the daily newspapers that the matter had been suspended. What we expect of the Committee is just to confirm the factual position or otherwise. That will be an easy thing because we will not be requesting them to ask the Cabinet Secretary to appear before them again. Once that has been done, everything will be settled on that front. So, Hon Members, we can leave that matter to rest. We will ask the Departmental Committee on Transport, Public Works and Housing to have a meeting on Thursday, deliberate on this matter and give us the factual position. Thank you.

Next Order!

## BILL

*Second Reading*

THE FINANCE BILL

*(Hon. Joseph Limo on 18.9.2019)*

*(Debate concluded on 18.9.2019)*

**Hon. Deputy Speaker:** Hon. Members, this matter had been canvassed and finalised. So, what remained was the Question to be put. I confirm that we have the required numbers.

*(Question put and agreed to)*

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

## CONSIDERATION OF REPORTS AND THIRD READINGS

CONSIDERATION OF THE PRESIDENT'S RESERVATIONS  
TO THE PARLIAMENTARY SERVICE BILL

**Hon. Deputy Speaker:** Again, this one had been canvassed. What remained was the Question to be put. I confirm that we have the required numbers.

*(Question put and agreed to)*

THE INDEPENDENT ELECTORAL AND BOUNDARIES  
COMMISSION (AMENDMENT) (NO.3) BILL

*(Question put and agreed to)*

*(Several Members stood up in their places)*

**Hon. Members:** Division! Division!

**Hon. Deputy Speaker:** Allow the Members to be counted. Order Members! Order Members! There are 28 of you, but allow a confirmation.

Hon. Members, there are 31 of you. Therefore, I order Division. So, the Division Bell will be rung for 10 minutes, and then you will make your decision.

*(The Division Bell was rung)*

**Hon. Deputy Speaker:** Order, Members! Order, Members! I order the Division Bell to stop ringing and the doors and the Bars be drawn. Members, take your seats please. I can see a few Members trying to log in. They should not.

*(Loud consultations)*

Hon. Nyikal and team, please, take your seats. We want to allow you to make your decision. Order, Member for Shinyalu and the new kid on the block, Hon. Ochieng'. Please, take your seats. The Member for Shinyalu and Hon. Nzambia, please, take your seats. It is now time for you to make a decision.

There are some very lucky students and pupils who will be witnessing the Division in progress. In the Speaker's Gallery, we have students from Matiku Secondary School, Kibwezi West Constituency in Makueni County, and ACK St. Mary Magdalene High School for the Deaf, Mbeere North Constituency of Embu County.

In the Public Gallery we have Harambee Primary School, Makadara Constituency of Nairobi County. I am deliberately introducing them at this point because they are a very lucky group of students who will witness Division in progress.

The Bars have been drawn and so Members, log out. I see five Members logged in. Hon. Injendi and Hon. Osotsi, log out, please. Those who do not have cards will come to the front, but they must remain at that particular position in the front until the voting business is finalised. I do not doubt the honesty of Members in their voting but it is the best way to do it. Members who do not have cards will come to the front here and they will record their votes and remain here until the matter is closed.

Kindly, log in. Maybe, just for good order, hold on a bit. Let us log out again. There are five Members who have logged in. Hon. Nzambia and Hon. Thuku Kwenya, log out. Let us now log in. Those Members who do not have cards, come in front. We have some seconds to go before you see what is happening. I am sure Members have logged in now and you will be making your decision shortly by voting.

You may start voting. Let us have the names of Members here as they wait to vote manually. There will be no more Members coming to the front here.

*(Loud consultations)*

Order, Members, continue voting. There will be no Members coming to the front here. For avoidance of doubt, it is reported that the system is not working well. So, the Nays should

appoint one teller who will sit in front here and the Ayes will do the same. We will vote manually.

Did I get the impression that Hon. (Dr) Pukose has been appointed by the Ayes?

**Hon. Members:** Yes.

**Hon. Deputy Speaker:** What about Hon. (Dr.) Nyikal? Another gynaecologist! So, we will have two doctors: Hon. (Dr.) Pukose and Hon. (Dr.) Nyikal.

*(Loud consultations)*

I do not know who is voting Nay or Aye. It is up to them. Hon. (Dr.) Nyikal, take your seat and allow Hon. Nassir to represent the Nays. We will vote manually for avoidance of any doubt. This will be one of the most transparent voting in the House. The Clerk-at-the-Table will call out names and the Member will declare which side they are voting. We will start.

*(Manual voting started)*

Hon. Members, you must go on record because, at the end of it, you all must be counted. Hon. Members, try to be quick because this is manual voting. I can see Members saying they want secret ballot. No! This is manual voting. There will be no secret ballot. To save time, we should do this differently.

*(Loud consultations)*

Hon. Members, the Standing Orders are very clear. When the machines are faulty, we do a roll-call voting and this is exactly what we are doing. I can see Members are being jittery about it. I am sure they have made a decision on their vote. So, let us proceed. Hon. Adagala and Hon. Adan Sheikh, please, come quickly. By the way, all the microphones are activated. So, just press and speak. I am going to vote only if there is a tie. Those two Members should be serious and careful to avoid confusion.

*(Voting in progress)*

**Hon. Deputy Speaker:** Just say no. We do not require anything else.

*(Laughter)*

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, I said “No”.

**Hon. Deputy Speaker:** You have voted both “Yes” and “No”, so it is a spoilt vote. Proceed.

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

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

**Hon. Deputy Speaker:** Since you demand to see the Hansard, it will be availed, but you have voted both “Yes” and “No”.

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

**Hon. Deputy Speaker:** That one will be ruled on later. There are no points of order. We are voting. Proceed.

*(Loud consultations)*

Order, Hon. Members! Hon. Junet has asked that we see the HANSARD and that is exactly what we will do. So, what is the problem?

*(Hon. Junet Nuh spoke off record)*

Hold on until we see the HANSARD. Take your seat. The rest of the Members will continue voting. For the rest of the Membership, let it be clear. Make up your mind before you shout whether you want to vote in one way or the other. We will wait for the HANSARD and then decide whether we will give Hon. Junet an opportunity to vote or not. You have asked for that and you have been given. What else do you want?

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

**Hon. Deputy Speaker:** Let us proceed. There are no points of order for now. We are voting.

*(Hon. Junet Nuh spoke off record)*

**Hon. Deputy Speaker:** We will re-visit that, Hon. Junet. Hold on. Do not worry, Hon. Junet. Let us proceed.

*(Voting in progress)*

**Hon. Members:** “Akothee”

**Hon. Deputy Speaker:** Order, Members! Members are known by their names. That gentleman who has just stood cannot, by any chance be Ms. Akothee. That is Hon. Nominee 001.

*(Laughter)*

*(Voting in progress)*

Hon. Members, there are two things we are going to do. First, if there is any Member who is in the House who has not been given an opportunity to vote, let me know.

Secondly, having confirmed some things, let the Whip of the Minority Party vote. I believe all Members are now satisfied. We will now take the count and then the decision would have been made by you, Members.

Is there any Member who has not voted? I do not think there is. Members, please, stay calm. The tallying will be very quick and the announcement will be made shortly. Make sure your agents are very keen.

*(Hon. Jared Okelo stood at the Dispatch Box)*

There is a Member who is not an agent and is standing in front here. That is not allowed. Hon. Member, please take your seat. You are not an agent. You cannot help because we would then require another person to help the other Member. So, please, take your seat. Take your seat, otherwise, your vote will be cancelled.

**Hon. Deputy Speaker:** Order, Members! The two tellers, please, move to the Bar for you to announce the results. Hon. Members, take your seats because the announcement is being made. I have no idea what the votes are thus far. I am as eager as yourself to know. All I am going to do is declare your verdict loud and clear. The lady from Suba, take your seat, it is past campaign time now.

We will listen to the tellers in absolute silence.

*(Hon. (Dr.) Robert Pukose and Hon. Abdullswamad Nassir moved to the Dispatch Box)*

**Hon. Abdullswamad Nassir** (Mvita, ODM): Hon. Deputy Speaker, the total number of Members who voted were 126. We had one who abstained. “Nays” were 56 and “Ayes” were 69.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members!

*(Question carried by 69 votes to 56)*

**AYES:** Ms. Safia Sheikh, Jimmy Angwenyi, Ms. Florence C.K. Bore, Messrs. Aden Duale, Kinuthia Gachobe, James Gakuya, Chachu Ganya, Ms. Faith Gitau, George Kariuki, Ms. Anab Gure, Ms. Rehema Hassan, Ms. Nasri Ibrahim, Messrs. Kimani Ichung’wah, Moses Injendi, Kubai Iringo, Ms. Rehema Jaldesa, Messrs. Josphat Kabeabea, Charles Kamuren, Anthony Kiai, Julius Melly, William Cheptumo, Moses Kirima, William Kisang, Marwa Kitayama, Wilson Kogo, Kipsengeret Koros, Dominic Koskei, Leonard Yegon, Ms. Naisula Lesuuda, Joseph Limo, Ms. Cecily Mbarire, Ms. Jerusha Momanyi, Ms. Halima Mucheke, Messrs. James Murgor, George Gitonga, Vincent Musau, Didmus Barasa, Benjamin Mwangi, John Paul Mwirigi, Jude Njomo, Ms. Sophia Noor, Ms. Beatrice Nyaga, Ms. Rachael Nyamai, Ms. Ruweida Obo, Messrs. David Ochieng’, Prof. Zadoc Ogutu, Korei ole Lemein, David ole Sankok, Dr. Robert Pukose, Ali Rasso, Daniel Wanyama, Zachary Thuku, Ronald Tonui, Dr. Tecla Tum, Ms. Rahab Mukami, Ms. Janet Nangabo, Messrs. Qalicho Wario, John Kiarie and Yussuf Adan.

**NOES:** Mr. Paul Abuor, Ms. Fatuma Gedi, Dr. Otiende Amollo, Messrs. Samuel Atandi, Samuel Moroto, Mohamed Hire, T.J. Kajwang’, Peter Kaluma, Ms. Joyce Kamene, Messrs. Kassait Kamket, Oku Kaunya, Clement Kigano, Peter Kimaru, Ken Chonga, Ernest Kivai, Paul Koinange, Justus Kizito, Joseph Manje, Maoka Maore, Peter Masara, Ms. Mishi Mboko, David Mboni, Omboko Milemba, Jones Mlolwa, Ms. Asha Hussein, Ms. Elsie Muhanda, Joshua Mwalyo, Ms. Wangari Mwaniki, Messrs. Abdullswamad Nassir, JunetNuh, Ms. Edith Nyenze, Dr. James Nyikal, Messrs. Thuddeus Nzambia, Erastus Nzioka, Elisha Odhiambo, Ms. Odhiambo-Mabona, Dr. Christine Ombaka, Messrs. Gideon Ochanda, Jared Okelo, Richard ole

Kenta, Anthony Oluoch, Christopher Omulele, Geoffrey Omuse, Godfrey Osotsi, Dr. Wilberforce Oundo, Martin Owino, Onyango Oyoo, Joseph Oyula, Abdi Shurie, Dr. Eseli Simiyu, Wilson Sossion, Chrisantus Wamalwa, Ms. Gathoni Wamuchomba, Messrs. Christopher Wangaya, Ferdinand Wanyonyi and Tim Wanyonyi.

**Abstention** : Mr. Moses Cheboi.

*(Applause)*

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

**Hon. Deputy Speaker**: Order, Hon. Millie Odhiambo. I will announce the results. The “Ayes” 69; “Noes”, 56; and abstention 1. The “Ayes” have it.  
I now order that the Bars be opened.

*(The Bars were opened)*

**Hon. Deputy Speaker**: Hon. Cheptumo, please move reporting.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Point of order!

**Hon. Deputy Speaker**: Hon. Millie, you are being unruly. Hon. Cheptumo, proceed and ignore any distractions.

**Hon. William Cheptumo** (Baringo North, JP): Hon. Deputy Speaker, I beg to move that the Independent Electoral and Boundaries Commission (Amendment No.3) (National Assembly Bill No. 35 of 2019) be now read a Third Time and request Hon. Mbarire to second.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Deputy Speaker, I second.

*(Question proposed)*

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

**Hon. Deputy Speaker**: I put the Question having confirmed that we have numbers.

*(Question put and agreed to)*

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

Next Order!

## PROCEDURAL MOTION

### EXTENSION OF TIME FOR CONSIDERATION OF A SPECIFIED PETITION

**Hon. Deputy Speaker**: Chairman, Departmental Committee on Environment and Natural Resources. I believe he is represented by the Vice-Chair. Proceed.

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

*[The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya) took the Chair]*

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 227(2)(Committal of Petitions), this House resolves to extend the period for consideration of a public petition on human-wildlife conflict in Kibwezi East Constituency by the Departmental Committee on Environment and Natural Resources by a further period of thirty (30) days with effect from 25th September, 2019.

The petition was presented on the Floor of the House on 25<sup>th</sup> July 2019 by the Member of Kibwezi East, Hon. Jessica Mbalu, for consideration by the Committee. Pursuant to Standing Order 227(2), the Committee has already met with the petitioner, Hon. Jessica Mbalu, MP, as well as the Ministry of Tourism and Wildlife.

As we are all aware, issues of human-wildlife conflict are very rampant in this country. Most of us have been affected by this issue of human-wildlife conflict in our backyards. This is why most of us have raised this matter in form of Questions.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Millie. The Chair is on her feet moving a Report. So, you are out of order, Hon. Millie. You are totally out of order. Go on, Hon. Sophia. Give the microphone to her.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): As you are aware, issues of human-wildlife conflict are very rampant in this country. Most of us have been affected by it in our backyards. This is why most of us have raised this matter in form of a Questions or petitions in this House. The Departmental Committee on Environment and Natural Resources has been engaging the Ministry on the same seeking for a lasting solution to this menace.

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

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): On the Petition by Hon. Jessica, the Committee met with the Ministry of Tourism and Wildlife on 19<sup>th</sup> September 2019 to respond to the issues that are discussed in her Petition. However, there were pertinent issues over which the Ministry requested for more time to look into and report back to the Committee comprehensively. The Committee granted the request and resolved to seek leave of the House for extension, for more time, for consideration of the Petition.

The people of Kibwezi East Constituency are waiting for a comprehensive response to their Petition presented on their behalf by Hon. Jessica.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Surely, Hon. Millie. Order, Hon. Sophia. Order, Hon. Millie. Just sit down and then I can talk to you. Hon. Millie, the Chair is on her feet moving a Procedural Motion. You know very well that there is no point of order that you can raise on what Hon. Sophia is on her feet about. So, the most you can do is to wait for Hon. Sophia to move her Motion and make an attempt at your point of order. That is the business we have at hand, Hon. Millie. You cannot raise a point of order and you are out of order. You cannot talk to me from where you are seated. You can only raise a point of order on what is on the Floor.



**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): *(Off-record)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuyu): You cannot because she is moving a Motion. So, you are out of order. Let Hon. Sophia prosecute her Motion, then you can make your attempt at the opportune time. Hon. Millie, you know it. You are a Member who knows all the rules of this House. So, please, do not interfere with Hon. Sophia's Procedural Motion because you cannot raise a point of order on her.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): *(Off-record)*

*(Hon. (Ms.) Odhiambo-Mabona stood in her place)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuyu): Go on, Hon. Sophia. Order, Hon. Millie.

### QUORUM

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): The House has no quorum.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuyu): Order, Hon. Millie. I have heard you. Take a seat, Hon. Millie. Take a seat, Hon. Sophia. In as much as you have raised your point in an out of order manner, I have heard what you have said. I order that the Quorum Bell to be rang for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, we now have the requisite quorum. So, Hon Sophia, you can pick up from where you left.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker. The people of Kibwezi East Constituency are waiting for a comprehensive response to the Petition presented on their behalf by Hon. Jessica. I, therefore, seek the indulgence of the House to grant more time to the Committee to prepare a comprehensive Report on the said Petition for the people of Kibwezi East Constituency.

I beg to move and call upon Hon. Peter Kihara to second the Motion.

**Hon. Peter Kimaru** (Mathioya, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion on extension of time for consideration of a public petition on human-wildlife conflict in Kibwezi East Constituency that was presented by Hon. Jessica Mbalu.

This has been one of the Questions that have been variously asked in this House in the last two years. This year, we have had numerous Questions to do with the human-wildlife conflict that have been raised. Some of them have been addressed variously on different dates. Looking at the extent of these Questions, it became apparent to the Committee that there is need to ensure that this matter is addressed holistically. We have been in communication and discussions with the Ministry and it has put in place a taskforce to look into the issue of human-wildlife conflict that has become a big problem in this country. This will enable us to bring something comprehensive to this House. I, therefore, would request that the House considers the matter.

We want to ensure that we tackle both mitigating factors and compensation issues by getting them right. Several fronts are already being approached, so that we can bring a report that this House will feel comfortable with.

Questions have been raised on human-wildlife conflict in constituencies that are close to national parks. We want to ensure that we address them once and for all. I, therefore, urge the House to consider this Petition as requested and allow the Committee to comprehensively address the matter that has been raised.

I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

Next Order!

### MOTION

#### REVISED SESSIONAL PAPER ON POLICY FRAMEWORK FOR REFORMING EDUCATION AND TRAINING FOR SUSTAINABLE DEVELOPMENT

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Chairperson, Departmental Committee on Education and Research, Hon. Melly.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:

THAT, this House notes the Report of the Departmental Committee on Education and Research on its consideration of the Revised Sessional Paper No.1 of 2019 on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya, laid on the Table of the House on Tuesday, 17<sup>th</sup> September 2019 and adopts the Revised Sessional Paper No.1 of 2019 on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya.

Hon. Temporary Deputy Speaker, as I move this, I want to pass my condolences to the families of the eight young children who perished when a school collapsed. These are some of the things that we, as the Departmental Committee on Education and Research, have attempted to address several times. One of them is schools' safety and security for our students. The circumstances under which the young souls passed on is very untenable, uncalled for and is as a result of lack of enforcement of Government policies and laid down laws and procedures on construction and establishment of schools. Education is one of the fundamental factors of development in any country. To achieve sustainable economic development without substantial investment in human capital is not possible. Yesterday, this country woke up to a sad day. It was sad because it was on that early morning that as we moved on as a country, lives of innocent young children were lost because of negligence by the owner of the school. It is negligence by the quality assurance and standards officers of education and by the inability to ensure that children are safe.

This Sessional Paper No.1 of 2019 is a policy framework on how to reform education for the years to come. It was committed to our Committee on 14<sup>th</sup> March 2019. The Sessional Paper provides a framework for delivery of inclusive, equitable, quality and relevant education, and training for the whole country. It promotes lifelong learning opportunities for all. The Paper aligns education, training and research to the Constitution and harmonises policies and strategies

between the two levels of government. After the 2010 Constitution, we have our two levels of government, namely, the county government and the national Government. This Paper is supposed to align education on the two levels, where the national Government only looks at the policy for the ECD, village polytechnics and early learning centres.

The development of the Sessional Paper was informed by the recommendation of the report of the taskforce on realignment of the education sector to the Constitution of Kenya and the taskforce on alignment of higher education, science and technology to the Constitution. We all know that after the Constitution of 2010, the education system has relied on earlier sessional papers and taskforce reports. The purpose of this Sessional Paper is to realign our education system to the Constitution and more so reform higher education and technical education.

In terms of rationale, the policy provides a framework for the adoption of the Competency Based Curriculum (CBC). Specifically, if adopted, the Sessional Paper will, among others:

1. Provide the basis for addressing challenges in the education sector, some of which are related to completion, equality, relevance and special needs education.

As we speak, though the Government has tried a lot in the 100 per cent transition programme, a number of our children have low transition rates. This Sessional Paper looks at how best children in all public schools can complete school. When I talk of completion, I am looking at early learning and basic education, which is from Grade 1 to Grade 12 or from Class One to Form Four, which is a requirement for our country.

2. Provide the basis for developing an education sector strategic plan that will promote comprehensive framework for programme implementation.

Today, after the Dagoretti incident, a number of leaders have called for serious soul searching on who is to blame. Before we do that, we have serious strategies and good programmes that have been put in place in the sector, but the implementation part is wanting. How could a structure like that have been put in place yet we have very clear systems in the Ministry on how schools should be registered?

Two, how did the Public Works Department approve the structures as fit to hold 800 students? These are the issues we are talking about. Leaders, all the way from lower levels to the highest levels in the country, have been left to lament, which is not good. Action should be taken. All those who are responsible, including the owners and the sector, have to ensure that laws are followed to the letter.

3. Provide the basis within which all providers of education and training services will engage in the sector.

How will education services providers, be it in the private or public sector, engage to ensure that the sector is running smoothly?

4. Be a planning and budgeting tool as it will be linked to the medium-term expenditure framework.
5. Facilitate the harmonisation of various policies, Acts, guidelines and legislation.

As a Committee, we went through this Sessional Paper several times and Members of the Committee are here. We critiqued the first edition of the Sessional Paper. That is why this is a revised Sessional Paper. We asked the Ministry to go back and relook at it and make sure that the gaps in the policy framework on education are filled. There were a lot of gaps. How was it addressing university education? How was it addressing teacher capacity building? We asked the Ministry to go back and fill those gaps. They went back and addressed the issues we asked, but

they have not addressed others. We really wanted a very comprehensive sessional paper that will look at education for this period and for decades to come.

In the analysis of the first draft sessional paper presented to the Committee in March 2019, the Committee observed that there were various gaps in the policy paper that needed to be addressed before the policy paper could proceed to implementation. That is why we asked the Ministry to go back and look at it, which they did. We felt it is now time for the House to debate and adopt it as a Sessional Paper for this nation.

Some of the gaps included lack of underscoring of key education indicators that would help to measure the impact of educational reforms across all levels. The policy further failed to mention the methodology of developing the Sessional Paper and major stakeholders who participated in the development. We asked them to give us a schedule. We also asked them when they did public participation, when they met and what the discussions were about. Those are the issues we critiqued.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I will give you two minutes, maximum, Hon. Melly, to finish up.

**Hon. Julius Melly** (Tinderet, JP): Hon. Temporary Deputy Speaker, we critiqued it and asked them to relook at it. On the same note, the gaps identified by the Departmental Committee on Education and Research in the Sessional Paper were shared with the Ministry of Education and the report tabled in the House. I am glad to report that the Ministry of Education, to a large extent, addressed the various gaps in the revised Sessional Paper, which was presented to the Committee in April. A report of the Committee on the revised Sessional Paper was to be tabled in the House on 18<sup>th</sup> September 2019.

Hon. Temporary Deputy Speaker, may I bring to the attention of the House that a number of issues came up.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Melly, I beg your pardon. There is a technical hitch with the gadgets. You have more time. So, take your time.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. Our Committee did a lot of critiquing of the Sessional Paper. We took the Paper back to the Ministry, so that the gaps could be filled as the Committee noted.

Our Members did a good job. In spite of the policy providing for the proposed new curriculum and structure of education, the Sessional Paper was not precise on expected outcomes of the changes in the curriculum, its approximate implementation cost as well as its matrix timelines. There have been issues, which I want to make clear to the Members and the country. There is no exam for Grade Three. It is an assessment to look at issues that are within the curriculum, so that the implementers can improve on it. As we move on, there are certain issues that we asked the Ministry to clarify. We wanted to know the kind of exams that the students will sit once they get to Grade Six since this is a transitional class after which they will move to Grade Seven, which is early secondary, namely, Grade Seven to Twelve.

The Ministry has not been very clear about the kind of exam they are going to do. Is it a summative exam or an assessment? How would they do the transition? Those were the questions we asked them. On the same note, we indicated to them that there was need to look at the learning materials which the Ministry has developed and the design of the curriculum, which was previously called syllabuses. They also have learning materials up to Grade Four.

So, as we looked at the Sessional Paper, we asked the Ministry to publicise the issues. One of the biggest issues that we had was the fact that the public did not know what was

happening. The Ministry had not committed itself to publicising it through chiefs' *barazas*, churches and both the print and electronic media on those issues.

When the 8-4-4 System of Education was being introduced, it was well publicised at chiefs' *barazas*, churches and all over. The CBC is a very good system of education because it emphasises on identifying and nurturing the talents of the learner. What is the learner good in? We know that we are endowed differently by God. God has endowed our children in different ways. Some children are very good footballers and will not be scientists. Others are good musicians and can earn a living through it. So, the CBC is one of the best systems, but we need to do a little more panel beating.

One of the things that the Ministry and the Government has done well is the 100 per cent transition. As we move on, we will need more classes in secondary schools to accommodate Grades Seven to Nine. The question is whether the Ministry is prepared. That is why, as we prepare the next Budget, we should be alive to the fact that the education sector needs a lot of money. As classes in primary schools reduce, those in secondary schools increase. The same applies to the teaching service. We have a serious shortage of teachers in this country. The Government has put aside some resources and there has been talk of hiring intern teachers. I want to agree with Hon. Sossion and the unionists who are here. We asked the Teachers Service Commission (TSC) and the unions to have intern teachers to fill the gap of the 90,000 teachers for the sake of our children and we are in agreement, as the Committee on Education and Research.

The Sessional Paper does not address a number of issues including training. As we move forward, there is need for all universities in the country to have a link to the job market, so that no university trains students for the sake of it. What are the roles of the students as they take up and finish their courses in the various universities? You will realise that a student is going to clear...

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Members at the back, led by Hon. Kioni. Please, consult among yourselves and do it in a Parliamentary manner.

Hon. Melly proceed.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Kioni is a ranking Member of the House. He knows what should happen.

Hon. Temporary Deputy Speaker, this one applies to all of us in this House. We have a number of unemployed youths, and this is a time bomb for this country. A country that is unable to give jobs to its citizens is at a risk. The Sessional Paper is asking universities to look at how they can link with the job market so that after completing university education, one can seek employment. Alternatively, university education should impart skills on students to enable them to engage in self-employment activities once they graduate.

Hon. Temporary Deputy Speaker, the Committee also noted that the Paper does not address itself to issues contained in the National Education Sector Strategic Plan. The Sessional Paper was enriched when we asked a number of questions. The Ministry brought to the Committee a number of documents and one was the Report on the National Education Sector Strategic Plan 2018-2022.

Therefore, as a Committee, we recommend to the House as follows:

(i) That, the National Assembly approves the Revised Draft Sessional Paper No.1 of 2019 on the policy framework for reforming education and training for sustainable development in Kenya

(ii) The Ministry of Education should fast-track the implementation of Sessional Paper No.1 of 2019 in order to put in place a framework for delivery of inclusive, equitable, quality, relevant education and training and research that promotes lifelong learning opportunities for all.

With those remarks, I beg to move and request Hon. Injendi to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have, Hon. Injendi.

**Hon. Moses Injendi** (Malava, JP): Thank you, Hon. Temporary Deputy Speaker. As stated by our Chairperson, and as we are all aware, the Government is investing a lot of money in our education sector. In spite of all this, the sector is facing many challenges that required a Sessional Paper to guide the Ministry of Education. Some of the challenges, as mentioned, include equity, quality and relevance of our education system and this Sessional Paper is addressing them.

As you will realise most people who go through this education system after graduating become irrelevant in the market. For example, currently banks are recruiting persons with master's degrees and leaving out undergraduates. Those who have completed Form Four have nothing to do with themselves other than just idling around in the villages. So, this, Sessional Paper is out to address this.

The other challenge we have, in spite of the so many resources being put in this system, is completion and transition. You find that most persons who are supposed to transit from Standard Eight to Form One are not doing so because of examination issues. So, this Sessional Paper will address this and ensure that persons complete their education levels and transit as required. As you may realise, with the current system, the channels are very clear; from Early Childhood Development (ECD) education to primary school and then secondary school. This is unlike before where all of us went through the same system. There are those who are not very good in mathematics, history and other subjects, but are good at technical work. So, this Sessional Paper will enable them after primary school to take the technical route all the way to doctorate level.

We also have another challenge of efficiency in the management of educational resources. A lot of resources are put in our system, but there is no proof of their proper management. For example, every year so many books and laptops are purchased for schools. We are asking the Ministry to let us know how they are managed because we found out that most of them are wasted and this Sessional Paper will address that. There is also the issue of gender and regional disparities. As you can recall, just the other day a girl committed suicide because of the challenges female students face. This Sessional Paper will address this. Therefore, as a Committee we are asking the House to support this Sessional Paper.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, I will go on to propose the Question.

*(Question proposed)*

Hon. Members, I see a number of requests. We will have to do with the technical hitches we have today and ensure we take into account the Members who are unable to put their requests forward. Let us start with Hon. Jomo Washiali.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. Let me start by thanking the Departmental Committee on Education and Research especially the Chair, who has moved this Sessional Paper and the Vice-Chair as well. Allow me to send my condolences on behalf of the people of Mumias East and Kenyans who are watching me on television through the Parliamentary Broadcasting Unit (PBU) to the families who lost their young ones in yesterday's tragedy.

It is very painful since I am a parent of a number of students ranging from university to primary school level. I was imagining if I was that parent who lost their young one like those I saw in today's newspaper. They took their children to school only to find themselves in a situation they did not create. Just as this Sessional Paper has mentioned through what I have heard from the Chair, it is very important for us as MPs to look keenly at the structures the students out there use for learning. I want to support this Motion and especially the policy framework that helped us develop this Sessional Paper No.1 on 100 per cent transition. This will enable as many Kenyans as possible to access education. In my constituency, in the last years, schools missed only four students to attain the 100 per cent transition rate.

I hope the Chairman is listening to me. The Ministry promised to give out money to develop one extra classroom to accommodate the 100 per cent transition rate for the students in Form One this year, who will be joining Form Two next year. We are in third term and yet the Ministry has not given money to take care of these students. They need to develop the infrastructure to take care for those students who will be joining Form Two.

I support this Sessional Paper because of ranking which is a big issue in this country. The advantages and disadvantages have been discussed in this House in a different Motion which I do not want to belabour. It is important for Kenyans to remain in harmony and the ranking aspects which used to categorise Kenyans into different levels should be done away with. Just like the Chair has said about the recruitment of interns, at least this Sessional Paper will enable them to be recruited. I want to agree with him and wish internships will not be stopped at this point. They should continue to recruit interns as long as employment opportunities are not readily available.

There is also another section of the education system dealing with technical colleges. We can now see quite a number of technical colleges across the country. I am sure with the current curriculum they will go a long way in supporting the learning programmes this Government has put in place. We, MPs, are worried why parents are not aware of what is happening in the current curriculum. As you would realise, the other day when teachers were being taken through the Competency Based Curriculum (CBC) training, some of them resisted. Today, some have been interdicted and others are in courts. So, we should find a way of resolving this instead of just forcing a programme on teachers. For example, laptops are not fairly distributed in this country as there are some schools which do not have...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, you need to take note of the various procedural timings for the different businesses. Whip, you know that it is five minutes for everybody. I will give you a minute but let everybody know that it is five minutes for the Sessional Paper.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker for that consideration. Actually, there are issues that the Chair raised. Hon. Temporary Deputy Speaker, you must have heard the Chair saying that the ministry did not go out there for public participation. This is a very serious omission and I am sure if this would have been

addressed, the problems that we currently have with parents, teachers and missing laptops would have been sorted out. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Member for Kimilili, Hon. Barasa.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Sessional Paper. If there is any important sector of Government, then it is education. I also support this Sessional Paper because one of the state departments that has also been infested by cartels is the education sector. There are so many problems that ail the education sub-sector. While appreciating that the Government has put in too much money into this very important sector, I also want to decry that we have some misfiring especially in the manner in which these infrastructural development funds are issued. We have some schools that are completely dilapidated and they need this amount of money but they never get it.

I know that the Government rolled out free secondary school education especially in day schools, but we have some principals who have been chasing away students to look for money for lunch. As far as I am concerned, a child who has not paid lunch fees should only be denied a chance to enter the dining hall, but he should not be denied an opportunity to go and sit in the class. This is because the Government will have already paid money for this aspect.

I also want to bring to the attention of the House that we have some rogue officers at the Ministry of Education who are actually colluding with businesspeople. Today you will see schools everywhere being initiated even without structures. When you begin a school that is not registered and you put children of this country to learn under a tree or structures that are completely dilapidated, you will be standing on the path of education of children because they will never get quality education. This is something which the Ministry of Education should move with speed around this country to correct.

Today, the Government of Kenya has tried to make education not very expensive, but we have some principals who develop very expensive bills of quantities and come up with *harambees* which they expect parents to pay through school fees. By doing that they are taking the gains that this country has attained in the education sub-sector back to the days when education was very expensive. We need to smoke out the officers of Government from Jogoo House who are sleeping on their jobs and who are not monitoring to ensure that Government policies are implemented to the letter so that we can make education affordable.

I also pass my condolences to the families of those who lost their young ones in the tragedy in a school in Ng'ando. Those children never deserved to die. I really blame the Ministry of Education because they have a responsibility of auditing, through their quality assurance department, to ensure that the children of this country are learning from structures that have met the engineering standards. One of the parents of the child Whitney Wekesa comes from my constituency. I really pray that God stands with that family and gives it strength.

I challenge this Committee that going forward into the future, they should also focus on where the Ministry of Education is not doing very well. This is because when you want to assist a state department to improve, you focus on the areas where they are not doing very well so that we can assist the Government improve the learning institutions in this country and ensure that the children of this country get affordable education. Going forward, we really need to develop a mechanism and formulate a rationale on how...



**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, measure your words to fit into five minutes. Let us have Hon. Waweru Kiarie, Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Speaker. I first start by sending a message of condolence to all the families that lost their loved ones from the tragedy that happened yesterday at Precious Talent Academy, which is in Ng'ando Ward in my Dagoretti South Constituency.

Yesterday was indeed a very dark day for the residents of Dagoretti South and beyond because the people who are affected by the calamity are people from all over the country. I can assure you that yesterday we spent a very long day taking care of the people who were injured and affected by this calamity. We give special thanks to the first responders who are the community of Ng'ando Ward. They appeared there in minutes to help us with search and rescue. The children who were evacuated to Kenyatta National Hospital (KNH) were well taken care of and I would like to report to the nation here today that 60 out of the 64 students who were taken to hospital are actually out and with their families. The few who are remaining are actually in stable condition.

This is not a time for blame games but hard questions must be asked. We need to ask where the quality control people in the Ministry of Education are when such schools are coming up. We need to ask where the department of city planning in the Nairobi City County is when such structures are coming up in informal settlements. We need to ask what the driving force of proprietors of some of these schools is when they build such structures where students will be dying in their pursuit for knowledge looking for a better life that can break them away from the cycle of poverty. These are questions that we need to ask and find solutions to. I am looking very keenly into this Sessional Paper No. 1 to see if some of these questions are getting answers.

Hon. Temporary Deputy Speaker, allow me to take this opportunity to thank the Chairperson of this Committee and the entire Committee for bringing up this Sessional Paper No. 1. I see that they are well guided by the principles that I went to school for as a trained teacher on how education needs to be undertaken in this country. They are starting off by taking us through the philosophy that informs how we want to bring up education in this country. Their philosophy of providing a holistic and quality education that meets world standards is something that can guide this country to greater heights. They are looking in this Sessional Paper to see that we enhance access, equity, quality and relevant education. This is well captured also in the framework for the national qualifications in this Sessional Paper.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Soipan Tuya) left the Chair]*

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

Hon. Temporary Deputy Speaker, allow me at this point to say that a wise person once said that if a fish was to be adjudicated by its ability to climb a tree, that fish would grow up knowing that it is stupid. How we judge our people in their examinations should be based on their God-given talents and not just their academic performance. As such, I would like to support what has been proposed in this Sessional Paper. There is an issue I thought would be left out in this Sessional Paper, but I am so glad that the Committee observed that we are living in a

technological world. This is the issue of Information, Communication and Technology (ICT). Some of the things that we are teaching our students today will be obsolete by the time the learners leave school.

Allow me just one minute to prosecute this final point, which is the critique of the education system we are proposing for our country, in this day and age. There is a critique that has been raised that the CBC risks the chance of being a perfect system for private schools, but not suitable for public schools. How will a school in your constituency, which is far-flung from the city do the things that private schools are doing in CBC that require resources that some parents cannot afford in a time when we know...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. K.J, we will have a Zero Hour on that tragedy in your constituency. Is it part of it, Hon. Sossion? Is that what you were raising? I will give you an opportunity at that time. I will give you an early bite on it at that time. Allow us to make progress on this.

Hon. Millie, you now have the Floor.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this time. Let me take this opportunity to apologise to Madam Speaker before she leaves for giving her a hard time earlier on. I did not intend to, but being a person who is keen on justice, I believe that even when the majority have their way, the minority must have their say. That is all I wanted to say. I wanted to raise a procedural issue which I was not given a chance to. I will get a chance to raise it at a later date.

I support this Sessional Paper. One of the things it seeks to do is realign education to the Constitution, especially on the issue of equality and equity. Because of the short time, I will just raise a few issues.

First, we must look at the issue of the medium of instruction in schools. The Government policy still provides that the medium of instruction in peri-urban areas is mother tongue. How do you teach a child in mother tongue and expect them to compete in English with children who have been speaking in English all their lives?

Secondly, the Hon. Member for Dagoretti has raised the issue of the CBC. I have been looking at some of the homework that children bring home. I do see that they are asked to print some work. Who will be printing work in Suba North, Remba Island or Mfangano Island? Where will they be printing it? Let us be realistic. We should bring the policy here to this House before we implement it. Some of the things that we do may be very wonderful, if implemented in the United States of America (USA), but may not be realistic for Kenya at this point.

The other issue that I wanted to talk about is that a lot of people are increasingly saying that we no longer have an issue of girl-child education because we are now at par. That is far from the truth. Looking at most schools in the country - except perhaps those from around Central Kenya - gender parity is still a mirage. In places like my constituency, you will find that at entry point, the number of girls is very high. Transition rates become very low and completion rates are even much lower. Therefore, one of the things that we need to do is ensure that we increase the number of girls that are not only joining, but transiting and finishing school.

I also want to talk to the issue of equity in terms of resource allocation. Currently, under the Constituencies Development Fund (CDF) Act, all of us get equal funds. Sometimes you hear members of the public challenging us on why we cannot build a school like so-and-so has done, especially Members who have town constituencies. You find one town constituency only has five or 10 schools. Most rural constituencies have over 300 schools. How do you compare

somebody who gets about Kshs60 million for infrastructural development of 300 schools with somebody else who gets the same Kshs60 million and has no school?

The circumstance that my brother, the honourable Member has just gone through is unfortunate. One of the challenges he has is that he cannot build a school because there is no land. What about me? I have so much land for schools but no money. We must find a balance so that places that need more money for infrastructural resources get it. For areas like Dagoretti South, the Government must compulsorily acquire some public land. You cannot have a school like Lenana School having so much land. Many members of my family went to Lenana School so I have been around the school. They have a lot of land. Why would they have land and other children are struggling?

I have done it before, but I also want to send condolences and perhaps encourage members of those families to sue the Government for compensation for the loss of lives and then we will finally wake up.

Finally, the Hon. Member for Dagoretti has asked many questions. The only question I will ask is how do we deal with poverty? It is all about poverty.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Millie. Hon. Members, I see a list with Members on it. I want you to just relax. Everybody who is on this list will speak. You do not need to raise your hand, Hon. Nzambia. If your card is in the machine, you will speak. I will follow the list. Let us have Hon. Ngeno. The list is here.

**Hon. Kipyegon Ngeno** (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker for this moment.

Before I prosecute the issue at hand, I also wish to pass my condolences on my behalf, my family and the people of Emurua Dikirr to the family and friends of those lost souls. It is very unfortunate in this age and era that such a thing should happen, especially within town. We expect such things to happen in the villages which are inaccessible. In Nairobi Town, it is very unfortunate. I even asked the Member of Parliament for that area whether the owner of that school has been arrested. I am told that he has not been arrested. Where is he? Policemen are always swift in arresting useless people who do not even have issues, including me. I was serving the Republic of Kenya and the people who elected me, but they fail to arrest the person who has killed more than seven students. That is very unfortunate.

Secondly, I support this Sessional Paper. It brings out the issue of access to education. It is unfortunate that at times, although access to education in Kenya has been factored in the Constitution, there are still some areas which do not access education because of inequalities, absence of schools and money. I ask the nation and the Departmental Committee on Education and Research to seriously assess this issue of access to education so that our children, like other people's children can access education.

The reason why I was arrested is because I was trying to visit some schools in the Mau Settlement Scheme to ascertain whether or not they were closed. Currently, there are so many students and pupils who cannot access education in those areas because somebody who works for the Government has decided to illegally close the schools.

Another issue I would have wished to prosecute is the 100 per cent transition to secondary schools. We support that idea because we want our pupils who sit for exams in Standard Eight to access secondary education and we should not end there. We should make a resolution as a country that as much as we need to have 100 per cent transition to secondary schools, we should have 100 per cent transition to university and colleges. Why do we have

students who cannot qualify to join colleges and universities? In many countries, there is 100 per cent transition from secondary schools to universities. In fact, the university education is free in those countries and the only difference is the courses you pursue. It does not matter whether you have a D- (Minus) or an E; you would still join university, but whichever course you would study is what would make a difference.

When the Ministry of Education gives a resolution or make laws like to stop building more secondary schools, they should understand that they are built based on the needs which is the number of students who do exams. You are now telling us that we need 100 per cent transition to secondary school yet we should not build secondary schools. In my constituency, we need over 100 more classrooms and 10 secondary schools for 100 per cent transition. The Ministry should always align their laws to the needs on the ground.

There is also the issue of trainers who are primary and secondary school teachers. We normally have recruitment of teachers in this country. The unfortunate part of it is that whenever we do it, we deal with teachers who completed colleges in 2010. You wonder why someone goes to college and then sits at home for almost 20 years. He almost reaches the retirement age before being recruited, yet we have a shortage of over 100,000 teachers in this country. This is for the Chairman of the Departmental Committee on Education and Research: Make it a rule that every teacher who graduates from a college is recruited immediately.

Lastly is the issue of additional universities. The Cabinet Secretary told us the other day that they are closing down some universities. We have so many students who also study in the universities. This closure of some universities should be based on public participation to understand whether we still need more universities or we need to close them.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Emurua Dikirr, well spoken. We shall have Hon. Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. At the outset, I want to believe that our good Chair of the Departmental Committee on Education and Research has the job cut out for him. The sector has cumulation of tragedies, mishaps and mismatches to an extent that if we look forward to this Sessional Paper or policy paper only, we may not be doing the right thing to this country.

If you want to bring down a society, one of the softest ways of doing it is through education. As we look at this Sessional Paper today, we need to recognise many things. For example, if the 8-4-4 System of Education had a problem - the students who pursued it will be 40 years old by 2023 or 2024 - what have we done in the 40 years to this nation? This is the hardest question that we need to answer. Since the inception of 8-4-4 System of Education to the time it will end in 2023, it will be 40 years. If you use that as the main indicator, there is a big problem. We have wasted the society for 40 good years. So, there is need to have constant revision because the society is changing. Definitely, there are things that will be changing. The dynamics that are there in the society need to be looked through the prism of education. That is one critical thing that I wanted to bring out. If you are churning out a million only each year and we will be doing 40 years in 2024, we shall have wasted 40 million Kenyans, which is a big loss.

The other thing that I wanted to bring out is the extent of the mismatches. We come up with one thing at the primary level but we do not look at it through the secondary level and in terms of tertiary and university level. At the moment when we are changing our direction to the technical direction, you can straightaway see the mismatches that we already have. One, who is training technical teachers in this country? Which colleges are doing that? We see that virtually every constituency will have a technical training institute and the Kenya Medical Training

College (KMTC). If that is the direction, what are we doing? Who is training teachers from technical training institutes? It is only one college in the whole country which is also going down - the Kenya Technical Trainers College (KTTC) in Gigiri. Which other ones do we have? Where are we going with the graduands of these technical training institutes in the next four years? If every constituency has 40 plumbers who graduate each year and we have 290 constituencies, look at the number of plumbers that we will have in this country. Where are we going? This issue needs to be looked at very seriously.

We are talking about 100 per cent transition. I mentioned this one before. When we transit everybody from Form Four telling them they must go somewhere, we are losing the incentive of good work in schools. If you have grade E, you are allowed to go to a technical training institute. When you are there, you have a scholarship of Kshs70,000, yet when you go to a university you do not have any support. You are left to the vagaries of the Higher Education Loans Board (HELB) which in the end does not support everybody the way it will be supporting every student in the technical training institute. There is still a lot that we really have to look at in this policy.

When you look at the flow of our policy arrangements, there are mishaps. All the Members of Parliament should take one week to go to primary schools, see them from outside and go into some of the classes. I tried this last week and realised that we do not have classes. There are classes that were constructed by parents in the 1970s and 1960s when the Government was not constructing them, but we now come up with a policy that has certain standards. The policy comes up in 2000 and we do not look at it backwards to when those classrooms were constructed. There is a major problem.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Ochanda. We shall have Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. At the outset, let me start by passing my condolences to the families who were bereaved following the tragedy of a collapsed classroom. On behalf of the 6.5 million Kenyans with disabilities, I want to pass my sincere condolences. As a parent, I feel their pain. I know the challenges that they are going through. May God give them strength at this trying moment.

I support this Sessional Paper No.1 of 2019. Let me congratulate the Departmental Committee on Education and Research for doing a thorough job. Competency Based Curriculum has come at the right time, especially when we have Prof. Magoha as the Cabinet Secretary for Education. He is a known scholar whom I know will make sure that we implement this curriculum to the letter with surgical precision.

Let us speak the truth about the 8-4-4 System of Education. It has let us down because our brains are like the memory card. If you put some rational and required information, it will be full. If you have a 2 Gigabyte (GB) brain or 64GB brain like mine, some will be filled very quickly and hang. There are some lessons which were taught about who discovered Mt. Kenya. What has that got to do with somebody who will become a doctor? There is also a lesson on insect parts. What does it have to do with somebody who will be an accountant? Bernoulli's principle was also taught. What has that got to do with somebody who will become a bank manager? We were filling our memory cards with information that we do not require. We require the CBC curriculum to exploit the talent of our youths because all of us cannot be doctors. Who will be treating who? All of us cannot be engineers, farmers or carpenters. Who will be making chairs for other people? We need the best out of every person in our country. We know that the best carpenter who makes wheelchairs and chairs for State House or for this Parliament earns a

lot of money. The best doctor, like Dr. Gikonyo, who treats the former President, His Excellency Mwai Kibaki, earns a lot of money. If we make our people realise that if they are the best in whatever talent they have, they can be billionaires, they will nurture those talents.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, you must be alive to the fact that the seats in this Parliament were made by our brothers at the Prisons Department. I do not know whether they earned a lot of money from that or not.

**Hon. David ole Sankok** (Nominated, JP): But they are among the best carpenters. They did their job perfectly well.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Are the best carpenters in Kenya found in prison? Anyway, proceed.

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, I know you are alive to the fact that when carpenters made the cross of Jesus, they were cursed.

I support the Sessional Paper because of Article 54(b) of the Constitution. The Article talks about special needs education. We need talent, especially for children with disabilities. Children with disabilities are limited in some areas. For instance, if you are on a wheelchair, you cannot be a veterinary doctor because you cannot handle bulls on a wheelchair. You may have the knowledge but your disability limits you. But with the Competence Based Curriculum, we may develop men and women who will change this nation.

Allow me to name just a few persons with disabilities who made this world a better place for all of us because they were trained properly and their disability was taken into consideration. I have in mind people like Isaac Newton, John Forbes Nash of the Nash Equilibrium and Thomas Edison, who was deaf ...

*(Hon. David ole Sankok spoke off record)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, the Chair cannot eat your time. He does not have such an appetite. He might have other appetites, but not that one.

Let us have Hon Milemba Omboko.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker, although I have very limited time. I thank the Committee and the Chair.

At the outset, let me get to our children, parents and even the Member of Parliament who is here, and the people of Dagoretti for the tragedy that occurred at Precious Talent School. That was very bad. We shall be talking about it later. Governments must be in charge of education because it is provided for in the Constitution. Basic education is supposed to be free and compulsory. So, the Government should not be rushing there only when a tragedy happens.

I thank the Chair of the Departmental Committee on Education and Research and Members of the Committee for their good work. This Sessional Paper will put in place the legal framework for the new curriculum.

With the new curriculum, there are many fears from both Members of Parliament and members of the public. Indeed, I want to quash those fears. Time for change comes and education system curricula always have to be changed, depending on the atmosphere and the changes that have occurred. This curriculum does not just address the issue of competence. It also seeks to align the education system to the Constitution in a holistic manner. I am happy that Hon. Sankok has mentioned issues of people with disabilities and how we are taking care of

them. He has also talked about access, quality and a holistic education system. I am also very happy with Members for appreciating the fact that not everybody must learn and become a doctor or a lawyer. The 8-4-4 System of Education was good, but it did us good at that time. The history of formal education in Kenya dates back to the times of the colonial government. During that time, formal education was used to produce cheap labour for the market that was available. When we got Independence, formal education was used to produce manpower to fill up the vacancies that arose when the European workers left the country. That is why we concentrated a lot on pedagogy. But, having filled up those positions, we needed to upgrade our education system to be all inclusive. That system has several lines. We have guys doing pedagogy. We have to bring in other skills that we were not giving emphasis on, like affective skills and psychomotor skills so that we do not only concentrate on cognitive skills, which have made students to be like machines.

Do you know that even as we struggle with exams in schools all the exams are on the phone? You can answer all exams that are set by just having a smart phone and Googling. Like when did Vasco Da Gama arrive in the East African Coast? You can Google and get an answer. So, we must stop and get into a more practical system where we can ask a student to draw or design for us an environmentally-friendly market in Nairobi. That is where we are moving education to. So, I want to remove the fears that Kenyans have so that we face the new system in a strong way, like the Chair indicated. I may not have much time.

There is need to make everybody part and parcel of this system. Everybody should be aware of it. It should not be done in a way that some teachers are interdicted while some are in prison for it to work. We can still have the system by putting everybody onboard and everybody becomes a supporter of the system, understands it and cheers it up. So, that is one thing. Like the Chair indicated, we shall ask the Minister to implement it moving forward, so that it becomes a system for all Kenyans and not a system for just a few.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mabongah, Member for Bumula.

**Hon. Mwambu Mabongah** (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to voice my sentiments on this Sessional Paper. At the outset, I also wish to pass my condolences to the affected families and to my friend and colleague, the Member for Dagoretti South, during this very difficult time following the loss of the young ones.

This is a very timely Sessional Paper before us today. As we look into issues of education, we need to realise that all human beings are born with talents. It is true that when this country is seriously looking to tapping the talents of our young ones, we should put some things right from the very beginning. If we get the foundation of the Competence Based Curriculum right, we are likely to build a nation that will have a strong image out there and make our young ones remain competitive and self-sufficient.

As the Chair of the Departmental Committee on Education and Research indicated, we realise that one of the things that the Ministry overlooked was to involve everybody to ensure they are onboard when rolling out this curriculum. This is not a one-man show. It is important that all stakeholders are involved so that they can give their views, just like the Member for Emuhaya has said. It is not very good to victimise some people who have dissenting voices, especially the teachers who are suffering today because of the views they gave. Secondly, I come from a rural constituency where some schools have only two teachers.

It is expected that in this curriculum, the teacher will handle few students in a classroom. As much as we say that the 8-4-4 System of Education is a failure, it has benefited many people. The methodology that is being used to roll out this curriculum is likely to fail. Those are the fears we are addressing and the people responsible should take that into account. In this House, you realise that most of our children especially in primary school go to private schools. This kind of curriculum is likely to benefit a few in this country. Therefore, the majority of Kenyans, poor Kenyans, are likely to suffer. You walk into some constituency and you realise that some of the schools that we have in rural areas do not even have electricity yet we are talking of our children using electronic gadgets. How are they going to access this? Every evening, my small boy wants to print something. Where will these young boys and girls in the villages get this facility? The Government must be serious. We are not experimenting some of the things on our children. We have to be serious. These are some of the concerns that we are raising. If the 8-4-4 System of Education focused on anything to do with the so-called curriculum-oriented subjects like music, carpentry and joinery, some of these things could have just been achieved.

We are not saying that we are going to stop the new curriculum, we are saying that everybody should be involved –teachers, universities, tertiary institutions, the Cabinet Secretary and any other person who is involved in rolling out this curriculum so that we get the best for our children in this country.

I see my time is up. I thank you for this opportunity.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Well spoken. SDGs leave no one behind. We will have Hon. Nzambia, Member for Kilome.

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Sessional Paper No. 1 of 2019. Let me first convey my condolences to the affected families of yesterday's tragedy and also to families in my constituency where two students fell into a sewer within the school compound and one passed on due to negligence.

I will be very specific. When it comes to the issues of the current education system where most of the students have graduated, there is a very big gap when it comes to the job market. This Sessional Paper insists on a way where a student will be linked to the job market. Special interlinkage to the industries is also a key factor we have come up with in this Sessional Paper as a Member of the Committee.

I insist that this Sessional Paper is taking care of the practical issues several Members have raised. We want to have students who, after finishing school, are able to put into practice the issues they have learnt in schools. We have so many graduates who have studied different fields but they cannot implement what they have learnt in school. That is why we have not addressed employment gap in this country.

On the issue of inspections of school, we have taken care of that through the quality assurance departments. We have recommended to the Ministry to be keen on the quality assurance officers who have not done their work. We have a lot of problems in most schools in the country as a result of the slow pace by the officers in the Ministry. Most schools have not been able to get equal funding from the Ministry. As we speak on the issue of 100 per cent transition rate, we have so many schools which have been affected by capitation. The Sessional Paper is also taking care of that.

Lastly is the issue of understaffing in our schools. We have so many challenges. In one school, you find only four teachers instead of 10. This means that the quality of education is



deteriorating because of understaffing. This Sessional Paper has taken care of that by ensuring that we have interns who immediately after graduation, are absorbed in schools to bridge the gap.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Moroto, Member for Kapenguria.

**Hon. Samuel Moroto** (Kapenguria, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this Sessional Paper. I want to first and foremost congratulate the Departmental Committee on Education and Research because they have come up with a very important item that is going to sort out some issues in the Ministry of Education. Everybody is contributing on what the masses out there discuss about the new CBC. Some of us are asking ourselves how it started and who initiated it. It has not come to this House and members of the public have not been involved. When you attend parents-teachers association meetings in schools, nobody talks about it. I have seen, because some of us have been here for long, anything initiated by a person... When we were writing the Constitution in Bomas and also in this House and in rallies, we always target an individual forgetting that this person will one time not be there but those who will be there will be served by whatever is passed. People were pointing fingers at the former President Moi, but he is not there now. That is why we are crying and saying we want to go back and make another Constitution. In education, it is the same thing. For the 8-4-4 System of Education, somebody says it is not him who started it and tries to start a new one.

We should not allow some individuals to come from nowhere. When we were appointing the current Cabinet Secretary, most of the guys who were in Nairobi praised him so much, but some of us are disappointed. In fact, two weeks ago, he was in Kapenguria, West Pokot and was unable to visit schools. He visited about two schools and disappeared because he noted the mess going on and people were preparing to ask him questions. When we talk about the CBC, I have some children in private and public schools. Those in public schools are suffering. The only people who are enjoying are the rich who have their children in private schools. A child is asked to go to school in gumboots. In some of our Arid and Semi-Arid Lands (ASALs), children walk barefoot. They do not have shoes. Then, you tell such a kid to come with gumboots. Where is he going to get money to buy a gumboot yet he is unable to get that attire or shoe that can support him to walk around? Then again, there are the aprons they are told to come with. They buy new aprons for them to work. Because of time, I just want to say that we, as MPs in this honourable House, are elected to bring good things to the people who trusted us. Let us not be rushing. We are discussing major and important issues, especially pertaining to education. That is so that we can save the future of the education of this country.

I thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ogutu. Hon. Member for Ijara, I saw you complaining. Your card is not in. Have you inserted it?

*(Hon. (Ms.) Sophia Noor spoke off record)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): It does not matter. What do I do if I cannot see you here? I am not God.

Proceed, Hon. Ogutu.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Sessional Paper.

I want to start by consoling the families that lost their beloved ones yesterday. I know people might not see the link between what happened yesterday and what we are discussing as part of the mandate of the Ministry of Education, Science and Technology (MOEST) in the current Sessional Paper. The issue of quality control and quality assurance features broadly in this Paper. It demands that the Ministry takes this sector very seriously. That will be by giving Kenyans the required security and safety that is required in the learning environment.

The Sessional Paper looks at the expansion the country has experienced and picks up areas that need to be improved for this expansion to be useful to the building of this nation and also for the livelihood of our young children. We know the country has experienced close to 100 per cent transition, especially from primary schools to secondary schools. This Sessional Paper attempts to answer gaps that need to be addressed if the Government is to achieve the required outcome of this transition.

The Sessional Paper also introduces new perspectives in terms of youth unemployment. It focuses more on the retooling of the TVETs. It also emphasises more teaching of ICT for instruction and management. It gives hope to the youth because the area of TVET has been widely emphasised and the options for expansion provided. That is so that youths do not have to be limited to academic achievements; they are also allowed to develop the other skills that have not been adequately addressed by the previous policies.

It also talks about how to manage the expansion the country is experiencing, especially in education, that is, looking at areas that need to be addressed. It brings out the issue of resource mobilisation very clearly. It poses a challenge to university education over what has been seen as endless expansion that has eventually left the universities naked after the change in performance during examinations. It brings in the private sector as a key partner. It demands that the universities engage within their systems to generate resources through research and other options which can enable universities to run irrespective of the dynamics that result from performance of examinations.

The Sessional Paper also looks at special groups with a lot of emphasis on the expansion of resources for these special groups and the necessary human resources. We know that education for students with special needs has not been well addressed previously. We know that we have problems up to the county level because we do not have facilities that address the students with special needs. The Sessional Paper addresses this area very adequately. It is with the intention to ensure that improved access to education considers equity.

With those remarks, I support the Sessional Paper.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Member for Ijara, now I see you. I recognise that you have been here. I give you this opportunity.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker for recognising me. I thank the Departmental Committee on Education and Research for bringing this Sessional Paper No. 1 of 2019 as I send my condolence to the school, the pupils and the entire nation for the loss.

By supporting this Sessional Paper, I want to say that education is one of the fundamental pillars of development and sustainable development in a nation. Without proper and structured educational programmes, we will not be able to invest as a country. Investing in human capital is very important.

This Sessional Paper is addressing itself on the realignment of the education sector to our Constitution. Through the Bill of Rights, our Constitution has made education one of the rights of every person within Kenya.

As much as I agree with the reforms in education and support a world class standard of education in Kenya, I have a lot of reservations. It is because we are not bringing the reality and the practical issues on the ground on board. If we do not capture the practical issues, the problems that are reflected in some of the constituencies and in the country, we will not get a world class standard of education. If you go to my constituency, for example, almost three quarters of my schools are closed because I do not have teachers. Teachers are not there because of insecurity. Again, we do not have water facilities. We do not have security. All these issues are interrelated to give a holistic educational programme for a certain given area. The policy addresses very beautiful things but leaves out the crucial and practical problems that already exist. If we want to reform education and we do not capture a holistic approach to education, we will not be successful. We will not address the gaps that we have.

I completely agree with some of the beautiful recommendations that the Committee is giving. I tell them “thank you so much and congratulations for bringing those beautiful policies”. However, when addressing the issue of reforms in the whole education sector, we need to completely and holistically look at all the issues affecting people, particularly when it comes to the issue of shortage of classes. Why should people who go to private schools get better services when public schools all over are suffering?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): What is out of order, Hon. Wakhungu? Just hold on, Hon. Member for Ijara.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): I am seeking your direction in terms of the Zero Hour which is just at the corner.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): It is not yet time. The Speaker’s clock has just arrived at that. You have disrupted her. She would have completed her submissions.

The Member for Ijara, I think Hon. Chris Wamalwa jumped the gun by about one minute, but the time he says has now reached. I will, therefore, direct that we will stop there on this Motion, in compliance with the directions of the Deputy Speaker earlier, that at exactly 6.30 p.m. we shall be dealing with the Zero Hour and the man of the moment is Hon. Sossion.

Those Members who have spoken on this Motion, thank you very much. There has been a lot of interest. Hon. Muchangi was waiting with his wings spread out ready to speak. Hon. Kimunya, I am sure you will be able to do justice to the Motion the next time we shall set it down for debate. For now, it is Hon. Sossion.

*(Hon. Peter Kaluma Spoke off record)*

Just hold on, Hon. Kaluma. You need to allow him to move then do what you are doing through a point of order. I will allow you. Let Hon. Sossion do his bit, then I will let you say what you want to say.

Hon. Sossion proceed.

## STATEMENT DURING ZERO HOUR

### STATE OF SCHOOL INFRASTRUCTURE IN THE COUNTRY

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to move the matter at hand, particularly the state of school infrastructure, in relation to the

tragedy that happened yesterday at the Precious Talent Academy in Dagoretti South Constituency, in Nairobi City. As I had earlier on indicated, it is an indicator of many things that are wrong in our education system. Even as we debate the Sessional Paper that we have just been debating, this is a very critical component that should be a standalone issue and to which this Parliament must apply its mind and ability.

We are not talking about making legislation. We are talking about effective implementation of the legislation that is in place. As I move this, the analysis of the Kenya legal framework in the management of education system is actually one of the best as compared to many nations in the world. We send our condolences to the affected families. It is a very painful thing that students have to walk to school and within a very short time, a number of them are dead out of a tragedy that can be prevented. What has just happened and what could easily happen in other schools is a tragedy that can be prevented. I wish to point out that the tragedy that has been experienced in that school and some of the tragedies that have been experienced in other schools are out of negligence and the inability of the Ministry of Education to enforce the existing laws, particularly on setting of minimum national standards for operations of schools. And this is in relation with legislation. We have the legislation in place that guides the process of registering any public or private school and all schools are subject to the law. No school is an exception, whether it is public or private. We must all subscribe to the law.

According to the law, no school should operate without a registration licence. This is a tragedy that we are talking about while thousands and thousands of private schools are operating without licences. We are talking about buildings that are not supervised and certified by the public works officers. We are talking about buildings, classrooms and toilets and all other infrastructure that are not supervised and approved by the public health officers. We are talking about classrooms and buildings where our children visit every morning and purport to carry out their learning activities and they are not quality assured by the quality assurance and standards officers. Is this a tragedy that we can use our little ones; the young children of this nation, as the frontier of business? Of course, the CS has taken responsibility. The Chair of education is here. These are matters that we raised and the CS at some point promised that by the middle of June he would ensure that all schools, whether public or private, complied with the law and those that do not comply would be deregistered. The truth is there are a lot of private schools that exist and operate illegally; and they must be closed down. There should be no exception to the law. Is the leadership of the Ministry protecting cartels? Are cartels hijacking and taking over our public institutions, particularly the Ministry, to the extent that we risk lives of children?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sossion, usually you have three minutes for this kind of Motion. I will allow you two more minutes because the Motion is yours so that you set the pace.

**Hon. Wilson Sossion** (Nominated, ODM): I will not take two more minutes. I will be very fair to the rest of the Members who are here. This is a straightforward matter that requires all our attention. I recommend that, one, facilities in all learning institutions, whether public or private, should be audited afresh and certified that they are safe for our children. Two, all schools that are not authorised, whether private or public, should not be given any exception, but should be closed down. Three, the minimum standards for all infrastructure facilities in both public and private schools, as set out in the legal framework, should be enforced. If we did that, we would not be talking about tragedies. Kenya is a signatory to safe schools and our children must be safe in all learning institutions, whether public or private.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken. Hon. Kaluma, what did you want to say earlier on? I said that I would give you an opportunity.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, I thank you. My issue was with the previous matter. My thinking is that public participation is a requirement of the law. In as much as we now have this Sessional Paper, we have been hearing is ready against programmes being implemented, today it is before us. Looking at the Sessional Paper, there is clearly no proper engagement of the people of Kenya. I will raise that.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kaluma, you may have very valid points, but this is the Zero Hour. Kindly, allow us to deal with the matter that has been raised by Hon. Sossion. I will strictly follow the list the way it is. Hon. Chris Wamalwa, there is no priority in this. I will allow Hon. KJ, the Member for Dagoretti South, to have the first go at it.

Hon. Kaluma, the other one has gone. It will come back. You have not been allowed to contribute to this one yet. I will allow you if time allows. The Member for Dagoretti South, it is three minutes for each.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I will take this early opportunity to, once again, pass my condolences. We did have a very tragic incident yesterday in Dagoretti South Constituency. In the interest of time, I will spend the next three minutes putting the record straight, because we all saw what happened following the tragedy that happened at Precious Talent Academy yesterday.

Precious Talent Academy is not a public institution. However, this does not exempt it from the examination that should be undertaken by the quality assurance department within the Ministry of Education. It does not exempt it from the qualification verification by the Nairobi City Council Planning Department. I would also like to put the record straight on this matter. We received a lot of heat from members of the public in Dagoretti South Constituency. We were castigated for presiding over a dispensation that has left an entire ward without a public school.

Hon. Temporary Deputy Speaker, I would like to put it straight here that going by the market rate, it would take a Member of Parliament at least 24 years to purchase a five-acre plot in Ng'ando Ward, if he were to buy land at Kshs40 million per plot to consolidate them to five acres. Going by the rates that we have today, if your development budget in NG-CDF is around Kshs40 million, it would take you an entire 24 years to just purchase land that is big enough to construct a public primary school that would be sitting on five acres.

I would like to take exception to a report that was aired by *Citizen Television* last night, in which it was alleged that Hon. Members are disaster celebrities. I am a resident of Dagoretti South Constituency. I am only a few minutes away from where the disaster happened. For me to be there with my people when the disaster happens does not make me a disaster celebrity. In fact, for the media fraternity, they cash out on such disasters because they get airtime by portraying disaster images. Therefore, it would be wrong for them to castigate a Member like Hon. Passaris, who left her hospital bed to be with her constituents – the people of Nairobi.

Hon. Temporary Deputy Speaker, I would take my last minute to invite all Hon. Members ...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Allow him just one extra minute so that he makes his appeal.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much. I invite all Hon. Members to assist us in condoling and laying to rest honourably the children who passed on in yesterday's disaster, taking into account that some of those families are from the lower end of the

income bracket. I invite all of you to assist them as we lay the young souls to rest. No child should die when they are pursuing education. This is an issue that we should revisit.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Let us have Hon. Washiali. You have three minutes.

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

First, I thank Hon. Sossion for bringing this Adjournment Motion. Given the interest that Hon. Sossion still has in the education sector, I appeal to the teachers listening to me to let him continue to serve them as the Secretary General of the Kenya National Union of Teachers (KNUT) so that he continues to represent the education sector in this Parliament.

Hon. Temporary Deputy Speaker, we are discussing this because we lost our children yesterday. Leaders, especially from the Ministry, have offered Kshs10 million for construction of a public school because they overlooked what they should have done while regulating the education sector. This is unacceptable! These officers must account for each action they take.

I wish the Departmental Committee on Education and Research sat down to investigate the officers and if possible, recommend some to be sacked because we are currently talking about one school among 1,000 schools. We are not talking about the others because we have not lost children. If you went out of these Chambers, you would see thousands of schools whose structures are endangering our students. I wish the Departmental Committee on Education and Research would take up this matter and bring a report.

In the same breath, I saw the media running pictures of some students learning under trees. We, Members of Parliament, who oversee the committees which develop schools are being unfair to the public. We must use the National Government Constituencies Development Fund (NG-CDF) properly so as to take care of learners because children learning under a tree can be infected by many diseases acquired in a very unsuitable environment. Therefore, I wish the Committee...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Washiali, the challenge I believe Members face is that NG-CDF funds are finite and definite and one cannot build many schools at once. Hon. Mutua Barasa, do you have something to say to this?

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker. I also wish to support this Adjournment Motion. I would like to say two things. One, I would like to see the Ministry telling this country what plans they will put in place to ensure such a tragedy does not befall this country again. Two, I want the Ministry through the Cabinet Secretary, Prof. Magoha to tell this country what action he will take against his quality assurance officers. They have the cardinal responsibility of inspecting both public and private schools to ensure children are learning in sound structures.

As we send our condolences to the families, I would like to remember *Mama* Naliaka, a lady well known to me. She is the mother of Whitney Nekesa who was a very bright child. I really feel sorry for her. If this country was a mature democracy, even the CS would have resigned. It is not good for the children of this country to lose their lives. He should spend most of the time doing things which will take education forward in this country.

Mostly, I hear him saying he will bring a policy for university students to wear uniforms. I want to tell Prof. Magoha that we have more important things to implement in the education sub-sector and he should spare this country theatrics and side shows. I have just seen a picture of a pupil being crucified in the name of taking Christian Religious Education (CRE) practical of

CBC. Every time I travel home, I see children with sacks sweeping and washing markets with dirty water wearing surgical gloves. When they fall sick, we will say there is something we ought to have done.

For the first time, I want to tell Prof. Magoha that being a Cabinet Secretary for Education is not being a vice-chancellor of a university. He should up his game, go down to *mashinani* and meet the children of this country. He should improve his performance so that we can take the education of this country forward.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Runyenjes, Hon. Muchangi.

**Hon. Eric Njiru** (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker. I actually wanted to speak on the previous matter.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwashako, you are next on the list.

**Hon. Danson Mwashako** (Wundanyi, WDM-K): Asante sana, Mhe. Naibu Spika wa Muda. Kwanza nataka kutoa rambirambi zangu binafsi na za Eneo Bunge la Wundanyi kwa mwenzangu, Mhe. Kiarie, na wazazi wa shule ambayo ilipata mkasa jana na watoto saba wakaaga dunia. Natoa pole zangu.

Pili, namshukuru Mhe. Sossion kwa kuleta suala hili Bungeni. Kenya nzima inaangalia vipi tutaangazia masuala ya usalama wa watoto wetu katika shule zetu. Ni jambo la majonzi na kusikitisha sana wakati watoto wetu wanapoenda shule za upili na msingi wanakosa kupata viwango sawa vya usalama.

Unakumbuka miaka miwili au mitatu iliyopita tulikuwa na janga kubwa sana la shule za upili kuchomwa na tukaambiwa kwamba ni mambo ya mitihani na uoga kama huo. Kwa kweli Wizara ya Elimu ina maswali chungu nzima ya kujibu. La kwanza ambalo Mhe. Sossion ameliangazia sana ni itakuwa vipi tuna shule ndani ya jiji kama Nairobi ambazo bado hazijafikia viwango vinavyostahili kuwa shule zinazostahili kuwa na watoto wetu?

Waziri alipofika pale jana, nilisikia akitangaza kwamba atatengeza jopo la kuangazia kile kilichotendeka mahali pale. Kwa kweli, tunajua si shule ile moja peke yake ambayo iko katika hatari. Tunajua shule nyingi ndani ya Nairobi hii na miji mingi hasa katika vitongoji. Hata katika Dagoretti yenyewe, si shule moja peke yake ambayo ina shida. Tunajua shule zimepewa ruhusa ya kufundisha watoto wetu lakini ziko katika hali duni. Bunge hili lazima lichukue hatua na pengine Kamati ya Elimu na Utafiti imshurutishe waziri kwanza aanzishe jopo la Kenya nzima kuangalia viwango vya majengo na shule zetu katika Kenya hii.

Mwisho, tunapoangazia suala hili, lazima pia tuangalie ugavi wa pesa zinazotengwa na Bunge kujenga shule. Hii ni kwa sababu sehemu nyingi nchini hazifikiwi na pesa hizi. Lazima wizara ilete ripoti kwa Bunge hili kusema ni vipi pesa hizo zinatumiwa Kenya nzima. Kuna sehemu nyingi tu ambazo hazioni pesa hizi.

Naunga mkono Hoja hii iliyoletwa na Mhe. Sossion. Asante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wakhungu, what is burning? You seem to have...

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. First and foremost, on behalf of the great people of Kiminini and Trans Nzoia County at large, I send our message of condolences to the affected families. We pray to the Almighty God to give them strength and comfort at this particular time.

Article 95 of the Constitution is very clear that this House can deliberate and resolve any issue of concern to the people. I am humbly requesting that we set up a parliamentary *ad hoc* committee to inquire into this matter and come up with resolutions. We cannot debate in vain. I propose that Hon. Sossion be the chair of that Committee and 001 to be the vice chair so that we inquire into this matter. This is because parliamentary Standing Orders allow us to do this. We are not going to talk about this forever. We must come up with solutions because this is an indicator that bad things are happening. We have the department of public works. What has it been doing? We have those people who inspect schools. Where were they when this matter was happening? That means they were sleeping on the job. At the same time, we have those people in charge of quality assurance at the Ministry. They cannot sleep on the job.

My humble request to Hon. Sossion is that he puts the list in place. We will incorporate the Chair of Departmental Committee on Education and Research so that we come up with resolutions that will provide solutions in future. Remember prevention is better than cure. We cannot continue losing our loved ones.

Article 43 of the Constitution says that every Kenyan has a right to education. If that is the case, then how comes in this particular ward, we do not have any public school? It is an embarrassment to the Ministry and it must wake up. This is something that shows that things should not be the same. The *ad hoc* committee needs to be in place with immediate effect.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Chris Wamalwa. Members, you must stay cognisant of the fact that there seems to be a belief that the NG-CDF is supposed to be the end-all in matters of education, yet the Ministry of Education has a budget whose exact use we do not seem to know.

Hon. Jaldesa, what did you have to say on this?

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you so much, Hon. Temporary Deputy Speaker for giving me this opportunity. I also rise to support this Adjournment Motion, more specifically to support what *Mheshimiwa* Chris has just so ably stated.

As a mother, it breaks my heart to see parents losing their children through negligence. I send my condolences to the family, friends and those who lost their loved ones. The proposal by *Mheshimiwa* Chris will get to the bottom of the matter. It is so sad when you listen to the blame games. I listened to the Ministry of Education saying that this was a private school. I listened to the owner of the school say that the blame was with the Nairobi County Government. The Nairobi Government talked about structural defects. That leaves me wondering who is responsible for what is in this country. The only way we can get to the bottom of it is for Parliament to take its role very seriously. It is not just a matter of tabling a Motion, then we debate it. So what? I kindly request that we have that Committee in place within the shortest time possible, so that we get to understand.

It is high time we stopped this issue of blaming Members of Parliament for everything. The NG-CDF cannot fix all the problems in this country. There is a lot of money lying with the national Government. We want to know what the Ministry does with 80 per cent of the budget that they are withholding.

With that, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chris Wamalwa, you need to get together with Hon. Sossion to come up with that Motion you have proposed. You know how to go about it. It is time.



Let us have the Chair of the Departmental Committee on Education and Research. Did you have something to say to this?

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. As I indicated earlier on, the people of Tinderet and the Departmental Committee on Education and Research condole with the parents of the students in the primary school where the tragedy occurred.

The issue at hand is not about talking. It is about implementing the existing laws, regulations and everything that the Government has put in place. Currently, there is the issue of pointing fingers at who is responsible. It is very clear. The quality assurance and standards officers are to be blamed. The officials at the Ministry of Transport, Infrastructure, Housing and Urban Development who allowed the structure to be in place are answerable. We will talk about who did what, but the issue is what we have done, especially the Ministry of Education, to stop this kind of tragedy from happening. We will not wait to hear stories. Let action be taken. Schools of that kind should not be allowed to operate.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Members. Just before we finish, I wish to pass my condolences to the families of the children who lost their lives in the tragedy in Dagoretti South. It is a terrible thing. As a House, we have a duty to find solace and a way to prevent this from happening again. I believe Hon. (Dr.) Chris Wamalwa, Hon. Sossion, Chair of the Departmental Committee on Education and Research and the very able Deputy Chair of Education and Research, Hon. Kimunya, I am sure must have something to say to this. I believe we have a duty to this country to find a solution to this problem.

I hope Members have heard the plea that Hon. Kiarie, Member for Dagoretti South, has sent out to all of us that we stand with these children at this time. May God bless their souls.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 25<sup>th</sup> September 2019, at 9.30 a.m.

The House rose at 7.00 p.m.