

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 26th November 2019**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****WITHDRAW OF NOTICE OF MOTION FOR ADOPTION OF REPORT ON APPROVAL
OF NOMINEE FOR APPOINTMENT AS AMBASSADOR TO SOUTH KOREA***(Hon. Mlolwa and Hon. Mule consulted)*

Hon. Speaker: Member for Voi, why can you not take your seat? The Member for Matungulu is just next to you. You can talk to him while seated.

Hon. Members, as you may recall, on 25th September, 2019, the Chairperson of the Select Committee on Implementation gave notice of Motion on the Status of the Resolution of the House made on 6th June, 2019 regarding the Approval of nominee for Appointment as the Kenyan Ambassador to Seoul, South Korea. I wish to inform the House that I have since received a letter from the Chairperson of the said Committee, requesting to withdraw the said notice of Motion and the related Paper Laid to allow the Committee to incorporate additional information relating to recent developments on the matter. The Committee undertakes to re-submit their report in the course of this week.

Hon. Members, Standing Order 51 (1) regarding withdrawal of notices of motion provides as follows:

"A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member."

In this regard, and pursuant to the provisions of said Standing Order, I have acceded to request by the Mover with the understanding that the Committee shall table its report and give a fresh notice of Motion on the matter in the course of this week. The notice of Motion and the related Paper Laid before the House shall stand withdrawn.

I thank you.

MESSAGE

Hon. Speaker: There will be a message that will come in due course. Let us proceed.

PAPERS LAID

Hon. Speaker: Chairperson of Departmental Committee on Labour and Social Welfare or the Vice-Chairperson. Proceed, Hon. Hon. (Ms.) Joyce.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of this House:

Report of the Departmental Committee on Labour and Social Welfare on its consideration of the National Youth Council (Amendment) Bill (National Assembly Bill No.8 of 2019).

Hon. Speaker: Very well. Let us have the Chairperson of the Departmental Committee on Agriculture and Livestock.

Hon. Ali Adan (Mandera South, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Agriculture and livestock on the inquiry into the challenges facing the Coffee Research Institute Crops (Amendment No.2) Bill (National Assembly Bill No.32 of 2019) and the Tea Bill (Senate Bill No.36 of 2018).

Thank you.

Hon. Speaker: Chairperson of the Budget and Appropriations Committee, Hon. Ichung'wah. The Paper is too important. I went through it and approved it. I do not know why the Chairman is not himself present.

(Hon. Ichung'wah walked into the Chamber)

I can see the Member for Kikuyu making his way in.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriation Committee on the Supplementary Estimates for the Financial Year (FY) 2019/2020.

Thank you.

Hon. Speaker: Next Order!

NOTICES OF MOTIONS

Hon. Speaker: Chair, Departmental Committee on Agriculture and livestock.

ADOPTION OF REPORT OF INQUIRY INTO CHALLENGES
FACING COFFEE RESEARCH INSTITUTE

Hon. Ali Adan (Mandera South, JP): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into the challenges facing the Coffee Research Institute, laid on the table of the House on Tuesday, 26th November 2019.

Thank you.

Hon. Speaker: The Chairperson of the Budget and Appropriations Committee.

ADOPTION OF REPORT OF BAC ON SUPPLEMENTARY
ESTIMATES I FOR FY 2019/2020

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Supplementary Estimates I for the Financial Year 2019/2020, laid on the Table of the House on 26th November 2019, and pursuant to the provisions of Article 223 of the Constitution of Kenya, Section 44 of the Public Finance Management Act, 2012, PFM Regulation 40 and Standing Order 243, approves—

- a) A reduction in the total Recurrent Expenditure for the FY 2019/2020 by Kshs799,017,004 in respect of the votes as contained in Schedule I;
- b) An increase in the total Development Expenditure for the FY 2019/2020 by Kshs50,569,213,543 in respect of the votes as contained in Schedule I; and
- c) An increase in the total Budget for the FY 2019/2020 by Kshs49,770,196,539 in respect of the votes as contained in the Schedule.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: First Question by the Member for Maragwa, Hon. Mary Wamaua.

Question 502/2019

AUDIT OF FOOD PROCESSING COMPANIES

Hon. (Ms.) Mary Njoroge (Maragwa, JP): Thank you, Hon. Speaker, for giving me the chance to ask this Question to the CS for Industry, Trade and Co-operatives:

(i) Could the Cabinet Secretary state whether any audit has been or is being undertaken on all food processing companies in the country, including the quality assurance systems in place, in view of the recent discovery of contaminants such as aflatoxins in food samples in the market?

(ii) What measures has the Ministry put in place to ensure that quality assurance systems in all food processing companies are continuously improved and monitored to safeguard the quality of food items being consumed in the country?

Thank you, Hon. Speaker.

Hon. Speaker: Question referred to the Departmental Committee on Trade, Industry and Co-operatives for response. Next Question is by the Member for Fafi, Hon. Abdikhaim Mohamed Osman.

Question 511/2019

INTENDED SALE OF NOCK NAIROBI DEPOT TO KPC

Hon. Mohamed Abdikhaim (Fafi, KANU): Thank you, Hon. Speaker. This goes to the CS for Energy:

(i) Could the Cabinet Secretary confirm the existence of negotiations between Kenya Pipeline Company Limited (KPC) and National Oil Corporation of Kenya (NOCK) regarding sale of the NOCK Nairobi depot?

(ii) Could the Cabinet Secretary explain why KPC intends to venture into the retail business in the oil industry and what this portends for NOCK operations?

(iii) When will KPC commence operations of the bulk LPG handling project which was set up at Kenya Petroleum Refineries Limited in Mombasa?

Hon. Speaker: The Question is referred to the Departmental Committee on Energy for reply. Next Question is by the Member for Alego Usonga, Hon. Atandi.

Question 512/2019

SUCCESS OF TAX AMNESTY FOR ASSETS AND INCOME HELD ABROAD

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I rise to ask Question No. 512 in today's Order Paper. The Question is directed to the CS for Treasury:

(i) Could the Cabinet Secretary explain whether the tax amnesty introduced by the Finance Act 2016 to allow Kenyans to declare assets and income held abroad as well as for repatriation purposes was a success as at close of the amnesty period?

(ii) Could the Cabinet Secretary give a list of persons and companies whose applications were received and approved or declined?

(iii) What was the value of each application approved, and the total value realised from the amnesty?

(iv) What was the impact of the amnesty to the overall performance of the economy?

Thank you, Hon. Speaker.

Hon. Speaker: Question referred to the Departmental Committee on Finance and National Planning for a response. Next Order! Member for Bumula, you have an intervention?

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Speaker. Last week, I raised an issue concerning the questions I had asked almost four months ago without any response, and you directed that the Leader of the Majority Party would be providing the response today. Up to date, I have not heard anything from the Leader of the Majority Party or the Ministry.

Hon. Speaker: Which committee?

Hon. Mwambu Mabongah (Bumula, Independent): Departmental Committee on Administration and National Security.

Hon. Speaker: The Chairman is right in front of you. Hon. Koinange.

Hon. Mwambu Mabongah (Bumula, Independent): I would be happy to receive the response, Hon. Speaker.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. His Question was brought to the Committee, but he never appeared on that particular day. I can give him the answer to that Question.

Hon. Speaker: Who did not appear?

Hon. Paul Koinange (Kiambaa, JP): The Member.

Hon. Speaker: Hon. Mwambu, when you have asked a Question and you do not appear, then you may not know that an answer has been provided. What would be your reaction?

Hon. Mwambu Mabongah (Bumula, Independent): I have never been invited to appear before the Committee.

Hon. Speaker: No! The Committee does not have to invite you because every Thursday, the Leader of the Majority Party reads out the number of questions to various committees and when it is that the CS or whomever is scheduled to appear before the committee to reply. So, it is up to the Members who have asked those questions to appear. Indeed, the Leader of the Majority Party even reads out the name of the Member who has asked a question. So, the Committee does not have to invite you.

Hon. Mwambu Mabongah (Bumula, Independent): Hon. Speaker, we receive communication and, at times, we appear in so many committees. So, at times, if you receive communication and you are told the CS is appearing that day or that time, you will organise yourself. I did not receive any communication nor did I know when they were sitting or when the CS was appearing.

Hon. Speaker: But I am telling you that the Leader of the Majority Party every Thursday announces that. So, every Member is supposed to be in the Chamber to take note of those appearances the following week. Now, the best thing is to approach the Chairman and discuss with him when it is that the CS appeared and if he appeared, what kind of answer he gave. If you were not present, there is nothing you can do.

Hon Koinange, do you want to say something?

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. As a matter of fact, because of your directive last time, I asked my clerk to call every Member to come for their question and answer. I also took trouble and called all the Members. I did not get some of them on phone; they were not available. For those ones who were available, I gave them the message and they came for the questions and answers.

Hon. Speaker: So, you can discuss with him and find out what answers the CS gave. Hon. Dawood.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Speaker. I would want you to give directions whether if you are in a committee, you can ask a question to the same committee. We have been told earlier that we cannot.

Hon. Speaker: Hon. Dawood, Question Time, even in the former system, you could ask any question, whether the Cabinet Minister would be one of those you oversee, because when you sit in committees, it is not necessarily that you are asking questions. So, there is no harm in a Member who sits on a committee asking a question to be responded to by the CS whose docket the committee oversees.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Speaker.

Hon. Speaker: Chair of the Departmental Committee on Agriculture and Livestock, you want to say something?

Hon. Ali Adan (Mandera South, JP): Hon. Speaker, I also wanted to know the fate of my Question which I asked on the Floor of this House and which you effectively directed to the Committee on Energy about an issue of oil exploration in Mandera Central. At some point, I was asked to appear before the Committee and the CS never showed up.

Hon. Speaker, I want to know from the Chair, Departmental Committee on Energy what the fate of that very Question is because oil exploration is a very important economic activity especially in Mandera South. So, we need some urgent answers to this Question.

I thank you

Hon. Speaker: Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. It is true the Cabinet Secretary (CS) was invited and the Member did show up. But the CS Petroleum Hon. Munyes did not show up. We, in that respect, have asked Hon. Munyes to appear before us next week on Thursday before the recess. When we got in touch with him, he said that he got the invitation late. But I think it is just an excuse. Although we do not have many questions related to Petroleum, but he did not appear. He only appears when we have budgets and supplementary budgets. Most of the time, he does not appear and we have equally told him the same. The last time we were with him last Tuesday when he came for the Supplementary Budget, he did commit that he will be there this coming Thursday. I thank you Hon. Speaker.

Hon. Speaker: Hon. Haji, you can avail yourself on Thursday. Hon. Member for Alego-Usonga.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. I wanted your guidance on a Question which I raised here last year, and which was directed to the CS Labour. When we appeared before the Committee, the Ministry was represented by the Chief Administrative Secretary (CAS). The answer which was given was not appropriate. The Committee dismissed the team and asked them to bring a fresh answer.

Hon. Speaker, since last year December, that answer has not been brought. I have been probing the Chair, Departmental Committee on Labour and Social Welfare to engage the Ministry for another additional answer, but that has not come. So, I wanted you to direct the Chairman to invite the CAS to give me an appropriate answer. That is because the answer which they brought was dismissed by the Committee

Hon. Speaker: You said the Question was asked last year.

Hon. Samuel Atandi (Alego-Usonga, ODM): Yes. We asked it last year.

Hon. Speaker: That was Third Session. Questions are sessional. So, this Session began in February. So Hon. Atandi, you may not have known that. It is the Standing Orders which explain these things. Questions are sessional and we only meet some little reservations for Bills. But even then, a Bill may not go for two sessions. So, that Question, having been asked last year, must have died with that Session. So, it is not capable of resurrecting. You cannot go to the graves to dig it out. You needed to have asked afresh when this Session began. If it is still something you feel is pertinent and needs some response, you could revive it. Looking at the Calendar of the House, you run the risk at this late stage having the Question again dying with the end of the Session.

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Speaker, the team promised that they were going to bring a written answer to the Committee which they have not brought. I thought that, maybe, the Chair of the Committee could just flow up the answer.

Hon. Speaker: He promised last year?

Hon. Samuel Atandi (Alego-Usonga, ODM): Yes.

Hon. Speaker: That promise is also dead.

(Laughter)

If it was made last year, it is not capable of resurrection. Unfortunately, you are raising this issue... Hon. Atandi, I know you are a very regular Hon. Member. You are always in the Chamber. I thought this is a matter that you should have raised a little earlier so that, at least, the

House can get to know what it is you are pursuing. Knowing the Calendar of this Session which goes up to the 5th ... If I tell you to file the Question this week again, chances are that with the end of the Session, it is likely to suffer the same fate as the other one. So, what I could advise is this: Do not forget it so that when the new session begins, at least, you can revive it.

Hon. Member for Kilifi North.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Speaker. You made it very clear that when you are a member of a committee, you can ask a question what about the petitions? Can you petition a committee that you sit in? This is because in the past, I have been told I cannot petition my Committee on Lands.

Hon. Speaker: There is nothing wrong with a Member petitioning because the issues you will be petitioning about - I would imagine - are issues that affect your constituencies or whoever as the case may be. So, if the Committee cannot, of its own Motion, be in any inquiry, if the Committee is not persuaded that because you sit there you will persuade them to do some inquiry on the matter, you are right to ask questions or even petition. It cannot be denied merely on account that you belong to that Committee.

Hon. Owen Baya (Kilifi North, ODM): I did a Petition some time ago and I was told I could not petition my own Committee. Therefore, I had to ask someone to do that on my behalf. But I had questions with that because I represent my constituency and I have a right to give a petition if my people have told me to do it. The direction I was given by the clerks is that it is not possible to petition your own because you sit in that committee. I think this is the communication that has been made to several Hon. Members of the House, including Hon. Omboko Milemba here, who said he was a victim of the same.

Thank you, Hon. Speaker.

Hon. Speaker: I am being informed Hon. Baa that what you were informed was that you can petition on behalf of the people, but not on your own behalf. The two are different.

Sorry Hon. Members! There are too many interventions. Hon. Emanikor, you also have some intervention?

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): Yes. Hon. Speaker, I think a number of us are in the same dilemma of delayed responses to our requests for statements. I asked a statement on the delayed construction of Lodwar High Court about five months ago and the response was to come from the Judicial Service Commission (JSC). I have been to the Table Office severally just to check for the written response. I thank you, Hon. Speaker.

Hon. Speaker: Which committee?

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): The Departmental Committee on Justice and Legal Affairs.

Hon. Speaker: You needed a written reply? The Clerk's Office is directed to write to the Judicial Service Commission (JSC) to give a written reply. Member for Emuhaya, do you also want to say something?

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. This is related to the issue Hon. Baya has talked about. I also found that we are limited in terms of what we can do. The Clerk told me that I cannot seek a Statement from the Ministry of Education simply because I am a member of the Departmental Committee on Education and Research. I was forced to give Hon. Chonga to seek the Statement on my behalf. He did it very well, but I find this is a limiting factor. I begged you to give me an opportunity to speak about it but, of course, the laws and rules of the House applied. So, I could not get a Statement from the Ministry of Education

simply because I sit in the Departmental Committee on Education and Research. I felt very limited.

Hon. Speaker: He did it on behalf of somebody else or on your own behalf?

Hon. Omboko Milemba (Emuhaya, ANC): It was on my behalf and a group of people I represent.

Hon. Speaker: Hon. Omboko Milemba just look at Standing Order No.220 (2). It states:

“(1) A petition to the House shall be-

- a) Submitted to the Clerk by the petitioner and report to the House by the Speaker; or,
- b) Presented by a Member on behalf of a petitioner, with the consent of the Speaker.

(2) Notwithstanding paragraph (1) (b), a Member shall not be eligible to present a petition on his own behalf.”

You have said it was on your own behalf and on behalf of others.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Speaker, it was not on my own behalf.

Hon. Speaker: You are the one who has said that. We can check in the HANSARD.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I wish to retract. It was on behalf of the people.

Hon. Speaker: I think that makes it clear. Hon. Lentoimaga, you also have an intervention. Where is the Member for Samburu North? He placed an intervention and left.

MESSAGE

INVITATION TO THE LAUNCH OF THE REPORT OF THE TASKFORCE ON BUILDING BRIDGES TO UNITY ADVISORY

Hon. Speaker: Hon. Members, I had indicated that I had a Message which I was going to deliver. Hon Members, pursuant to the provisions of Standing Order No. 42, I wish to convey the following Message from His Excellency the President regarding the launch of the Report of the Taskforce on Building Bridges to Unity Advisory.

Hon. Members, following His Excellency the President appointment of the Taskforce on Building Bridges to Unity Advisory vide Gazette Notice 5154 of 24th May, 2018. His Excellency the President has notified that there will be a public launch of the Report of the Taskforce on Building Bridges to Unity Advisory on Wednesday, 27th November, 2019 at the *Bomas* of Kenya, Nairobi at 10.00 a.m.

Hon. Members, His Excellency the President has personally extended an invitation to all Members to the launch of the Report.

Thank you.

For the convenience of the House, I will allow the Member for Kapenguria to make some comments.

ZERO HOUR STATEMENT

LANDSLIDE DISASTER IN WEST POKOT COUNTY AND OTHER PARTS OF THE COUNTRY

Hon. Samuel Moroto (Kapenguria, JP): Hon. Speaker, pursuant to Standing Order No.43, I seek leave of the House for the purpose of discussing the landslide disaster in West

Pokot County and, in particular, Sigor and Pokot South Constituencies and other parts of the county.

Hon. Speaker, on 23rd November 2019, a landslide disaster occurred in West Pokot County which resulted in loss of lives of over 60 persons and many are yet to be found. It is unfortunate that there is a lot of suffering and some affected and injured persons are undergoing treatment in various hospitals.

Further, it has led to displacement of families where a number of over 500 households are homeless after their houses were buried or swept away by floods. The communities have lost all their properties that include food in stores and granaries, livestock and their valuable land.

Hon. Speaker, the affected families are now camping in schools, churches and other facilities far from their villages where houses were submerged. They are in dire need for Government to take urgent measures and intervene to ensure that the affected areas in Sigor and Pokot South constituencies and other parts of the country are made passable by the construction of roads, bridges and other ways that will assist them to be reached. They are in dire need of food, shelter, medical supplies and clothing. Currently, the schools and other social services such as hospitals have been adversely affected.

Hon. Speaker, it is for this reason and with your indulgence that I seek leave of the House in order to discuss the state of the landslide disaster in West Pokot County and other parts of the country.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Moroto, do you have the numbers.

(Several Hon. Members stood up in their places)

Hon. Speaker: Very well. You can resume your seats. I do not have to count you because you are already too many. You are certainly more than the required number. Given the nature of this Statement, I will allow Hon. Moroto to move the House to rise to discuss this matter at 6.00 p.m., so as to give sufficient time and not the normal 30 minutes. So, Hon. Moroto, make sure you are in the House. I think there is a place you have read: "Other parts of the country are made possible by the construction of roads and bridges." It is passable and not possible. I approve.

Hon. Ichung'wah, what is your request?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, with your indulgence, I wanted to comment on the Message that you just delivered and, indeed, appreciate the gesture by His Excellency the President to invite Members of Parliament for the launch of the BBI Report. I was astounded the other day when I received a message from my County Commissioner. You know I only work for the people of Kikuyu and I am not under any County Commissioner or Deputy County Commissioner. Therefore, the right procedure is what now His Excellency the President, through you, has done to invite Members of Parliament in a respectful manner through your Office.

Hon. Speaker, we will honour that invitation. I had declined to go to *Bomas* on the invitation of a County Commissioner because that probably would be taking me back to the *nyayo* days where County Commissioners, District Commissioners (DCs) and other people were the ones taking us to places. I do appreciate the invitation by His Excellency the President and I think moving forward, we should encourage the Executive to use your Office in dealing with Members of Parliament.

I also wish to support the Statement by Hon. Moroto on the unfortunate incident. I also send my message of condolences to the people of West Pokot County. It is also astounding that yesterday...

Hon. Speaker: You know now you are debating.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, I was only noting my concern that there were Government officers who claimed that they could not access parts of that county where even the media were able to access. Therefore, I support that statement and, indeed, it must come. It is also coming at a time when we are approving supplementary budget estimates. We must be able, through the Chair of the Departmental Committee on Administration and National Security, to scrutinise the budgets and what the emergency response funds that we appropriate as a House to the Ministry of Interior and Coordination of National Government does in safeguarding and protecting the lives of Kenyans. With that, I thank you.

Hon. Speaker: Member for Gem, what is your intervention?

Hon. Elisha Odhiambo (Gem, ODM): Hon. Speaker, pursuant to your Statement, you indicated that His Excellency the President has invited Members of this House for the meeting tomorrow. Does that mean that tomorrow there is no sitting in Parliament?

However, having said that, I wanted to advise my colleagues that the Government has many channels and a matrix of communication. One of them is through the county commissioners.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Hon. Members, now that we are about to take recess for this Session, I encourage you to thoroughly go and look at your Standing Orders. That Message cannot be subject to debate really. Let us not get there. I know there could be some excitement out there in the villages and the streets but, please, let us not bring that one here so that here we just deal with the issues that are with us. There is no debate.

Let us have the Member for Nairobi County.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Hon. Speaker, I stand on a point of order regarding the conduct of a Member.

Hon. Speaker, pursuant to Standing Order 107, I wish to raise a matter regarding the conduct a Member during the House Sitting on Thursday, 21st November 2019, where a Member threatened to use violence against a Member.

(Loud consultations)

Hon. Speaker: Hon. Members, I cannot hear!

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Hon. Speaker, the Standing Orders provide for tenets of disorderly conduct carried out in the House while parliamentary proceedings are ongoing. I am raising this on a point of order under Standing Orders 107 and 107 (A), which addresses the conduct of business by Honourable Members of Parliament. Specifically, Standing Orders 107 and 107 (A) provide for the procedure of dealing with disorderly conduct, where a Member threatens and uses un-parliamentary language.

The said Member, despite having threatened to punch a colleague, when I requested him to retract his statement, he went on to threaten me further and used un-parliamentary language. I believe that this was gross misconduct. I would like to bring to your attention that Kenya, being a

signatory to the United Nations, we as a country are taking part in the 16 days of activism in collaboration with UN Women which is an annual international campaign that kicked off on 25th November 2019, the International Day for the Elimination of Violence against Women that runs until 10th December 2019 and the Human Rights Day. In this regard, I also implore you to support this international campaign initiative through sanctions on such kind of unbecoming conduct.

Hon. Speaker, I, therefore, request that you find the Member as having been out of order on that particular date. I kindly further request that you use your powers within the meaning of Standing Orders 107 and 107 (A) to apply appropriate sanctions on the Member. I would, therefore, wish that the House addresses this concern. I stand guided.

Thank you, Hon Speaker.

Hon. Speaker: Which Member do you have in mind?

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Hon. Speaker, Hon. Speaker, it is the MP for Kimilili, Hon. Didmus.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Have you been able to find what Hon. Barasa said from the Hansard?

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Yes, Hon. Speaker. I have the Hansard here. Would you like me to read it?

Hon. Speaker: Please read it out.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): It says:

Hon. Speaker: Hon. Passaris....

Hon. Didmus Barasa (Kimilili, JP): What are you doing? Stupid. I can punch you!

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Who do you think you are? You cannot punch me.

Hon. Didmus Barasa (Kimilili, JP): Who are you? Why are you accusing me? For what purpose? You are becoming unruly. I will.... Stupid!

Hon. Speaker: Hon. Passaris, I will not allow disorder.

(Hon. Esther Passaris walked to the Speaker)

Get away from me. I have not called you. I am calling you to stop grimacing at Members. Can you go back there?"

Thank you.

Hon. Speaker: Hon. Members, I have also looked at the Hansard, a copy of which I have. Indeed, Hon. Barasa must have been a very lucky person because I think many of you decided to consult very loudly such that I could not hear all these things that are captured by the Hansard as having come from the mouth of Hon. Didmus Barasa.

Hon. Didmus Barasa, when you call another honourable colleague stupid, then you threaten to punch... In fact, it is shown that you even drew the attention of the Speaker. You said: "Hon. Speaker, I will punch this lady who is making noise to me." I think you must have been an extremely lucky person on that day that you purported to draw my attention to the fact that you wanted to punch. That is terrible and threatening. You go on to say: 'What are you

doing? Stupid! I can punch you.” I think because of the noise that was generally around the area where the two of you ordinarily like sitting, I could not hear all these things.

However, now that the Hansard has been brought to me, I will caution you, Hon. Barasa, against the use of any language of threatening a fellow Member and call upon you to forthwith withdraw those remarks and apologise to the House. You should apologise to both Hon. Esther Passaris and to the House because the Hansard shows that you called her stupid. That is not honourable at all.

Hon. Barasa, proceed.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Speaker. I apologise to Hon. Passaris and the House and withdraw. I invite her for dinner at 7.30 in the evening.

(Laughter)

An hon. Member: *(Off-record)*

Hon. Speaker: No, Hon. Members! Hon. Barasa has done exactly what he is required to do in the first instance. Standing Order No.107 talks about in the first instance. Unless somebody has other issues, Hon. Barasa has complied. They now appear to be smiling at one another. That is what we should encourage. Let us proceed. You can only do what the Standing Orders say. Hon. Barasa has complied. Do not draw me into those other arguments. Do not tell me about what the world is saying. We deal with what is before us. That is not what I am dealing with. I am dealing with the Standing Orders. As I have said, I did not hear because there were loud consultations.

Let us go to the next Order.

BILL

Second Reading

THE INSURANCE (AMENDMENT) BILL

(Hon. (Ms.) Cecily Mbarire on 20.11.2019 – Afternoon Sitting)

(Debate concluded on 21.11.2019)

Hon. Speaker: Order, Members. You can take a seat, Hon. Caleb. Hon. Agoi seems to be a bit mobile.

Hon. Members, debate on this Bill was concluded last week. What remained was for the Question to be put. The Chair of the Committee also tabled the Report on the Bill.

(Question put and agreed to)

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

Hon. Speaker: Hon. Members, let me make this announcement. The business appearing as Order No.9 is on the Committee of the whole House to consider the Nuclear Regulatory Bill (National Assembly Bill No.27 of 2018). The Mover, the Leader of the Majority Party, has engagements elsewhere and has requested that it be taken out of the Order Paper for today and be considered tomorrow afternoon. I have acceded to the request and, therefore, the House will not consider the business appearing as Order No.9.

(Bill deferred)

Hon. Gikaria, what is your point of order?

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. I totally concur with the request by the Mover of the Bill. It is also right for the Leader of the Majority Party to bring this to the attention of the Committee. Today, we stopped other engagements to confine ourselves to this matter. We accept and look forward to the date that it will be put on the Order Paper so that we can deal with it. It is also important for the Leader of the Majority Party to bring this to the attention of the Committee. Today, we would have looked at some very critical issues that had come up in the Supplementary Budget 1.

Hon. Speaker: His absence has to do with that other Message I communicated earlier. As you can see, both he and the Majority Whip are not in the House.

Let us move to the next Order.

BILL

Second Reading

THE GAMING BILL

(Hon. (Dr.) Victor Munyaka on 21.11.2019)

(Resumption of Debate interrupted on 21.11.2019)

Hon. Speaker: Hon. Members, the following Members had contributed to this Bill: The Mover, Hon. Victor Munyaka; the Seconder, Hon. Lemein ole Korei and thereafter, Hon. Oduol, Hon. Shamalla and Hon. Osotsi. The House adjourned without any Member having a balance of time. Therefore, any Member is at liberty to contribute to the Gaming Bill. Looking at the requests, let us have the Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker for giving me the first opportunity this afternoon to contribute to the Bill.

This is an important Bill in view of the happenings in the country; namely, the addiction that young people and a few others have towards gaming, gambling and related activities. The Bill is an eye-opener for many of us who have shunned those kinds of activities. Through the definitions and provisions, we will come to understand what those monsters called “gambling” and “gaming” are concerned with.

I stand on behalf of very many distressed parents and spouses who have lost their children and spouses to gambling and gaming. In the recent past, when you go to most joints or sporting activities, you will not get sports fans but you get investors. There have been very many

cases where university students have used their school fees or pocket money to gamble and leave their families distressed. It is important that, at this particular point in time, we thank the Committee for coming up with such a comprehensive Bill to deal with issues to do with gaming and related activities.

It is a voluminous and fairly extensive Bill. There are a few issues that have come up very clearly, which we will have to address when we go to the Committee of the whole House. Allow me to mention some of the issues that are coming out very clear that will require to be addressed.

The main issue is on Clause 7, which is on the composition of the board. It seems that the board is heavily tilted towards Government mandarins to an extent that it is a Government-controlled body with very little input from other bodies. The objective of the Bill was to have shared responsibility between the national Government and the county governments. Looking at the composition of the board, it would seem that it is more or less heavily populated by the national Government and, therefore, defeating the very objective of the Bill.

Hon. Speaker, the Bill requires that the Council of Governors (COG) only appoints one person and then there are three other persons who come from the national Government. Out of a Committee of 11 persons, we only have three or four people who can really be seen to be independent to guide the Government in administering the Bill when it becomes an Act of Parliament.

Curiously, Clause 8 calls for the appointment of a person to be the Chair of the Board, who holds a university degree from a relevant field from a university which is recognised in Kenya. Honestly speaking, from the many years I have been in the university system, I am not so sure whether there is any degree that teaches gambling, its management and related issues. These are some of the issues that we must really ensure that we correct at the Committee of the whole House. It is a fact that gambling and related activities have numerous negative effects. I imagine that one of the requirements for licensing should be a social impact assessment. Therefore, I imagine that one of the functions of the Authority in Clause 10 is to evaluate and mitigate the negative effects of actions or activities contemplated under this Bill, once it becomes an Act of Parliament.

Again, in order to comply with the Constitution, there is a requirement in Clause 16 that requires that the appointment must comply with one-third gender rule. However, the question that we need to pose to Kenyans and everybody is how we will mitigate or balance merit. We hope that merit will not be thrown out of the window to achieve the one-third gender rule. It is also common practice that each organisation, authority or board should have a company secretary who shall be the custodian of the company seal. These are some of the failings or shortcomings of this particular Bill.

From Part VI onwards, the Bill deals with various lotteries both national and county. It also deals with various matters relating to lotteries. While the intention is good, I have issues with the distribution of the funds that are collected through the process of national lottery. Allowing a whopping 25 per cent of the proceeds to go towards operating expenses is unnecessarily too high. The standard practice all over in a fund like that should not exceed 5 per cent, so that the balance of the money can go towards the intended people, and servicing or meeting public functions for which it was intended for.

Again, there is the issue of the validity of the national lottery. It has seven years. Constitution office holders hold office for a maximum of six years. We need to look at it clearly,

so that we ensure that we comply with the Constitution. As I have said, there are quite a number of provisions that require to be addressed.

As I conclude, allow me to make a comment on the establishment of the National Lottery Distribution Trust Fund as provided for in Clause 89. The membership of the Board of Trustees seems to be heavily tilted towards the national Government. There is the Principal Secretary (PS) responsible for matters relating to gaming or a designated representative and the PS responsible for the National Treasury or a designated representative. The practice of a Board of Trustees, even among pension funds, is to minimise the influence and control of the promoters or national Government. I suggest at this particular time that we need to review the same. Again, there is a requirement that a person whose spouse, immediate family members or anybody related to the management of the Authority shall not be a member of the Board of Trustees. This means that it is a contradictory given the other matters.

As I conclude, it is important for us as a country to accept that gaming and related activities are here with us. It is important for us to regulate and govern the same in such a way that they do not destroy families. Gaming and gambling have very serious negative impact. Before we go to the Committee of the whole House, I request the Committee to be gracious enough to give a social impact assessment report of the impact of gaming in this country. The business people make a lot of money. It is important for them to invest part of that money to alleviate the negative impacts of gaming.

With those few remarks, Hon. Speaker, I support the Bill. However, we will improve it at the most appropriate time. Thank you.

Hon. Speaker: Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to contribute to this important Bill. First and foremost, let me thank my Chair and colleagues in this Committee for sitting and working on this Bill for several months and criss-crossing this country and even outside the country so that, at least, we can perfect the same. I am happy because this important Bill has landed in this House. I urge my colleagues to support and pass it so that, we can reform the gaming activities in this country and put in place the necessary and required structure to control that particular industry.

Initially, the Members felt that we can do away with gaming and gaming activities. However, when we researched and looked into it critically, we found out that this activity is here with us. We cannot run away from it, especially now when we have online gaming in the current modern times which we are in. We cannot run away from it. Therefore, we had to formulate a Bill which would address the modern technology and also put controls into the old gaming activities.

I would like this House to note that whatever laws which have been governing gaming in this country are outdated. Therefore, there is mushrooming of so many games and lotteries which are not cultured, and Chinese boxes. They come in because we do not have this particular law. Once this law is in place, it will tame those unscrupulous business people who exploit that lacuna in our laws and bring in their own games which affected our children, households or families. They make some people poor and introduce our children into activities which they are not supposed to be in. This Bill has been brought up because the Board, through the Authority, will make sure that whoever is licensed to do this business has to pass through all the tests which are already in this particular Bill. I believe that my Chairman spelt out most of them, when he was moving the Bill. There are conditions for those who will be playing these games. Minors are not allowed to engage in gaming. We have the minimum amount which you should use to play.

People have been playing with Kshs20, Kshs10 or Kshs5. That is why children end up stealing eggs, sugar or something else to sell and engage in gaming. Already, there is a tag which has been put in place which will curtail those vices and for the children not to be involved in gaming.

The Bill involves the county governments because they are the custodians of what happens in the rural areas. They will identify the premises which will be licensed and verify whether they are where they are supposed to be. They will also check those breaking the law so that they are brought to book. High penalties have been prescribed in this Bill. This was done deliberately so that whoever breaks this law will have to pay heavily and, therefore, it would be a deterrent measure to make sure everybody conforms to whatever is supposed to be done.

The Bill also spells out monies collected through taxes in those gaming activities. There is some Fund which is supposed to go to public participation to help in social activities, especially in sports. Out of the taxes, there will be a Fund which will support the sports in this country. We are deficient of funds to run our sports. The Government itself is not able to cater for all the needs of the sporting activities in this country, whereas we know this is a sporting country with very many talented youth. More so, we are getting embarrassed outside the country when we do not afford to cater for our athletes. There are people who have been having serious businesses here but, because there was no law to make them pay those taxes and to channel the same taxes correctly to where they were supposed to do, we have been suffering. This law is going to put in place a portion of the earnings to help in running the sports in our country.

The Bill also introduces appeals tribunal so that if there is any dispute between the Government officers, the authority, the licensees or the players, instead of going to judiciary, the tribunal will listen to those complaints and if there is anything to be paid by the wrongdoer, it is done quickly and expediently so that we do not keep on running up and down in the corridors to get litigation.

The Bill has also put in place that members of the board who will be charged with licensing and overseeing those activities will be involved in going to see people who are bringing in unauthorised games and those playing at the wrong places. We have put in a clause that policemen will only be accompanying those to do the arrest because they are the ones who know what we are looking into. Initially, we used to have policemen or chiefs pick gaming boxes and equipment and take them to the police station. They did not have any law to prosecute and when they did it, they were not sure if they were doing it the right way. The members of the board will be trained and equipped with facts and the requirements of this law once they are doing arrests or when they charge somebody.

The Bill has also put in place clauses to govern the mode of advertising in the media. Most of our media like television and radio have been spending most of their time advertising games until we have almost made this country a gambling country. Instead of people looking at other important issues on TV and radio, they have been waiting to hear which game is being played where or who won what so that they can be enticed to do the same. This one has been rejected by the Bill. Therefore, there will be times to do those adverts and, more so, there will also be limitations as to what extent you should display the winners, losers or the amounts they have won. In that case, we will reduce affinity to run into gambling which is a vice which can be very tempting and disruptive within the community. All these features are in the Bill.

As a member of the Committee, I feel the input of this House will be very important. The Bill is not sealed as some of the speakers have said. There is a window to improve it. That is why we have brought it to this House so that Members can also debate the same and also punch holes

into it. When we come to the conclusion of the same, we will have an excellent Bill to run the gaming activities in this country.

Thank you.

Hon. Speaker: Hon. Didmus Barasa.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Speaker, for giving me this opportunity to support this Bill. This is a Bill whose time has come. As a House, we have time to suggest amendments and even improve it further. I say so because there has been an existing lacuna in terms of the functions of the county governments and the national Government. This Bill seeks to provide an elaborate way of apportioning the responsibilities to both national and county governments so that the two levels of government will, going forward, understand how to improve and regulate the gaming industry.

I am also happy that this Bill seeks to bring into existence Gaming Regulatory Authority. Every industry in this country must be regulated. This Authority is going to ensure that the gaming industry is done in a particular manner so that we can protect the very citizens of this country. It is worth noting that there is no country that has prospered through gaming. The introduction of gaming in this country has contributed to the dwindling education standards because school-going children have been wasting most of their time gambling in the markets. We have even had wrangles happening in families where a member of a family spends the income of the family that is supposed to buy food in gaming.

Because this industry has not been regulated, we have had some gaming firms coming up to defraud Kenyans of their money. Going forward, even if gaming is going to continue, it is going to be done in a regulated framework that will ensure transparency and punch out fraudsters in the name of gaming.

This Bill will also give an opportunity to other law enforcement agencies to be clear in terms of arresting those gaming firms that will not follow the law. We have had a problem in the recent past where, while the society was condemning gaming, there was nothing that the police could do because there was no law. As you are aware, you only arrest a person who has broken the law; you cannot break the law that does not exist. Therefore, this Bill seeks to streamline the security operations when they will be moving around to ensure that every gaming firm and anybody who will be engaging in gaming without a license will be arrested and brought to book.

With those few remarks, I support. I confirm that I will be bringing more amendments to make this law better than it is. Thank you.

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

Hon. Speaker: He has already finished. So, there is nothing about that. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much Hon. Speaker for giving me this opportunity to commend, contribute and debate on this very important Bill.

When I first saw the Gaming Bill, I thought of a game. I thought of games like football and other very legitimate games. Since I was a very good footballer before I became disabled, I got very interested. That is why I have really read through it. However, I have not seen any football.

Gaming and gambling are addictive games. They have destroyed families, robbed families of school fees, robbed families of food and, in some instances, robbed families of their entire investments. When there is a vice in a country, the only best way we can do is to regulate because we may not be able to control. Apart from the physical gambling that we see, there is the online gambling which will be very difficult for us, as a country, to control. If we do not regulate and put regulations and laws in place to make sure that we benefit as a country from such

gambling, there will be online gambling where the Government may never even benefit. Nonetheless, there will still be gambling.

I do not support entirely because it will go on whether I support or not. There was a day I was suggesting that we should legalise certain professions like prostitution so that the Government can collect some revenue from it. That is because it will go on whether it is legalised or not. We know what is happening in Kenya at night. It is all over. That is why we have hotels and lodgings and the Government is not collecting any revenue from it. If it is legalised, revenue will be collected. We may be having 500,000 sex workers in the country. If you collect even Kshs10 per day from each of them, we will have a lot of revenue – Kshs5 million per day. It translates to billions in a year. With such economic times, it could be another source of revenue for our country to try and balance our Budget instead of cutting some budgets from the county governments and other agencies. Therefore, I support this Bill.

I was specifically attracted by the formation of the board. We have, as a House, formed so many boards. We have so many boards. We have passed the formation of so many boards. This is increasing the wage bill that we are trying to control in this country. If it was possible, it would have been just a department in a ministry responsible. It is because we have all manner of boards. We can still merge a few of those boards so that we can save on how much we use on the wage bill and operational costs.

It is as if the Government is the one spearheading this Gaming Bill. According to Mwangozo, the reason we have boards of state corporations or authorities is to try and bring the knowhow and professionalism of the private sector so that it can meet with the Government. If you have already worked in the Government, you already had an opportunity to implement whichever laws that you think are better for Kenyans. For the private sector to implement certain laws, they come in terms of boards of state corporations. I can see this board is almost entirely made up of people working in the Government and have had an opportunity. So, I will bring some amendments so that we have more input from the private sector and independent board members - especially youths - since it affects them mostly. We will even include people from our learning institutions. We can decide that the Chairman of the Students Organisation of Nairobi University (SONU) will be a board member. You know I was once a president of SONU at one time. Even Babu Owino was a SONU president at one time, for four years. For me, I was there for only seven months and I was suspended.

We can decide a structured channel in which we bring in our students to sit in these boards, even students from high schools. That is so that they do not finish their school fees in gambling.

I have also seen that it does not have the representation of persons with disability. When we are talking of inclusion, do not think that it is only those that are without disability who gamble. I also gambled once and I lost terribly. I lost a lot of money. So, I would also want the input of persons with disability so that they can also protect their fellows. They can advise them when they meet in meetings.

The last part is that I really do support so that we can control this gaming and gambling institution. It is because they are making 99.999 per cent profit. At least, they will be giving the authorities books of accounts so that we can, at least, minimise because the normal profit is 30 per cent and below. However, what they make is exorbitant. It is like a pyramid scheme that is a fraudulent act depriving Kenyans of their hard earned cash.

With those very many remarks, I support. I will bring my amendments so that we can enrich this Bill. Our work as Members of Parliament (MPs) is to enrich and come up with a very progressive law that will think of today and even the future.

Hon. Speaker: Hon. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you Hon. Speaker for giving me this chance to also support this important Bill.

The Gaming Bill is a Bill which is coming quite late. It should have been there a long time ago. It is very important because it is going to provide the legal framework required for this important sector. This sector is now mainstreamed in almost all parts of this country.

Looking at the Bill, it has quite some interesting aspects and clauses. It is going to help this important sector. The first issue in this Bill is the setting up of what they are calling the Gaming Authority which to me, together with the Gaming Appeals Tribunal, does provide what I would call institutional set-up for purposes of controlling this important sector. It is very clear who will be sitting in the Gaming Authority and the qualifications required of board members. Looking at the composition of the board, it is clear that we are going to have the level of competence expected of such a board so that they are able to control this important thing in this country.

Gaming in this country is being practiced all over. To some extent, even though it has benefits in terms of generating income for the country, it also has the bad side of it. Just to protect Kenyans, this House has even gone ahead to increase the taxation rate. I remember it was effected the other day. People are now paying 20 per cent of tax. That implies, as Kenyans and leaders in this country, we see this sector as one which, if not controlled or regulated, could cause a lot of social harm to this country.

So, when I see this Bill and the Gaming Authority being in place and also having a Gaming Appeals Tribunal where those who operate this sector, if they feel like their interests are not being address, can appeal, that is very important.

The other important thing in this Bill is licensing those who are participating in gaming. What is very important is that now, for one to be licensed, you will also be required to identify a premise where you will be operating from. That is very important because any time we go to the rural setting and we are going in our constituencies, you will realise that even the smallest bars in towns have some gaming machines. This exposes our children and those who already are in primary schools to start participating in gaming. If you look at what is happening, the issue of having licenced premises will, to some extent, control who participates in this sector, so that we do not have every Tom, Dick and Harry participating. That will help this country because we will generate money through licence fees...

Hon. Babu Owino (Embakasi East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: The Member for Embakasi is on a point of order. What is your point of order?

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Speaker. Hon. Makali is talking about gaming influencing some of our children negatively. The issue of gaming one...

Hon. Speaker: Are you rising on a point of order or you want to contribute?

Hon. Babu Owino (Embakasi East, ODM): Hon. Speaker, I want to shut down his point because...

Hon. Speaker: Shut down how? There is no procedure like that in Parliament. Go back to the university and learn. This is Parliament and there is nothing like shutting down.

Hon. Babu Owino (Embakasi East, ODM): It is a point of information, Hon. Speaker.

Hon. Speaker: He does not want your information. This is not university. Please, Hon. Babu, you know I have always encouraged you to look at the Standing Orders. You know, you have such a bright future. Look at the Standing Orders. I am sure you will make a good parliamentarian, some years to come.

(Laughter)

Hon. Babu Owino (Embakasi East, ODM): *(Off-record)*

Hon. Speaker: Where and by who? I know you are going to learn. I know you are very good when you are out of the House. There are certain phrases that you like using out there. You are very good at those ones but here... I want to encourage you to also participate here. Proceed Hon. Makali.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon, Speaker. At times we have to understand Hon. Babu. It takes time to master the Standing Orders. So, we have to understand him. As you have said, I want to encourage him to spend time in this House so that he starts learning how things are done here.

What I was saying is that the issue of licensing the premises where these gaming activities will be taking place is very important in this country. It will control or regulate the whole exercise of gaming.

The county governments have a key role to play in gaming activities. What happens is that most of these activities take place in counties. In the past, the county governments have not had a big role in controlling or participating in these activities. Now that we are bringing the county governments into play in this important activity, we will have some control of what happens even in the rural setting. The county governments will be licensing premises where these gaming activities will take place. That is important because they can go to the extent of controlling who goes into those premises.

I like the arrangement of casinos in that if you are not a member, you pay a fee to go inside. It is not that everybody goes in. In that case, casinos in this country have, to some extent, controlled the gaming activities to be played only by the right target group. This element of involving the county governments in this Bill is because when gaming activities are done, the counties will come out clear to say what should be done in their counties. That will be important for this country.

On the issue of on-line gaming licensing, we know many people in this country are engaged in online gaming and that is not a secret. Most university students who have just completed college and some people who are working are engaging in online gaming. What will happen when this Bill is enacted that there will be licensing of online gaming activities, so that through that, the country can collect some money as a result of the licensing and at the same time, it will monitor what will be happening online. Online gaming has become a problem in many offices. You will find so many employees who spend time engaging in online gaming instead of doing productive activities relating to their work. Even though there is a general feeling that, when you engage in gaming you will win at the end of the day, but the gaming theory and other statistics have shown that, in gaming activities, the people who benefit most are the owners of the gaming machines and not the people who engage in gaming. The idea of monitoring and licensing of online gaming is also critical.

When it comes to gaming advertisements, there will be controls. It will not be that every time gaming activities are advertised they are free for all. They will be controlled and regulated.

One of the interesting things is that as you do gaming activities, you will be expected to pay an advertisement tax and the proposed amount is about 35 per cent. That means that any time you advertise, there will be collection of tax money that will be used in this country to support other sectors of the economy. Engaging in gaming, in a way, would mean one will be supporting other economic activities like improvement of the health sector, education sector and infrastructure like roads and energy. That is important. Very few people mind about the tax component of gaming because of its addictive nature. People will engage in gaming activities without minding about how much tax they will pay. To some extent, you can categorise this as sin tax. The more you tax, the more you are able to collect. People will not care about the tax because of the addictive nature of the activity.

This Bill is good. I want to urge my colleagues to support it as we move forward, so that we have a law that will regulate the gaming activities.

With those remarks, I support. Thank you.

Hon. Speaker: Member for Nandi.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Speaker, I stand to support the Gaming Bill. There will be need for the establishment of a Gaming Authority. If it will be in place, it will establish the registered gaming activities in the country. Once they are established, if there will be any gaming activities that were approved, yet they are illegal because, for example, the owners are involved in money laundering and child trafficking, the Authority will deal with them.

Thirty per cent of the gaming shares will be held by Kenyans and when Kenyans own those shares, the issue of unemployment will be dealt with in a small way. When the gaming activities were illegal, Kenyans got nothing. All the money that was generated by foreign companies that were operating in Kenya was taken back to their countries. If we have a law that says 30 per cent of the shares will be held by Kenyans that will improve our economy.

The Gaming Authority will investigate the conduct of persons holding licenses. As I said earlier, for those who are involved in child trafficking and corruption, their licenses will be revoked. The gaming tax chargeable will be 15 per cent. We will get some money as a country.

There will be protection of the purchaser of tickets as there is addiction. When those who are gaming are protected, they will not use all their money on gaming activities. So, those who will practice gaming will be protected by this Bill. The most important thing is that a child will not be registered for online gaming. Our children will be protected. They will not use the money meant for school fees. Our children will not leave school because there is a clause which protects children in Kenya. Gaming activities are addictive in nature. Under this Act, some money will be set aside for treatment of those who have been addicted. Somebody can use all his earnings on gaming. There is some percentage of money which will be used for treatment. So, I am fully in support of this Bill. We went to London and did benchmarking. The UK and other developed countries are getting a lot of money and everyone is protected – those who own licences and those who participate in gaming activities. So, if this is taken into consideration, there was an amount of money which the country was not getting and yet people were betting in our country. We will also do treatment for those who will be addicted. We will have 30 per cent of income coming back to Kenyans as shares and 15 per cent chargeable.

With those remarks, I support the Gaming Bill.

Hon. Speaker: Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for this chance to make my submissions on the Gaming Bill, 2019. First, let me thank the Departmental Committee

on Sports, Culture and Tourism for having come out very strongly at the right time to bring this Bill, which I must say is timely. Times have really changed. We are living in a situation where gambling is now part and parcel of not only the Kenyan society, but the global society. So, a law needs to be in place that can control and manage this, because it may also be very difficult to say that you are banning it. Banning it would mean that the entire activity will proceed in the underworld and that will not be good for anybody. So, this Bill is timely.

The Bill repeals the BLG Act (Cap. 131) of 1966 for the control and licensing of betting, casinos and other forms of gambling. Again, this is very timely. The Act that we have been using on betting and gambling is a very old law. This Act of 1966 was certainly archaic. It could not handle the many changes that have occurred between 1966 and today. Therefore, this Bill, as I said earlier, is very timely.

This Bill also gives an acceptance of the facts and the trends of the time that now we have the county governments. If we have several levels of government, then we have to give responsibility to all of them when handling gambling and betting. But I must be quick to say that the expectations of Kenyans when this Parliament is debating a Bill on betting and gambling is that we should have to bring measures in place which will ensure that if gambling is to go on, then it must be managed in a way that will not affect the students and children of this country so that they end up losing their lives because of the menace of gambling that is now in existence in every corner of the country. The other expectation of Kenyans is that this must be done in a controlled way that will not make the original understanding of casinos and gambling to be a dangerous game and, therefore, safeguard the security and monies that will be used and, even the people who will be going to these casinos. To that extent, this Bill tries to bring out that. I am happy because the Bill pulls down the edifice of gambling and tries to bring a new structure in this particular area of gambling and betting. This will be good in this century for this particular country.

With regard to the main Bill, I want to appreciate the bringing onboard of the county governments because they are the ones who stay with the gamblers in the different counties. Bringing them on board will allow them to check who is licensed to do gambling business and who the legal practitioners in this field are. For me, that is very good because it will be a collective responsibility of the national Government and the county governments in controlling the betting and gambling that is now with us.

The other thing I should talk about is the fines. The Act of 1966 gave a field day for gamblers in this country to pay fines and walk away. We notice that the fine was simply Kshs3,000 if you made any mistake on the issues of gambling and betting. But this law has made sure that the fines now go to the levels of modern day. So, it puts fines at between Kshs250,000 and Kshs2 million. Formerly, the fine was only between Kshs3,000 to Kshs10,000. You can imagine the amount of money the people involved in betting and gambling business were making and you are giving them a fine of Kshs10,000. They would pay that in the morning and continue breaking the law and moving forward. So, the Bill has addressed that. This is very good, so that betting can be controlled.

The other issue is the distribution of funds and proceeds that will be realised from this. The Bill has introduced, in its Part X, a National Lottery Distribution Trust Fund that will help in the distribution of the funds that will be accruing, courtesy of lottery and betting. This is very good. How I wish later on, when we move to another stage of this Bill, we would see to it that this Fund also goes to help not only in rehabilitating those who would have been devastated by betting and gambling but also to help our people in sports because most of the betting and

gaming games are in the sporting area. Our former veterans in football, athletics and other sports are languishing in poverty. Later on, we shall be speaking to the Chairman so that our sports people also benefit from the proceeds of betting and gaming activities.

This Bill also establishes a National Gaming Authority. This authority has been given the task of controlling the licensing of who will be involved in betting. This is very important because currently, everybody is in the field and we do not know them. There is no total control over who is in this particular field. I therefore think that this law has come at the correct time and we need to panel beat it to fit the Kenyan society as it is now. I also notice that the Bill has brought onboard online gambling and betting. It had not been captured. It is a good Bill and I support it. I am looking forward to several amendments as we deal with it. If we control this particular sector, then we shall be able to manage the players and everybody involved with it. But if we leave it to hang the way it has been hanging, then it will continuously occur within the society as an illegal and underground business, which will give too much profits to the players without the Government making anything from those profits.

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

Hon. Speaker: Member for Nyeri Town.

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you very much, Hon. Speaker. I stand to support the Bill, specifically on the issue of telecommunication platforms.

Hon. Speaker, the reason we have been having a gambling problem is because of how easy it has been to access gambling using telephones. If for no other reason, the fact that this particular Bill stops that aspect of gambling is something that we should all appreciate.

In Nyeri, one young person commits suicide every day. The major reason that is happening is gambling. Someone is given money to go and pay for something, but they assume they can turn it around very quickly and so they gamble with it. Some even think they can invest in gambling and make some money.

In first world countries and in places where gambling is a business – sometimes when we discuss about gambling we think it is a game. One of the things I would have changed in the Bill is the name. Gambling is a business that is run by people who are out to make money and one of the things they used to read about is that the house never loses. The people who own the gambling infrastructure will never lose money. In countries that have had gambling business for a long time, they create systems that make it difficult to participate in gambling. Why? It is because as much as we call it a game it is extremely addictive and once it gets into somebody's system it becomes very hard to get it out.

The reason we got to this point where Government had to close down a lot of our gambling business is because you would be sitting in the house and you are in the middle of financial problems; and an advert would come and give you a system of what you needed to press on your phone and hopefully make some money. A lot of people, homes, families and individuals have been destroyed by how easy it was to do that. This Bill has found a way of ensuring we do not do that anymore. It ensures that you have to go through a certain system and that the people running the gambling business itself are held to account for what they are doing and also for the money they collect. Determining how much they pay in taxes and how much they pay the people who participate in that game is, indeed, a good thing and so I support.

Hon. Speaker: Hon. Nyenze Edith.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Speaker. I support this Bill on gambling. In the past we have had our youth highly participate in gambling. The Government has been trying to make it punitive by introducing so many taxes. However, this

Bill is making it possible for our youth to get into some sort of business to solve the problem of unemployment. We have seen taxes levied on gambling because we have been trying to discourage it. However, in developed countries, they encourage gambling because it is a source of business and it brings the Government some revenue.

In cities such as Las Vegas in the US, it is a source of tourism, well developed and well-regulated. So, I support this Bill because it is going to regulate and control gambling. Those ones involved will have to be registered, known and must use tools which will ensure that the owners of the game do not get everything. It is so that they do not win it all. In the past we have seen some people participate in gaming. They get very addicted and end up getting depressed after losing everything. However, when the Government regulates it according to this Bill then we will see some systems in place. This will be a source of income to our youth and the people who participate.

We should also have some schools in our countries where people are taken through a system to understand gambling as in developed countries where they even have universities where they teach gambling. In doing so, they will have some controls and systems and they will even understand it better. We have been overtaxing gambling to discourage it but it should not be punitive. It should be regulated so that it can be a source of revenue and employment. It can also attract tourism in our country.

With those few remarks, I support this Bill. Thank you.

Hon. Speaker: Hon. Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Speaker for this opportunity. Before I contribute to this Motion, I congratulate our Chairman Hon. Victor Munyaka and the Committee which is the most balanced in this House in terms of gender and many other aspects.

Let me assure this House that we traversed the country and we went to so many counties to collect the views of Kenyans. There was public participation. We went aboard to the UK and USA in Las Vegas regarding this issue and so I am assuring Kenyans that whatever we have written here, if we comply, we are going to do much. The gaming industry is so big in these developed countries, especially with regard to the revenue they bring to the Government. If we can set up these rules and regulations in our industry and have gambling controlled, it will be fine. We will have a lot of revenue coming to our Government.

Hon. Speaker, in this Bill we have set out the functions of the county and national Government which are so clear. I am sure whatever we have written there is going to help this country. One of the key issues in this Bill is the establishment of the gaming authority which will be entrusted with many functions. It will bring in the level of good competency in our country. The Chairperson who will be appointed by the CS must meet certain criteria. Other members who will be very key will be appointed by the Council of Governors. In giving this to the counties, we are going to get a good deal.

There is also another issue that emanated in this Bill which is on licenses and permits. It is required everywhere we are going to have gaming... We have to identify this premise and if they are not mobile, we will control the age limit of those participating in betting and lottery. This issue will ensure that people are licensed to operate the lottery games. There is also the issue of security which is the cash deposited by the board which is prescribed in this Bill.

I am sure things are going to change. Other issues which are very critical because of globalisation and technology... Gaming never used to be controlled. It is now going to be dealt with. There is a section which reads as follows:

“...an operator shall maintain customer care centre within Kenya to monitor and respond to issues raised by consumers.”

This is very important because if you look at SportPesa they do not have customer care centres. Most people with queries have to make long calls and nobody answers them. By bringing these rules we will help Kenyans in addressing these issues; particularly, if the gamblers are aggrieved.

There is also the establishment of a Gaming Appeal Tribunal. We trust the Board Members will do a good job. Incase somebody is aggrieved and needs to appeal they will appear before this tribunal which includes the Judiciary. So, it will help in normalising the activities of the gaming industry. There is also the issue of offences and penalties which is clearly demonstrated here. I feel if we achieve this as prescribed and this Bill is implemented, we will have a good gaming industry and a lot of good things will happen.

With those few remarks, I support and request the House to support this Bill.

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

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

Hon. Deputy Speaker: Since two Members have spoken on this side in as much as they are on top of the list, I will go to my right and pick Hon. Njiru Muchangi. Then I will come back to my left.

Hon. Eric Njiru (Runyenjes, JP): Thank you, Hon. Deputy Speaker for giving me an opportunity to add my voice to this very important Bill. I want to thank Hon. Victor Munyaka for the good work they have done as a Committee. They put a lot of hours into this work and we commend them for that.

The gaming industry is among the big industries in the world. The Kenyan society has become a gaming society and mostly the young people. Statistics indicate that almost 95 per cent of the gaming activities are done by the young people. I want to thank the Committee for seeking to change the manner in which gaming is done in this country. In the proposed law, 30 per cent of the shareholding is supposed to be held by Kenyans. This will help in ensuring that lots of money is in circulation in this country.

This Bill seeks to protect the right of our young children. This is because if you walk around in the constituencies, you would find many young people and school going children involved in gaming and betting which is very addictive and destroys lives. Seeking to have betting regulated and leave it happen in casinos is a very good idea. For example, Las Vegas in the United States of America (USA) betting is strictly for adults and is done in casinos.

We support the idea of regulating betting and gaming so that our young people do not get into this trap and lose their lives in process. Finally, this Bill seeks to regulate the manner in which advertisements are done. The media stations in this country wanted to make it appear as if it is so easy to earn quick money through betting. So, this Bill proposes to have the advertisements done later in the day from 10.00 p.m. to 6.00 a.m. This will help as many people will not be exposed to the betting and gaming industry.

Hon. Deputy Speaker, I support. Thank you.

Hon. Deputy Speaker: Hon. Babu Ongili.

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Deputy Speaker. I rise to comment on the Gaming Bill. Let us not be lied to by fellow MPs that gaming is done by

underage people. For you to get involved in gambling or gaming you must have registered with M-Pesa and have an Identity Card (ID). This means you must be an adult and 18 year and above. We know that the Children's Act is clear...

Hon. Deputy Speaker: Hon. Babu you know you have a way of getting into trouble whenever you have time to speak. I have a problem with the word 'lied' because it is unparliamentary. You can use any other word that signifies the same thing.

Hon. Babu Owino (Embakasi East, ODM): Not telling the truth.

Hon. Deputy Speaker: Yes, now you have spoken like somebody who is in *Bunge*.

Hon. Babu Owino (Embakasi East, ODM): The idea that some MPs are not telling the truth about the age of gambling is not good for the members of public. For you to get involved in gaming you must be 18 years and above. For you to register with M-Pesa and get a phone number you must have an ID. The majority age...

Hon. Charles Nguna (Mwingi West, WDM-K): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Order! What is it, Hon. Nguna Ngusya?

Hon. Charles Nguna (Mwingi West, WDM-K): On a point of order, Hon. Deputy Speaker. I want to give information to Hon. Babu Owino.

Hon. Deputy Speaker: No! If you want to inform, first you should state it is a point of information. Then, I will ask Hon. Babu, if he needs that information.

Hon. Babu Owino (Embakasi East, ODM): No! Hon. Deputy Speaker. The information is dead on arrival.

Hon. Deputy Speaker: Proceed; no information will be given to you by Hon. Ngusya.

Hon. Babu Owino (Embakasi East, ODM): We have talked about the age which is a majority age for somebody to gamble in Kenya, one must be 18 years and above. The Children's Act is clear that parents will take care of their children until the age of 18, after which the person becomes an adult and makes his or her own decisions. The other day there was a decision made by the courts stating clearly that once a child reaches the majority age of 18 years then, this child can make his or her own decisions and should never be influenced.

The gaming industry is a big industry in Kenya and has provided employment and job opportunities to Kenyans. For example, SportPesa and Betin have over 3,000 shops in the whole nation. Every shop employs an average of five people and that is Kshs.15,000 that is lost in the two betting companies. Kenya youth and women have lost jobs because of malice from some sectors of the Government. Government is the major shareholder in this gaming industry. The Government gets the tax from the betting industries.

SportPesa alone and Betin Kenya contributed around Kshs10 billion in one year. Remember this is a borrowing nation. Every other time we see our good President His Excellency Uhuru Muigai Kenyatta going to China to borrow money. In one year these two betting companies have given us Kshs10 billion. Then, why are we sending away these investors who are promoting the nation in terms of tax and employment.

The Government has put stringent measures on the betting companies that taxation is done on the capital and profits. Yet, taxation should only be done on profits alone. It was well interpreted by the courts that the winnings shall only be the profit that is won and not the profit plus the capital. So, the Government decided the winnings should be the capital plus the profit. You cannot invest Kshs1,000 then get Kshs.200 on top and then the Government taxes Kshs1,200. The Government should be in a position to only tax Kshs200.

Lastly, we are aware that in developed countries, there are betting companies and gaming. If in developed countries there is gaming, why can't there be gaming in Kenya which is still a third world country that is still developing? Is this is not a way of sending away some of the potential investors? Some families have been highly affected as a result of the government measures to curb the betting industry in this nation. Some of the people who came to invest here are married in this nation. They have children and Kenyan wives, which gives them a right to be citizens through naturalisation. These people were sent back to their countries unceremoniously by the Government. Their families are left in Kenya. Their children are suffering. Those are Kenyan children. We need to review this and we need to support the gaming industry. Let us not lie to each other that this thing is addictive; even sex is addictive. Everything is addictive. Sex is a normal thing, ladies. Do not say "yeah, yeah, and yeah". Even tea is addictive.

Hon. Deputy Speaker, with those many remarks, I stand to rest at that and support the Bill on gaming. Thank you very much.

Hon. Deputy Speaker: Next on the line is Hon. Maanzo Kitonga.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute on this very important Bill. In the 11th Parliament, there were a lot of amendments in the matters relating to lottery, gaming and betting. That particular 1966 Act needed a lot of amendments and it became very patched up with one amendment after another. Some of them were very bulky. One of the greatest issues was taxation and what happens when these monies are collected.

I am happy that the Committee led by Hon. Munyaka has come up with a Bill which is very useful to the country. Gaming, betting and that entire regime is controlled in very many other countries but lately because of sports, it has been open to a lot of abuse. In 1966 there was no online gaming, which is now a reality. A lot of people have gone for it. There were no measures of making sure that underage children are not participating in gaming and in the event they do, what happens. There have been a lot of suicides in this field when someone's expectations are not met. It has not been communicated clearly that this is merely a game which you win or lose. It involves money and a lot of times money is lost.

In many parts of the world where gaming is not well controlled, it has a lot of crime in it. At times somebody wins a game or a lottery and the person who was conducting that particular event does not pay this particular person and it becomes a fight and eventually a life is lost. There have been quite a number of murders in that line where somebody has won monies after putting in their money and the bet is not being honoured. That has been a challenge. So, it is good now we have a regime which is well controlled and laws which are tight enough. In fact, we look forward to tighten the loose ends in these laws during the Committee Stage where we will be open to make amendments. I believe this time round this will be signed into law and probably there will be reservations from the President to make it even much better. This is because everybody in this country has been concerned, including the President, on the control of betting and the betting companies have wanted to support sports.

In this particular law, it is clear now we shall have a national lottery. It has been missing and the time it was to be implemented, it hit a lot of complications. We also have a new board meaning that the current setups will relapse once this Bill becomes law and then we will have a new setup on how we will best conduct betting. There have been controls from the Ministry of Interior and Coordination of National Government, provincial administration and the county governments and at times betting equipment is confiscated or destroyed. That will come to an end. Court cases have even been filed around this area. Some of them have not even been

concluded but the businessmen and women involved have been upset by one thing or another in the past.

Therefore, it is good to regulate this and to make sure that we have a law which luckily has been compared very well with other jurisdictions like the UK experience and the Las Vegas experience in the Nevada State. This is where a lot of it happens and they have very good controls from the American Government. There are also regulations. I have also seen that it has a clause for regulations. So, the CS in charge will again approach the Committee on Delegated Legislation so that we can make regulations to implement this particular Act. Those are some of the positive things.

Financing sports in this country has really been a challenge. We do not want to see scenarios whereby athletes are stuck. You know the Government facilitates to a certain extent but with the Gaming Act and the national lottery, although we made some amendments in the Finance Act whereby monies raised in this manner generally will also be shared to another fields... We want to be specific in this particular Act that all monies raised through gaming, unless there are excesses, must be used for development of sports in this country. If we do that, we will employ a lot of young people in sports in Kenya and Kenya has a potential of winning the Olympics. We have gone even up to number three in the world. I believe with proper financing, we will be able to increase the fields in which we can participate internationally and bag many more gold medals and honour will come to this country. This will be courtesy of this new law when will allow proper financing of sports activities in the country.

This is because financing sports is very expensive and the ministry has been getting some challenges. The moment we now finance our football through monies raised in this way, I am sure we will be in the World Cup and we can win the World Cup. If we finance athletics and all manner of sports, we will have a healthy nation and then we will also employ a lot of young people who have a big talent but they do not exploit it because they also want to earn a living. A lot of talented sports people in Kenya will wish to earn a living through sports and this can be cured by making sure we have a proper national lottery which supports the sporting activities in the country. It has come out very well in this particular Bill.

Therefore, this is a very important Bill for this country and I am happy Members have taken it very seriously. I believe we are going to pass this Bill and all matters which needed to be done while preparing this Bill were done, especially public participation, so that the people who are involved in this business properly participate. They still have an opportunity through their Members of Parliament when we will be doing the Committee Stage. They can approach Members of Parliament to make amendments. Also the other stakeholders like the church and the State are also free to make amendments to whatever we are debating now or if those people who are perusing this Bill find it that we have a missing gap somewhere. I believe this is good for the nation. I beg to support. I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Now I have to go to my right. The highest on this other side is Hon. Mukami Wachira.

Hon. (Ms.) Rahab Mukami (Nyeri CWR, JP): Thank you, Hon. Deputy Speaker. I rise to support the Bill.

First and foremost, I congratulate Hon. Munyaka. This is long overdue. Considering what our society is going through, our children go to an extent of stealing money because these days our youth do not want to work. They want to bet and make easy money. Congratulations to Hon. Munyaka.

The other thing is about regulations. Regulations are very important. They will help our county governments to control betting because they will be issuing licences to the people managing those games. Having a new board will also help a lot because the Government is losing a lot of money because everybody was opening gaming shops because it was easy. Many youths were always ready to bet in those gaming shops.

Many people are going into depression because they go with the little money they have and do not win. That pushes most of our youths into killing themselves. When they lose that money, they do not know what to do next. That also affects mature people.

I congratulate Hon. Munyaka and his Committee. We are behind you.

Hon. Deputy Speaker: Let us have Hon. Bunyasi John.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Deputy Speaker. I wish to add my voice to the debate on this proposed Bill for the introduction of gaming control, namely, the Gaming Bill, 2019.

Many people have spoken already and have talked about the dangers related to certain age groups - particularly the younger ones - and what might constitute unhealthy influences. That is the case. We should also remember that those controls that we have put in place will not be total. There will be ways in which one can get around them. We need the system capacity to provide counseling services. The speaker who just finished speaking before me alluded to the risks, not only to the youth but adults as well. We worry about the adults as well.

Given the hard times that have persisted in this economy for some time now, incomes are low and declining. That is the case because factories have closed and set up shop elsewhere. In Western, we have big employers like Mumias Sugar Company whose income capacity would influence the whole region. There is a big dearth of income and, therefore, a void in which poverty and poverty-related challenges have come in. When people turn strongly to illicit brews or gambling, it is sometimes the way in which they are trying to cope with the hardships that they are facing. This is chipping away at those who were the first people online to move away from those destructive habits in schools and also the youth in the village. That is a very encouraging thing to do. That is the downside.

If properly taxed, the proceeds from gambling have a potential to be constructive and build the society. Given the limited incomes, particularly in counties that are far away from the capital city, this should have been another significant source in which they can use the proceeds to introduce support schemes for the ultra-poor, either at their children's schools or access to health services or social services. In this country, as it is happening elsewhere, it could have been a continuing source of resources that you can rely on to finance the essential aspects which are usually not fully appreciated at the national level and can easily be cut out of the budget. That is something to think about.

We can think about any other additional sources of income such as sin taxes since gambling tax is considered a sin tax. It has a punitive component that can be used to increase incomes and replace the incomes the counties would have received. Some counties are truly struggling. At the village level, you and your god are the only sources of survival. If you are unable to do anything, nobody else will come to your aid. It is exemplified in the worst case scenarios when we have national emergencies like what has been going on in West Pokot. A second day will pass before people receive meals and tents. We have so many helicopters in this country, a big army, the Kenya Defence Forces (KDF) and others who could go in and save every soul in less dramatic ways. We have those challenges where we could use money that will come from gambling to try and cure the ills.

I support this Bill so that we bring some order to the gambling sector. I still think that there must be other creative ways in which activities that are related to gambling in one form or another can be legalised. There must be a soft way in which we can get to the middle ground. I remember that when we debated this Bill over the past years, there were always exceedingly high emotions. The actual case is lost because either people are supporting it too passionately for healthy living or opposing it too stringently. Solutions do not lie at the extremes. Not on anything in this country. Solutions only lie towards the middle. I hope we can continue to search for the middle ground so that we find other ways in which we can increase incomes and truly supplement the public sector efforts to provide services.

In this country, getting public support services is extremely difficult, more so for people who live a distance away from the big cities. Fortunately, we have very effective technology penetration so we hope we can allow some soft landing where people can use their little income both for amusement and income earnings. Since we know most of the proceeds accrue to the managers and providers, what has been managed and provided will go out there. If I was in Nambale, it would help to build my schools. They are all full. Fertility levels are quite healthy and we have excess students almost across the entire learning spectrum. It will help to provide lunch for the very needy. It will help to provide some boarding schools which have become rescue centres for youth, particularly the girl-child but also for others in terms of the social pressures and the challenges they get. It is also a rescue in terms of providing steady meals for them and reducing the burden on their parents at home. There are many ways in which what we consider to be undesirable should also be weighed in terms of what can be done positively within society. Much as we have a Bill that many people have praised for what it will restrict, we should think about what will not be doable in this.

(Hon. David Ochieng' consulted loudly)

Hon. Deputy Speaker: Order, Hon. Ochieng.

Hon. Sakwa Bunyasi (Nambale, ANC): We should compare this with what would be doable if it was allowed to exist and provide resources for it.

I cannot overemphasise the need for additional support in soft sectors. We could put it into supporting youth centres that provide sports opportunities, skilled development, holiday activities and internship. There are very many things that can be done with this kind of windfall profits and taxes that you will get when it is running.

We cannot be a unique society that will completely enclose our fellows, children and people from the elements of society out there. We should also work with faith-based organisations and publicly funded services on how to deal with the responsibly of strengthening the inner core of our people. The truth of the matter is that we are still a growing nation. There are more demands because people are now learning the world. They know what they can have but they are not having it. We have to make this comparison. As much as I praise Hon. (Dr.) Munyaka's Committee for the good work they have done, they should also realise that they have a responsibility towards the youths in terms of trying to contribute to them. It is not only through terminologies, titles and recruitment of public servants to work for the youth; it is also the tangible things that we can deliver that will keep them busy and out of mischief. If they are mischievous, the Committee should help them to come out of it in a way that has adequate support services. I urge that we use these kinds of windfall resources that many countries use to do positive things in society so that we can then balance off them in a good way. Hopefully, we

will strengthen our youth and other people in our society who are weak for whatever reason to resist negative influence. I hope this is just the beginning of the dialogue we need have in order to support our youths.

With those comments, I support the Bill.

Hon. Deputy Speaker: Let us have Hon. Rozaah Akinyi Ochang' Buyu.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Deputy Speaker. You have added a new name to my name. I am Rozaah Akinyi Buyu.

Hon. Deputy Speaker: Which is the other name that I have added? I do not remember it.

Hon. (Ms.) Rozaah Buyu (Kisumu (CWR), ODM): Hon. Deputy Speaker, you have added Ochang'. I want to thank you for adding that name because it is my father's name. Although he died almost 20 years ago, he was very dear to me. Thank you for bringing such wonderful memories back.

Hon. Deputy Speaker: That name is reserved for those people who knew you in your earlier life.

Proceed.

(Laughter)

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Hon. Deputy Speaker, I would like to go on. A lot has been said about....

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

Hon. Deputy Speaker: What is your point of order? You have just come in.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Deputy Speaker, the fact that I have just come in is one reason that I have to raise a point of order because you must know that I am around. I would like you to clarify something because you have talked about Hon. Rozaah Buyu and the people who knew her; does it know her biblically or in English? While I was away, there was a new addition to the English vocabulary. Some are called "Twa" and others "Anoi". Can I know what exactly you mean, Hon. Deputy Speaker?

Hon. Deputy Speaker: Hon. Millie Odhiambo, I mean in the same manner as those who knew you when you were still slender. Do you remember?

Let us proceed.

(Laughter)

Hon. (Ms.) Rozaah Buyu (Kisumu (CWR), ODM): Thank you, Hon. Deputy Speaker. When Hon. Millie stood to speak, I thought she would confirm what a great man Mr. Ochang' was. Since she did not, I will go ahead with my contribution.

(Loud consultations)

A lot has been said about this Bill. It will help to bring our youths back from gambling and control them. Hon. Deputy Speaker, I request...

Hon. Deputy Speaker: What are you requesting, Hon. Buyu?

Hon. (Ms.) Rozaah Buyu (Kisumu (CWR), ODM): Hon. Deputy Speaker, there is too much noise around me. I request for your assistance.

Hon. Deputy Speaker: I will protect you as long as you confirm that it is not noise, but loud consultations. It looks like it was Hon. (Dr.)... Let me stop there. I probably do not want to go beyond that because there are many doctors in this House. However, I am sure he knows the *Daktari* I am talking about. He was consulting loudly. Proceed. Members must not interfere with the view of the Hon. Deputy Speaker on Members who are contributing. That is what is in the Standing Orders. Let us proceed.

Hon. (Ms.) Rozaah Buyu (Kisumu (CWR), ODM): Thank you, Hon. Deputy Speaker. A lot has been said about how this Bill will bring controls. I would like to bring out the aspect that comes in defence of the owners of the gaming industry. Quite recently, a lot was said about one of our Cabinet Secretaries who was wrongly accused of fighting the business owners in the gaming industry.

I support this Bill because it is conscious and sensitive to the business owners. Even when it protects our youths and all the people who participate in gaming, it also protects the business owners or investors. If you look at the transition period provided in this Bill, you will appreciate that it gives the investors ample time to re-organise themselves. Many a times, when a law or regulation is brought about or passed, we never cease to see the words “with immediate effect”. However, this Bill gives the business owners six months to re-organise themselves. Even when they apply for a fresh licence, if they qualify, they will not pay an extra penny for it for the length of period that their licence is still valid. This is very sensitive. It also enhances investment. Many a time, we have been crying that our rules are too stiff to cater or allow investors. This Bill cares for investors and gives them ample time for transition. However, it demands that they must also abide by the law.

For those reasons, I beg to support the Bill.

Hon. Deputy Speaker: Let us hear Hon. Kipruto Moi.

Hon. Kipruto Moi (Rongai, KANU): Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute to this very important Bill. The gaming business contributes substantially to the economy of this nation in two ways – employment and taxes. It is in light of these two issues that the Gaming Bill, 2019 is introduced to replace the Betting, Lotteries and Gaming Act, 1966.

The Bill is also timely because when the old Act was in operation, there were no county governments. Devolution was not there. So, it is time that this Act is replaced with the new one. This Bill seeks to establish several agencies like the National Gaming Authority, which will enforce regulations and issue licences. It also establishes the Gaming Appeals Tribunal, which will solve gambling-related disputes. It also establishes the National Lottery and the National Lottery Distribution Trust Fund, which will retain money that will be generated from lottery and then distribute it to the funds. According to a recent survey, a great proportion of youths in this country engage in betting. The vast majority of them use their phones to place their bets. However, this Bill will restrict the use of telecommunication platforms as media for gambling. In addition to these restrictions, there is a requirement of a minimum of Kshs50 as the amount of money that one can bet with. This requirement will weed out thousands of youths who want to gamble.

This Bill will significantly increase the amount of money that operators or licensees need to operate premises. Under the Betting and Licensing Control Board, the fees are very negligible. This Bill does not raise the taxes. In 2018, gaming taxes were raised to about 35 per cent. However, this Bill seeks to retain it at 15 per cent, which will be good for this business.

Hon. Deputy Speaker should this Bill become law, the National Lottery Trust Fund will be established and tender process will be used to select operators who will work on this for seven years. This will generate revenue of the Government. Money generated from these lotteries will be used for worthy causes such as sports and charities. In effect, this is not bad.

The Committee engaged with various stakeholders especially the public and made several visits to, I believe, nine counties. Views were collected. The views that came out from the general public were that gambling was a destructive force. Those who were engaged directly in the gaming business felt that this gaming business should be regulated and there should be a balance so that we do not destroy the gambling business.

We are stuck between the views of the general public and the views of those who are directly involved in the gaming business. Those involved in the industry have a moderate view that we should not kill this industry. The public felt that this was very destructive. Most of them insisted that the Government should ban gambling. On the other hand, this is a necessary devil. It generates taxes and provides employment for many people. Regulation is the way to go.

With those few remarks, I support this Bill.

Hon. Deputy Speaker: Let us have Hon. (Dr.) Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Bill. This Bill is long overdue. Sometime back when we were discussing Finance Bill and taxes, it became a big issue as people were considering the funds that arise from this and how it is utilised. On the other hand, the damage that it causes to the people who are involved in gambling.

The object of this Bill is regulation and control of betting, gaming and casinos. It replaces the Gaming and Lottery Act of 1966. Gaming, betting and gambling are addictive. There is no question about that. They are as addictive as other drugs. The impact on the lives of the people that are affected is equally bad. Many people think this is only confined to young people and children. That is not true. Even adults who get involved in gambling and get addicted have the same problems that they face. In fact, it is even worse because the social consequences of addiction in gambling lead to addiction to alcohol use. It just makes matters worse. Therefore, it is something we need to look at.

Obviously, it is the business – it generates money, taxes and it employs people. We have to get a midline where the business is useful, but it does not harm people. Therefore, there is need for this Bill to become an Act. Some people have thought, for example, that when it promotes activities like sports, that is great. We must remember that this is a purely business driven by profit and, therefore, must be in one way or another controlled.

I support this Bill because it addresses important issues. One, I must start with is that it recognises that we now have a devolution. These activities will to a large extent go on even in counties. Therefore, this Bill has done a good job of clearly indicating what that national Government and county governments will do. In the general principle of devolution, it clearly states the standards and the policy responsibilities of the national Government and the licensing of entities that are of national nature like national lotteries and security issues involved are in compliance with this Act. That is important, but it again realises that counties must enforce compliance with the Act because that is where it takes place. It also gives the counties responsibility in issuing some of the permits and premises. The premises are an issue. It gives the counties responsibilities in monitoring because they are in touch with the areas and the activities that are going on.

I find that thoughtful. Therefore, I support it.

It establishes structures that we need. There is no way you will do regulations and control, if there are no structures that enforce people and create responsibilities that ensure that the law is complied with. The Gaming Authority and the Board are in place and that is key. If you are going to have this, it will have regulation and control. There has to be people who take responsibility. I must congratulate the Committee for the work they did on this. The only issue I can say is that the Board to a large extent comprises Government officers. It is important to have a balance between Government officials and the public stakeholders. Government officials can be manipulated. Public stakeholders are more likely to resist the manipulation particularly if it comes from the State. This Bill gives clearly the functions of this Act. Again, it is quite clear what they are supposed to do – the policy and so on.

It goes on to state fairly clearly the areas that need to be controlled. It states clearly that all forms of gambling whether it is national lottery, book making, public lottery, online gambling...Online gaming is what has made it extremely necessary to repeal the old Act of 1966. The facilities that we use for online gambling are available to everybody. There has been argument that children cannot have these facilities. All our children have telephones. Online gaming that has been brought in is extremely important. It is more dangerous and it needs better control. It looks at the particulars that will be involved because this is something that somebody sitting in a corner alone can be gambling the whole day. Kids have been known –and even adults – to gamble monies that were for family use. If you talk to mothers they will tell you how fathers or husbands have gambled family resources – they have sold everything. They do not have to go outside the house. They are just sitting there and gambling away everything. It is important that it has been brought in place.

I also support the establishment of a Fund so that the proceeds of gambling can go to some of the uses that are of social benefit to the people, not just rehabilitation of people involved. It is a bit funny that you license something and you know it is going to hurt people then you put in place a process for looking after people that you have hurt. Anyway, that is the balance that we will have. I think we should go farther. Some of the effects may not be directly noticed. They may be seen as healthy funds. I think we may even use some of these funds as we are using in the Sports Fund to apply it to our health services.

Again, supporting sports and another important thing we can use, particularly in the area of sports, a lot of our athletes, not the ones that hit the big leagues, the ones who hit the big leagues are okay. They look after themselves. However, there are some who have done relatively well locally. At the end of their lives, they live miserable lives. I think it will go a long way if you have a Fund like this that can support them. It will be a good outcome from an area where we are even worried whether it is in overall not hurting people.

I also like the way it has said on the distribution of the funds that will arise, that will go to the core function or object of the gaming if it is a charitable organisation, fine. Then, the 25 to 45 per cent we can look at. I think the provision of that and those limitations are important.

Finally, it has put in place a Gaming Appeals tribunal. It is clear there will be a lot of issues in the area of gambling. To have a tribunal which will sought out issues instead of lengthy court cases is a good approach that this Bill has brought.

With that, I support.

Hon. Deputy Speaker: Let us have Ogutu Abel.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Deputy Speaker. I rise also to support this Bill which is intended to bring order in the industry of gaming by providing clear directions that will be applicable to the various stakeholders.

This industry has in the recent past been perceived negatively, especially because of its influence on the youth. Also, it is because of the overdue control from state machinery. I am glad we are now in a process to define the boundaries of the various actors and trying to put requirements and penalties where necessary, to ensure the industry is run in a manner that makes it a main source of income to this nation, a main source of employment for our youth and, in a way, it takes up a more positive face in our community.

So, I am glad that, when I look at this proposed Bill, I get the feeling that the various stakeholders have provided for useful consultation; especially between the national Government, the state machinery and the county governments. I am very sure that both governments stand to benefit from the order that is going to be brought through this Bill. The county governments have always been seen to be very notorious in handling the issues that affect gaming- unnecessary collection of the machines, arresting the actors particularly in the villages. This Bill provides rights for those who are involved either as investors or consumers of the industry to understand clearly what their role is and what is expected of them.

As a new law to be, I think we expect a number of challenges because we are creating order. An industry that is known to have a lot of money that is to be obtained without much sweat is likely to face challenges when order comes. I confirm that, with the setting that has been put in place we expect that once this Bill is passed, we should see a lot of order and institutions being put in place and also the necessary administrative procedures for ensuring that penalties for those who fail to follow the spellings of the Bill are well carried out.

Finally, I want to say that, as we look forward to see this Bill creating a new and good avenue for revenue collection, let us also hope that we will give it the necessary support to ensure that the revenue that is going to be collected is sustainable, predictable and used in a very good order.

With those few remarks, I support. Thank you.

Hon. Deputy Speaker: The Hon. Tindi Mwale.

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Deputy Speaker. I rise to support the Bill. I do not have much to say because my colleagues have already highlighted most of the issues.

When you look at the history of this country, basing on how companies associated with betting have doing business, you will find that many Kenyans who are not well secured in law and how the law was going to defend Kenyans in the event they lost everything they had. Therefore, I am very glad that this law and Bill is going to address such issues. It is going to outline the circumstances under which every company or individual that wishes to play or own business in this industry is going to behave and carry out all the functions as stipulated in this Bill.

I rise to support and urge fellow Members to support this Bill so that we have a water tight scenario in law and governance in matters concerned with gaming.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next will be Hon. Odhiambo Akoth.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Deputy Speaker for giving me this opportunity.

I take this opportunity to, of course, support the Bill. Even before I support, I want to indicate that I was away last week. I was in Cape Verde attending a meeting of Parliamentarians for Global Action. Receive greetings from the Speaker of the Cape Verde Parliament and the President of Cape Verde. I am very happy. I am sure you know because you a Member of the Parliamentarians for Global Action where we discuss many issues of governance and human

rights, especially on issues to do with gender and human rights. That was just by way of conveying, in summary, some of the things we have done. I also wish to tell you that I was elected to the international Executive of the body. So, I am carrying the flag of Kenya very high. I had the highest number of votes. I can see you are smiling congratulating me.

I want to say that I support this Bill. In doing so, I say it is not new Bill. It is a successor to the Betting, Lotteries and Gaming Act. What it seeks to do is align it to the Constitution, improve it. One of the things I see this Bill going to do is do away with the constant amendments that we have to do all the time with betting and gaming. So, the sort of a certainty it will bring is very good. It will also clear roles between the county governments and the national Government.

This is one area of law that reminds me of humanitarian. When I was studying humanitarian law at university, I often asked whether we really should be studying humanitarian law. It is because humanitarian law is a law of law yet we have a law that tells us how to wage war and how not to. For some of us, from the natural school of law thought, we would rather have no law on war because we should not be fighting. It is the same thing in this case. We should not have a law on gaming because of what we know it does to our young people. Unfortunately, because of our current mores in the society, it is one of the sins that we have accepted. Sometimes I really wonder because whenever it comes to what our churches, communities or religious people see as a sin touching on women or sexuality, there would be so much noise. I do not hear any noise now from religious leaders on the Gaming Bill, yet the Bible is very clear that gambling is a sin. There is no noise about it. Sometimes we must also be clear, as Christians, whether it is an issue of our faith or it is just an issue of controlling women. If it is an issue of our faith, there should be much noise on this Bill as I see on other issues to do with women.

Now that we have it here, and it has been accepted in the society, we must regulate it. One of the positive things I have seen is that the Bill outlaws betting among children. However, one of the things I would encourage the Committee dealing with this Bill to consider is to define “child”. I have looked at the definition section and there is no definition of “child”. A child should be a person up to the age of 18 years. In my own constituency, many times in the past, when bursary was not sufficient, most of us used to get money from our own pockets and give it to people who were needy to augment the bursary kitty. A woman from Lambwe Ward gave her child money for school fees. The child went to Homa Bay Town, bet the entire school fees and the woman went nuts. She is just recovering. She actually went mental. Because of those things, we need to be very clear, especially on what a child is, so that it should be up to 18 years. We must also have a proviso that even if it is a person above 18 years, but is still a student, they should be completely precluded from gambling and betting because we are destroying the future of many of our young people.

One of the things I like is that the Bill also suggests that one-third of the secretariat shall be of either gender. I know that sometimes the Leader of the Majority Party argues with me that it is clear in the Constitution yet when we do not provide it in Bills. Most of the authorities do not respect that rule. The Bible tells us that we remind them even when they know. We know that these provisions are in the Constitution, but because we respect them, I want to encourage everybody who brings a Bill to the House to restate them. There can be no sin in restating what is in the Constitution. It may only be a sin to state a different position. So, let us restate, especially when it comes to issues touching on gender.

Finally, I celebrate my brothers and sisters even as we mark 16 days of activism against gender-based violence. I hope we will be true to our women. There have been so many reports

online about women being violated. I am glad that quick action has been taken against the perpetrators.

With those remarks, I support.

Hon. Deputy Speaker: Very well. Congratulations Hon. Millie Odhiambo on your election. I believe they notice that you are a naturalist. Let us give an opportunity to Hon. Angatia Savula.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Deputy Speaker, for giving me opportunity to also comment on the Gaming Bill. I know much has been said. I want to start by saying that I welcome the Bill. It establishes systems and functions that will enable the gaming industry to be regulated effectively. The gaming industry has been run haphazardly because of lack of regulation mechanisms. The gaming industry has also had problems with institutions like the Kenya Revenue Authority (KRA) because of lack of clear regulations. We have an Act on how KRA should collect taxes on such gaming activities, but we do not have a clear authority on how the establishment of the gaming industry should operate. For example, one of the betting companies went to the Tax Appeals Tribunal and they have a lot of tussles with KRA. The Tribunal has given them a verdict. The KRA has appealed because they are operating haphazardly. There are laws governing the tax regime under the Gaming Act, but there are no clear systems on how the gaming industry should operate.

I support the establishment of an authority. The authority will have the mandate under the operation of a board to appoint qualified people to manage that industry. There is no industry in this world that can be run effectively without having a legal board that can create functions, systems and even look at ways of improving areas where there are weaknesses in the sector. The Bill also proposes how the appointment of the board will be done. We want qualified Kenyans to be appointed to the board. Here, I insist that we should give opportunity to the youth who are crying for job opportunities. In this country, we have a culture where when any authority is created, the people you bring in as board members and board chairs are archaic. Even in the recent appointments done by the national Government, we do not see the face of the youth. We want to see the face of the youth in the gaming industry. The youth should regulate and control themselves because the majority of participants in the gaming industry are the youth. Let us give opportunity to youths who are qualified to sit on the board of the proposed Gaming Authority, so that they can control their own sector.

Many youths in the villages are idle to the extent that they either do *boda boda* riding or they start gaming. However, they are qualified for these jobs. I have a youth in my village who holds a Master's Degree, but is doing nothing apart from staying on his phone, gambling from morning to evening, because of lack of a job opportunity. I recommend such youths should sit on the proposed board. Because of frustrations, the youth engage in gaming from morning to evening, without engaging in any proper way of earning a living. You cannot earn a living from gaming. During the last general election, the same youth referred to me as 'sure bet' because I was going to recapture my seat. He was doing that because he was idle. He only knows words like 'sure bet' because he is idle. In gaming, sure bet is when you are sure of winning a bet.

The proposed board will have powers to conduct business and affairs of the gaming industry. This is a clear-cut provision. We are making this institution very professional. If you make institutions professional, you discourage bogus individuals from invading the sector and misusing the unemployed youth who want to earn a living from an organised industry. This is an industry like the matatu industry. The matatu industry became so chaotic that the late Hon. Michuki, who was the Minister responsible for transport then, had to find ways and means of

bringing sanity in that sector. Today, there is a certain scale of salary you would pay a matatu driver or a conductor. This is what we want. The gaming industry will create employment for the unemployed youth in this sector.

Hon. Deputy Speaker, I am so happy today because I am part of the delegation that has received the Building Bridges Initiative (BBI) Report, which is talking about youth employment. This is what we should be creating for this country. We should create laws to assist the youth in this country.

Thank you, Hon. Deputy Speaker

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

Hon. Deputy Speaker: What is it, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, I rise on a point of order. The Hon. Member is misleading the House by telling us that he is part of the team that received the BBI Report and that he has read it and understands its contents including youth empowerment. He is totally misleading this House.

Hon. Deputy Speaker, we have all been invited by the President of the Republic of Kenya as Members of Parliament to go to Bomas of Kenya to receive, read and interrogate the BBI Report. However, for a Hon. Member to purport that he already knows what is contained in the BBI Report amounts to shenanigan, which has been going around saying who has or has not been invited. I thank our President because he has proved the prophets of doom wrong. All of us have been invited.

Hon. Deputy Speaker: Order, Hon. Sankok. You have made your point. I obviously understand. It takes legislative notice that Hon. Angatia Savula is one of the party leaders of his own party, but what is the issue?

Hon. Ayub Angatia (Lugari, ANC): Hon. Deputy Speaker, let me give clarification. We were invited to State House as leaders of political parties. I am the National Deputy Party Leader for Amani National Congress (ANC). I have been to State House and we have been given a brief summary of the BBI Report. That is the truth. Let it be on the Hansard. Employment of youth is there. If you are not invited, you are very junior and that is your problem.

(Laughter)

Hon. Deputy Speaker: Hon. Savula, you have stated your position. You did not have to be very difficult with Hon. Sankok. I think he was simply saying that we should save the best for last and allow the Members to participate tomorrow and get it from the horse's mouth. You are leaking a report, but that is okay. I am sure Hon. Savula was at State House and he is the Deputy Party Leader of the ANC. That is a factual position. It cannot be disputed.

The last person I am giving the opportunity to speak on this one, because the rest of the Membership does not seem to have an interest in the next one, is Hon. Florence Bore, if she wants to speak to this one. Or is it that you wanted to speak to the next one? Okay. Proceed.

Hon. (Ms.) Florence C.K. Bore (Kericho CWR, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity to support the Bill that has been brought by Hon. (Dr.) Munyaka.

I thank him because he has brought a Bill that we all want to support in order to protect our youth. The Bill will go a long way in saving the lives of our youth. Most of them have borrowed money from different sources. We are told about half a million youths have been blacklisted because of borrowing from M-Shwari and other sources of money. This Bill will control that.

The Bill will help in controlling the gaming machines that have been taken to our villages. Trading centres are wooing the youth and even adults. The little money they have for feeding their families end up in the gaming machines. The youth would be attracted by the small wins where they spend about Kshs200 and then win about Kshs5,000. A youth who wins goes showing off to the rest of the peers that he or she has won and this attracts many more to betting.

So, the Gaming Bill will regulate the gaming business. We have seen how gaming companies have been rushing to court every time they are told to pay taxes to the Government. I want to believe this Bill will control the gaming business. Otherwise, I thank you and I support the control of the gaming business in Kenya.

Hon. Deputy Speaker: Okay. Let us have the Mover to reply. You will take a maximum of 15 minutes because at 18:00 hours, we will be adjourning the House to discuss the landslide in West Pokot. If you take less time, we will quickly jump to the particular Motion. So, it is up to you, Hon. (Dr.) Munyaka.

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Thank you, Hon. Deputy Speaker. From the outset, I thank the Members of this House for their very good contributions to the Gaming Bill, 2019. Their contributions are very wise and will form the basis of any possible amendments. I believe during the Committee of the whole House, very Member will have an opportunity to enrich the Bill. I also thank Members of my Committee for their dedication and contributions for the more than one year that we have been doing public participation and going on benchmarking trips in order to come up with this Bill. I also take this opportunity to thank the many Kenyans who gave their ideas and views, so that the Committee can be informed and come up with good amendments.

The passage of this Bill is going to bring sanity in the gaming industry in Kenya. You will remember that the existing Betting, Lotteries and Gaming Act, 1966, is a very old Act. It came in place during the days when there was no mobile technology or internet. Due to lack of a good legal framework, gaming operators exploited Kenyans by occupying the vacuum. There was lack of a legal framework especially for online gaming. That is why it was the wisdom of the Committee to address the issue of online gaming, so that we can control, regulate and make it possible for both the operators and the players, including the Government, to benefit from this particular industry.

Hon. Deputy Speaker, there was a major menace because of the Chinese fake machines that were distributed across the country. This Bill will solve that. Gaming machines will only be allowed into licensed casinos where Government officers will man the machines and the machines will be standardised to international standards. Government officers will vet the type of people accessing the machines. Children will not be allowed to access the machines. In the past, all the machines were spread in the rural areas, towns and streets with children even failing to attend school because they would spend most of their time gambling.

Otherwise, I thank you, Hon. Deputy Speaker. I cannot forget the offices of the Speaker and that of the Clerk for the support they gave to my Committee. I remember Hon. Member 001 for his very good contribution. He has proposed some amendments and we will support them if they are going to enrich the Bill.

Thank you, Hon. Deputy Speaker.

I beg to reply.

Hon. Deputy Speaker: Very well. You have finished 10 minutes to the hour set for the Motion by Hon. Moroto. Therefore, Hon. Moroto receives extra 10 minutes, which is good for him. So, Hon. Moroto can move his Motion.

ZERO HOUR

LANDSLIDE DISASTER IN WEST POKOT AND OTHER PARTS OF THE COUNTRY

Hon. Samuel Moroto (Kapenguria, JP): Thank you, Hon. Deputy Speaker for giving me this chance to inform Kenyans what the people of West Pokot are going through. You have seen on televisions and newspapers what is happening. It is horrible and it is something we have never seen since we were born. If you talk to the people around there, they are saying they have never seen such a thing.

This is a natural disaster, but we are worried if Kenyans can face such a problem and fail to receive help from the people they expect to support them. For the last four days, I have been there together with the affected Members of Parliament like the Member for Sigor who has lost over 30 people and the Member for Pokot South. It was impossible for the neighbours from Kapenguria, Lodwar, Turkana or Baringo who want to support and rescue the people to get there. The 18 foot bridges from Mwino in Marakwet all the way to Kainuk were destroyed.

Everywhere is flooded. There are no foot bridges to cross over. The people in Mwino are suffering. Their neighbours, the Marakwets and Tugens, are willing to support them, but there is no way they can assist. The people from Kapenguria, Trans Nzoia and Eldoret are willing to assist, but the four bridges from Mulboss all the way to Marich went down. There is no much help from the Government, yet we know it should support its people since they have the machinery. We have engineers and the military who can build foot bridges to help the people. Even if they do not use military trucks to cross, they can use donkeys or motorbikes to transport food to the people.

Again, over 60 people have lost their lives. Others are recovering from injuries. Many are still missing including children. Schools where the people can take refuge were destroyed and it is still raining. I do not want to take much time because there are Members who want to contribute. It is not only West Pokot that is affected. I have seen what is happening in Isiolo although the press has not covered it. The people in Isiolo are saying that our situation is better than theirs.

We have also seen what is happening in Taita. All of us are affected as Kenyans because we are one. I want to be brief, so that other Members can contribute and give more details especially the Member for Sigor and the Member for Pokot South. I want to thank the Kenya Red Cross since most of them are volunteers and do not earn anything, but have a humanitarian heart to help. Some people from West Pokot and Eldoret went on foot to the scene where these people are and camped there to offer help. These are great Kenyans.

I want to thank the Deputy President of the Republic of Kenya. Yesterday, he flew there and at the moment, his helicopter is ferrying medical doctors, drugs and food to the people. In fact, last evening, he left for Eldoret and used the road to Nairobi. I sincerely thank him for what he did and the people there appreciate him. I want to thank the United States of America (USA) for their support through the Kenya Red Cross. I pray that God may continue to bless them.

I also want to thank Kenyans especially the Moi Teaching and Referral Hospital (MTRH) in Eldoret. Over 40 doctors and nurses went all the way using the Deputy President's helicopter. They have volunteered to help the people yet the place is raining and cold. They are doing a lot according to the information I have received from the ground. I want to thank Kenyans from

Tans Nzoia, Marakwet and other places who have given out food. I have seen Kenyans are united and willing to help those in need. I do not wish to say much because I want to give time to my colleagues to speak on this issue.

As a House, we need to think twice. As I have mentioned, the Deputy President did not go there as the Government, but as a human being. He saw the suffering that is why he gave out his helicopter to help.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it Hon. Rozaah Buyu?

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): On a point of order, Hon. Deputy Speaker. Is Hon. Moroto in order to suggest there are moments when the Deputy President ceases to be the Deputy President of Kenya? We know he holds that office for five years. Is it in order for him to suggest that at times he is the Deputy President and others he is Mr. Ruto? Is it in order for him to mislead the House that way?

Hon. Deputy Speaker: I do not want to delve into the debate because Hon. Rozaah you are a Literature teacher and sometimes you read into these issues deeply.

In my opinion, Hon. Moroto was saying that in this particular one, he did not come with the trappings of the Government. He was coming there as a well-wisher. He can explain himself.

Hon. Samuel Moroto (Kapenguria, JP): Exactly, Hon. Deputy Speaker. You put it right. Tomorrow, you can pick the Hansard. I have never said it. I did not even mention his name as an ordinary person, but I said he came there as a human being. He felt it. Why am I saying that? Do you want me now to go further?

Hon. Deputy Speaker: Let us leave it there. Hon. Moroto, you are clear enough.

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

Hon. Deputy Speaker: Hon. Members, this is a very serious matter. I do not think we need to interrupt. Hon. Members, I will give you an opportunity to speak on this one. Let us go to Hon. Mwakwona Mwashako. Those Members who want to speak, you can speak when you get an opportunity, so that we can have as many Members as possible speak to this. Let us proceed. Hon. Moroto, you had finalised your contribution. So, let us have Hon. Mwashako.

Hon. Danson Mwashako (Wundanyi, WDM-K): Asante, Mhe. Naibu Spika. Wakati Mhe. Millie Odhiambo alipokuwa akiitisha hoja ya nidhamu, tulingoja tusikie ni gani. Leo ametaja chura kwamba wengine ni wanadamu lakini wengine ni chura. Sikuelewa ilitokea wapi lakini tunamuelewa maana yeye ni gwiji katika mambo ya Bunge.

Ninasimama kuunga mkono mjadala huu ambao umeletwa ndani ya Bunge kuongea masuala ambayo yamekumba nchi yetu haswa masuala ambayo yanafungamana na lile janga ambalo limetokea kule West Pokot, kaunti ambayo Mhe. Moroto anatoka. Nampongeza sana. Kama mzee na mheshimiwa wa Bunge hili, ameleta jambo hili ambalo limeangaziwa sana katika vyombo vya habari. Bunge la Taifa limepata nafasi nzuri ya kujadili suala hili. Kwa kweli, janga hili ni zito. Ni janga ambalo Kenya nzima imepigwa na butwaa. Tunapoangalia runinga, tunaona watu wa huko wanateseka. Kwa niaba ya watu wangu kutoka Wundanyi na Taita Taveta, natao pole zangu kwa Mhe. Moroto na Wabunge wote wa maeneo ya West Pokot na kuwapa pole. Munge akaweke roho za wale waliopoteza maisha yao mahali pema peponi.

Pia nachukua nafasi hii kueleza Bunge hili na nchi nzima kwamba janga hilo halikutokea West Pokot peke yake. Mambo haya yametendeka kaunti nyingi nchini na kaunti yangu ya Taita Taveta imekuwa pia mojawapo ya kaunti ambazo zimepigwa sana na mambo haya. Kweli, tulilia mvua na tukatamani sana mvua inyeshe lakini mvua ya mwaka huu hatujaiona miaka mingi.

Mimi ambaye ninatoka maeneo yale ya miinuko kama kule Taita na Wundanyi, tumepata taabu kubwa. Kule kwangu, juzi tulipoteza mtoto mdogo ambaye nyumba yao ilisukumwa na maporomoko ya ardhi. Leo hii, tunavyoongea hapa, mchana wa leo, kulikuwa na kamati ya kushughulikia majanga kule kwangu Wundanyi ikiongozwa na mkuu wa kata ndogo ya Wundanyi, Taita, wakitathmini hasara iliyoletwa na maporomoko yale.

Mhe. Naibu Spika, naomba kukujiza. Asilimia 60 ya Eneo Bunge langu la Wundanyi ni miinuko ambayo wakati mvua ilipoanza kunyesha, leo hii nina familia 170 ambazo zimeathirika sana na masuala haya. Nashukuru juzi niliongea na Waziri Matiangi na kumjulisha kwamba kule kwangu nina matatizo makubwa. Nashukuru kwa sababu alituma msaada kupitia afisi ya mkuu wa *Regional Commissioner* kule Mombasa wakaongea na *County Commissioner* wakatathmini hasara iliyoletwa na maporomoko yale. Familia 170 ziliathirika na kila familia ina watu karibu sita. Zingine zina watu saba na nane. Kwa hivyo, nina watu elfu moja ambao wameathirika sana kutokana na maporomoko yale. Alafu tena nyumba zao zote zimebomolewa. Ni jambo ambalo Bunge hili najua tuko na mfuko, bajeti na leto tumeweka *budget estimates za Supplementary Budget*. Tuna pesa inayoitwa *Disaster Management Fund*. Naomba kwamba watu wale wakapewe fidia. Ikiwezekana nyumba zile zikajengwe tena na Serikali maana watu wale hawana mbele wala nyuma. Ni watu maskini. Pesa za kukula na kusomesha watoto wao ni shida. Leo hii, hawana makao. Naomba Bunge hili, wakati linapomaliza mjadala huu, liseme kwamba Serikali ya kitaifa inapoendelea kujengea watu walioathirika kule West Pokot nyumba, kule Taita Taveta na Wundanyi pia wajengewe nyumba. Nashukuru Red Cross na World Vision wamesema kesho kutwa wanapeleka mablanketi na neti za mbu ili tuwasaidie watu wetu.

Serikali lazima ikafidie watu wale na wakajengewe nyuma ili wakarudishwe katika hali walizokuwa mbeleni. Vile vile, barabara zimeathirika sana. Tunaomba kwamba Serikali, kupitia KeRRA, itume pesa kule mashinani ili West Pokot, Taita, Isiolo na Tana River ambako kuna shida barabara zikarudishwe katika hali zilizokuwa. Namalizia hapo kwa sababu muda wangu umeisha lakini hili ni jambo ambalo Serikali lazima iangalie.

Hon. Deputy Speaker: Thank you. I know there are Members from that particular area. We have Hon. Pkosing and Hon. Lochakapong. However, before I give them the opportunity, let me give two other Members the opportunity first. Then I will come back to them to give their contribution. I had Hon. Mwashako to my left. So, I will go to Hon. Sankok and then come to my left. Then we can look at what the Members from the area will say. As many as about 20 Members will speak.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Deputy Speaker, for this particular opportunity. Let me start by sending my sincere condolences to the people of West Pokot. It is a painful disaster. We feel their pain. May God be with them at this trying moment.

It is very painful. The children who were buried alive had parents. The men and women who were buried alive are fathers, mothers and sisters to our fellow Kenyan citizens. I know and feel their pain. I thank the Deputy President for having reached that particular region. It was shameful for a whole Cabinet Secretary for Interior and Coordination of National Government, who is in the docket of making sure that we are secure within our borders, to give excuses that he could not reach where disaster has struck, yet he is supposed to be in charge of a disaster management team and ensure security within our borders. I ask Matiang'i that next time we have a disaster in any corner of our country, he should use his helicopter. If the weather is bad, he should get into a car, a *matatu*, a *boda boda*, a bicycle or a donkey and reach where Kenyans are facing disaster.

Hon. (Ms.) Janet Ong'era (Kisii CWR, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Order! Order! What is it, Hon. Janet Ong'era?

Hon. (Ms.) Janet Ong'era (Kisii CWR, ODM): Thank you, Hon. Deputy Speaker. Did you hear the Member say that if the Cabinet Secretary for Interior and Coordination of National Government - actually the Prime Minister of Kenya - should use his own chopper? Where can a Cabinet Secretary of the Government get his own chopper other than use the military choppers? Is he in order to allege that the Cabinet Secretary should do covert or overt deals in order to buy himself a chopper?

Hon. Deputy Speaker: We are completely diverting ourselves from the Motion. Both sides should stick to this particular Motion, which is very serious. When dealing with such a serious matter, both sides should not throw around unnecessary words. Let us not seek political mileage out of it. Let us see how we can help those Kenyans. We have lost quite a number of lives. We can respect those people by speaking on their behalf and on behalf of those who are alive. Let us proceed in a more sober manner. It is a very serious debate.

Hon. David ole Sankok (Nominated, JP): Thank you very much. This is a very serious debate, Hon. Deputy Speaker. With a lot of respect, I forgive my fellow Hon. Member for referring to a mere Cabinet Secretary as a prime minister. The Constitution of Kenya does not provide for the position of a prime minister. Being a mono, I understand where she is coming from.

(Laughter)

Hon. Deputy Speaker: You have almost depleted your time with diversions.

Hon. David ole Sankok (Nominated, JP): You are eating into my time.

Hon. Deputy Speaker: Let me inform you, Hon. Sankok. I do not know the meaning of the word "mono", but if it refers to a one-termer, Hon. Janet Ong'era is definitely not one. She has been around for some time. Hon. Sankok, I do not know if I should describe you as that. I would rather just describe you as a Hon. Member of Parliament and leave it at that. For sure, you are serving your first term as Nominee 001. Let us not throw those terms around. It does not make sense. You would have had ten seconds, but I am giving you an additional one minute.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Deputy Speaker. In the same vein, because of destroying our environment, nature is hitting back very strongly. I request the citizens of this republic to plant more trees, so that we can conserve our environment and nature will not hit back at us as it has done. I also request our brothers in West Pokot to stop cattle rustling because it may be the blood of our brothers in their graves that is crying out to us because of cattle rustling.

Hon. Deputy Speaker: You are completely out of order. I will give an opportunity to Hon. Sossion. Members, you will speak. I see Hon. Janet and the rest. You will have an opportunity.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Deputy Speaker. I rise to support this Motion that is of great national importance and should not be trivialised. I thank Hon. Moroto for bringing it to the House.

I begin by sending condolences to the affected families, noting very strongly that many children and women are victims of this disaster. We share with the Members of Parliament from

the affected regions and the entire republic. It is not only West Pokot that is mourning. We are all affected as a country.

We are dealing with climate change. Climate change is real. It is not only in West Pokot. It is everywhere. We have witnessed this chain of disasters everywhere. The southern tip of this continent has begun receiving very dangerous cyclones that claimed lives earlier in the year. Within this country, we were told of strong winds by the Meteorological Department. What does this mean? It is in West Pokot today. The floods of Budalang'i that we normally witness might even be three times more than what we normally witness. Climate change means extreme aspects of weather in terms of floods and drought. That is why this country should invite itself to engage deeply in conversation on climate change.

As we mourn the affected in West Pokot, this country has very strong measures of dealing with drought. The response to drought has been so good in terms of delivery of food and strategic measures. But because this phenomenon of floods is new, the country does not seem to be prepared at all. This is what we should be talking about - the response measures. It should be the Government and the country responding to such disasters rather than individuals. What is our preparedness as a country? What are the lessons we are learning?

I was very keen to know whether the Meteorological Department actually predicted this. The report we have is that the Meteorological Department predicted that the disasters would happen. The big question is: What is the connection in terms of communication from the reports of the Meteorological Department and sensitising the people on the ground? This is the missing link. The Meteorological Department has done a fantastic job. They have very good data and information. How do we then reach the people through our security organs and information systems? That is what we should be talking about. Moving forward, how can we effectively prepare, so that we save lives? We do not talk of West Pokot today and the next day we are talking about another region. This is a critical national matter that must be addressed seriously. This country must address itself to respond seriously to floods and this magnitude of disasters.

I warned about legislation even in terms of early warning systems. We have to get down and engage in serious legislation in the face of climate change. We have lost lives and we will keep losing lives. We will still go round in circles talking, but we have to move pragmatically. With climate change, even the current form of infrastructure shall have to change. It will be more costly.

I support the Motion. More needs to be done, so that it is the Government responding. We should have strong measures and frameworks in place to respond to disasters related to climate change.

Hon. Deputy Speaker: That was a very sound contribution without any diversions. I hope Members can follow that. Let us have the Member for the area, Hon. Pkosing. I will still give an opportunity to more Members from that particular area.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Deputy Speaker for giving me this chance. I appreciate the messages of condolences that have been sent by my colleagues who have spoken before me. I thank Hon. Moroto who brought this issue up.

It is my constituency that suffered the most. That is why you have not seen me around. I have been on the ground since Saturday when it occurred. It occurred on the eve of Friday. For the Hon. Members of the House to appreciate, it covered an area of about 300 square kilometres in my constituency and Sigor Constituency of Hon. Lochakapong. On Saturday morning, we woke up to reports that 51 people had died. I participated in excavating about 12 bodies on

Saturday morning. It is very sad for West Pokot and my constituency. I thank you for giving us this opportunity to ventilate and share information for national interest.

About 20,000 people who are still alive are affected in one way or another. They are in camps. We have three camps in West Pokot. The biggest camp is in Nyerkulian, which is about 10,500 feet above sea level. There are others in Parua and Tamkal Primary schools, which are hosting the people I talked about.

This has never happened in West Pokot. In the history of our community, such things have never happened that in one night, we lose 51 lives. Because we do not have the machinery, people are still excavating to see their loved ones. Quite a number of people are still missing in West Pokot. I take this opportunity as a victim to thank the Red Cross. I thank His Excellency the President because he led the rescue mission in West Pokot. He called me. We talked. He sent his message of condolence to the great people of Pokot South and West Pokot in general. I also thank the Deputy President for finding time to visit the area.

Hon. Deputy Speaker, I want to join colleagues, and this is not politics, because we oversee people. If there is something that we feel is not done properly, it is the responsibility of this House to say so. I was born and grew up in that area. I am a leader now. The people, we, as a House, give responsibility must take it seriously, particularly cabinet secretaries and all other people who are charged with the responsibility of responding to disasters. From Saturday up to yesterday, it has been like a ping-pong kind of talk. It is the truth that some people did not reach where they were supposed to reach and they blamed the weather. I was surprised because I travelled by helicopter that day with His Excellency the Deputy President to the areas which were affected. Therefore, as local people, we were asking whether there is weather for other people and another one for other people. This is very important to say because my people still require intervention. That is why we have raised this issue. We seek interventions from the people who hold the responsibility and the baskets. Where is the emergency Fund? It is held in the Ministry of Interior and Coordination of National Government and the National Treasury. If they are not serious about handling and responding to emergencies in this country, that is where we have a problem. We have to speak about it.

I want to plead with the people who missed to go there. They need to go there quickly. I am appealing to the Kenya Defence Forces (KDF) to construct the bridges. The bridges in Wei, Ortum and Sepit must be constructed very quickly. There are other small bridges that we have communicated about. We, as the Pokot people, are lamenting that some of these characters have been spoiling our image by saying all the time that we are bad and should not be visited. They also say that the area is insecure and there is bad weather. That is why our image has been spoilt. I want to thank the President of the Republic of Kenya and the Deputy President for being good ambassadors of West Pokot County. Those are the only two people who have realised that there is something good in West Pokot County. However, the subjects who work under them must appreciate that we give responsibilities for a while. They should see Pokots as their brothers.

Hon. Deputy Speaker: Let us have Hon. Lochakapong, Member for Sigor.

Hon. Peter Lochakapong (Sigor, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute. First of all, I want to begin by sending a message of condolence to the people of West Pokot County - people of Tamkal, Muino, Nyakulial and Parua - who lost their loved ones. What happened in West Pokot County is a disaster that has never been witnessed in very many years.

We require urgent Government intervention. I want to thank the President for constituting a multi-agency team to deal with this issue. We have lost over 60 people. We lost 21 people in

Sigor Constituency. About 11 bodies have been recovered and 10 are yet to be accounted for. I want to thank the teams who are on ground, namely, the Red Cross, who are involved in the rescue operation and the KDF. I want to urge them to work with the local people and leaders, so that they can rescue and recover the bodies that have not been accounted for up to this point. We had a lot of losses from this disaster. Roads are not passable. Five main bridges were destroyed. From Sebit to Marich, four bridges were destroyed. A bridge which connects West Pokot, Elgeyo Marakwet and Baringo counties was swept away. That needs to be fixed urgently, so that people can move from West Pokot to Elgeyo Marakwet and to Baringo counties and do their businesses as usual. For lives to be normalised, we need urgent intervention. Eighteen foot bridges were swept away in River Wei Wei. Something has to be done urgently, so that our people can move from one side of the river to the other. They are not used to being unable to cross this river. From Muino to Kaino, there is really nothing in this river. Everything was swept away. That needs to be addressed urgently.

There is also the issue of schools. The Ministry of Education should visit the areas to ascertain the extent of destruction that was done to schools. Crops and livestock were also destroyed. The people who were affected need food, shelter, clothing and medical personnel urgently. I was in that place from Saturday morning to last evening and the situation is bad. If you are coming from Kapenguria, you can only access Tamkal in Sigor Constituency by chopper or by road through Elgeyo-Marakwet County. Yesterday, I travelled through Elgeyo-Marakwet to Eldoret, which is a seven hours distance.

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

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

I also want to thank those who have assisted us, namely, the Kenya Army, His Excellency the Deputy President and Hon. Murkomen and his team. From what we hear, people should not use this situation to play power games. This is a situation of lives. We are talking about loss of lives and the humanitarian support that is required by the people who were affected by the landslide and the ravaging floods. We need all of us to come in, unite and help Kenyans.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mark Lomunokol, Member for Kacheliba.

Hon. Mark Lomunokol (Kacheliba, PDR): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion that has come as a result of the disaster that struck our nation in West Pokot County. Before I proceed, I want to take this opportunity to convey my heartfelt condolences to the families who lost their loved ones and the nation at large. Let me also take this opportunity to thank all the people who struggled to reach the affected places starting with organisations that responded with the swiftness that we require. My appreciation goes to the Red Cross Kenya, the leadership of this country, namely, the Deputy President, the Senators and Members of the National Assembly who visited the area, religious leaders and everyone who visited the people.

As I speak, the death toll continues to rise. As of today, it is reported that over 50 people have lost their lives while others are still missing, which will definitely raise the number to bad levels. As we debate in this House, the survivors in the areas are in very bad conditions. People who had houses do not have them now. They are spending their lives in the cold without clean water, food and other basic needs. As a nation, we need to do the needful in order to assist them.

When a disaster like this strikes, we should be asking the following questions as a country: How do we respond to a disaster like a landslide or mudslide when it occurs? How can we prevent mudslides from occurring in the future? Below are the answers. The affected persons should be relocated to safer grounds and be compensated with land in Government farms like the Agricultural Development Corporations (ADC) farms or buy other pieces of lands for them. The Government should also move with speed and plant trees, so that future attacks of this magnitude are averted.

In conclusion, this country seems not to have learnt from previous disasters like the Westgate terror attack and collapse of houses in Nairobi. Our level of response is still slow. It is now four days since the disaster struck. As I speak, many of the bodies are still trapped in the mud. If the military chopper fails to reach the place, who else can save us? It is a question we need to ask ourselves.

Someone should take responsibility for this matter. That person should do the honourable thing by resigning. How could a whole Cabinet Secretary not reach the place yet I am sure he would be paid *per diem* on the pretext that he reached Eldoret? It is very important that as a nation, when such things happens anywhere in the country, we should see our Government officials in solidarity making efforts to reach the places.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Motion. First, I would like to take this opportunity to send my message of condolences to the people of West Pokot and to the families of Kenyans who lost their loved ones in the disaster. It is very painful to lose people in that kind of disaster where you are not aware, you are just asleep, it is raining and things happen. People are swept by floods. You cannot even recover the bodies.

Having said that, the question that we need to interrogate as a House is how we should respond to disasters. That is the main thing. It is not the first one neither is it going to be the last one. Disasters happen. They happen all over the world. As Hon. Sossion has said, climate change has caught up with us. Climate change has brought a lot of effects on the mode of life in this universe. I thought with the new Constitution, we wanted to devolve power and resources to counties. Devolution is supposed to deal with many of the problems Kenyans are facing at the local level. Today, if you lose lives, you expect a response from Nairobi in 2019. This is shocking. Our county governments must up their game. They are not receiving little money like the former county and municipal councils, but are receiving billions of shillings. That is enough to respond to any disaster that happens in their areas. The only thing the national Government can do is to reinforce help where they can. If we still live in the era of yesteryears where everything was centralised and for anything that happens in the country, the response must come from Nairobi, I do not see the reason why we should have devolution. We should fold it up and go back to the old order of a unitary system of government where you had to wait for the District Commissioner or the Division Officer to do everything.

As much as I know this was a disaster of high magnitude, county governments should be well equipped to handle some of these disasters. They are the first line of defence. They are the people on the ground. They are governments for heaven's sake. The name they have in the Constitution is "county government". If a government cannot rescue the lives of its citizens, it does not need to be called a government. It should be disbanded. West Pokot, the last time I

checked, was receiving money from the Government. I do not know where that money has gone to. Do you expect two choppers to come from Nairobi to help you alleviate a disaster?

The county government has failed in its responsibility and it must...

Hon. David Pkosing (Pokot South, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing, what is out of order? Hold on, Hon. Junet.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Speaker, is my senior, in terms of leadership, in order to insinuate that security is a county function? It is not! The last time I checked the Constitution, the responsibility of taking care of security of people of Kenya is a national Government function. Two, the resources we vote as a House go to the national Government. Is he in order?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing, you have made your point. Security is a national issue. You are absolutely right. Hon. Junet proceed.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I totally agree with him that security is a national function, but we are discussing a disaster that befell the people. I am sure people were not being secured from God because we believe disasters come from God. They do not come from human beings. Cattle rustling and people killing each other is a national security issue, but for disasters from God, no national Government official knows what God is going to do to me tomorrow morning. That is why I am saying county governments who are nearby must be the first line of defence. They are receiving billions of shillings. Tell your governor to stop being a comedian. Let him respond to the people. Let him work and respond to that disaster.

With those few remarks, I condole with the people of West Pokot. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Junet, you are a very clever debater. It is true this is an act of God. We are all speaking the same language that probably our disaster preparedness as a nation in our different capacities is wanting. That is what we are saying here. Hon. Buyu, Member for Kisumu County.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. From the outset, I support this Motion as my heart goes to hundreds of people who have lost their lives. The worst thing about it all is that this happened at 2 a.m. when mothers, their children and fathers were all asleep. In the thick of the night, it was difficult to get immediate help. When it was reported in one of our television stations that a mother had gone to bed with her six children and they were all swept away and lost their lives, my heart went out to that family and to the people who lost their loved ones. This got everybody unawares.

I would like to support Hon. Junet because what this calamity shows is that devolution is failing. Not too long ago, the House was debating about how much we should give to the counties and governors put up a spirited fight looking for more money. When 60 or more lives are lost within our counties in a situation where some help would have been accorded to the people, I am glad the National Assembly stopped the counties from getting all that money they wanted because losing one life is a life too many. If the money we give to the counties cannot be used to prepare for such calamities, at least, to lessen the effect and impact, then we really have to relook at what devolution stands for.

Now that this has happened and the county government seems to have also failed in showing enough help to the people, the county government must now focus in looking at issues of health. When you move too many people to a small area because people have to move, we

will have a lot of diseases coming up, especially given that there is too much flooding. The county government, given that health function is also devolved, must come up and ensure that we do not have diseases affecting the people as a result of the flooding and the congestion that we must be experiencing.

I want to talk about floods that are related to the landslide. I come from an area where we are also experiencing a lot of flooding and some disaster or dangers from flooding. I am talking about areas like Usoma in Kisumu West Sub-county and Kapuothe in Kisumu Central Sub-county where people have gone through untold suffering because of floods. They have lost their houses, belongings and have had to move to camps in schools and churches. This just calls on attention and preparedness and taking the work of the Meteorological Department seriously. Indeed, we do not take it seriously when they forecast on the weather. Otherwise, we would be showing a bit of preparedness in calamities such as these. Even if we cannot stop them, we can at least curb such negative or strong impacts.

I thank the Kenya Red Cross because in many areas and many counties, it seems to be doing the work the counties are supposed to do. During calamities like this, the Kenya Red Cross seems to be coming up as the saviour of the people. I thank them. In doing so, I also want to thank the national Government for what it has done.

I have heard a few say that they are thanking the Deputy President directly, as an individual. I would like to remind this House that the Deputy President, in doing what he was doing, happens to be the Deputy President of this country. So, we see the Government as offering a hand when he offers a hand.

Once again, I thank the owner of this Motion. Once again, my heart goes out to the affected people.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamket.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this Motion.

Before I say much, I want to condole with my brothers and sisters from West Pokot County. I come from Tiaty and Tiaty is a 100 per cent Pokot. This was an unbelievable disaster to strike our region. As the leader of Tiaty, I stand here to mourn with my brothers. We are with them in prayer at this very difficult moment. We pray that God favours the living and may the souls of those who have gone ahead of us rest in eternal peace.

This disaster is unprecedented. The magnitude of this disaster is unprecedented. The response agencies like the Kenya Red Cross was very swift. I want to sincerely thank the Kenya Red Cross for their swift response. I also want to thank other agencies who went there. I thank the national Government for the quick response in terms of forming a multi-agency response team that was headed by the County Commissioner. I differ with my colleagues who have said that the response from the Government was a bit slow. The response of the national Government was and has been very good so far in helping our people. When this disaster happened, I and my colleague, Hon. Lochakapong and the Member for Marakwet East and Marakwet West were in that region. The amount of rainfall that fell that night was just too much. In fact, I was almost one of the casualties of that disaster. As I was trying to cross River Kerio, my vehicle almost got swept away by floods. I am lucky to be here.

The amount of destruction that was caused by the floods was immense. We are talking about loss of human life. We are also talking about a lot of damage to infrastructure like roads, foot bridges and livestock. I want to appeal to all Kenyans of goodwill as was said earlier by my colleagues. The amount of response we have received from the Government and other agencies

is little compared to the magnitude of the problem. So, I urge all Kenyans, including churches and other Kenyans of goodwill, to move with speed and see how they can help all the affected families to rebuild their lives back to normal. There is also the psychological aspect, especially the traumatised children who still suffer silently because of the loss of loved ones and the trauma.

There is something else. I hate when people try to politicise such a disaster. Coming here to blame the Cabinet Secretary, Mr. Matiang'i for bad weather is a bit insincere on the part of my colleagues. It is not good when we have Members of Parliament and a person at the level of the Deputy President going there to take selfies instead of helping. It is really bad when they go there to take selfies instead of trying to help the people! It is really wrong.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing, what is out of order?

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Speaker, we know where Hon. Kamket is coming from. Is he in order to come and tell people here that somebody of the stature of the Deputy President of the Republic of Kenya... I know he is being used by KANU to abuse the Deputy President. He has been used. I know that. I know he is being used.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing, what is out of order?

Hon. David Pkosing (Pokot South, JP): That is what I am saying.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing, you have not raised any substantial point of order.

Proceed, Hon. Kamket. Hon. Pkosing, resume your seat. Hon. Kamket, your time has actually lapsed. This is Zero Hour. Let others also contribute. Let us have Hon. Mlolwa.

Hon. Jones Mlolwa (Voi, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I want to agree with my colleagues who have spoken before me. This is a Motion of national importance. We have lost people in West Pokot. On my behalf and on behalf of my people of Voi, I say *pole* to the people. I want to condole with the families of the affected people.

This should not be politicised. People have lost lives. We should not be sitting here talking about politics when people were buried while others have not even been seen. Some of them cannot even be located. Some of the injured cannot be taken to hospital because there are no roads. We should concentrate on the emotion about this. When we start politicising everything that happens, we destroy this country.

It is true we have not taken care of our nature. Nature is fighting back. We have not treated nature well. We are cutting down trees everywhere. We are harvesting sand from rivers. Everything has not been done right in this country. But having said that, if the Red Cross reached where the people are, you cannot tell me the Government could not reach the place. The Government should be serious about some of these things. We have the county government. We have not seen any county government vehicle from West Pokot reaching the people. We need to see how we manage disasters in future.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mlolwa, I thought His Excellency the Deputy President was in West Pokot, at the site.

Hon. Jones Mlolwa (Voi, ODM): Hon. Temporary Deputy Speaker, I hear he went there as an individual. I do not know how. I was expecting some KDF aircraft to be there distributing food to the people. People are still hungry. They do not have food or water. If he made it, for sure, how come some people could not reach there?

(Applause)

This is a national issue. It is not only in West Pokot. Maybe the magnitude was much higher in West Pokot than in other areas. In my county of Taita Taveta, homes have been destroyed especially in hilly areas like Wundanyi Constituency. The roads are impassable now. These are the issues we should be talking about rather than looking at politics.

Hon. Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Angwenyi, because of his age and seniority.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this Motion. I am a very sad person because my people have died out of this calamity. I always call myself a Pokot because I admire the character of the Pokot people.

This incident raises various questions. One, is this country prepared for this kind of incident? Are we trying to handle our climate? Two, when these kinds of situations happen, do we need to politicise it? Where I come from, there is a saying that “*tang’i mwangane mwanja nere matati*”: You can hate each other, you can reject each other, but if a relative or a person of your enemy dies, you all set the differences aside and come together. Unless the other person whom you do not work with killed that person, you all come together and condole with each other. We should be condoling with the people of West Pokot. We should not be politicising this issue, with all due respect to my colleagues. Yes, some two or three cabinet secretaries were trying to get there, but their pilot told them the flight could not reach that point. Did you want them to go there and die, so that we can have more people dying? What we want is action to assist the people of West Pokot.

Hon. Temporary Deputy Speaker, those bridges which have been blown off, the national Government should undertake to construct them immediately. The people who need relief food should be assisted immediately. If the national and the county governments cannot reach the areas, let them give the food and the other assistance to the Red Cross, which has gone there.

I hope we will not be just reacting to disasters when they happen. I hope from now on, this Parliament will ensure that adequate resources are set aside for these kinds of disasters. We have the power of managing and preparing the budget and we must scrutinise it. Is there a vote for these kinds of disasters? They may happen in West Pokot today, but next time, it may be in another place. I understand it is already in Ukambani. So, we must prepare. We must have a quick response mechanism to rescue people. We should have a national disaster quick response framework to handle such situations.

With those few remarks, I condole with the people of West Pokot.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Hassan Rehema, the Member for Tana River.

(Hon. Ferdinand Wanyonyi threw his hands in the air)

Hon. Member for Kwanza, you cannot throw your hands up in the air. The Temporary Deputy Speaker has only one microphone that he can give. You are out order. You always speak in this House and you must also let other Members speak when they have an opportunity.

Hon. Rehema proceed.

Hon. (Ms.) Rehema Hassan (Tana River CWR, MCCC): Asante sana, Mheshimiwa Naibu wa Spika wa Muda. Hata mimi ninaunga mkono mjadala na kutuma risala za rambi rambi kwa wakaazi wa West Pokot.

Pia, ningependa kuongeza sauti wakati jambo kama hili la huzuni limetokeza na kuwaomba Waheshimiwa wenzangu tusiwakejeli wenzetu. Wakati wenzetu wamepoteza watu wao na wanahuzunika, sisi huku tunakuja kulifanya jambo la siasa hapa. Wengine bado hawajapata watu wao, wala kuwazika na sisi hapa tunafanya siasa nyingi badala ya kutafuta suluhu ya kudumu ya hiyo shida. Mimi pia watu wangu wa Tana River tunavyozungumza, kuanzia hapa Ziwani karibu na Garissa na Garseni sehemu ya Tana Delta, watu wamepoteza makaazi, mimea na hata mifugo yao. Hawana mahali pa kulala. Mimi pia ningeomba Serikali iwasaidie. Ile idara ambayo iko kwa kaunti hata kwa Serikali bado ipo.

Kwa hivyo, ninaomba Serikali iwasaidie wale walioadhirika na mafuriko na malazi, chakula na hata madawa. Wakati wa mafuriko, magonjwa mengi yanatokea. Mimi pia, ningeomba suluhu ya kuduma ipatikane hasa kwa hili janga la mafuriko la Tana Delta. Wakati *Tana and Athi Rivers Development Authority (TARDA)* ilikuwa inaanza ule mradi wa kunyunyizia mchele maji, waliweka ukuta mkubwa ambao waliuita *band*. Ile ni kama imeteremka kidogo. Ninaomba watu wa TARDA wauinue ule ukuta ili wazuie maji yasiingie kwa mashamba na majumba ya watu. Sehemu ya Ziwani, maji yakifurika hata kidogo, yanapenya na kuingia kwa mji. Pia, ningeomba Serikali ijaribu kuziba hiyo barabara ya maji ambayo inapitisha maji saa zote kutoka kwa mto na yanaingia kwa eneo la Ziwani Bakuyu mpaka Garissa.

Ninaomba tunapozungumza hapa, tuwe tunachangia kutafuta suluhu lakini si malumbano.

Asante.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, time now is 7.00 p.m. I wish to convey by personal condolences to the people of West Pokot. For those who are suffering, may the Lord find some peace for them. Hon. Members, have a good night and see you tomorrow.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 27th November 2019, at 9.30 a.m.

The House rose at 7.00 p.m.