

**PARLIAMENT OF KENYA**  
**THE NATIONAL ASSEMBLY**

**THE HANSARD**

**Thursday, 5<sup>th</sup> December, 2019**

The House met at 2.30 p.m.

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

PRAYERS

**Hon. Speaker:** We can proceed. I will make the Communication after Order No.6.

PAPERS LAID

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

The 2018-2022 National Education Sector Strategic Plan from the Ministry of Education.

**Hon. Speaker:** Let us have the Chairman of the Departmental Committee on Education and Research.

**Hon. Julius Melly** (Tinderet, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Education and Research on its consideration of the Petitions regarding:

- (i) Refusal of the Teachers Service Commission to Promote Teachers serving in Samburu County and its Environs by Hon. Alois Lentoimaga;
- (ii) Non-payment of Hardship Allowance to Teachers in Taita Taveta County by Hon. Danson Mwashako; and,
- (iii) Distribution of Textbooks to Public Schools by Hon. Anthony Kiai on behalf of the Kenya Booksellers and Stationers Association.

**Hon. Speaker:** Let us have Hon. Vincent Kemosi.

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Committee on Powers and Privileges on study visits to the following:

- (i) Parliament of Botswana from 6<sup>th</sup> to 10<sup>th</sup> May, 2019; and,
- (ii) Parliament of Uganda from 11<sup>th</sup> to 18<sup>th</sup> August, 2019.

**Hon. Speaker:** Let us have the Chair of the Departmental Committee on Lands.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Lands on its consideration of the Petitions regarding the following:

- (i) Displacement of Residents, Loss of Property and Closure of Schools in Ntoroni Sub-Location in Tharaka Sub-County;
- (ii) Alleged Unlawful Occupation of Ancestral Land by the Kenya Defense Forces School of Artillery (78 Tank Battalion) in Tigania East Constituency;
- (iii) Delay in Allocation of Land in Mwea Settlement Scheme to the Legitimate Beneficiaries by Mr. Stephen Ngari Njuki; and,
- (iv) Invasion and Eviction of the Workers from their Land in Roysambu Constituency by the KDF by Former Workers of the Late Mayer Jacob Samuels.

**Hon. Speaker:** Let us have the Chair of the Budget and Appropriations Committee. Let us have Hon. Njagagua with regards to requests for statements.

**Hon. Charles Njagagua** (Mbeere North, JP): Thank you, Hon. Speaker.

**Hon. Speaker:** I am sorry. Just one second. Next Order!

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

#### RAVAGING FLOODS IN THE COUNTRY

**Hon. Speaker:** Let us have Hon. K'oyoo. You are not audible. Maybe you can use the next microphone.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Speaker. I stand to give a notice of Motion. I intend to raise a Motion to adjourn the House to discuss the ravaging floods as a matter of urgency so that we can find ways of mitigating the disaster.

**Hon. Speaker:** Do you have the numbers?

*(Several hon. Members stood up in their places)*

**Hon. Onyango Oyoo** (Muhoroni, ODM): Yes, I have the numbers.

**Hon. Speaker:** Very well. I notice you have the numbers. Member for Baringo, you are laughing so loudly I could recognise you. Hon. Duale, you appear to be addressing a rally somewhere in Baringo.

Hon. Members, given the business appearing on the Order Paper today, because I have not seen the report, is the Chair of Departmental Committee on Agriculture and Livestock ready with the business appearing as Order No.14? Are you ready to move the Bill? Very well! If we get to that Order, and subject to not going beyond 6 p.m., the Member for Muhoroni will move the House to debate that issue or such earlier time as the House may not have further business.

Next Order.

**ORDINARY QUESTIONS**

**Hon. Speaker:** Hon. Members, there are three Questions. I would just like to remind Members about the Standing Orders with regard to sessions. The first Question is by the Member for West Pokot, Hon. Lilian Tomitom. Member is not present

The next Question is by the Member for Tiaty, Hon. William Kamket.

*Question No.530/2019*

## CLOSURE OF KAPEDO NATIONAL POLICE RESERVISTS' CAMP

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker. I rise to ask Question No.530 of 2019 to the Cabinet Secretary (CS) for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain the circumstances that led to the indefinite closure of the Kapedo National Police Reservist's Camp in Tiaty Constituency?
- (ii) What urgent steps is the Ministry taking to ensure the camp is reopened and police reservists recalled for enhancement of security in the area?
- (iii) Could the Cabinet Secretary explain why the reservists have not been incorporated into the National Police Service, and the measures in place for coordination of operations between the police and reservists?

Hon. Speaker, may I say one word? I understand the guidelines you have given...

**Hon. Speaker:** You said you wanted to say one word then you chose to ask the Question. You are governed by the Standing Orders. Nevertheless, I will refer it to the Departmental Committee on Administration and National Security. You are aware of the Calendar of the House. There is nothing to say. There is nothing we can do about the Calendar unless you move a Motion. You have asked the Question. Hon. Kamket, how were you running the county assembly? Were there no rules? Maybe, there were none.

The next Question is by the nominated Member, Cecily Mbarire. The Member is absent. I will call for the first Question for the second time. Let us have the Member for West Pokot, Hon. Lilian Tomitom. The Member is absent not desiring to be present. The Question is dropped.

*Question No.529/2019*

## ROLE OF NGOS IN CURBING FGM

*(Question dropped)*

For the second time, let us have the Question by Hon. Cecily Mbarire, Deputy Majority Whip. The Member is absent not desiring to be present. The Question is dropped.

*Question No.531/2019*

## RELOCATION OF COMPANIES TO OTHER COUNTRIES

*(Question dropped)*

Hon. Members, before we go to the requests, could those who are upstanding take their seats? I am likely to take a little bit of time. Hon. Angwenyi, if you could take a seat. Just sit somewhere there for the time being. You are not supposed to run into the Chamber. Hon. Members, I have a number of communications to make.

**COMMUNICATIONS FROM THE CHAIR**RESOLUTIONS OF COUNTY ASSEMBLIES ON THE DRAFT PUNGUZA MIZIGO  
(CONSTITUTION AMENDMENT) BILL, 2019

**Hon. Speaker:** Hon. Members, I wish to make the following Communication regarding the status of delivery by the county assemblies to the Speakers of the two Houses of Parliament their decisions on the Draft Punguza Mizigo (Constitution Amendment) Bill, 2019.

You will recall that on 28<sup>th</sup> February this year, the promoters of the Punguza Mizigo (Constitution Amendment) Bill delivered a draft Bill to amend the Constitution by popular initiative and signatures of persons in support of the initiative to the Independent Electoral and Boundaries Commission (IEBC) for verification. Consequently, and pursuant to the provisions of Article 257 (4) of the Constitution, the IEBC submitted the draft Bill to the 47 county assemblies for consideration after verification of the signatures in support of the initiative.

Article 257 (6) of the Constitution affords the respective assemblies the period of three months after receipt of a draft Bill to amend the Constitution by popular initiative within which to approve the Bill. Thereafter, the respective Speakers of the county assemblies are required to communicate the resolution of approval or disapproval of the respective assemblies by delivering a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate indicating the resolution of the respective county assemblies.

At the time the Punguza Mizigo (Constitution Amendment) Bill was submitted to the county assemblies, the Speaker of the Senate and I noted several procedural difficulties that would potentially affect the process of the delivery of resolutions by the county assemblies to the two Houses. These included delivery of the draft Bill to the county assemblies on different dates, therefore, occasioning different delivery timelines of the county assemblies; failure by the county assemblies to communicate any resolution on the draft Bill and lack of definite timelines on the delivery of a resolution by the Speaker of a county assembly after its passage by the county assembly.

In light of these procedural difficulties, the Speaker of the Senate and I agreed to jointly develop and issue standard guidelines for delivery by the county assemblies to the Speakers of

the two Houses of Parliament of a draft Bill for the amendment of the Constitution by popular initiative to inform the process. Those Guidelines have since been published in the Kenya Gazette as Legal Notice No. 175 dated 18<sup>th</sup> November, 2019.

Hon. Members, Paragraphs (5) and (6) of the Guidelines provides as follows, and I quote: “(5) Upon the expiry of the period specified under Article 257(5) of the Constitution for the consideration of a draft Bill by a County Assembly, the Speakers of the two Houses of Parliament shall—

(a) report to their respective House of Parliament—

- (i) the county assemblies that have submitted the draft Bill and the certificate approving the Bill;
- (ii) the county assemblies that have submitted the draft Bill and the certificate rejecting the Bill;
- (iii) the county assemblies that did not submit the draft Bill and the certificate;
- (iv) whether or not the threshold required under Article 257(7) of the Constitution has been met;
- (v) such other information as the Speakers of the two Houses of Parliament may consider necessary; and,

(b) submit to the Independent Electoral and Boundaries Commission and publish, by notice in the Gazette, the information specified under subparagraph (a).”

“(6) The Speakers of the two Houses of Parliament shall not receive any draft Bill and certificate where the Bill was considered by the county assembly after the expiry of the period specified under Article 257(6) of the Constitution.”

In furtherance to requirements of Paragraph 5 of the said Guidelines, the statistics of the submissions which have been formally delivered by the respective Speakers of the County Assemblies as at today, December 5, 2019 are as follows:

- (a) Twenty six (26) county assemblies have delivered the draft Bill with a certificate indicating their respective decisions on the Bill;
- (b) Out of the twenty-six, three (3) county assemblies, that is, Machakos, Turkana and Uasin Gishu have approved the Bill;
- (c) Out of the same number, Twenty-three (23) county assemblies have rejected the draft Bill. These are: Kwale, Kilifi, Tana River, Wajir, Mandera, Marsabit, Isiolo, Meru, Tharaka-Nithi, Kitui, Makueni, Nyeri, Murang’a, Samburu, Trans Nzoia, Nandi, Laikipia, Narok, Kajiado, Kericho, Bomet, Bungoma and Busia.

*(Applause)*

A simple calculation reveals that twenty-one (21) other county assemblies are yet to deliver the draft Bill to the Speakers of the Houses of Parliament with a certificate indicating either their approval or rejection of the Bill. Those are the county assemblies of Mombasa, Lamu, Taita/Taveta, Garissa, Embu, Nyandarua, Kirinyaga, Kiambu, West Pokot, Elgeyo/Marakwet, Baringo, Nakuru, Kakamega, Vihiga, Siaya, Kisumu, Homa Bay, Migori,

Kisii, Nyamira and Nairobi. The Speaker of the Senate and I did publish this information in the Kenya Gazette as Gazette Notice No. 11013 dated 22<sup>nd</sup> November, 2019 for the information of the public.

As I had indicated earlier, one of the key procedural difficulties that the Speakers jointly identified was the delivery of the draft Bill to the county assemblies on varying dates and the lack of a definite timeline within which the county assemblies are to submit their resolutions to the Speakers of the two Houses of Parliament. The other procedural gap is that the Constitution does not obligate the county assemblies which have rejected such a draft Bill to file any return to the Speakers. Further, each county assembly having considered the draft Bill within the required three months, there seems to be no express limitation on the period within which the Speakers of county assemblies ought to deliver the decisions of their respective county assemblies jointly to the Speakers thereafter.

Correspondences received from the IEBC indicated that the first set of county assemblies to receive the draft Bill was on the 19<sup>th</sup> of July 2019, while Kajiado County Assembly received the draft Bill last, having received it on 29<sup>th</sup> July, 2019, ten days after the first set of county assemblies had received it. Consequently, the last date by which Kajiado County Assembly ought to have made a resolution after its consideration of the draft Bill pursuant to the provisions of Article 257(5) of the Constitution was, therefore, the 28<sup>th</sup> October, 2019. It would, therefore, be logically expected that by now, all county assemblies ought to have delivered a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate indicating their decision on the Bill.

From the statistics I have just read, only three county assemblies have so far approved the Draft Bill, far below the threshold of 24 county assemblies required under Article 257(7) of the Constitution to cause the introduction of the Bill in Parliament. However, Hon. Members will note that with the number of county assemblies that have rejected the Bill currently at 23 and the number of county assemblies yet to indicate their resolutions on the Bill currently standing at 21, a final determination by the Speakers of the Houses of Parliament as to whether the threshold has been met would be premature. To the extent that Article 257(5) of the Constitution does not give a definite timeline within which the county assemblies must submit their decisions on the draft Bill, the two Speakers of Parliament do not have any particular avenue of knowing whether the remaining 21 county assemblies considered the draft Bill within the prescribed three months period and the nature of the resolution that they passed. The two Speakers can only rely on and verify information formally transmitted to them by the county assemblies. Until and unless the remaining 21 county assemblies indicate their respective decisions on the draft Bill, the hands of the two Speakers remain tied with respect to the rest of the process contemplated under sections (7) to (11) of Article 257 of the Constitution. For the time being, Hon. Members, the threshold required under Article 257(7) of the Constitution for introduction of the Bill in Parliament has not been met.

Article 257 of the Constitution was not crafted in vain. It is a provision which allows any citizen to originate a proposal to amend the Constitution and to garner popular support for the proposal with a view of having the proposal considered by Parliament upon gaining the support of the majority county assemblies. Originating and steering such a process obviously involves a significant investment of personal time and resources.

It is, therefore, a capricious turn of events for the promoters of the Punguza Mizigo (Constitution Amendment) Bill to be denied a definite endorsement or rejection of their proposals by the mere act of certain county assemblies either failing to discharge their constitutional mandate or failing to communicate their resolution.

It would, therefore, only be fair at this point in time to bring this information on the resolution of county assemblies on the Punguza Mizigo (Constitution Amendment) Bill to the attention of its promoters, the general public and the county assemblies that are yet to deliver their resolutions as required by the Constitution. In this regard, I hereby direct the Clerk to submit to the Independent Electoral and Boundaries Commission and also publish the following information in at least two newspapers of national circulation:

- (a) the list of county assemblies that have submitted the draft Bill and the certificate approving the Bill jointly to the Speakers of the Houses of Parliament;
- (b) The list of the county assemblies that have submitted the draft Bill and the certificate rejecting the Bill jointly to the Speakers of the Houses of Parliament; and,
- (c) The list of county assemblies that have not yet submitted the draft Bill and the certificate.

As Speakers of the Houses of Parliament, it is our hope that once this information is published, the remaining county assemblies will submit their respective returns to us in good time to enable us to make a conclusive formal determination as to whether the threshold contemplated under Article 257(7) of the Constitution regarding the introduction of a draft Bill to Parliament has been ultimately met. The House is, therefore, accordingly informed as it breaks for the Christmas festivities.

Let me take my seat to allow those Members make their way. Please make your way quickly. The only reason I have resumed my seat is to allow you to walk in. Even the women Members of Parliament who have finalised their stay for the afternoon and who are going away, do it quickly. I can see the lady Members; people who are taking off.

*(Several Members walked into the Chamber)*

#### CONSIDERATION OF PFM (AMENDMENT) BILL FROM THE SENATE

Hon. Members, the next Communication regards the consideration of the Public Finance Management (Amendment) Bill (Senate Bill No.3 of 2019). As you may recall, on 12<sup>th</sup> November 2019, I conveyed to the House a Message from the Senate regarding the passage of the Public Finance Management (Amendment) Bill (Senate Bill No.3 of 2019). Following the First Reading of the Bill, I undertook to pronounce my opinion with regard to the money Bill effects of the said Bill, pursuant to the provisions of Standing Order No.143(2), which provides as follows:

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

In this regard, I have made a determination that the Bill does not fall within the meaning of a money Bill and, therefore, may proceed for Second Reading in the same manner as a Bill originating in the National Assembly as provided for under Standing Order No.143(3). In

accordance with the provisions of the said Standing Order, therefore, the PFM (Amendment) Bill (Senate Bill No.3 of 2019) now stands referred to the Departmental Committee on Finance and National Planning for consideration.

I thank you.

#### RE-CONSIDERATION OF A HOUSE RESOLUTION

Hon. Members, this other Communication relates to re-consideration of a House resolution by the Committee on Implementation.

I wish to report to the House that my Office has received a Petition by one Ms. Bina R. Patel of Shree Sai Industries, P.O. Box 49796—00100, Nairobi. The Petitioner contends that the Petition of M/s Shree Sai Industries has suffered irreparable damage due to adverse recommendations contained in the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the crisis facing the sugar industry, which was adopted by the House in 2015 during the 11<sup>th</sup> Parliament. The Petitioner notes that following the adverse findings and recommendations contained in the Report, the company has been denied import licence for the year 2019.

The Petitioner avers that M/s Shree Sai Industries has been undertaking lawful importation of sugar into the country since 2012, but was denied a trading licence for the year 2019 on account that in item No.90, paragraph (e), appearing on page 46 of its Report, the Committee listed the firm as one of the companies that had been allowed to import sugar into the country by the KRA in the period 2013-2014 without the requisite permit from the Kenya Sugar Board. The company avers further that during the 2013-2014 period, the company never imported any sugar as claimed in the report.

Following the adverse report, M/s Shree Sai Industries wrote to the KRA on 18<sup>th</sup> December 2018 seeking clarification why the company was listed in the Report. In its response dated 21<sup>st</sup> January 2019, the KRA confirmed that it had reviewed its records and established that the Petitioner's company had only imported sugar into the country in 2012 and 2016, but not during the period 2013-2014.

Since the receipt of the Petition, I have scrutinised the text of the Report tabled and adopted by the House in 2015. I do confirm that paragraph 90 of the Report mentions the Petitioner's company as one of those that imported sugar without the requisite permit. I have also perused a letter from the KRA dated 21<sup>st</sup> January 2019 that states that M/s Shree Sai Industries, the Petitioner, did not import sugar into the country in the period 2013-2014. Further, I have scrutinised the minutes of the Committee and could not find evidence of the proprietors of M/s Shree Sai Industries having been invited to make submissions on the matter prior to being adversely mentioned for impropriety relating to the importation of sugar into the country.

Hon. Members, as you may recall, on 30<sup>th</sup> August 2018, I communicated to this House a similar complaint by M/s Kenafric Limited, claiming that the Sugar Directorate had delayed processing and issuing of an import permit since the company had been adversely mentioned in a Report of the House. The company also lamented that it was not accorded an opportunity to be heard on the matter even after formally requesting to appear before the Committee.



In addressing the concerns raised by M/s Kenafric Limited, I referred the matter to the Committee on Implementation, which is currently seized of the implementation of the resolutions made from the Report to act as an appellate forum for the petitioners to present their prayers. Indeed, the Committee considered the matter and recommended that this House expunge the name of M/s Kenafric Limited from the list of companies adversely mentioned in the report on the crisis facing the sugar industry for alleged unlawful importation of sugar into the country.

In the same breath, I refer this petition to the Committee on Implementation for consideration. Just as I stated on the matter of M/s Kenafric Limited, I also direct that in considering the Petition, the Committee on Implementation shall confine itself to:

1. Only receiving submissions from the Petitioner M/s Shree Sai Industries on the Resolution made by the House from the recommendations contained in paragraph 90(e) on page 46 of the Report.
2. Consider the submissions from the Petitioner.
3. Report its findings to the House.

I also hasten to clarify that in the meantime, the implementation of the Resolution on this matter will stand suspended until such a time as the House makes a further resolution that has been informed by the Report of the Committee on Implementation.

I now commit this Petition to the Committee on Implementation, with the knowledge that today, Thursday, 5<sup>th</sup> December 2019; the House will be proceeding on a long recess to resume on Tuesday, 11<sup>th</sup> February 2020 for the Fourth Session. In this regard, I direct the Committee to review the matter and table its report within two weeks upon the commencement of the Fourth Session.

The House is accordingly guided.

Let me resume my seat to allow those Members to make their way in, if they are coming in. If you are coming in, please, make your way quickly.

*(Several Hon. Members walked into the Chamber)*

There is a gentleman who has also keyed in and walked out. It is also a way of representing the people.

*(An hon. Member walked out of the Chamber)*

You see, that one has finished representing the people.

*(Laughter)*

I hope this does not reflect badly on the 47. Anyway, it is a way of representing people also.

## FATE OF VARIOUS BUSINESSES PENDING BEFORE HOUSE AND COMMITTEES

Hon. Members, as you are aware, at the rise of the Sitting today, the House is scheduled to proceed on a long recess as per the Calendar of the House in what marks the conclusion of the Third Session of the National Assembly in the 12<sup>th</sup> Parliament. I, sincerely, wish to commend the House for the diligence and commitment to the business of the House in plenary throughout the Session. During the Session, a lot of key business was transacted and numerous decisions made. This information will be made available in the annual report of business of the Assembly which is under preparation.

Hon. Members, as the Session winds up and the House proceeds on recess, I wish to remind Members of the fate of the various businesses that were before the House and the committees.

Firstly, you are aware that Standing Order 141(2) provides that a Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded at the end of a Session in which it was published shall not lapse. However, a Bill not concluded at the end of two consecutive Sessions shall lapse at the end of the second Session.

Secondly, with regard to Petitions, as you are also aware, Article 37 of the Constitution provides that every person has “the right, peaceably and unarmed, to assemble, to demonstrate, to picket and to present petitions to public authorities”.

Additionally, Article 119 provides that “every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation”.

The Standing Order 227(2) reads, and I quote: “Whenever a Petition is committed to a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than 20 minutes”.

Hon. Members, for good reasons, the National Assembly through the Standing Orders imposes a sixty-day limit within which a petition shall be responded to by way of a report tendered to the petitioner or petitioners and a copy laid on the Table of the House. The letter and spirit of this Standing Order is not to encumber petitioners who painstakingly take their time and resources to approach their Parliament for recourse. I am aware that, a total of 70 petitions were received with 23 already concluded, 46 are pending before the various Committees, while one lapsed. Many other requests are currently being processed.

Hon. Members, conscious that the National Assembly should not be seen to punish the petitioners by requiring them to file their petitions afresh upon resumption of business in the Fourth Session as they have no control of our Parliamentary Calendar, I direct that consideration of all pending petitions will resume at the stage at which they are as at today so that the sixty-day rule, which rule is meant merely for our internal order, only begins to apply again upon the resumption of business in the next Session.

Lastly, on Motions, Questions and Statements, at the risk of appearing to state the obvious, these are traditionally sessional and will therefore lapse at the end of the current Session.

Finally, you will recall that on Tuesday, 3<sup>rd</sup> December, 2019, the Chairperson of the Departmental Committee on Agriculture and Livestock, the Hon. Adan Haji Ali sought my leave to have the period for the inquiry into the matter of “Challenges affecting dairy farmers and decline of prices of milk and milk products in the Country” extended. The matter arose out of a request for a Statement by the Majority Party Deputy Whip, the Hon. Cecily Mbarire. I have considered the request and I, hereby, grant leave. In this regard, the period of 60 days will start running from 3<sup>rd</sup> February, 2020.

Hon. Members, having said that, and as is the tradition of Parliament, Committees have until 13<sup>th</sup> December, 2019 to sum up their business after which, Committee activities will stand suspended until the first week of February, 2019.

Therefore, no Committee Sittings shall be convened until Monday, 3<sup>rd</sup> February, 2020, unless special consideration is granted by my office upon written request. This is to allow you to spend valuable time with your families during the holiday season and also, attend to your constituents. In addition, this will avail the officers and staff of Parliament an opportunity to take their annual leave and also begin preparations for the next Session.

Lastly, Hon. Members, it is my wish that, when the House finally rises today, all of you will have a happy, safe and restful festive season, and a prosperous New Year.

**Hon. Speaker:** Hon. Opiyo Wandayi, I know you want to speak. The Floor is yours.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, I would not be addressing you on the matter of Committee sittings. However, I was listening keenly to your Communication and specifically, on the matter of the company which was never recalled and that has petitioned Parliament for a review on its matter of sugar importation.

I was sitting in the Departmental Committee on Agriculture and Livestock in the last Parliament. I remember vividly the question of sugar importation. It was a weighty matter. I am also aware that a similar petition concerning a company called Kenafric has been dealt with through the Committee on Implementation and a decision arrived at. I am rising to seek a further clarification from you, bearing in mind the mandate of the Committee on Implementation. I am not questioning your ruling, but would it be in order, even though precedence has been set already, for us to give the Committee on Implementation whose leadership I have got the utmost respect for, the mandate to review the decisions of other committees?

**Hon. Speaker:** Hon. Wandayi, let me just come to your aid because I can see you are struggling to make some points. All committee reports are submitted to this House. It is within the power of this House even to rescind its own decisions even if it is within the period of six months. Please, familiarise yourself with the Standing Orders. It is within the power of the House. Reports, coming from whichever committees, still have to be brought to this House. It is this House which has the final authority. Somebody told me you are taking some studies in some discipline that I could be familiar with.

Sometimes, it is within the power of a judge or judicial officer to review their own decisions particularly to correct errors on the face of records. That is why we set up this

Committee. If it comes and points out an error, it is perfectly within the authority of the House to review its own decision and this is not the first time that has happened.

We are not in a law class. It is within the power of the House to review its own decision for good reasons which must be recorded because the records and the reasons the House would have used to review its decision must be there for posterity. So, Hon. Wandayi, there is no contradiction. What you are trying to suggest is that I should review that communication. It is well considered and within the procedural authority of the House. Remember the House has placed a gag on itself that it may not revisit a matter on which it has already resolved before six months are over. However, that gag, well-meaning as it is, if the House for reasons to be recorded finds it appropriate to rescind its decision, it is allowed. So, there is nothing that is in conflict. I hope that should settle that matter.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): On a point of order.

**Hon. Speaker:** Hon. Atiende Amollo, what is your point of order?

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, I rose in respect to your Communication on the *Punguza Mizigo* and wanted to make two points.

First, to commend you for giving guidance and clarity on the matter and especially as a wake-up call to the very many county assemblies that use taxpayers' money to consider a matter and then they sit on their decision. It is important to know that right now the matter is still pending because of default of communication by the speakers. Secondly, I commend you and the Speaker of the Senate for giving those guidelines because, indeed, it was a gap.

However, I wanted to invite your further consideration of a very small matter. Obviously we are going to get the benefit of the full text of your Communication, but I heard you say that upon expiry of the period (the period here usually will be 90 days).

Hon. Speaker, I would want to urge you to consult again with the Speaker of the Senate and give a further consideration and a further communication on the question of whether if 24 counties have already given their decision and supposing it is in the affirmative, whether it is necessary to wait for the full 90 days and yet the threshold would have been met. That means waiting for a full three months when they could have made the decision within seven days.

I would wish to invite you to consider that when that threshold is made. Then the next step can be considered without waiting for the full period. Otherwise, I commend you.

I thank you, Hon. Speaker.

**Hon. Speaker:** That is an important observation on that process. We will look into it.

Let us have Hon. Olago Aluoch.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. I stand to seek your direction on the matter that may help us cool temperatures in this House on a matter that may be very obvious to you and to a few of us, but not so obvious to many others. The three arms of Government have ways and means of running their mandates in the best way possible. The Legislature, through the Parliamentary Service Commission (PSC), may commission a study or a report on how best to run the parliamentary mortgage scheme, pensions scheme or Hon. Members welfare. The Judiciary, likewise, may commission a study on how best to run the Court of Appeal or the Supreme Court. The Executive on its own also have the right to commission a study on how best to serve the public. These are three different and independent arms of Government.

Hon. Speaker, recently, there was Report commissioned by the Executive given the name Building Bridges Initiative (BBI). Hon. Speaker, I think out of ignorance of some Hon. Members of this House, it is assumed that this House should take initiative in that Report to the extent that being a member of two committees of this House and being friends with other Hon. Members who are not in my committees, committees are now asking for permission to hold retreats to discuss the BBI.

Hon. Speaker, if we approach the recess as we will with all this not cleared, it is possible that temperatures are going to rise. I, therefore, want to ask you to give a direction on whether or not committees of this House have the mandate to discuss on their own the BBI Report. In my humble request, that remains a Report of the Executive and Parliament would not have anything to do with it until there are legislative proposals based on that Report which comes to your desk and then to Parliament.

Hon. Speaker, I know as a fact that there are Hon. Members of this House who hold different opinions from what I have said but, ultimately, I ask you kindly to give direction to Hon. Members of this House as they go for recess on how best to handle the BBI Report.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Olago Aluoch is a senior lawyer in this country. You have raised a very interesting issue. To the best of my knowledge, information and belief, all that I have in my Office is a Kenya Gazette Notice dated 31<sup>st</sup> May 2018 which was signed on 24<sup>th</sup> May 2018. In it, a task force is appointed, given some Terms of Reference (TORs) and is signed by the Head of the Public Service Commission (PSC). I would assume that up to now, that matter remains where it is, just like the Chief Justice could set up a task force as you have rightly pointed out. When they give a report, he could actually even invite us to go and witness him receiving the report. For all that we care, we will just be celebrants. We will just witness and celebrate if there is need to do so. After that, we will leave him to deal with his report or whatever business it may be.

So, Parliament has not received any such report as happens normally and through the official channels. Therefore, it is not possible... I have even instructed the Clerk to try and look for it from official sources, including the Government Printer, which is the official place where one would expect to find such reports. His efforts have not borne any fruit and so any report in the newspapers, social media and such like places remains just that. It is in those forums. So, it is not a report which has walked into Parliament because, for the time being, as I said recently somewhere, it has not found its feet, hand or leg with which to transmit itself to Parliament. So, any committee of the House that may be desirous of discussing, they would be doing it outside of the official functions that are sanctioned by Parliament. I cannot sanction anything that has not been received here officially. So, for the time being, let us treat it as it happened. As you said, it does not harm any arm of Government or taskforces. It is just like sending a benchmarking delegation to whatever part of the world and then they bring a report.

Hon. Kemosi has just tabled a Report on benchmarking trips they made to the Republic of Botswana and Republic of Uganda. It is a Report of the Committee on Powers and Privileges. It belongs to this House and does not even go to the other House. Already, if it goes to the other Arms of the Government, it will be completely out of order.

Hon. Members, for the time being, you are at liberty to search for it. But, until such time as it will formally be submitted here, it is not part of us. That is the clearest I can be. I am not

saying people should not read or hunt for it wherever they will find it. It is okay, but until it is formally brought to Parliament. Even if you get it, do not bring it to me because you are not the official channel. People know how to officially communicate with Parliament. But continue reading, studying it and all that pertains to it. I think we should let the matter to rest there.

Hon. Mbadi is it about this?

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker, for your wise guidance and counselling. I want to confirm that I witnessed you saying the same things. In fact, I referred to this Report as *ripoti ya wazee*. But I am now addressing you as the Chair of Parliamentary Service Commission (PSC). We are required to prudently use any resources available to us. So, if there is any committee that is purporting to organise a retreat anywhere in this Republic to discuss this Report, should they use the country's resources or use their personal resources?

This is very important because you cannot use public resources to engage yourself in an informal business. You are supposed to use resources that are voted for in Parliament to carry out functions and work relevant to Parliament and table a report in this House. So, you have already made a ruling that the Report cannot be presented to this House unless it comes formally. Then, if a committee of the House goes somewhere to discuss that Report and utilises Parliament's budget, should we surcharge that Committee or what should we do?

**Hon. Speaker:** No! There is no committee that has been permitted to do so. But, of course, a committee may perfectly be sitting to consider business that is lawfully before it and at the tail end, there is something called Any Other Business (AOB). If AOB becomes part of the Report that the committee presents to the House, it may find difficulties because it could be expunged. That is how I think we can deal with this. I want to give the Leader of the Majority Party an opportunity to give a notice of a Motion.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I think you have given the position of the National Assembly that it should be introduced formally. Outside the precincts of Parliament, when we are looking after our camels, in our regional caucus and retreats, let us continue reading it because the President has said we must read it.

Make sure your house girl, watchman and anybody you meet in the streets reads it. But, in Parliament, the Speaker has made it clear that those who are going to Naivasha or Kakamega should read and have a position. Hon. Kaluma and I have a caucus. We shall read and give our position at our own expense and nobody will charge us. But the Speaker has made it very clear for Parliament. The women caucus should read whether they are called *tanga tanga*. Then, by the time it will formally comes to this House, you will have read and can contribute. So, the President as a leader of Jubilee and the former Prime Minister as leader of ODM said, we must read it. So, this is different from what the Speaker has said. The Speaker has said that within his powers, it has not been introduced but in our caucuses, we have the document and should read it.

**Hon. Speaker:** Hon. Members, for the convenience of the House, many of you may have not looked at the Order Paper and you may think this is business. It is not. We want to transact formal business. The Leader of the Majority Party, you were to give notice of a Motion on the Supplementary Order Paper.

**MOTION**

## APPOINTMENT OF A MEMBER TO A COMMITTEE

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of the Standing Order 175, and further to the resolution of the House of October 11, 2018 on appointment of Members to respective Committees, this House approves the appointment of Hon. Bernard Otieno Okoth, MP, to the Constitutional Implementation Oversight Committee.

**Hon. Speaker:** Hon. Members, I do not know if many of you had my earlier communication. Hon. Njagagua, are you still desirous to proceed with the request for Statement. You can make your request.

**Hon. Charles Njagagua** (Mbeere North, JP): Thank you, Hon. Speaker. I have been keenly listening to your communication that upon today's adjournment, the Statements which will be asked will lapse. I do not want to act in futility. So, based on that and without wasting much time of the House and with your kind permission, I seek to withdraw my Statement. If I deem it necessary, I will take it up in the Fourth Session. Thank you very much.

**Hon. Speaker:** Very well. What about Hon. Dr. John Kanyuithia, Member for Tigania East? Do you still want to make your request?

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Speaker. I think mine is a bit urgent because it is happening now.

**Hon. Speaker:** You are saying it is a bit urgent. Have you not looked at the Standing Orders? You can make it because it is urgent. But the House has to go on recess when it rises. For the most urgent, the earliest it can be responded to is 11<sup>th</sup> February 2020.

**Hon. John Mutunga** (Tigania West, JP): Okay. With that understanding, I wish to make my Statement in the next Sitting.

**Hon. Speaker:** But you can request if you would like it to go on record.

**Hon. John Mutunga** (Tigania West, JP): For record, I would like to make the Statement because there is a problem.

**Hon. Speaker:** Okay, do it quickly because there is some other business.

**STATEMENTS**

## KILLINGS OF INNOCENT CITIZENS BY KDF PERSONNEL IN ISIOLO COUNTY

**Hon. John Mutunga** (Tigania West, JP): Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding recent killings of innocent members of public by Kenya Defence Forces (KDF) in Isiolo County in the months of October and November, 2019.

Hon. Speaker, it is of concern that there have been outrageous killings of innocent people by personnel from the 78<sup>th</sup> Battalion of KDF in Isiolo County in the recent past. Three people have lost their lives after being run over by military vehicles, which is intentional and deliberate.

It is sad to note that in two separate incidences in Isiolo Town, a KDF vehicle ran over two siblings - brother and sister - by the names Moses Kaberia Thiangichu and Lucy Nkiuna Thiangichu, thus breaking their legs. And as if that was not enough, the vehicle was reversed to crush the injured siblings on their heads, killing them instantly. In another incident, a young university graduate named Joshua Kirimi was ran over while riding a motorcycle Reg.No.KMCMV857 by a Kenya Defence Forces (KDF) vehicle Reg.No.58KA63 which crossed over to his side of the road killing him instantly. The matter was reported to Isiolo Police Station vide OB/No.42 of 22<sup>nd</sup> November 2019 at 11:20 hours. In both cases, the military vehicles were driven by one Mr. Boniface Muturi. This is a case of impunity of the highest order.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations as follows:

- (i) Could the Chairperson provide details of the status of investigations on the killings of the citizens in Isiolo Town by KDF personnel and whether any culprits have been arrested?
- (ii) What steps is the relevant Ministry taking to ensure that KDF personnel in Isiolo co-exist and live in harmony as has always been and further, that there is no more killing of our people?
- (iii) What measures is the Ministry putting in place to ensure that justice is done...

*(Several Members stood in the aisle)*

**Hon. Speaker:** Hon. Members, the House has still serious business that needs to be concluded. We are going to the Committee of the whole House very soon.

**Hon. John Mutunga** (Tigania West, JP): (iii) What measures is the Ministry putting in place to ensure that justice is done and immediate compensation is given to the families of those who lost their loved ones?

**Hon. Speaker:** It is referred to the Departmental Committee on Defence and Foreign Relations. They will deal with it, but you will have to raise it when we resume. We said that.

Hon. Pkosing, do you want to respond to something? How long is your Statement?

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, looking at the mood of the House, and I have inquired from the Member who wanted the response but he is not present. I, therefore, seek your permission to rescind my reading of the response until February next year, when the Member will be in the Chamber.

Thank you.

**Hon. Speaker:** Is Hon. Keter here?

**Hon. David Pkosing** (Pokot South, JP): He is not.

**Hon. Speaker:** You can table the document and that will be sufficient.

**Hon. David Pkosing** (Pokot South, JP): With your direction, Hon. Speaker, I table it.

*(Hon. David Pkosing laid the document on the Table)*



## MEMO ON APPOINTMENT OF MEMBERS OF NG-CDF COMMITTEES

**Hon. Speaker:** Chair, National Government Constituencies Development Fund (NG-CDF).

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, yesterday, I promised to table a memo from the National Government Constituencies Development Fund (NG-CDF) Board to the fund managers with regard to the appointment of members of the NG-CDF committees.

Pursuant to the provisions of Standing Order No.44(2)(c), I rise to issue a Statement in regard to the appointment of members of the NG-CDF committees.

The majority of the committees have their members of the current NG-CDF committees appointed between 15<sup>th</sup> December 2017 and 22<sup>nd</sup> May 2018 vide gazette notices No.12015 dated 5<sup>th</sup> December 2017; No.673 dated 19<sup>th</sup> December 2017 and Gazette Notice No.1718 dated 13<sup>th</sup> February 2018 and 21<sup>st</sup> May 2018.

In line with the provisions of Section 43(8) of the National Government Constituencies Development Fund Act, 2015 as amended in 2016, the membership to the NG-CDF committees in the aforementioned gazette notices shall be eligible for renewal or replacement with effect from 5<sup>th</sup> December 2019 up to 22<sup>nd</sup> May, 2020.

Hon. Speaker, the process of renewal or replacement of membership to the said committees must, therefore, be commenced immediately in accordance with Section 43(1)(2) and (3) of the Act.

In view of the foregoing, Members are required to liaise with their NG-CDF fund account managers to commence the process of fresh appointment or renewal of the members of the NG-CDF committees in their respective constituencies by first consulting selection panels in line with NG-CDF Regulations 2016. The fund board has since dispatched a circular to this effect to all constituency development account managers.

I table the copy.

*(Hon. Maoka Maore laid the document on the Table)*

The second Statement is in regard to the disbursements of the money so far.

## DISBURSEMENT OF NG-CDF MONEY

Hon. Speaker, pursuant to Sections 6 and 34 of the National Government Constituencies Development Fund Act, the NG-CDF Board determined the budget ceilings for each of the constituencies in the financial year 2019/2020, which was approved by the National Assembly on 17<sup>th</sup> October 2019. Subsequent to the approval, the Board issued a circular to constituencies communicating the approved budget ceilings for each constituency and requested constituencies to submit project proposals by 31<sup>st</sup> October 2019.

Two hundred and eighty (280) constituencies' project proposals have been received while 10 constituencies' project proposals are yet to be received. The relevant board committee has already approved 140 constituencies' project proposals. In addition, 85 have been analysed and are being presented to the relevant board sub-committee today, 5<sup>th</sup> December 2019, bringing it to

a total of 225 constituencies' project proposals. The board is working in liaison with the NG-CDF committees to clear outstanding issues to facilitate approval of all submitted project proposals in the next board meeting scheduled for 11<sup>th</sup> December 2019.

A total of Kshs41,749,800,000 was allocated to the Fund in this financial year. To date, a total of Kshs7,200,000,000 has been received from the National Treasury: Kshs2 billion was received in the last six days. Out of the Kshs7.2 billion, Kshs5 billion has been disbursed to constituencies as summarised below:

- (i) Kshs1,160,000,000 was disbursed to all 290 constituencies; each constituency received Kshs4 million for administration and Kshs2 million for emergency expenses.
- (ii) Kshs1,802,000,000 was disbursed to 98 constituencies whose project proposals have been approved by the Board. They were given Kshs18 million per constituency. So, it is 98 constituencies so far.
- (iii) Kshs2,041,000,770 was disbursed to pay outstanding balances for the previous financial years.

The National Assembly Select Committee will continue playing its facilitative role in pursuit of release of the remaining funds to make sure that everybody has some little money for bursaries in January.

Thank you, Hon. Speaker.

**Hon. Speaker:** If we are not careful, we may not be able to transact any business. You will raise those ones because they do not require compliance with Article 121. Let us deal with this. Hon. Ichung'wah, Chair of Budget and Appropriations Committee.

### PAPER LAID

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

Report of the Budget and Appropriations Committee on the request by the National Treasury for approval of stoppage of transfer of funds to 15 County Governments.

**Hon. Speaker:** Leader of the Majority Party under Standing Order 44(2).

### STATEMENT

#### BUSINESS TO COMMENCE IN FEBRUARY 2020

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, pursuant to the provisions of Standing Order 42A, I rise to give a Statement on behalf of the House Business Committee following its meeting held on Tuesday, 3<sup>rd</sup> December 2019.

I wish to remind Members that the House is scheduled to proceed on a long recess commencing tomorrow in accordance with the Calendar of the House and the Resolution of the House of March 26<sup>th</sup> 2019. In this regard, the House Business Committee has not scheduled any business for next week, including Questions for reply by Cabinet Secretaries until we return from the long recess.

I would like to commend Members for their diligent work in this ending Third Session of the 12<sup>th</sup> Parliament. The Session has been faced with many intricacies. Indeed, we saw an increase in the number of Private Members Bills totaling 50, unlike in the previous Session. In addition, we had challenges in the passage of the Division of Revenue Bill and the approval of some persons to certain State offices. Despite these hiccups, the House and its committees was also able to consider and pass several crucial Bills such the Division of Revenue Bill and other budget-related Bills such as the Petroleum Bill, the Energy Bill, the Data Protection Bill and the Statistics (Amendment) Bill.

In addition to the passage of several committee reports and Motions on diverse matters such as the privatisation of Kenya Airways, the ratification of several international trade treaties and conventions and the appointment of ambassadors, high commissioners and members to various commissions and independent offices, we also marked some milestones which include the translation of our Standing Orders to Kiswahili and the inaugural forum for committees.

Upon resumption from recess on Tuesday, 11<sup>th</sup> February 2020, we will continue with any business that has not been concluded this year. It is my hope that the Members will enjoy the recess period with their families and constituents and come back rejuvenated in the New Year.

I, therefore, wish everyone a happy holiday season and a prosperous 2020. I now wish to lay the Statement on the Table of the House.

*(Hon. Aden Duale laid the Statement on the Table of the House)*

**Hon. Speaker:** Hon. Melly, Chair of Departmental Committee on Education and Research.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Speaker. I have three statements I wish to lay on the Table of the House.

On 8<sup>th</sup> October 2019, Hon. Anthony Tom Oluoch sought a statement from the Ministry of Education on the issue of closure of informal schools in the country. I have a statement from the Ministry here and I would request that because of your direction, I table this Statement before the House.

The Statement is giving details...

**Hon. Speaker:** Hon. Melly, you can see the way hon. Members... Just table the Statement.

**Hon. Julius Melly** (Tinderet, JP): The second Statement was sought by Hon. Joshua Kandie, Member for Baringo Central on special needs funding of schools. The third statement is by Hon. Member for Kilifi Constituency, Hon. Ken Chonga, on the injuries to students and teachers due to the use of xylene chemical compound. This was an important statement. I wish...

**Hon. Speaker:** Just table it. You know the way Members behave. Once a Member has asked a Question, they start walking out.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Speaker.

*(Hon. Julius Melly laid the documents on the Table of the House)*

Next Order!

**MOTION**ADOPTION OF PAC REPORT ON FINANCIAL STATEMENTS  
OF THE NATIONAL GOVERNMENT FOR FY 2016/2017

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2016/2017, laid on the Table of the House on Wednesday, 27<sup>th</sup> November 2019.

*(Hon. Opiyo Wandayi on 3.12.2019)*

*(Debate concluded on 4.12.2019)*

*(Hon. (Ms.) Shamalla stood in the gangway)*

**Hon. Speaker:** Hon. Shamalla, are you in the House today? I know Hon. Shamalla to be a very diligent Member but this afternoon, I think she is already in the Christmas mood.

Hon. Members, debate on this was concluded. Indeed, I want to commend the PAC for having done a commendable job. What remained was for the Question to be put.

*(Question put and agreed to)*

Just before we go to the next Order, Hon. Opiyo Wandayi, Chair of PAC, I am in receipt of your letter giving me your calendar of sittings. It is under active consideration. Therefore, you can see me or the Clerk. Hon. Wandayi, Chair of PAC, now wants to embark on the examination of the Report of the Auditor-General on accounts of national Government for the Financial Year 2017/2018, which is the only remaining one. This is a feat that has not been accomplished by any other predecessor committees of the public accounts.

*(Applause)*

It is, therefore, something that I must commend the Members of that Committee.

Hon. Members, as we move into the Committee of the whole House, I plead with you to remain around so that we can conclude this business. It is for prosperity. So, remain around. I will also remain around.

Next Order.

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

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

**IN THE COMMITTEE**

*(The Temporary Deputy Chairlady  
(Hon. (Ms.) Jessica Mbalu) took the Chair)*

**THE KENYA ROADS BOARD (AMENDMENT) BILL**

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Order, Members. Members, who are walking out, please. We are in the Committee of the whole House to consider the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 77 of 2019).

*(Clause 2 agreed to)*

*(Hon. (Ms.) Cecily Mbarire walked in the Chamber)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Order, the Deputy Whip of the Majority Party. Hon. Cecily Mbarire, I know you are whipping. Please, can we give the Chair an opportunity to move his proposed amendments?

*Clause 3*

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 3 of the Bill be amended by deleting the proposed new subsection (6) and substituting the following new subsections—

“(6) Every annual roads programme funded out of any monies whether borrowed or appropriated by the National Assembly shall be managed as approved by the National Assembly.

(7) The Board shall manage the annual roads programme under subsection (6) under the directions of the Cabinet Secretary.”

Our reason is very simple, that these programmes which will be funded and managed by the Kenya Roads Board (KRB) will have been approved by the National Assembly. It is just to make things very clear.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

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

*(Clause 3 as amended agreed to)*

*Clause 4*

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 4 of the Bill be deleted and substituted therefor the following new clause-

4. Section 31 of the principal Act is amended –

(a) in subsection (2) by inserting the following new paragraph immediately after paragraph (d)-

(e) such monies as may be appropriated by the National Assembly for the development, maintenance and rehabilitation of roads;

(b) by inserting the following new subsection immediately after subsection (2)–

“(2A) The National Assembly shall ensure that–

(a) not more than ten percent of the monies appropriated under subsection (2)(e) are allocated for maintenance of roads to be administered by the Kenya Rural Roads Authority; and

(b) not more than eighteen percent of the monies appropriated under paragraph (a) are allocated for research and standardization, capacity building and monitoring and evaluation, to be administered by the Principal Secretary responsible for matters relating to roads.”

Our motive is only one. It is that, because this money which we are voting by the National Assembly will go to pay for the bond, we want to reserve only 10 per cent. That is for purposes of maintenance and the college. That is the only import of this amendment. It is very important. I thank you, Hon. Temporary Deputy Chairlady.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Let me give a chance to only one person. I can see the Member for Funyula. Let me hear what the Member for Funyula has.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): I support the amendments. My only concern is the amount set aside for capacity building, evaluation and the rest is inordinately high compared to what has been set aside for the Kenya Rural Roads Authority (KeRRA). I would imagine that an arrangement could be made so that more money is set aside towards actual development rather than administrative expense.

Thank you, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, this is a House of debate. You can make a decision on this when I put the Question.

*(Question, that the words to be left out be left out, put and agreed to)*

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

*(Clause 4 as amended agreed to)*

*Clause 5*

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. This is the final one. I beg to move:

THAT, Clause 5 of the Bill be amended in the proposed new section 32A—

(a) in sub-clause (1), by inserting the expression “(1)” immediately after the expression 32A;

(b) in sub-clause (2), by deleting the words “road development, rehabilitation and maintenance” and substituting therefor the words “maintenance, development and rehabilitation of roads” appearing immediately after the words “demand for”;

(c) by deleting sub-clause (3) and substituting therefor the following new sub clause—

“(3) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

We are only making it very clear that the CS is the one allowed to make regulations. That is the only thing in this amendment. It is a policy issue and also in accordance with the law. It is very clear.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): That is a very straightforward proposed amendment for Members.

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Nyikal. Order, Hon. Members. Some of you are just telling me to put the Question. It is important to hear, at least, some debate.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady. As I support the amendment, it is important that this regulation by the CS is taken very seriously. What we are doing here is allowing this board to borrow money. The regulations that are going to manage that money are being done by the CS. Therefore, we have to understand that very clearly. We are happy that we have a very good Committee that looks at regulations. This is something we have to look at very carefully in the future.

Therefore, I support.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Let me hear from the Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Of course, the regulations will come. I will table them and we will get the legislation. You know, I think Hon. Nyikal is a serious doctor. You cannot talk about a kid before the procreation is done. When the regulations come, our Committee will deal with it.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): With that debate having arose and there being no intention to speak to the same, I will put the Question.

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Question, that the words to be left out be left out, put and agreed to)*

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

*(Clause 5 as amended agreed to)*

*(Title agreed to)*

#### *Clause 1*

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 1 of the Bill be amended by inserting the words “and shall come into force upon assent” immediately after the expression “2019”.

This is just to give the commencement date which is upon assent. That is all in this amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Nyikal, again. It is important to have one Member saying a thing.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Again, I will support. Again, I will say something. I know there is an emergency. This is an extremely important amendment. We are creating a Fund. We are taking money that is going to be borrowed. So, it is important agreeing that it will be upon assent. However, there must be structures in place so that there is an assent, it is looked at properly. It is a very serious amendment we have here.

I support.

**Hon. Aden Duale** (Garissa Township, JP): Assent, the time a Bill comes into effect is, in fact, not very substantial. I am sure the structures he is talking about are those already there. It is the KRB. It is the CS of the Ministry of Transport, Infrastructure, Housing and Urban Development. If we give it assent and come into force, the CS will prepare the regulations and



bring them before we come back in February. So, I support everything and agree with Hon. Nyikal. You know he is a doctor. So, he is very meticulous. Nobody has died in his hands.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Member for Seme, do you want to clarify on what the Leader of the Majority Party has said? Okay, let me give you a chance.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, this board has never been borrowing money. We are talking of bonds and creating a Fund. Preparation is key and important.

This is a House of debate. You support. Very well. With that I see no other Member wanting to contribute. Hon. Cecily Mbarire is not in the House. Of course, she is consulting and whipping.

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 1 as amended agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are through with the Committee of the whole House. I call upon the Mover to move reporting. Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee reports to the House its consideration of the Kenya Roads Board (Amendment) Bill (National Bill No.77 of 2019) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT AND THIRD READING

### THE KENYA ROADS BOARD (AMENDMENT) BILL

**Hon. Speaker:** Hon. Chairperson.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Hon. Speaker, I beg to report that the Committee of the whole House has considered the Kenya Roads Board (Amendment) Bill (National Bill No.77 of 2019) and approved the same with amendments.

**Hon. Speaker:** Mover.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move that the House doth agree with the Committee in the said report.

I request Hon. Pkosing, the Chair of the Departmental Committee on Transport, Public Works and Housing to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. Speaker:** Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to second.

Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Mover.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move that the Kenya Roads Board (Amendment) Bill (National Bill No.77 of 2019) be now read the Third Time. I request Hon. Pkosing to second.

**Hon. Speaker:** Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, I have confirmed that there is more than quorum. Therefore, we are in compliance with Article 121 of the Constitution.

*(Question put and agreed to)*

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

Next Order!

## MOTIONS

### RATIFICATION OF MULTILATERAL CONVENTION IN MUTUAL ADMINISTRATIVE ASSISTANCE ON TAX MATTERS

**Hon. Speaker:** Hon. Katoo. Please be quick.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Speaker. I beg to move:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters for ratification, laid on the Table of the House on Wednesday, 4<sup>th</sup> December 2019 and, pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters.

This is an important Treaty. It was developed by the Organization of Economic Co-operation and Development and the Council of Europe in 1988. This followed the global crisis when G20 London Summit in April, 2009, directed that the convention be opened for signatures to developing countries, to enable them benefit from the new era of transparency. It was effected on 1<sup>st</sup> June 2011.

The convention is intended to promote international exchange of information between State parties on tax matters for the better operation of national tax laws while respecting the fundamental rights of the taxpayers. It actually respects the fundamental rights of tax payers. If you check the Treaty, in Articles 21 and 22, it talks of the protection of persons and limits in the obligation to provide assistance. It also talks about secrecy of information. It is highlighted in Article 21 that nothing in this Convention shall affect the rights and safeguards secured to persons by laws or administrative practice of the required States. In Article 22 on secrecy of information, it explains well that any information obtained by a party under this Convention shall be treated as secret and protected in the same manner as information obtained under the domestic laws of that party.

The Convention covers all possible types of administrative cooperation between the parties in the assessment and collection of taxes excluding Customs taxes. Therefore, the assistance includes assisting each other regarding the exchange of information, paid tax recovery and service of the documents. It also covers all forms of mutual assistance, exchange on request, spontaneous exchange tax examination abroad, simultaneous tax examination and assistance in tax collection while still protecting the tax payer's rights. This is well defined in Articles 1, 2, 9, 10 and 14 of the main Convention.

In terms of the benefit of this Convention to our country, it is meant to facilitate tax administration, sharing of information by tax authorities of all signatories to the Convention thereby checking tax evasion and tax avoidance. I heard that when we were conducting hearings from the relevant institutions, tax evasion was criminal and tax avoidance was not. This convention is going to be of great importance in checking both tax evasion and tax avoidance.

The Convention also provides a means for significantly increasing Kenya's ability to detect and prevent tax avoidance and evasion without the cost and resources that would be required for concluding several bilateral agreements with each of the countries. For the 135 countries that have so far signed and ratified, it will be easy to co-ordinate and retrieve this information without incurring a lot of cost or use of any financial resources. Therefore, if we ratify as a country, we will be able to exchange information with other signatories that have already ratified the Convention.

Once ratified, Kenya will be required to respond to requests for tax information on nationals of the parties to the Convention, while maintaining the fundamental rights of taxpayers. Therefore, as much as you give out information on a taxpayer, you have to respect their rights. One of the requirements is that you have to inform the individual before giving out this information. They have to know that you are exchanging information about their taxes. Again, it requires member countries to use the existing administrative powers as provided for in their domestic laws to implement the requirement of the Convention for the exchange of information on tax matters. Therefore, it is required to be in compliance with the partner States constitutions

and their domestic laws. It is purely on national taxation and, therefore, does not have any fiscal implications to counties.

I want to comment on Article 28 which is about coming into force. It is clearly defined that the Convention will come into force on the 1st day of the month following the expiry of a period of three months after the date on which five States have expressed their consent to be bound by the Convention in accordance with the provisions of this Convention. Already, there are 135 States. Therefore, it is already in force for partner States that have ratified it.

Article 29 talks about territorial application of the Convention. Where will it be applied? It states that any later date by a declaration addressed to one of the depositories extend the application of this Convention to any other territory specified in the declaration. So, it explains the territorial application of the Convention.

Another very important Article is 14 that talks of time limits. This is concerning any period beyond which a tax claim cannot be enforced and shall be governed by the law of the applicant's State. Therefore, there is a time limit within which a tax claim can be applied. It is well defined. There is also Article 9 which explains very well how to handle tax examination abroad. Therefore, it explains how to do both a request and an exchange with the competent authority on tax examination. Article 10 explains how to handle conflicting information. At times you may seek information from an institution or an authority or an individual, but the information conflicts with the information that is already in your possession. Therefore, Article 10 explains how to handle such conflicting information.

It, therefore, suffices to say that the objective of this Report is to seek approval of the National Assembly of Kenya to ratify this multilateral convention on mutual administrative assistance on tax matters. It was approved by the Cabinet on 8<sup>th</sup> June 2016 and later approved for ratification on 1<sup>st</sup> August 2018. Therefore, today we are called upon as the National Assembly to note the contents of the memorandum as well as approve the ratification of the Convention.

I beg to move. With your permission, I request Hon. Peter Mwathi to second.

**Hon. Speaker:** Hon. Mwathi.

**Hon. Peter Mwathi** (Limuru, JP): Thank you, Hon. Speaker. I rise to second this Motion. In seconding, I want to say that we were given this document hardly about three weeks ago. I want to commend the Members of the Committee for having worked tirelessly and putting in their dedicated time to make sure that we are ready with the Report today. I associate myself totally with the sentiments of the Chair in the manner he has moved. I also hasten to add that for avoidance of doubt, this Convention contains the category of taxes that it addresses. If you check Article 2, it gives you the various categories of taxes that I do not have to enumerate because they are so many. I will invite the Members to look at the categories of taxes that it addresses.

Secondly, Members should know that this Convention has now been ratified by 135 countries, who have agreed to share information on tax and taxation matters. On our behalf, the Convention was signed by Ambassador Salma Ahmed, who had been authorised by both the Cabinet Secretary for the National Treasury and the Cabinet Secretary for Foreign Affairs.

It is important to note the benefits to the country in regard to this Convention. Once we ratify, what is it the country will benefit? Of primary benefit is the facilitation of tax administration through sharing of information by tax authorities of all signatories. So, we will share information with those countries, but also we will be obligated to share information that

they will require from us. Secondly, there is combating tax evasion and tax avoidance and support in tax recovery. So, the Convention provides for exchange of information in order to combat tax evasion and tax avoidance. There are people who are known to avoid tax and hide that information in other countries or jurisdictions which they think are safe havens. Once we ratify this Convention, we shall be able to reach out to those countries and know the kind of taxes we should get from those who have been avoiding or evading tax.

The third benefit is to acquire information not disclosed by taxpayers for quality and accurate cross-border audit investigations. There are people who sometimes give information not in full. Sometimes they decide to hide some information which would otherwise be important for our collection of tax.

The fourth benefit is timely access of information without having to enter into bilateral agreements. On this one, the Convention will allow sharing of information without having to enter into bilateral agreements that usually take a lot of time to negotiate and conclude. So, once you have entered into this Convention, you can get the information by way of a request or automatic exchange of the same information via the system that you have agreed on. At the same time, as we ratify, Kenya or any other country can deposit their reservation on which taxes they would not want to share information on. As at now, Kenya has not put any reservations.

The fifth benefit is enhanced fight against corruption, illicit financial flows including money laundering and terrorist financing. In addition to providing valuable tool for fighting tax evasion and avoidance, the Convention will help us to access information from other enforcement agencies to fight corruption, illicit financial flows including money laundering and terrorist financing.

Hon. Speaker, we are aware that over the time we have spoken about corruption in this country, each one of us is obligated to fight corruption. In furtherance of that national undertaking, this Convention is going to help us achieve the same. On national interest, it is important to reiterate the point that has been raised by my Chair that the ratification of this Convention shall not affect the national interest of Kenya. The Convention is only concerned with exchange of information for tax purposes only with the other parties to the Convention.

As I conclude, I want the Members to know that there are other implications that they maybe querying. Do we have financial implications once we ratify this one? Yes, but very minimal. We have a fee of Euros1,200 paid annually by each one of State parties. Two, if there are any costs that will accumulate as one looks for information to share, then that cause is borne by requested party. However, if there are any other extra costs that may come with the request, then the requesting party will pay.

Finally on the legal implication, the Convention, once signed, will enter into effect three months after it has been deposited with the depositories.

With those many remarks, I wish to second the Report. Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Tuwei, the Member for Mosop, the Floor is yours.

**Hon. Vincent Tuwei** (Mosop, JP): Thank you, Hon. Speaker. I want to thank the Departmental Committee on Defence and Foreign Relations for the work that it has done to find out exactly what it is that Kenya is ratifying.

Kenya is one of those countries in Africa that are regarded to have gone ahead to implement most of the decisions that have earned this country a lot. This is one of the treaties that if we ratify through this House today, Kenya stands to benefit from the information to be obtained from other countries as a result of those who have been evading tax. Information on taxes makes one to analyze and pay the proper or reasonable amount that is required by law as per the said provisions. Countries that have ratified this have benefited from it. A very good example of a country that ratified is Sweden. It ratified it between 2010 and 2014 where they found tax evasion of USD33 million being recovered as a result of information received from the countries that sign this Convention. We also have Australia which got USD68 million. In Africa, we have countries like Togo which ratified this Convention in 2016 and were able to gain USD1 million. Tunisia got USD2 million and Uganda got USD25 million after ratifying it in 2015/2019.

This is a very clear indication from what we have before us that ratifying this Convention will help this country to increase its tax collection and also try to weigh in on those who have been avoiding tax and those who have been hiding information from the tax net outside this jurisdiction. For that reason, I urge the House to ratify this Convention, so that we are able to help our Kenya Revenue Authority collect revenue. From the analysis that they have given us, our tax collection today is 18 per cent of the GDP. If we sign this Treaty, we will get 34 per cent of the GDP. This means that we shall have a 16 per cent increase in tax collection as a result of information to be obtained from the 135 countries that have signed this Convention.

With those few remarks, I support.

**Hon. Speaker:** Member for Nambale, the Floor is yours.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Speaker. I was keen on saying something. It is not possible statistically that by signing this Treaty, we can move from 18 to 34 per cent. Remember we are declining from 23 to 18 per cent. However, that is not what I stood to say. I support this Motion strongly. It clearly expands the physical space for the KRA to collect more. You have seen the examples from other countries. Although it is greater than the annual subscription, it is not very big. It is in the order of magnitude of \$1 million, \$2 million and for Uganda \$25 million, which I think is very good. That is a gain. The most important thing is that as KRA expands their space, our citizens will get to know that they must pay their taxes and there is nowhere to hide. Where they go, there might be an exchange of information and we will catch up with them. In that process, I think it is very important that once this comes into force, KRA and Kenya as a whole, can track the degree to which the multilateral mutuality that was mentioned of Kenya versus the rest of the world, will be in our favour over time. If it is, then it is really sad that we must go for it.

Secondly, Kenya has been unfortunately at the forefront of illicit financial flows a few years ago. I do not hear much of it these days. That is an extremely serious matter. There are many other ways in which you get illicit financial flows other than taxes. In taxes, we cannot talk about personal taxes particularly, but there are other ways in which straight looting and moving money across borders is part of primitive accumulation of resources in many countries and

Kenya has been much at the forefront. The kinds of nets that are being put in place will help this country to reduce those kinds of laws.

Hon. Speaker, what tends to happen in many of these international agreements is that sometimes the weaker countries become simply sources of data and the return flow of information does not flow as smoothly as it is expected in the instruments that are agreed upon and deposited within the protocol. So, I hope that Kenya robustly plays its role and pushes the fact that this relationship must be two way. If we become an inferior party, that will be unfortunate. I hope the probability that that will happen will be relatively small given that countries that I think are probably economically weaker than us are gaining something. Even if we were to gain just a million dollars, that will still do, but I think in Kenya, given a challenge of the pressure that we have on the KRA to increase tax collection and the worry to grow our economy, we need saving rates that are above 25 per cent.

Hon. Speaker, we have been declining and when we hit 23 per cent, we celebrated. We have been declining for a long time to 17 per cent. I am glad to hear that we are now at 18 per cent. If we can inch back, that will be very useful for our development goals. To allow information to be shared and hopefully used is good. It is one thing to get information, but another to work on it. I would like to urge the KRA - I understand that particularly now they are working hard to expand the tax net - that since we are in a position which we need every shilling that can be raised, they should genuinely be proactive enough to act on the information they receive. There has been occasion before where there was blame that the international agencies that share information in the financial criminal space had felt that Kenya was not always sufficiently reactive to this information. It was only when things would blow up that you would be told that we had already shared this with the country. I hope our patriots within the KRA will act aggressively and robustly since they will have the instruments nationally, but now they will have the acceptance across borders.

With those few remarks, I support this and whole heartedly pray that the House ratifies the instruments.

**Hon. Speaker:** Hon. Member for Kamukunji

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I support the Motion on the Ratification of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters. This is a very timely international instrument. It is very useful for our country to ratify this particular Convention as quickly as possible.

My only regret is that it is coming a bit late given the fact that our economy is growing and our tax needs are also growing. Therefore, it is imperative on the part of the KRA to expand its taxation base. There are many people among our very wealthy people who are taking their money out to evade taxation. These people are able to pay their taxes. So, this Convention will in some way aid the KRA to find that kind of information and to focus on those individuals.

This is also very useful in terms of the fight against corruption given the fact that a significant number of people who benefit from corrupt activities do not trust that money in their country. They usually take it out. This Convention will be one way of telling those people that they have nowhere to hide. That, in fact, the long arm of international instruments will be used to ensure that they do not get away with their crime whenever they may take it.

Another element that is exciting about this Convention is the fact that many of those 135 countries that have ratified include many of the tax havens. These are countries that attract a lot of illicit money; corrupt money that goes out of African countries such as Kenya. They are countries in Europe in the Caribbean and Indian Ocean that are well known for providing places to hide money. The KRA should use this opportunity to ensure that it reaches as many people as possible in that bracket of people who are required to pay taxes.

I want to give just one message as a final conclusion to this. It is important for the Ministry of Foreign Affairs to intensify its efforts to put together treaties because I can see that this particular Treaty was signed in 2016. It is now three years since it was signed and we would have benefited quite considerably if we had signed it much earlier given the fact that many countries who have signed have accrued quite considerable amounts of money from taxation through the information they received through this Convention. I ask the Ministry to be serious about treaties and conventions, and to ensure that once those treaties have been signed by the respective Government departments and approved by the Cabinet, they should come to Parliament as quickly as possible, so that we can benefit from these international instruments.

Therefore, I fully support the passing of this Motion. I thank you.

**Hon. Speaker:** Hon. (Prof.) Oduol.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Speaker. I would like to support the ratification of this Convention. As we look at the Report - I thank the Chair and the Committee - it is a very practical solution that would help us to address the key concerns that we have had not only with regards to how we would like to enhance our revenue collection, but most importantly, how we can address the very key matter of tax evasion and avoidance which has in a way always been a great challenge.

We are aware, as other Members have indicated that we have had a situation in our country where we have a number of people who should ideally be leading in ensuring payment of taxes being the ones who evade and avoid paying taxes. They have had havens outside the country and thereby out of reach. Therefore, when we look at this Convention, then we see that it enables our country to come up with administrative cooperation that would allow exchange of information to ensure that we have assistance of recovery and very clear and practical ways of tax examination.

As I support the ratification of this Convention, I do so because I see it will be an opportunity to take a lot more serious action on corruption. Indeed when we look at the observations that have been raised by the committee, we see that we are going to do it in ways that support the investigative efforts of the tax authority.

Hon. Speaker, with the observations that I have made, I recognise that we have not had non tax avoidance strategies like what is used by multi-national corporations - very complex and corporate structures - to not only keep money in havens outside the country, but also to continue in secrecy and opacity that completely make our Government unable to engage. Therefore, this Convention will give teeth, dignity and enable us to work with the more than 120 countries to get information.

I support.

**Hon. Speaker:** Let us have the Member for Nyaribari Chache.



**Hon. Richard Tong’i** (Nyaribari Chache, JP): Thank you, Hon. Speaker, for the opportunity to support this Motion.

**Hon. Speaker:** Sorry I can see an intervention from the Member for Navakholo.

**Hon. Emmanuel Wangwe** (Navakholo, JP): On a point of order, Hon. Speaker. I rise under Standing Order No.95. Looking at the mood of the House, all the persons who have spoken have supported the Bill. Also, looking at the Bills which are ahead of us, will I be in order to say that we call upon the Mover to reply. Thank you.

**Hon. Speaker:** Let us hear from the Member for Nyaribari Chache.

**Hon. Richard Tong’i** (Nyaribari Chache, JP): Thank you, Hon. Speaker for giving me an opportunity to support this Motion. We took time to look at it quite deeply under the leadership of our Chairman. We stayed late because we believe this Motion on the Convention is meant to make Kenya a better place to live in.

If you look at the kind of concern this Convention addresses, it is meant to make Kenya a better place to live in, not just for us, but for generations to come. This Convention addresses key issues which have been affecting this country. In the past, we have heard of cases where people have taken money from this country and kept it in other countries where tax evasion is allowed. This will be a thing of the past with the signing of this Convention into law.

We have heard of countries in Africa that have signed it and seen the benefits therein. Countries like our immediate neighbour Uganda, South Africa and Nigeria have made a lot of money by signing the Convention. We believe Kenya, being one of the biggest economies in Africa, should have done this yesterday. However, it is never too late and I think we are doing the right thing. This will help us to increase our income through tax collection by KRA.

Also, it will manage the illicit money that has been going out there and can be used locally to grow our economy. We are all complaining because of the debt level in the country. This has been brought about by our inability to collect enough money to finance activities of this country and our budget. But by signing this Convention into law, we will address these issues and ensure that money meant for Kenyans is brought back. We have heard of corporates doing business in Kenya, but their headquarters are in other countries. This is strategic because out there, they can cheat and get tax exemption.

Those tax haven countries will be a thing of the past. This Convention will create an enabling environment where all countries will do business at the same pace and level. No country will be considered a tax haven.

Finally, as I wind up, this will create employment opportunities for the youth. Once we have enough money, we will do projects, invest in infrastructure and create an enabling environment that will attract foreign investors to put up businesses in Kenya. In the process, we will create employment.

With that and in the interest of time, I support the Convention.

**Hon. Speaker:** Member for Yatta.

**Hon. Charles Kilonzo** (Yatta, Independent): Thank you, Hon. Speaker. In the interest of time, I have only two issues to mention. As a Committee, we were a little disappointed as to why the Executive took its sweet time from 2016 to bring this matter for ratification. But one of the key benefits over and above what has been stated by the Members is that information received by a party may be used for other purposes and this has to come out very clearly.

For instance, this Convention can be used to combat money laundering, issues of corruption and more importantly, terrorism financing. Another item that I need to bring to the attention of the Members is that when a signed State makes a request, it is supposed to act as if the subject avoiding payment taxes is a member of their country. So, this is a matter which was brought to the Committee. We felt that the delay by the Executive was not warranted and this House should ratify the Convention for the good of this country.

**Hon. Speaker:** Member for Wajir South.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you, Hon. Speaker. I stand to support this Motion. It is important and timely. I feel it contributes to the welfare of Kenya's tax laws. It is important that we acknowledge the good work of the Committee. They have identified the values this Motion will add after the ratification of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters.

Much has been said and I do not want to take long. I just want to add and cite a few things which are valuable. Kenya signed the Convention on 8<sup>th</sup> February 2016 and it was approved by the Cabinet on 8<sup>th</sup> June 2016. Therefore, this approval indicates that Kenya is headed towards understanding the current global tax system and it wants to be part of it. I also want to encourage Kenya to become a tax haven because it is not.

The Convention was developed by the Organisation for Economic Co-operation and Development and the Council of Europe to facilitate international cooperation for better operation of national tax. This is the key thing in the operation of our national tax. It is highlighted in the Articles of this important Convention. Article 2 outlines the taxes to which the Convention applies. Therefore, it gives the party compulsory social security contributions that are payable. This will help recoup the much needed taxes from those who keep their taxes and resources outside the country. Also, this country will hold other countries taxes.

Article 4 requires sharing of information foreseeable for administration or enforcement of the domestic law concerning the taxes. This is a key contribution to the global tax system. Kenya will be viewed as a country that works with the international community on various things. On issues of money laundering, Kenya will be on the forefront and be identified for playing a key role in contributing to the global practices of taxes.

I support the Motion. Thank you.

**Hon. Speaker:** Order, Hon. Members! I have heard many of you say the Executive signed the Convention in April 2016. I am sure you do not want Parliament to fall into the trap of being accused of delay. They say delay defeats equity. The Member for Navakholo rose in his place and claimed since everybody is in support, we should call upon the Mover to reply. Therefore, I will put the Question.

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

**Hon. Katoo ole Metito:** Thank you, Hon. Speaker. I wish to thank colleagues who have contributed in support of the Motion. This is about financial transparency, accountability, widening our tax net and above all, it is one step in the right direction towards the fight against corruption.

I beg to reply.

**Hon. Speaker:** Hon. Members, having confirmed that the House still complies with Article 121 of the Constitution relating to quorum, I will put the Question.

*(Question put and agreed to)*

Next Order.

Again, Hon. Members, I request that since you are colleagues, it is only fair that Members are members of some committees. I make another passionate plea that the newest Member in the House does not belong to any committee. You may not be in receipt of the Supplementary Order Paper. Order No.12 is on appointment of a Member to a Committee. That is to make sure that when we go for the long recess, even the new Member will sit in a committee or committees. So, Hon. Members, I plead with you that we move with speed. At 6.00 p.m., we are going to do the Motion by Hon. James K'Oyoo.

Let us have the Chair of the NG-CDF.

#### APPROVAL OF NOMINEES TO COMMITTEES OF NG-CDF

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) and (10) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the committees of the National Government Constituency Development Fund for Baringo South and North Imenti Constituencies, laid on the Table of the House on Tuesday, 3<sup>rd</sup> December and Wednesday, 4<sup>th</sup> December 2019, respectively:

#### (A) Baringo South Constituency

- (i) Samuel Kiprotich Bungei - Male Adult Representative;
- (ii) Geoffrey Kipkebut Kosgei - Male Youth Representative;
- (iii) Zakia Jemuge Kiptuisang - Female Youth Representative;
- (iv) Hellen Cheptoo - Female Adult Representative;
- (v) Christine Jepkemoi Kandie - Representative of Persons Living with Disability;
- (vi) Eunice Tarkok Kiprotich - Nominee of the Constituency Office (Female); and,
- (vii) Justine Kiprono Chebii - Nominee of the Constituency Office (Male).

#### (B) North Imenti Constituency

- (i) Hadija Makena Mohamed - Female Youth Representative; and,
- (ii) Jacob Kithinji Manyara - Nominee of the Constituency Office (Male).

Hon. Speaker, without taking a lot of time, I wish to ask the House to approve the names.

**Hon. Speaker:** Who is seconding?

**Hon. Maoka Maore** (Igembe North, JP): Hon. Kamuren.

**Hon. Speaker:** Member for Baringo South, Hon. Kamuren. You do not have a card.

**Hon. Charles Kamuren** (Baringo South): Hon. Speaker, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Next Order.

#### APPOINTMENT OF A MEMBER TO A COMMITTEE

Let us have the Whip of the Majority Party.

**Hon. Benjamin Washiali** (Mumis East, JP): Hon. Speaker, on behalf of the Chair of the Committee on Selection, I beg to move the following Motion:

THAT, pursuant to the provisions of the Standing Order No.175, and further to the Resolution of the House of 11<sup>th</sup> October 2018 on appointment of Members to respective committees, this House approves the appointment of Hon. Bernard Otieno Okoth, MP, to the Constitutional Implementation Oversight Committee.

Hon. Speaker, as Members are aware, Hon. Otieno Okoth came in through a by-election to replace our former Member of Parliament, Ken Okoth for Kibra Constituency. Unfortunately, we have not had a Committee for him and given that we are going for a long recess, it will be unfair to keep him without a committee for two months running. That is why the Committee on Selection decided, through, of course, the Whip of the Minority Party, to give him the Committee on Constitutional Implementation Oversight Committee, so that should we resume during the long recess, he will have an opportunity to start participating in parliamentary processes which will make him active. He has been active campaigning in Kibra Constituency. He needs to relax with his colleagues. That is why we have come up with this Motion. I request Members to support it.

I request Hon. Jimmy Angwenyi, the Deputy Leader of the Majority Party, to second. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Jimmy Ondieki Angwenyi.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Speaker. I rise to second this nomination for my youngest child in this House. I encourage him to participate fully in the affairs of this Committee. If he does very well, I may ask my colleague on the other side to add him another committee next time.

With those few remarks, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Bernard Otieno Okoth is right in the House. For those who may have forgotten how he looks, maybe I could ask him... Maybe some Members wanted to see whether he is in.

*(Hon. Bernard Okoth stood up in his place)*

*(Applause)*

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Let me inform the House that not even the Leader of the Minority Party or the Minority Whip brought this idea. This idea came from me. There was a Member who was going to be without a committee.

I second.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Bernard Otieno Okoth, you are now a validly appointed Member to that Committee. You can now look for any other from the Minority Leader but, at least, for this period, you cannot be without a committee. I thank the House for approving this appointment.

Next Order.

#### ADOPTION OF REPORT ON INQUIRY INTO SAFETY OF FERRIES

THAT, this House adopts the Report of the Public Investments Committee on its Inquiry into the Safety of Ferries as observed in the Audited Accounts of the Kenya Ferry Services for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, 3<sup>rd</sup> December 2019.

*(Hon. Hon. Abdullswamad Nassir on 4.12.2019)*

*(Resumption of Debate interrupted on 4.12.2019)*

**Hon. Speaker:** Debate on it commenced yesterday with the Chair, Hon. Hon. Abdullswamad Sherrif, moving and seconded by Hon. Ibrahim Abdisalan. Hon. Hassan Maalim and Hon. Katana Kahindi contributed, but Hon. Katana has a balance of nine minutes. If he is in the House, he has a balance of nine minutes. Hon. Owen Baya, Member for Kilifi North, the other Member has lost his chance.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Speaker. Ferries are an important mode of transport. The Coast, for instance, has had several incidences one of which is the tragedy that happened in Kilifi in 1978 and the one that happened in Mtongwe. In all these, we have lost lives that could have been saved if there were safety measures in place. Today, the ferries that ply the Likoni Channel have always posed a threat to the people of the Coast and visitors. There are two things that happened. One, the carnage that we had when the ferries caused accidents. There was a time when a lorry could not go forward and it started reversing

when it had left the ferry. Many people were killed. It is something that could have been prevented but lives were lost because somebody did not do his job.

Again, we had the Mtongwe Ferry tragedy where we lost very many lives. If you look at all that, there is a possibility of human error, negligence or just lack of commitment to the safety of the people who ferries. Ferry transport is used the world over and there is a lot of input in terms of strategy to ensure there is safety in ferries. This is not done in Kenya. In this country, Likoni is the only place where ferries are used. It is not such a huge thing that the Government cannot afford. The Government can afford it, but we see utter negligence on its part to ensure the safety of the people.

Going forward, it is very important for proper investment to be made to secure our ferries by bringing in new and better ferries. I had a privilege of travelling to Vancouver, Canada, where they use the Sea Bus. A Sea Bus is just like the ferry only that it does not carry vehicles. It is a decent vehicle that is cheaper than the big ferries and a lot of iron among other things that we see at the ferry. We are asking the Government to get committed to have a five year strategic plan to revamp ferry transport.

The economies of Kwale and Mombasa counties depend very much on this ferry. The people who cross every day work in Mombasa. Kwale depends on tourism very much. If the safety of the ferries is not guaranteed, the economy of Kwale County will collapse and many jobs will be lost. Very many families will suffer.

As we go forward, it is important to secure the channel and the ferry. We need to have proper management. We need to have people who are well trained and conversant with the use of ferries. Safety and security measures need to be put in place to ensure that the ferries are safe for the people just like we have traffic police officers on our roads every day. We need to have inspectors to check and ensure that the ferries are secure. We have people who check that our airports are secure and that runaways are secure, so that planes can land safely. It is important that the same is done for the ferries especially at the Coast. We have a huge investment of money in our airports today. If you go to the Jomo Kenyatta International Airport (JKIA), a lot of work is going on. If you go to other parts of the country, airports are secured because Kenyans use them. Why is it not happening at the ferries yet these are Kenyans like any other Kenyan using the ferries every day as their mode of transport? We take care of bridges, but we cannot take care of ferries. My question is whether there are people of a lesser god that cross the ferry every day that nobody takes any interest in ensuring that the ferries are safe?

Recently, a mother and her daughter died at the ferry. This is something that could have been prevented. At the ferry, we have a ramshackle of a ferry carrying over 10,000 people and nobody cares about its safety. The Government does not care about its people. Every day, we see police officers doing things which they should not do. We see police officers on the road stopping *boda boda* riders to check on their safety, but they cannot check on the safety of the 10,000 people in one ferry crossing the Likoni Channel.

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

*[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) took the Chair]*

It is important for us to secure the ferries by making sure that they are up to date. We should change the type of ferries that we use since they are outdated. We have sea buses that are used all over the world and people sit comfortably. They are well covered and are made of fibre glass. They cross without any problem. That cannot happen in this country because somebody does not think the people using the ferry are important.

I urge that we revamp the management of the ferries. We need to ensure that we have new ferries instead of the old heavy metal ferries that ply that channel. Again, there should be good security measures to ensure that if anything happens, there is a plan to rescue those involved.

I support this Report. I urge that it be implemented as soon as possible. If it is not implemented within six months, it should come to the Committee on Implementation where I sit. I have seen the Chair here and we shall deal with Government officials who will disregard this Report in the event it passes, which I am sure it will.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for South Imenti is on intervention. Was it? Then let me have the Member for Nambale, Hon. Bunyasi John.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. This is an area in which I am very passionate about. I used the ferries across the Likoni Channel when I was a student in Mombasa and I use them to date. You would simply cross on the ferry back and forth. It was safe. Each mounting cost Kshs1. It was a lot safer. I think a lot more has happened. One of it must be that there is total lack of ferry safety inspection by agencies that can decommission the use of a ferry if it is not seaworthy.

I am beginning to wonder. The ferries have been there for a very long time. Mombasa has been the centre of our maritime engineering. Mombasa is also the place that includes the Kenya Navy engineering component. It is located there. Is it not possible that we can assemble ferries in Kenya for which we can guarantee quality and safety? Should we always rush to Dubai and get reconditioned ones or just old and used ferries? I really think we should step up. We have just strengthened the Kenya Maritime Authority and set up additional institutions. We want to have our shipping lines, but we cannot build a ferry that crosses the Likoni Channel as we look at other options. I think it is sad when we see the kinds of actions that have occurred. First, it looked like some of it was nearly willful neglect. Two, they have stated that coxswains and others do not have the experience. In the old days, it would not set off until vehicles were safely inside and the rump was turned up to stop vehicles from falling off like the saloon car which rolled back and killed that innocent lady and her innocent daughter. That means basic safety measures were not being taken into account.

Is there is any form of punishment for those who are operating the ferries when they are that careless? Was anybody, for example, as a result of the last one, taken to court for carelessness? Nothing like that is happening. We are leaving it all to God. I know God is important, but we know God also only helps those who help themselves. God is not going to stop a vehicle from falling into the water no matter how much you pray. That is only going to happen when you take the required safety measures.

In the olden days, there used to be some payment. It was only a shilling in our days. Some cost recovery was helpful if the Government is unable to fund it fully. We know the Governments do not fund fully where the payment is totally on taxes. It is more like it is doing a favour to citizens. You cannot question it because the Government is paying forgetting that the Government paying is the taxpayer footing his or her own cost.

I think we have some way to go. This is an example of areas where, with what is within our means, we are not utilizing it. Whereas we should look for new vehicles to cross the Likoni Channel, we should also see if we can begin to build to ourselves internally and import the expertise if anybody says we do not have it as yet. Maritime engineering as an area of specialization and dry dock repair, fixing and reconstructing has been there before most of the people in this House were born. Are we still not able to do it? I really think we should seriously think about how to revamp the ferry services. In doing so, the paradigm must not be we always want to run to Europe and buy what has done 50 years there and we attempt to bring it to this side. It must be that we can leapfrog and build or buy different types that we can repair and build as we go forward.

I agree with the previous speaker that we must care about the quality of the ferries that cross, but let us also think about the economy of this country. To tourism as a whole, that crossing is very important. I am sure hotels in the South Coast have always been wondering when they will be like their North Coast cousins who are advantaged because of their bridge. By the way, the bridge was built by the Japanese, replacing the pontoon bridges we used to have, so that hotels at the South Coast can get visitors within the equal measure of choice that any guest would choose - whether to go to the South Coast or the North Coast.

I am encouraged that the link through Port Reitz through the Dogo Kundu going off to the South Coast will alleviate the pressure on ferry crossing. There are very many ordinary citizens, workers as we have been told, who depend on it crucially. Let us upgrade it. Let us modernise it. Let us use that to learn how we might build our large ships in the future.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Let me have the Member of Emurua Dikirr. Is he in the House? I have seen him going to consult. Member for Igembe South, Hon. Mwirigi Paul.

**Hon. John Paul Mwirigi** (Igembe South, Independent): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion.

It is important for the Government of this country to be serious with its citizens. The mode of transport in Mombasa to the Likoni Area is through the ferry. It is the mode of transport they use daily. In cases where we experience accidents at the ferry, it is something we are not supposed to be entertaining. It is the failure of the Government to monitor the ferries and endangering the lives of Kenyans. So, it is important to consider that the ferries should be inspected on daily basis, so that they can ensure the safety of the users who travel through the ferry.

Secondly, the management which handles the ferries should be held accountable, so that we do not encounter such cases like the one which happened two months ago. At the same time, the picture being portrayed to our neighbouring countries is not good. Our neighbours who do not have such a mode of transport would like to come to this country and enjoy or see the way



ferries operate, but they will not come because the operation of this means of transport is poorly done and handled by the Government.

I understand this machine uses engines. When that is the case, it is important for it to be monitored at all time for the users to be assured of their safety as they use this mode of transport. At the same time, a 24-hour surveillance should be ensured in the area where the ferry operates. If it is not possible for the Government to maintain these ferries, it is important for them to construct a good road network passing through or connecting the two points, so that we do not experience accidents. Even after that vehicle dropped into the water, another bus from a university encountered a similar situation on the ferry. The ferries have been in use even before I was born. So, it is high time the government replaced those ferries. The incomes that they get when conducting this service should enable them acquire a new ferry. The Government needs to be vigilant and mindful of its citizens. The citizens of this country work hard so that we can, at least, improve the economy of our country.

With those few remarks, Hon. Temporary Deputy Speaker, I beg to support. Thank you.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Following the recent Likoni ferry case, can we have the Member for Likoni, Hon. Mboko Hamisi?

**Mhe. (Bi.) Mishi Mboko** (Likoni, ODM): Ahsante sana Mhe. Naibu Spika wa Muda. Kwanza nataka nishukuru sana Bunge hili kwa sababu kupitia kamati ya PIC, waliweza kuona kwamba suala la usalama wa Wakenya katika Kivuko cha Likoni ama kupitia zile feri ni muhimu. Kamati hiyo ilitembelea kivuko kile na kutathmini changamoto zilizoko pale. Kwa hivyo, ni shukrani sana kwa Mwenyekiti wa PIC pamoja na wanachama wake na Bunge kwa ujumla.

Kivuko cha Likoni kinaunganisha taifa la Kenya na Jamhuri ya Tanzania, nchi jirani ambayo tuko nayo katika Muungano wetu. Kuhusu changamoto ambazo ziko pale, kuna takriban feri sita ambazo zina matatizo makubwa sana. Hususan, ni feri moja iitwayo MV Harambee. Feri hiyo ndiyo ilihusika katika ajali ambayo tulimpoteza dada yetu pamoja na mwananwe. Ni feri ambayo haitakikani kuwa inahudumu kwa sababu ina matatizo zaidi ya kumi na mawili. Inapaswa kufanyiwa ukarabati wa kutosha.

Kama taifa, kupitia taasisi ya KPA, tuna uwezo wa kuwa na kituo chetu cha kufanya ile tunaita kwa Kiingereza “dry dock services”, yaani kupata zile huduma za kufanya ukarabati wa vifaa vyetu vya baharini—iwe ni feri, iwe ni meli, ama hata zile boti zetu ambazo tunatumia - badala ya kutumia pesa nyingi sana katika kampuni ya African Marine ambayo inatufanyia kazi ambayo pia haiwezi kuwa sawa na kiwango kile kinachotakikana.

Jambo la tatu katika ripoti hii, waligundua kwamba hata wale wahandisi wa baharini wanaofanya kazi pale, ama wale tunaita *cockswain*, hawana tajriba kamili ya uhandisi wa baharini. Hivyo basi pia, hiyo ni changamoto. Tuweze kupata watu ambao wana tajriba ya juu ya uhandisi wa baharini ili waweze kufanya huduma kwa njia inayofaa. Sharti kuwepo na ukaguzi wa feri wakati unaofaa ili tuweze kutathmini changamoto zilizoko katika zile feri zetu.

Katika kutatua matatizo ya dharura ama ajali ambazo zinatokea mara kwa mara, ajali za kupoteza maisha ya watu ama ajali za kupoteza mali kupitia zile lori na kanta ambazo zinabeba mali tofauti hata zile zinazotoka katika nchi jirani ya Tanzania, tunahitaji tuwe na zile tunaita *rescue boats* kwa lugha ya Kiingereza ama zile boti za kusaidia wakati wa dharura. Vile vile, tuweze kuwa na zile tunaita *tug boats*. Hizi ni boti ambazo hata ikiwa feri imezama, inaweza

kusaidia kwa kuinyanyua. Iwapo tungekuwa nazo, ile ajali iliyotokea kule kivuko cha Mtongwe miaka iliyopita na kupelekea sisi kupoteza watu takriban 250 isingekuwa mbaya kiasi hicho.

Vile vile, tunahitaji kuwa na wapiga mbizi ambao wana tajriba ya kusaidia haswa wakati kumekuwa na dharura kama ile. Tuweze kupata vijana ambao wana ujuzi wa kuogelea baharini. Wawe ni watu wanaoelewa bahari na wanaweza kuwa wakombozi wakati kunapotokea ajali. Tunataka pia tuweze kuwa na vile vifaa ambavyo vinahitajika haswa katika vivuko vya feri. Kwa mfano, maboya ambayo yanaweza kusaidia katika hali ya usalama wakati kunatokea hali ya dharura. Lazima pia tuwe na vifaa vya *welding* ambavyo vitakuwa pale kwa shida yoyote. Tumeona kwamba feri zile zote zina milango ambayo imeisha nguvu. Milango hiyo inaweza kuzama wakati feri inaegeshwa. Milango hiyo ama bamba la feri (zinavyojulikana kule mitaani) inahitaji ukarabati wa hali ya juu. Hivyo basi, lazima ile feri mpya ambayo Wakenya wamenunua kupitia pesa tulizotenga katika Bunge letu, iletwe haraka. Itatumika wakati nyingine zinafanyiwa ukarabati.

Tunapaswa kuwa na mtandao wa mawasiliano ambao utaunganisha zile taasisi muhimu zote ili kusaidia wakati wa dharura. Taasisi hizo ni kama KPA, KMA, Coast Guards na Kenya Navy. Kwa sababu taasisi hizi zote ziko katika eneo moja na ni taasisi ambazo zinahusika na mambo ya bahari na mambo ya vyombo vya baharini. Kwa hivyo, iwapo taasisi hizi zitakuwa na mawasiliano wakati wa dharura, mbiu itakapopigwa iwapo kumekuwa na dharura, basi tunaweza kupata msaada wa kusaidia Wakenya wengi ambao wako pale. Vile vile, tunahitaji ushirikiano wa washikadau wa taasisi hizo. Iwapo taasisi hizi zitakuwa na ushirikiano dhabiti, ushirikiano wa kuangalia utendaji kazi wa vivuko hivi ama vile vivuko kule sehemu za Nyanza ambapo pia kuna feri, basi tutaona huduma hizi na pia mapato katika taifa letu la Kenya yataweza kuongezeka.

Wizara ya Uchukuzi sharti itilie maanani ile ajenda ya kuwa na miundo misingi ya kuweza kusaidia kivuko cha Likoni, kivuko cha Mtongwe na vivuko vinginevyo. Tunahitaji muundo msingi kama ule wa Dogo Kundu Bypass. Nataka kushukuru Serikali ya Kenya kwa sababu imeanza barabara ile na hivi karibuni, itamalizika. Vile vile, kuna azma ya kutengeza daraja katika Kivuko cha Likoni. Daraja hili litakapowekwa, litatupunguza maafa mengi. Pia litasaidia uchumi wa kaunti za Kwale na Mombasa haswa mji wa Likoni. Tunajua uchumi wetu unategemea utalii. Iwapo kivuko kile kitakuwa na changamoto ambazo zitapotezea watu wakati, basi uchumi hautaweza kuwa sawa.

Serikali lazima izingatie kupanga bajeti vilivyo. Sisi Wabunge, lazima tuangalie bajeti zetu tunazipanga vipi. Kila wakati taasisi hizi zinapoomba pesa, tunazipa pesa kidogo sana. Wakati wameomba Ksh199 milioni, unaona wamepatiwa Kshs76 milioni. Kwa hivyo, wamekuwa wakipata pesa chache ambazo haziwezi kuwasaidia kutoa huduma bora. Kwa hivyo, tunasema wakati tunatengeza bajeti zetu, lazima tuzingatie hilo.

Bodi hivi sasa imevunjwa. Lakini iwapo tunaunda bodi nyingine, lazima tupate hata kama sio wanachama wote, tupate baadhi ya wanachama ambao wana tajriba ya uhandisi wa baharini ama wana tajriba ya mambo ya vivuko vya bahari, mambo ya usafiri wa bahari na mambo ya vyombo vinavyotumika baharini. Kwa sababu anayevaa kiatu ndiye anayejua kiatu kinamfinya wapi. Iwapo bodi nzima itakuwa ni watu ambao hawajui, hawaelewi, hawana ufahamu, basi tutaendelea kuwa na matatizo. Hata yule ambaye atasimamia taasisi ile lazima awe mtu ambaye ana tajriba ama anaweza kuelewa haswa mambo ya uhandisi wa baharini.

Ikiwa hatutakuwa na mambo kama hayo, basi tutakuwa na changamoto nyingi sana. Pia, taifa letu la Kenya limeungana na nchi nyingi sana katika mambo ya baharini. Inabidi tuweke taasisi ambazo pia, hata wale wafanyikazi wetu wanaweza kupata elimu na taaluma za kuwawezesha kuboresha hali zao za kazi. Pia, elimu kwa mwananchi na usalama wake wakati anatumia vivuko kame vile iwe inarudiwa kila wakati katika kivuko kile kupitia vile vyombo vya mawasiliano kukumbusha Wakenya kwamba wanapoingia ndani ya feri, wazime magari zao na iwapo wako ndani ya gari, watoke nje na wasimame bambazoni mwa feri. Mambo kama yale yanafaa kuingiliwa.

Vile vile, kuna kile chombo kinachoitwa *chain* kwa Kimombo ambacho kina wekwa nyuma wakati magari yameingia katika feri. Lazima vifaa kama vile viweze kupatikana. Hii ni kwa sababu juzi tu dada yetu Kighenda, gari lake lilizama kwenye bahari.

**Hon. Temporary Deputy Speaker** (Hon. Jessica Mbalu): Pongezi. Hicho ni Kiswahili sanifu kutoka kwa Mhe. wa Likoni. Tumsifu sana Mheshimiwa Shariff na Kamati yake kwa sababu wamefanya kazi nzuri kabisa kutuletea Ripoti ya usalama za feri zetu. Hasa sana, kulingana na vidokezo ama maswali yaliyoletwa Bungeni kupitia kwa Kamati ya Public Investments Committee (PIC).

We thank you, Hon. Member, Hon. Sheriff, the Chairperson of PIC for doing a great job and bringing the Report to the House. Recently, we had the Likoni tragedy. This is so that the public can know and even understand, even as we go for our recess today, what Parliament and committees do. Thank you, Hon. Nassir. The other name is too long for such a good work.

Next in my request list is the Member for Kenya, Hon. Shamalla Jennifer. The Floor is yours.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion that this Report be adopted.

Indeed, the recent tragedy we had on the *MV Harambee* Ferry really opened our eyes to the inadequacies and really lack of maintenance on the ferry services. I am deeply concerned because when you go to the Ferries Act which is actually one of the oldest Acts in this country, a 1936 Act, it is a solid Act, and Chapter 410 of it puts into place regulations, controls and conducts of persons using the ferries. The ferry rules were actually dated 1951 and it also addresses issues of enforcing those rules, obstruction and refusing to obey obstructions. However, as many of us very frequently cross that ferry, you will see that actually, it is by the grace of the Almighty that we make it to the other side. This is because every single crossing is an accident in waiting.

Safety certificates are issued without due diligence. I trust that going forward; these are matters that are going to be addressed very seriously. How is it that we are told there are surveillance cameras on those ferries and the use of technology is not being implemented? I am told that one of the employees could not see that this particular ferry was slanted and the cars could actually reverse. Why is it that the cameras did not capture this issue and why are we not making use of technology?

My other concern is the Kenya Maritime Authority. They get huge budgets of over Kshs1.2 billion. One of its roles is regulatory oversight, training of life savers and so on. That is another authority that I think must be looked into to see why we did not have on those ferries

trained life guards, divers and early warning systems in place in the event that there is an accident.

With those few remarks, I support.

**Hon. Temporary Deputy Speaker** (Hon. Jessica Mbalu): Very well, Hon. Prof. Oduol Adhiambo, the Floor is yours.

**Hon. Prof. Jacqueline Oduol** (Nominated, ODM): Hon. Temporary Deputy Speaker, I would like to speak to the next one.

**Hon. Temporary Deputy Speaker** (Hon. Jessica Mbalu): Then I will give the opportunity to the next Member on my request list, the Member for Seme who is seated next to you.

**Hon. Dr. James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. I have really waited. People have come and spoken twice to three times and you have noticed. I rise to support this. This is a tragic Report. If you look at what happened, this Report generally indicates laxity in the Public Service. People are not doing what they are employed to do. All you see are indications of corruption. People have questioned the people who are given contracts on what they were doing. People get contracts basically not to implement plans but actually to be awarded contracts, maybe, as friends or whatever process they follow and basically to make money.

The list that is here is sad. This is because it touches on every aspect of operations, maintenance, safety, management and funding. There is no single area in the operations of the ferry services that actually is not mentioned. If you look at the comments of the Committee's observations, some you do not even want to believe. The first five observations are unbelievable. The prows on most ferries were not functional. At the time of the Committee's inspection, the prows on *MV Harambee* were badly damaged. That is not a vehicle that should be on the sea. Safety procedures for the vessel require that the chain runs across, but there was none. I do not think that is the absence of a chain. It is just that somebody was not doing what he is supposed to do.

The ferry was overloaded. That again is just laxity in the work that people are supposed to do. The passengers are supposed to be outside their vehicles. Those of us who have travelled to these places will find that, that is not observed.

In some cases, there is even evidence of almost criminal negligence for which people should actually be prosecuted. Some people signed off the ferry as having been inspected without looking at the ferry; that they had information that was passed to them by somebody else. In the technical world, you never do that. You cannot sign an important matter like this on the basis of hearsay. You did not see anything.

Hon. Temporary Deputy Speaker, if you look at the budgeting, there has been a complaint that these people have not been getting adequate funding for a long time. To me, I do not want to spend time. This Report is not only about the ferry services, but a document that can be used to look at all our services particularly technical services. You will find exactly the same problems everywhere. Even the regulator does not escape blame.

Hon. Temporary Deputy Speaker, I just commend the Committee for the work they did. I support it and say that this is an eye opener to me. It is a document that should be looked at in a broader context of how we run our systems and our governance in all areas.

I support.

**The Temporary Deputy Speaker** (Hon. Mbalu): Very well, Member for Seme. Hon. Members, just for your information, at 6.00 p.m. Hon. Speaker directed that we move the Adjournment Motion to discuss the floods in the country as a matter of national importance. So, I give the Member for Lunga Lunga an opportunity. I am aware you have no card and you are registered.

Hon. Members, we are going on recess. Please ensure you come back with your cards.

**Hon. Khatib Mwashetani** (Lungalunga, JP): Ahsante sana Mhe. Naibu wa Spika wa Muda kwa kunipa fursa hii kuunga mkono Ripoti hii ambayo imeletwa na ambayo inahusu swala la usalama katika vivukio vyetu.

Kwanza, ninatoa pongezi kwa Kamati ambayo inaongozwa na Mhe. Sharriff Nassir kwa kuweza kuja na Ripoti hii ambayo kusema ukweli, siyo Ripoti ambayo itatumika kwa sababu ya majanga yaliyotokea kwa vivukio vya feri. Lakini Ripoti hii inaweza kutumika kwa njia zote kuhakikisha kuwa usalama wetu umedumishwa na vitengo ambavyo vimepewa nafasi hii. Feri hizi zetu kila siku pale kuna watu zaidi ya 300,000 wanaovukishwa na vivukio hivyo. Vile vile, kuna magari zaidi ya 6,000. Hiiyo ni idadi kubwa sana ambayo ni muhimu iangaliwe kwa urefu.

Ni mengi ambayo yamedokezwa katika Ripoti hii ambayo sisi kama Wajumbe na wale ambao ni wahusika tulikuwa hatufahamu wala hatuelewi. Wakati kulitokea janga lile, wengi tulinyooshea kidole wale wasimamizi wa halmashauri ile. Lakini ukiangalia Ripoti hii, kulingana na mipango ya Kenya Ferry Services ni kuwa kila feri inatajikana itumike kwa miaka 20. Lakini ukiangalia katika Ripoti hii, MV Harambee ilitengenezwa 1990. Iko na miaka 30 mpaka leo. MV Likoni ilitengenezwa mwaka wa 2010, na vile vile iko na miaka kumi.

Kulingana na Ripoti hii, kuna umuhimu Serikali iwe katika zile pesa zinaombwa na shirika kama hili, zipatiwa kwa sababu hili si jambo la barabara wala si jambo la kutumika kiholela lakini ni jambo ambalo kila siku linabeba watu na hivi vivukio ambavyo viko ndani ya nchi yetu. Si ndege, ferry, ni lazima zile pesa ambazo wakiomba wapatiwe ili tusinyooshe vidole kwa wale wanaosimamia mashirika kama haya. Ripoti hii pia imependekeza kuwa katika hizi feri, zikiwa zinatumika kila siku, ni lazima wale watakao kuwa pale ndani kuwe na wale wapiga mbizi ambao wataweza kusaidi kwa majanga kwa wakati wowote.

Kuna mengi ningependa kuzungumza ila tu ni kuwapa kongole na kusema naunga mkono Ripoti hii ya Kenya Ferry Services. Asante sana kwa kunipa fursa hii.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Kiswahili kimeruhusiwa katika Bunge letu. Tulipitisha Hoja hiyo. Very well spoken. I will have the Member for Narok North.

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Temporary Deputy Speaker, I am standing under Standing Order No.95 and request that the Mover be now called upon to reply. This is important because we are going for a two months' recess and it is important that this issue is attended to immediately by the ferry services. So, I would like the Mover to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let me give Hon. Manje two minutes before I prosecute.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker. I also want to put my voice on this one. We normally use the ferry, especially the Likoni channel,

to go to the South Coast. This channel is very important to Kenyans and so it has to be taken care of. I would like to talk about two issues:

First, is the occupational accident that happened and caused the deaths of Mariam Kigenda and Amanda Mutheu. I thought that was due to the negligence of the ferry services and the workers at that particular time. That is because if they carried out proper service as they are supposed to and follow the regulations for the safety of the vessel, then the accident would not have happened.

The other area that we need to check is the Kenya Maritime Authority that licenses those ferries. It has to ensure that it gives licenses to ferries that are sea worthy. This MV Nyayo, MV Kilindini and MV Harambee, the one that caused the accident, is not sea worthy. They are not supposed to be licensed. I think we should look at that point and ensure that our sea is secure.

Thank you and I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Musimba.

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): Ahsante kwa kunipa fursa hii. Nilikuwa nataka kuipatia kongole Kamati husika na kusema umuhimu wa hizi jahazi kuvukia pale Likoni ni muhimu sana kwa ajili ya usafirisaji wa goods nyingi ambazo zinaingia nchi hii. Kwa hivyo, ni muhimu watu watimize majukumu yao.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Musimba, I can hear Members saying “goods” is not Kiswahili

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): Wajua ni muhimu kujitahidi kwa lugha yetu ya kitaifa ili tuendeleo mbele. Lakini umuhimu wa hii Ripoti ambayo imependekezwa hapa na Mhe. Abdullswamad inatuelekeza kushughulikia maswala ya usalama kwa kila kipengele ambacho tunashughulikia.

Kwa hayo machache, nataka niwaunge mkono na kuwapa kongole wanakamati kwa Ripoti ambayo wamefanikisha hapa Bungeni.

Ahsante sana.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Ahsante sana, Dr. Musimba.

Hon. Members, I prosecute the request, pursuant to Standing Order No.95, by Hon. ole Kenta, that the Mover be now called upon to reply.

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

Mover, you have two minutes.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Mhe. Naibu wa Muda, ningependa tu kutoa shukrani na kuwajulisha wenzangu ya kuwa ifikapo 6.00 p.m. na hatujaweza kumaliza, nataka kufafanua ili wenzangu wafahamu kwa nini tunakata mazungumzo. Ni kwa sababu Mhe. K’oyoo alikuwa ameomba ikifika 6.00 p.m., Bunge lisimamishwe lizungumzie swala la maafa ya mafuriko.

Kwa hivyo, mimi natoa shukrani na sasa tunaacha jukumu hili kwa Kenya Ferry Services, Kenya Maritime Authority na Wizara. Kama Wajumbe tumefanya kazi yetu; tumeweza

kumaliza; na mimi natoa shukrani kwa kila aliyehusika: Wajumbe wenzangu, wafanyikazi wa Bunge wakiwemo makarani, afisi ya Spika na afisi ya Karani Mkuu.

Ahsante sana, nawatakia likizo yenye heri na fanaka.

*(Hon. Passaris walked into the Chamber)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Passaris who is walking in, just resume your seat.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order Members! The time being 6.00 p.m. the substantive Speaker had allowed Hon. Jared Okelo to move an Adjournment Motion on the ravaging floods in the country. Communication has been done on the same that Hon. Oyoo will move the same on behalf of Jared Okelo. So, Hon. K'Oyoo, please proceed.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

#### **RAVAGING FLOODS IN NYANDO AND MUHORONI**

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker for the consideration. At the outset, I want to bring to the House the plight of the constituents of Hon. Jared Okelo who by extension are also my constituents.

For clarity purposes, I want to alert the House that Muhoroni and Nyando used to be the same constituency. This is until a later date when the Independent and Electoral Boundaries Commission (IEBC) found it fit to divide it. Muhoroni remained a farming and industrial station, while Nyando remained a commercial station. So, what affects Muhoroni affects Nyando and *vice versa*.

Hon. Temporary Deputy Speaker, this House should know that the current rains have not been very kind to humans. Our people are suffering and, as I stand here, several innocent children cannot locate their parents because they have been dislodged from their homes. People are living in makeshift camps under hazardous health conditions. I am calling up various international and local humanitarian organisations to go to the site and see how they can temporarily help the situation.

It is most unfortunate that several years after Independence, government after government takes oath to take charge of the lives and security of the citizenry. Yet, they do very little to mitigate challenges that are open like the floods we are talking about. They did not just happen accidentally. They happen almost perennially and the best the Government can do is to avail foodstuff and blankets temporarily. Nothing has happened to mitigate this catastrophe permanently.

The same situation affected the people of Budalangi. Efforts were made by the Government and dykes were built and that has been contained to some extent. We are wondering why it has not been found fit to have similar corrective measures done in Nyando and Muhoroni. I am aware that as I make this Statement in the House, the people of Pokot, parts of Mombasa and Western are victims. We are calling upon the Government to be serious with this floods menace and ensure something permanent is done.

Recently, I heard in this House and read in daily newspapers of loads of money that were wasted under the guise of building dams. This did not solve any problem and that money should be rechanneled and used to help this situation. As I talk here, the most affected people in Nyando are in Giko, Magina, Kabonyo/Kanyagwal and other parts. In Muhoroni, the most affected are people bordering Buroba River, Obumba, Achuodho and Kang'o who are now living in makeshift camps.

I wish the various Non-Governmental Organisations (NGOs) which deal with humanitarian issues could pitch tent and ensure temporary solutions are done. We thought the Government was to use the proposed Koru-Soin Dam to be a long-term solution of this. But, I am astounded that even in the Supplementary Budget that was passed yesterday, I did not see this project captured and monies projected. So, I am calling upon the Government to be serious because we cannot have a problem bedeviling the citizenry year, in and out and yet, when this serious Government came into effect, it said they will ensure the problems bedeviling the citizenry will be resolved and solutions found. Yet, people are now suffering.

Our roads have been ravaged and according to our tradition, when the rains are subsiding, agencies like Kenya Rural Roads Authority (KeRRA) are tasked with making roads. When they are given funds, they will channel them to constituencies in Central, parts of North Eastern and Rift Valley. Yet, the ravaged roads like mine in Nyando will be non-existence. The bridges have been swept away. When we look for money, we are told there is none and you see a very good fabulous consolation given to another colleague.

We want the Government to be serious. The question of floods in Kano, something must be done to get permanent solutions. We used to have perennial floods together with our colleagues in Budalangi. The Government became serious with Budalangi and I do not know why. Maybe, somebody wanted to pull the Budalangi people away from mainstream opposition and built dykes. Some solution was found and as we talk, you can see my colleague from Budalangi is glittering with good health. This is because his people are not disturbing him and he is not getting phone calls the whole night like me.

We want the Government to bring the same contractor and mechanism used to control the floods in Budalangi to some extent. They wanted to build a big bridge. I think it was not done because of corruption. We want whatever action that was taken to mitigate the situation in Budalangi to be done in our place. All in all, I am begging the Government and those concerned with a situation like this to ensure something serious is done so that our people can walk. I am also reminding those concerned with making roads that when the rains subside, they should fix our roads. This will mean giving KeRRA monies to help us recondition and redo the roads. This should be done and not generate any debate.

River Nyando should also be dredged. I am afraid that if proper dredging is not done in Lake Victoria, people from Seme and Nyakach; South Nyanza neighborhood will be displaced.



Each time in Nyando when we are affected by flood waters from Nandi Hills, Lake Victoria also overflows and homesteads around get affected. This is very serious and it is not a story or politics. I am calling upon the Government to be serious and humanitarian agencies to pitch tent there and ensure something is done.

We are talking about innocent people and young girls who will be abused because they cannot access their homes and sanitary towels. I did not do biology and I am not a very good friend of Dr. Nyikal who studied medicine. This is very serious and I call upon my colleague Hon. Wanjala of Budalangi to support this Motion I have moved. He should also shed light in this House on how the Budalangi situation was curtailed. What the Government should do in the case of Nyando and Muhoroni to make them better and give a temporary solution as we wait for a permanent one to be found.

Thank you, Hon. Temporary Deputy Speaker for the consideration. I hope this has gone into the ears of the relevant authorities and agencies and something will be done as a matter of urgency and with seriousness

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, Hon. K'oyoo. Who is this Member who is upstanding? Member for Budalangi, we do not second. This is not a Bill or a Motion. However, Hon. K'oyoo just said you support. I am sure you will get your time to support it. He is afraid that he will not support it. You will get your time to support. We do not second. Resume your seat, Hon. Member for Budalangi. I saw you walking in ten minutes ago. You were here before you went to consult. There are 18 requests. Yours is amongst them. Let us have the Member for Kinangop.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this Adjournment Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): As you contribute, Hon. Members, a point of reminder is that in such a debate, you each have five minutes.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker for that guidance. I wish to support this Motion based on what we are going through as a country. I want to believe that this is happening all over the country whereby floods are becoming an issue. There seems to be a heavy downpour that was unprecedented. The rate at which we are losing our loved ones is so saddening. Today, we counted about 150 souls who have been swept away by floods. We cannot continue counting numbers. We are counting lives. We have not seen enough effort being done by the Government in terms of mitigating the kind of predicament that we find ourselves in.

There is a department that has been formed through an Act of Parliament called the National Disaster Management Authority. I believe they are inadequately funded because such occurrences could happen any other time. As much as we want to blame ourselves and the abuse of the environment, we cannot protect ourselves from natural calamities. This still happens even in developed countries that have invested in forest cover like the United States of America where their forest cover is above 60 per cent. Those calamities keep on appearing in countries like China and Japan. As a country, we need to empower and adequately fund the agencies that are entrusted with managing disasters. What we saw in West Pokot is so saddening whereby the Cabinet Secretary could not even get to the destination. He had planned to go and join the rescue

mission because of bad weather. We saw the Deputy President risking his life just to be there with the people, to condole, encourage and give them moral and humanitarian support.

As leaders, we need to come back to our senses. That is why I support the Building Bridges Initiative (BBI) whereby Cabinet Secretaries will come from this House. Members of Parliament (MP) take risks. They go to places where technocrats will never go because they feel it is too risky or people down there do not matter.

As I support this Adjournment Motion, as a House, we need to stamp our authority especially in budget-making process. We should ensure that we put our money where it matters. You can imagine the thousands of people who are sleeping outside. I have a case study of a village in Kipipiri in Nyandarua County where people are sleeping outside. This is despite the fact that we have a Government in place that can spend colossal amounts of money on a document called BBI and yet, it cannot allocate the same money to make sure that there is a roof over our people and that they have bread on their table. Something is very wrong in this country and we must fix it as Parliament. We cannot just be fence-sitters who look at things happening because we are too afraid to address them.

I miss the days when Members of Parliament were Members of Parliament; where Martin Shikuku would stand for Wanjiku in Butere; where we had Matiba who paid the ultimate price because of the people. That is what this House ought to do. If we fail to do it now, history will judge us harshly. People elected us to represent them but we failed because we wanted to please the masters of the day. We must break from that cocoon and do what we have to do.

As I conclude, I wish...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Before you conclude Hon. Member for Kinangop, what is out of order Hon. Musimba Patrick, Member for Kibwezi West?

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): I rise on a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Which Standing Order are you rising on?

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): Standing Order No.96 is very clear about our roles as MPs. We are here to oversee, represent and legislate. It is not in order. The honourable Member must withdraw that sentiment that the current MPs are not doing their jobs. We wake up every day to slave. He says he is wishing for those days of yonder; of great people who stood in this House and defended the people. We are here as honourable Members and we cannot accept such an indictment. I humbly request that the honourable Member withdraws that sentiment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Musimba, even as we request the Member, maybe, the Speaker can help you. We do not want to mislead the public. Give the microphone to Musimba. Let me hear what he has to say. Your time is over. Standing Order No.96 is on adjournment of debate. I understood what Hon. Musimba referred to. It was about relevance. Hon. Musimba wants you to withdraw to the effect that the Members of this National Assembly do not do their job. Hon. Member for Kwenya, as you continue, maybe, you can make a contribution on that.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker. I am the Hon. Member for Kinangop not for Kwenya. Kwenya is my name.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Kwenya, Member for Kinangop.

**Hon. Zachary Thuku** (Kinangop, JP): Hon. Temporary Deputy Speaker, I wish to state that I do not want to impute improper motives on my colleagues. We must rise to the occasion because we are a budget-making body and allocate money to weighty matters. We must put our money where our mouths are.

With those few remarks, I congratulate Hon. K'Oyoo for moving this Motion for Adjournment so that we can discuss the issues that affect our people. I wish all Members a merry Christmas and a happy year 2020. Let us address the issues that affect our people down there.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Kwenya. Not Member for Kwenya. Let us have the Member for Rongai, Hon. Moi Kipruto.

**Hon. Kipruto Moi** (Rongai, KANU): Thank you so much, Hon. Temporary Deputy Speaker for giving me the opportunity. I would like to register my sadness for those who have been affected by the floods. These floods are not confined to constituencies. They are all over the counties. Our neighbours in Baringo have been seriously affected. Even my constituency of Rongai has not been spared. There are two areas called Kayole and Boito that have been severely devastated by floods. I would like to appeal to the Government to supply those people with medicines and food. I do not believe that the counties have the capacity to do these things. We go to the ground and they tell us to talk to the county governments. The counties do not have the capacity. They are financially strapped. We would like to appeal to the national Government to be involved and supply medicines and food. The time is now not tomorrow. It is now because children and women are suffering. Everybody is suffering.

With those few remarks, I thank you and wish everybody a merry Christmas.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the County Women Representative for Tana River, Hon. Hassan Rehema.

**Hon. (Ms.) Rehema Hassan** (Tana River CWR, MCCP): Ahsante Naibu Spika wa Muda. Nataka kumpa kongole Mheshimwa K'oyoo kwa kuleta Hoja hii ya muhimu kwa Wakenya wote. Mafuriko hapa Kenya yamekuwa ni janga kuu haswa kwa wale tunaotoka sehemu tambarare. Nasema kwa Serikali kuwa shida zingine zinaweza tatuliwa. Kwa mfano, sehemu ninaotoka ni tambarare kweli lakini kule Tana River tuna barabara za maji. Barabara hizo zinaezajengwa ili maji yasipite huko kwa wengi. Kwa mfano, katika eneo la Madogo sehemu ya Ziwani iko ng'ambo ya mto sehemu ya Garissa, barabara ya maji ni ndogo sana sehemu hiyo. Serikali ikichukua hatua inaweza kuzuia maji yasiingie kwa miji.

Kiswahili chasema kuwa ni heri kuziba ufa kuliko kujenga ukuta. Yatakikana tuwe tunayapangilia mambo kama hayo kama *mitigation*. Ni muhimu sana. Tunajua mapema kuwa hadhari hizi ziko miaka nenda miaka rudi. Lazima tujipange. Saa hii sehemu kubwa ya Tana River iko ndani ya maji. Mimea iko ndani ya maji na nyumba zimebomoka. Pia naomba wasamaria wema waende kwa sehemu zimehadhirika kama Tana River, Pokot na zingine wapeane misaada kwa watu wanaoumia. Kuna watu wanalala kwenye nyumba ambazo wamezifunika na nguo zao. Hawana hema. Ni vizuri wafikishiwe hema, chakula na hata madawa.

Kwa hayo machache, naunga mkono. Ahsante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Nairobi.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Kenya always talks about having disaster management and rapid response funds to help people. In Nairobi, whenever we have a fire outbreak; I try to look for money for disaster. Under the National Government Affirmative Fund, we get a maximum of Kshs1 million for disaster management when it is divided equally for the entire country. We came up with a rule that some counties do not experience disasters and give the money to counties that experience disasters. I called the National Government Affirmative Fund and told them that we had floods in Nairobi with people displaced and women's houses need corrugated iron sheets and asked for money. The maximum they gave me for the entire County of Nairobi was Kshs1 million. If you say you want food, they say that whatever food they had they have already distributed it through the County Commissioner's offices. We do not know how we are going to deal with disasters if we do not budget and provide for them. Rapid response means that every county, if not the national Government, should have a system where we can have people rush to help Kenyans. Right now, we have many pay bill numbers coming up. They are started by NGOs and private people. It is a good initiative but how do we know that the money will reach the people?

When it comes to national disaster, a country has to have a provision. When we have disasters like the floods we have had, sometimes I wonder why we cannot send all the Kenya Defence Forces (KDF) to help the people or construct houses for victims or give them tents. When we had the post elections violence, we set up camps for displaced persons. I feel we have not been responsive enough as a country with the floods we have now and it is really sad. I feel it starts and ends with us here. When we make budgets, we need to make provision for disasters. I know the laws on disaster management are pending. I feel that the national Government should not leave disaster management to counties. A disaster is almost like a war on the people. We always see private sector like the Red Cross intervening. I know we fund the Red Cross and it does an amazing job. As leaders, we are not able to be felt because how do we go empty handed when they are looking for us? Even when we are looking for National Government Affirmative Fund money, the Members who are here most of who are men never agree for the National Government Affirmative Fund to have money. So, if we increase the Fund for the County Women Representatives, we will respond to disasters. I do not think that when it comes to disasters and we are given the kitty for disaster management, we should not start thinking about who has more money. We only have Kshs6 million per constituency per year. Kshs1 million in a year for disaster is inadequate. I suggest that, as Parliamentarians, we should look at one national disaster fund and all leaders will pull together when a disaster occurs. For now, it is such a shame! The majority of the people who are victims of disasters and have no food and all their furniture destroyed because of floods and storm drains not working are not helped. There is no city in the world that does not experience disasters, no matter what. Even in America and London, there are disasters. Disasters are bound to happen.

With climate change, we know disasters are going to be big. It is important we pay attention to that. As far as dams are concerned, a dam collapsed today. We need to ensure we

reinforce our dams because if we do not do that, we are going to have even bigger disasters where more lives are lost.

I pass my condolences to all the families that have lost their loved ones. I tell them that as leaders, we have failed them because we never provided enough for them. But we are going to work hard and tirelessly to make sure that we have better responses.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Nambale, Hon. Bunyasi John.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you very much, Hon. Temporary Deputy Speaker. This, indeed, is a very weighty Motion. Whereas we have had the extremes of disasters as happened in West Pokot, my condolences go to the many families that have lost lives, many have been displaced and many of those whose lives will be almost permanently disrupted and changed. Special condolences should go to the people of West Pokot.

Climate change is a general problem. We describe it in blanket terms, but at the back of every incident, there is a family that has been displaced. There is a family that loses a loved one and we know that this is ravaging many parts of the world. I have a constituent of Nambale who drowned in Uganda while he was doing scientific work on one of the dams. We have not been able to locate the body up to now. It is not easy. In respect of my constituency, this might be descriptive of areas where the nature of the disaster is somehow different from the excesses and extremes that have occurred in West Pokot. It is usually the elderly, widows and widowers who may still be living in grass thatched mud houses. With the heavy rains we have had, they loosen the ground and the houses virtually collapse. There is nowhere else to go to for social cultural reasons, or for reasons of extreme poverty. We have indeed no resources available to intervene in a decisive way.

I was very saddened when we discussed the issue of West Pokot some time ago and people casually and callously said that there is a county government that gets a lot of money. The challenge we have is much beyond a county Government. The challenge we have is even beyond Kenya itself. That is why we have shown signs of great inability to respond. I attribute that to lack of programmes that is conceived, funded, practiced and ready to move. We are able to move our troops all the way to Somalia, but are unable to move them to places to save our people. In those extreme circumstances, soldiers operate much better. They are better first responders than ordinary swimmers and ordinary people.

This is a weighty issue for Kenya. As we move on, one characteristic of a nation that is growing and loves its people is that every soul of its citizens matters. They will fly a plane to save one person from danger if it can do that. It will not sit back and simply watch and wait. We must get out of that mode. We are now a middle class economy. We are no longer where we used to be irrespective of how we feel about ourselves about our lack of jobs. We are now a middle class economy. We should be able to commit resources to save lives.

In my constituency, I have schools that have been endangered so much so that for some of them, we are just glad that they have closed and if the rains persist to late December, they may be in danger of not sitting in those classrooms when we open in January. Schools in the northern part of my constituency like Opedur are tinkering as if they would fall. We need scientific drainage. It is a slope. There are soils that retain a lot of water and can shake the so-called permanent structures. What we need is the support and in that case drainage. In many places,

drainage would help. I know my colleague from Budalangi would say a lot better but one reason Budalangi is not always on the front pages now is that the drainage and dyke systems that have been done are helping. The Government can do something. The Government must not sit back and say that is devolved yet it has no scientific solution to it. For example, we blame counties for lack of extension services. It had died at the national Government long ago. We are facing the same problem with disaster management. It is time we had well-conceived plan and its implementation can then be devolved to the counties, but should be fully funded.

With that, I thank Hon. K'oyoo for bringing this Motion for Adjournment. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Lamu, Hon. Obo Mohammed.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Ahsante Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii ili nichangie Hoja hii. Ninatoa kongole kwa Mhe. K'oyoo kwa kuleta Hoja hii.

Mafuriko yanaathiri sehemu nyingi za Kenya, Lamu ikiwa mojawapo. Kabla ya kutoa lawama, ningependa kushuru Serikali kwa jitihada zake lakini ukweli ni kwamba kazi ya ziada inafaa kufanyika. Maeneo ya Moa na Chalaluma huko Lamu yameathirika pakubwa na mafuriko.

Mwaka jana, mafuriko yalitokea nakulikuwa na mipango ya waathirika kulipwa. Kamati ilipendekeza lakini mpaka leo, hawajalipwa. Yale yaliyotokea sasa yametokea zaidi mengine. Kila mwaka sasa yamekuwa yakitokea. Hawa wafugaji wanapata matatizo sana kwa sababu hali ya hewa imebadilika. Ikiwa si mafuriko ni ukame. Ukame unatokea na ninashukuru Serikali. Ilikuwa na jitihada kutumia shirika la Kenya Meat Commission (KMC). Ninashangaa kama hili Shirika linajua ramani ya Kenya kwa sababu walienda kaunti zingine zote wakaokoa wafugaji, wakachukua ile mifugo, wakachinja wakasaidia wale ambao hawana chakula, lakini Lamu hawakufika. Sijui ramani ya Lamu inakaa vipi, ni watu hawaielewi ama wanaona hawa ni wanyonge wazidi kukandamizwa maanake wafugaji wa Lamu hawakupata kusaidika na hili shirika la KMC. Wengine wengi wamesaidika lakini hao hawakusaidika. Saa hii watu wengine wanalipwa kwa ile mifugo waliotoa wakati wa ukame ilhali watu wangu wa Lamu wametatizika. Ukweli ni kwamba Lamu ni kaunti ambayo ina wafugaji. Sehemu ya Witu kuna upande mkubwa, jamii ya Orma wako hapo na wana mifugo wengi.

Ukienda Hindi, majirani zetu nasisi wenyewe, kuna jamii ya Somali na ni wengi. Na hata wa Ijara wanatoka kule wakija kwetu kutafuta malisho. Lakini wakati wa mavuno wanasahau sisi watu wa Lamu. Nataka hili Shirika lijue Lamu ni Kenya na inahitaji huduma zote zile zinapeanwa kwa Wakenya wengine. Hata kama namba za kura ni kidogo na hizi hesabu zimezidi kutuumiza, sisi ni Wakenya na kama vile inavyosemekana kila kura inahesabiwa, haiwezi kwenda mbili kama haijaanza na moja. Sisi ni Wakenya kule na matatizo yako. Naomba Serikali itutambue ili tuiseme tu watu waliotengwa siku zote.

Naomba Serikali ipeleke misaada mbali na chakula kama vile blanketi na mambo mengine. Yatasaidia sana. Kuna watu wameathirika na ikiwa hawasaidiwi, inaongeza umaskini. Wenyeji wanajitahidi. Wanafanya kazi mwaka mzima. Lakini ikifika wakati wa mafuriko, vitu vyao vyote vinaenda. Umaskini unazidi.

Ni muhimu Serikali iongeze bidii isaidie na wasisahau Lamu kaunti ina wafugaji. Ahsante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Budalangi, Hon. Wanjala Sauti.

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support this Motion. *Kabla sija...* Before I support the Motion, I want to send my condolences. **The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I can see you followed the Member for Lamu. You cannot mix English and Kiswahili.

**Hon. Raphael Wanjala** (Budalangi, ODM): She happens to be a friend. First of all, I want to send heartfelt condolences to the families of Kenyans who have lost their lives in the current floods that are ravaging the whole country. We have that experience in Budalangi and we know how much disastrous it is. When floods come, they wash away all your houses, belongings and whenever you run away to higher grounds, that water comes with waterborne diseases and with a lot of mosquitoes that will bring malaria and the death rate is always very high in those areas that are affected by floods.

This is something the Government must address. On the issue of floods in most areas, the locals have solutions, but they do not have the capacity to do whatever they want to do. We have also been let down by the Government officers because they do not want to consult the locals on how to solve the issues of flooding. They come with imported solutions that do not work on the ground. As we talk now, some of my areas in Budalangi are flooded, but people may not know. Today, the whole of Sisinga, Rukala, Bulwani, Maduwa, Yanga, Bukoma and Muvamba is under water. It is the whole constituency. Budalangi has two rivers that ravage us, that is, River Yala and River Nzoia. We have been telling the Government that we know the solution: just dredge the mouths of those rivers and all waters will run into the lake.

Today, even Lake Victoria is receding because what is being taken there is soil. If it continues like this, maybe in 100 years to come, there will be no Lake Victoria. So, we need to dredge the mouths of those rivers to allow water to run into the lake. Once the water is allowed into the lake, even the fish will come out into those other areas where they can breed. There are no fish in Lake Victoria because they cannot get places to breed. These are the issues the Government must work on.

Recently, we went there with the Chinese who have a dredger in Kisumu. That dredger was got by the Prime Minister, Raila Odinga, from Uganda. It is working at the Kisumu Port. We saw what is supposed to be done. They only require Kshs320 million to desilt the rivers. Let the Government provide that money. The dredger will even work today as we are talking. However, they want water to go into peoples' homes, destroy their property and the UN gives them billions which they will not spend on the people. The money will go into their pockets. We are tired of talking about floods that we can contain and control.

At the moment, we have a project at Lower Nzoia. They are working on dykes. But we are telling them that dykes are only a secondary solution. The primary solution....

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You are not on record. We always have five minutes, for the sake of other Members. Let me hear what one of the Members from Kisumu County has to say. Member for Suna East, the Whip of the Minority Party.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker. I do not come from Kisumu. That place is....

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I did not see the Kisumu one. I am yet to give a chance to the Kisumu one but I said Suna East.

**Hon. Junet Nuh** (Suna East, ODM): That place is flooded. I do not want to come from Kisumu at this point in time. That place is flooding. Thank you for giving me an opportunity, Hon. Temporary Deputy Speaker.

First, I want to also send my condolences to the family of Kenyans who have lost lives in the floods. It is very disheartening to see people who have been sleeping at night, landslides happen and then they are buried in the sand. It is a very painful death. I would like to send my condolences, heartfelt condolences, to those families that have gone through that traumatizing period in this country at this moment in time.

We have, as a country, to interrogate how we respond to disasters. I thought, under the new Constitution - and this is what I said a few days ago when a disaster happened in the West Pokot County - we cannot do things the same way all the time and expect different results. We as a country are used to situations where disasters happen in very far areas of the country and expect response to come from Nairobi. You know very well this country has devolution which is supposed to be working. The first line of rescue should come from the county governments. Even the National Government Constituencies Development Fund (NG-CDF) has contingencies. It has some funds that are meant for emergency if it occurs in the constituency. A roof may be blown off at a school, by wind, or some disaster could happen. They respond. It is very little money. I think it is around Kshs4 million or Kshs5 million per year.

I have seen a situation where counties do not have any emergency funds. Disasters happen in the area and they can do nothing about it. Surely, they receive a lot of money every financial year. It is not like the NG-CDF. They receive billions of shillings. You will see drought and famine happening in some counties and you see people dying and there is a county government that exists in that area. They carry the name of "Government", national Government or a county government. A Government should operate better than that. A disaster happens and the only thing you hear the county government saying is: "We need help. Can people from Nairobi come?" Now, how long will it take somebody from Nairobi to reach there to rescue a life? It might take him or her days. It is because disaster is something that requires very fast response. So, it really bothers me that, in this era, when devolution is almost 10 years old in this country, we are still operating in the same way and manner we did when we did not have devolution in this country.

The other day, I saw some Members accusing the Government. They were saying: "Why has national Government not gone there?" I saw some characters going to West Pokot and taking selfies with dead bodies saying: "We are from the national Government and we have come to rescue you. We have come to help you." It does not work that way. It is even better to send money from the national Government to the county governments so that they can respond to that disaster. You do not even need a CS, a PS or anybody to go there. Just wire the money to the county governments and tell them to respond to a disaster. What are you going there to do? Is it to see dead bodies and to fly in a chopper?

I want to conclude by saying: If we continue responding to disasters as we normally do as a country, we will continue losing lives. I can guarantee you that. Now, this country must come up with a proper policy on how they want to address disasters. Especially, we must empower the



county governments because those are the people who live closest to the people and who suffer from disasters. If a disaster happens in Nairobi, the first people who should respond should be the Nairobi County Government because it is a government by them, unless they are fake governments.

With those few remarks, I support. I thank Hon. K'Oyoo for bringing the Motion. It is timely. I hope he has not lost people.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The nominated Member, Hon. Oduol Adhiambo. I am sure she is from Kisumu County.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you Hon. Temporary Deputy Speaker for giving me the opportunity to speak on this Motion. I would like, at the outset, to express my very sincere condolences, particularly to the families of those who have lost their lives as a result of the floods not only in Nyando, but in many parts of Kenya - West Pokot, Turkana and different parts of the country.

I agree, indeed, that we in Kenya need to take much more deliberate action. As we talk about Nyando floods, I thank and recognise K'Oyoo who brought this Motion to the House. Hon. Okelo is really on the ground seeking to try and handle the situation. It is important that we are aware that when we think of what is happening in Nyando and Muhoroni, the worst hit villages need to be given a face and a name. We have Kaswindi South, Kanyipola, Kasambura, Kalo North and Kalo South. We have seen that one of the key strategies that we need to start thinking of is how we can build and reinforce the ability of local people to resist the impact of disaster. I know we have all said that we would like to see how the national Government and the county governments can, indeed, work. We are all aware of the health hazards as we look at children, elderly persons and persons with disability. As we listened to the voices of those women and children, for example, Millicent Otieno from Katunda Village who was seeking and calling upon the Government for assistance, unfortunately, we have grown to be always saying: "*Serikali saidia*"

In addition to the policy which we will see how we can learn from what we saw in Budalangi, we must remember to build the capacity of the local people and ensure that they will be able to take care of themselves. I congratulate the people of Nyando and other parts of the county who have tried to devise ways of facing this challenge and for inviting the Government and other partners for assistance. I call upon us, as MPs, to use traditional knowledge on floods to complement what is being done. I want to wish everyone who is undergoing the difficulty of floods all the best. I want to wish a merry Christmas and a happy new year to all Members of the county assemblies, particularly Siaya County Assembly where I come from.

Thank you.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): The Member for Kajiado North, Hon. Manje Wathigo.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also contribute to the same. First, I want to take this opportunity to mourn with the many Kenyans who have lost their relatives and friends and to condole with them and say that it has happened and it is good to allow those who have gone to go.

I would request parents during this particular period we are blessed with rains to make sure they do not send their children to towns or to places they think are a bit risky at the moment.

During this particular time, men who would want to take one or two should make sure that they go during the day when you can see. I want to take this opportunity to condole with the people who lost their loved ones in Kajiado County and in my constituency, Kajiado North. There are heavy rains which have swept away most of the bridges and people have died.

As a country, we should try to work it out to make sure that next time it will not occur the same way. I tend to think as a country we are not properly prepared for this. We have poor infrastructure on the ground; like our roads cannot sustain heavy rains - especially the main roads near rivers and our bridges are not very strong. Sometimes, when our engineers design the bridges and roads, I do not think they really understand how strong the floods can sometimes be. So, our engineers should come out strongly and make sure that they advise the contractors. They should also tell the contractors who have been given a chance to construct a bridge in this country to make sure that they do it to standard. Even if you are getting something out of it, make sure that first and foremost you make it for Kenyans. You make it shoddily and maybe one day your relative will be affected by the bridge.

We should also strengthen county governments when it comes to response towards this because they are the ones who bear the brunt. We should empower them and make sure that, at least, we give them emergency kits such that if something happens, it is easier for them to respond instead of waiting for people from Nairobi, the way some Members are saying.

We also need to read nature as a country. We should know that these are seasons. There are these rains. Around April we will have heavy rains. That is why we have the Meteorological Department to make sure that they capture this data and give it to the Government for planning purposes. Sometimes, you wonder why exams are done during heavy rains like now. We know next year at the same time, there will be rains. Why can we not be in sync with nature? Other animals of the world are in sync with nature, apart from us who can read nature. Instead of being in sync with nature, we antagonise nature and we know nature is very unforgiving. That is why, sometimes, we lose so many Kenyans.

I would also urge Kenyans: Why should you construct in the riparian areas? You will see somebody buying a plot near a river. Why can you not take your money somewhere else and buy a plot in a good place? Why should you construct your house next to a riparian area and when floods come, they will get you in your house? Those who are trying to divert the course of a river are wrong. At the end of the day, it will get back to where it was. You cannot defeat nature. What you can do is to be in face with nature. Let us do that. So, I want to ask the Government to read the seasons and know the flooding time and plan accordingly.

I support Mheshimiwa K'Oyoo for bringing this discussion in Parliament.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): The Member for Kilome, Hon. Kithua Nzambia.

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion by one of our colleagues, Hon. K'Oyoo. Let me start by conveying my sincere condolences to my constituents. Three of them were affected. They were washed away by water this week and the previous one. I really condole with the families. I border Kaiti Constituency and so, I urge my constituents along that line to be careful because there are many landslides. Kaiti constituency has also been affected. 13 people have passed on,

and the entire Makueni County has been affected. We have 150 families which have been affected by the current floods.

I would like to appreciate the Government because yesterday, the Cabinet Secretary for Interior and Coordination of National Government came to our rescue. He was in Kaiti and Kilome constituencies where we condoled with the affected ones. We have encouraged those who are near the landslide areas to move to safer grounds. I want to encourage the Government to come up with preventive measures even when we do not have floods. We should see how to improve the situation even before rains.

I urge my fellow engineers to carry out proper designs especially the drainage within the city and also other places within the country. The water could not even move to where it is supposed to go because of poor design. Most of the places are flooded and that is why I am challenging my fellow engineers to carry out proper designs whenever they have to.

I also urge Members of this House to advise their constituents, especially the parents, not to let their young ones outside the markets during these rainy seasons. That is because we have several cases where young ones have drowned because of the negligence of their parents. I urge Members of this House to pass the same message to their constituents.

When it comes to emergency funds for making the roads which have already been damaged, we allocate them in this House but, at the end of the day, we do not see the funds. I am also challenging the Government that after the rains subsides; we would like to see emergency funds for the damaged roads to be made available to the constituencies and counties. We can have preventive measures. There are some people who have really been affected and we would like the Government to rescue all the people wherever they are. They can also provide mosquito nets and for those who cannot access food. It is the responsibility of both the Government, both national and county.

I would like to congratulate the Red Cross for coming to our aid during these moments, especially in my constituency and in Kaiti Constituency. They did so yesterday when the CS for Interior and Coordination of National Government visited.

Lastly, when it comes to issues of getting to know the affected areas, I would like to urge all the chiefs and assistant chiefs in my constituency to report any problem or incident where people have been affected so that the constituency and my office can put in place possible measures to assist the affected people.

I take this opportunity to wish all Kenyans and my colleagues in this Parliament a Merry Christmas and a Happy New Year 2020, as we start our long recess.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): The Member for Tiaty Constituency, the Floor is yours.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I was almost giving up. I support the Motion by Hon. K'Oyoo. I want to take this moment to condole with the families of Kenyans who have lost their loved ones during these disasters.

I went to West Pokot and visited the affected families. I met a lady who has lost seven children to the mudslide in the highlands of West Pokot. It is a very sorry state of affairs there. Let me take this opportunity to plead, especially with the county government of West Pokot. Land has been identified somewhere in Kapenguria to resettle the families that live in the steep

slopes of West Pokot. The affected families are so traumatised and do not want to live in the places where they have been living. They are ready and willing to move as soon as possible. So, it behoves the county government of West Pokot to set aside only Kshs30 million to buy that land. All the other Kenyans have done what they could but the county government of West Pokot must set aside Kshs30 million to buy that land and resettle those families in safer places.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Well said. One minute for the Hon. Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I join my colleagues in mourning those who have lost their lives (The recorded 132). Floods have been a menace for many years in this country and with the climate change, we expect more disasters. I request that the National Government intervenes as soon as possible on roads that have been destroyed. In Funyula, the Mathayos-Ganjela-Nangina Road is not passable. Nangina-Sigame-Sio Port is not passable because of water flowing from Ageng'a Hills. We, therefore, ask for immediate intervention that once the rains have stopped, adequate funds be provided to help us repair the roads. We ask the National Government Development Constituencies Fund Board to do a special dispensation to allow us repair homes of the elderly that have been destroyed because of the rains.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. I just want to thank Hon. K'Oyoo and pass my condolences to the people who have lost their lives including in my own constituency, the people of West Pokot and across the country.

These are not unforeseen circumstances; it is a problem of lack of preparedness. We do not have the institutions that can have a rapid response and early warning systems. We used to have the National Operation Centre which involved many departments, but we do not know what it is doing now. We have to look forward in planning, have the institutions that can work but, for now, we call upon the Government to move fast, come up with mitigation measures to support the people who are affected across the country.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, pursuant to our Standing Order 28(3), the Speaker of the National Assembly did convey to us a Message on the recess and pointed the time when the regular sittings will resume. On my behalf and that of the people of Kibwezi East, I thank you Members of the National Assembly for your contributions and support. I wish you all the best during your recess. Merry Christmas and Happy New Year.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 7:05 p.m., this House stands adjourned until Tuesday, 11<sup>th</sup> February 2020 at 2:30 p.m.

The House rose at 7:05 p.m.