

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
THE HANSARD

Wednesday, 27th November 2019

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Order Hon. Members! Obviously we do not have the required quorum for very understandable reasons. I am sure we will get it. So, I order the Bell to be rung.

(The Quorum Bell was rung)

Order Hon. Members! Take your seats. We will begin business. On that particular Order, we have three Questions. We will start with Hon. Abdul Rahim Dawood.

ORDINARY QUESTIONS

Question No.513/2019

CONSTRUCTION OF ROADS IN MERU COUNTY

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Deputy Speaker. I wish to ask the following Question to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) Could the Cabinet Secretary provide details on the number of roads in Meru County whose construction have been completed to bitumen standards including cost and lengths in the last three years?

(ii) Could the Cabinet Secretary also state the number of roads that are under construction to bitumen standards and those under procurement costing more than fifty (50) million shillings in Meru County and in particular in North Imenti Constituency?

(iii) Could the Cabinet Secretary also list the road contracts that have been finalised including the variations if any, in Meru Country?

(iv) What is the progress of construction of the Meru Town Bypass and when is it expected to be completed?

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Transport, Housing and Public Works.

Next is the Member for Ruiru, Hon. King'ara.

Question No.514/2019

DISPARITIES IN HARSHSHIP ALLOWANCES PAID TO TEACHERS IN RUIRU

Hon. Simon King'ara (Ruiru, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No.514/2019 directed to the Cabinet Secretary for Education.

(i) Could the Cabinet Secretary explain why there exist disparities in the payment of hardship allowances to teachers in the following primary schools in Ruiru Constituency compared to their counterparts in same Job Group and in same locality, that is; Kahawa Wendani, Mwiki, Kwang'ethe, Mwihoko and Githurai Kimbo?

(ii) Could the Ministry consider paying house allowances to teachers working in Ruiru Constituency similar to those paid to their counterparts in Nairobi City County considering the similarities in the geographical locations and working conditions?

Hon. Deputy Speaker: That will be replied to before the Departmental Committee on Education and Research.

Lastly, is the Member for Buuri. He is not in. So, the Question is deferred.

Next Order!

Question No. 515/2019

BAD STATE OF ISILO-O-RUIRU ROAD

(Question deferred)

BILLS

Second Readings

THE EQUALISATION FUND BILL

(Hon. Kassait Kamket on 13.11.2019 – Morning Sitting)

(Debate concluded on 20.11.2019 – Morning Sitting)

Hon. Deputy Speaker: Obviously, we have lost quite a considerable number of Members because they have left. So, we will not put the Question on this one. We will also not

put the Question on Order No.9. Therefore, we will go to the Motion, but it is also putting the Question. So, Order Nos.8, 9 and 10 are deferred to the next available opportunity.

Next Order!

(Putting of the Question deferred)

THE KENYA INSTITUTE OF CURRICULUM
DEVELOPMENT (AMENDMENT) BILL

(Hon. (Ms.) Joyce Emanikor on 20.11.2019 – Morning Sitting)

(Debate concluded on 20.11.2019 – Morning Sitting)

Hon. Deputy Speaker: I have already made a decision on this one. So, let us move on to the next Order.

(Putting of the Question deferred)

MOTION

FACILITATION AND SUPPORT OF NATIONAL FARMERS' FEDERATION

THAT, aware that farmers in Kenya are least organised into Associations, following the collapse of the Agricultural Cooperatives; further aware that, the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organisations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organise farmers is through their organisations; appreciating that the best suited organisation to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organised farmers, farming will be more beneficial in terms of volumes, lowered cost of production and improving organised raw material supply to industry; realising that organising farmers into Agri-business entities is a costly undertaking which calls for Government support, and acknowledging that through organised production systems, the country will achieve the Big 4 Agenda faster and also create more and better jobs in the Agricultural Value Chains; this House urges the Government to facilitate and support the Kenya National Farmers' Federation to mobilise and organise the registration of farmers into preferred

entities and manage national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

(Hon. John Mutunga on 30.10.2019 – Morning Sitting)

(Debate concluded on 13.11.2019 – Morning Sitting)

Hon. Deputy Speaker: Same fate; it is also deferred.

(Putting of the Question deferred)

BILL

Second Reading

THE INDUSTRIAL TRAINING (AMENDMENT) BILL

Hon. Deputy Speaker: I do not see Hon. Njomo in the House? So, this one is also deferred.

(Bill deferred)

MOTION

COMPREHENSIVE POLICY TO HARNESS DIASPORA

KENYANS FOR NATIONAL DEVELOPMENT

THAT, aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenyan Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittance from Kenya Diaspora account for over 3% of the country's GDP channeled by an estimated three million Kenyans; noting that, contribution by the Kenyan diaspora to the country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, diaspora investments funds, knowledge exchange among other enormous potential benefits; acknowledging that, the diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; concerned that, Kenya ought to formulate practical and incentive-driven policy to harness existing and future diaspora resources for social-economic development; cognisant that Kenya has an

obligation to counter the challenges hindering diaspora contribution to national development; this House resolves that the Government reviews and formulates a comprehensive policy and structure to harness the ever increasing diaspora resources for national development and that the said policy be presented to National Assembly within one year for consideration

(Motion deferred)

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Majority Whip?

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Deputy Speaker. Yesterday afternoon the Speaker pronounced the attendance of Members to the launch of the Building Bridges Initiative (BBI) Report. This is a very important document to this country; it informs the way forward in future. Members being compliant have gone to Bomas of Kenya. I want us to consult whether we may continue in this manner because our interests are divided.

Hon. Deputy Speaker: Let us consult and see what we can do because there are a few options. So, maybe you can approach me because you are the only leader seated in the House to see how best to proceed. I agree with you totally that the substantive Speaker made a pronouncement inviting Members to go to Bomas for a very important activity. So, this is something we should take note of. As we consult, we want to see if there is any Member who would wish to pursue business because there are a few things which can be done. But allow me a few minutes please.

(Hon. Deputy Speaker consulted with Hon. Benjamin Washiali)

So, we will proceed in the normal manner and see if there is any Member who wishes to transact business.

So, let us go to the next Order.

BILL

Second Reading

PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL

Hon. Deputy Speaker: This is by Hon. Rigathi and he is also out so, it is deferred.
Next Order!

(Bill deferred)

MOTIONS

REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

THAT, aware that seventy-five percent of Kenya's population is under the age of thirty-five years and that, the overall unemployment among the youth is at fifty-five percent; further aware that over 800,000 graduates from Universities, Colleges, Technical Institutes, Vocational Centres and other tertiary institutions join the job market annually with only approximately 70,000 being absorbed into the formal labour force market; concerned that the high rate of unemployment in Kenya, particularly among the youth remains a major challenge; recognising that Article 55 of the Constitution requires the state to take measures to ensure that the youth gain access to relevant education, training and employment; noting that the mandatory retirement age for public servants is set at sixty (60) years; this House urges the Government to review the mandatory retirement age in the public service from the current sixty to fifty years to among other things, create opportunities for the employment of the youth.

Hon. Deputy Speaker: Hon. Charles Njagua seems to be out of the Chamber. So this is also deferred.

(Motion deferred)

ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES TO CHILDREN

THAT, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognisant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; this House urges the National Government to establish database centres

in all Civil Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

Hon. Deputy Speaker: I also do not see Hon. Mary Wamaua. So, this one is also deferred.

(Motion deferred)

INFORMATION IN POLICE CLEARANCE CERTIFICATES

THAT, aware that disclosure of information about previous criminal convictions through a Police Clearance Certificate has long been considered an important safeguard for employers and various organisations seeking individuals to serve in positions of trust; concerned that the Police Clearance Form includes cases that are pending before court, thus going against the principle of Article 50(2) of the Constitution which provides for the presumption of innocence until proven guilty; further concerned that, the bureaucratic manual procedure of acquiring criminal data and laxity in updating the records results in erroneous information on the Police Clearance Certificate and consequently denies applicants employment opportunities; cognisant of the fact that in Kenya, based on an administrative directive from 1990, criminal records are waived after a term of 20 years except for serious offences such as murder, robbery, manslaughter, rape, defilement, treason or drug possession which remain as permanent records; noting that research has shown a clear nexus between crime and poverty and that a criminal record remains a permanent barrier for young people looking for employment as this will be shown in the Police Clearance Form which will perpetuate the cycle of poverty; this House urges the Directorate of Criminal Investigation to leverage on the use of Information Communication Technology (ICT) to ensure criminal data availed in Police Clearance Forms is accurate and up-to-date.

Hon. Deputy Speaker: This is by Hon. Gladwell Cheruiyot. She is also not in the Chamber. So, it is deferred.

(Motion deferred)

INTRODUCTION OF AGE-APPROPRIATE SEX EDUCATION IN SCHOOLS

THAT, aware that in Kenya about 11 percent of teenagers are engaging in sex before their 15th birthday with an estimated 47% of teens already sexually active before the age of 18 years which is the legal age of consent; further aware that Kenya's adolescent birth rate is 96 per 1000 women, with 15% of all adolescent women having already given birth and 3% being pregnant with their first child; concerned that the sexual activity is encouraged by the proliferation of the internet and mobile phones, poverty and the conservative attitudes combined with the traditional values which tend to have parents shying away from discussing sex with their young ones while other traditional African cultures encourage early marriages; acknowledging that young persons in the country do not get sex education to make sexual choices; recognising the need for a comprehensive and age appropriate sex education from the age of six (6) years, this House urges the National Government to introduce, institutionalise and entrench sex education in both primary and secondary school curriculum and encourage the development and building of more boarding school especially for girls.

Hon. Deputy Speaker: This is by Hon. Elsie Muhanda. She is also out of the Chamber. The Motion is deferred.

(Motion deferred)

BILLS

Second Readings

THE PUBLIC ORDER (AMENDMENT) BILL

Hon. Deputy Speaker: This is by Hon. Simon King'ara and I do not see him. It is also deferred.

(Bill deferred)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

Hon. Deputy Speaker: The Member is also absent so, it is deferred.

(Bill deferred)

THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL

Hon. Deputy Speaker: The Member is absent and so it is deferred.

(Bill deferred)

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL

Hon. Deputy Speaker: The Member is not in the Chamber. So it is also deferred.

(Bill deferred)

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL

Hon. Deputy Speaker: This is also deferred.

(Bill deferred)

It seems we have run short of business. Well, either way, I must commend Members for being able to come because there are two important businesses one, of course is the launch of BBI Report and the fact that we always take our work here seriously because it is important. The Members have managed to be here albeit briefly. So, I must commend them.

ADJOURNMENT

Hon. Deputy Speaker: Having exhausted the business for today and the time being 10.00 a.m. this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 10.00 a.m.