

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

Wednesday, 6th May 2020

The House met at 10.00 a.m.

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

PRAYERS

Hon. Deputy Speaker: The cumulative number of Members who are in this and other Chambers, constitute quorum. Therefore, business will begin.

(Hon. (Ms.) Adan Safia Sheikh walked into the Chamber)

The Member for Marsabit County, can you kindly take your seat? You will have to hold there briefly.

COMMUNICATION FROM THE CHAIR**WITHDRAWAL OF CLAUSE 3 OF PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL**

Hon. Deputy Speaker: Hon. Members, I have a Communication to make.

You are aware that the Second Reading of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020) is scheduled to commence this morning as Order No. 9. Before the Bill is considered for Second Reading, I wish to bring to the attention of the House the following information. I have since received a letter from the Leader of the Majority Party, requesting my consent to withdraw Clause 3 of the Bill. In this letter, the Leader of the Majority indicates that he has since been advised that the amendment which proposes to amend Section 50 of the Public Finance Management Act 2012 may be deemed to contravene the provisions of Article 211 of the Constitution regarding the process of approval of borrowing by the National Government.

Hon. Members, I have since acceded to the request. This now implies that the Bill will now proceed to the Second Reading and other stages without making reference to Clause 3. Thus, the Bill should be dealt with as if Clause 3 was not part of it.

I thank you.

PAPERS LAID

Hon. Deputy Speaker: In this particular Order, we have the Leader of the Majority Party.

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

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Legal Notice No. 37 of 2020 relating to Public Procurement and Asset Disposal Regulations and its explanatory memorandum from the National Treasury.

The 2020/2021 Financial Year Annex of the estimates for State Corporations for the Financial Year ending 30th June 2021 from the National Treasury.

Supporting documents for the Budget of the Financial Year 2020/2021 from the National Treasury on:

- (a) The Budget Summary for the Fiscal Year 2020/2021 and the supporting information.
- (b) The Estimate of Revenue, Grants and Loans for the Fiscal Year, 2020/2021.
- (c) Financial Statements for the Fiscal Year 2020/2021.

I thank you.

Hon. Deputy Speaker: Very well. The next will be the Chair of the Procedure and House Rules Committee. I believe that is Hon. Kangogo Bowen.

Hon. Kangogo Bowen (Marakwet East, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Fourth Report of the Procedure and House Rules Committee on Amendments to the Standing Orders to facilitate Virtual Sittings of the House and its Committees.

NOTICE OF MOTION

AMENDMENTS TO STANDING ORDERS TO FACILITATE VIRTUAL SITTINGS

Hon. Kangogo Bowen (Marakwet East, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Fourth Report of the Procedure and House Rules Committee on Amendments to the Standing Orders to facilitate Virtual Sittings of the House and its Committees, laid on the Table of the House on Wednesday, 6th May 2020, and pursuant to the provisions of Article 124(1) of the Constitution and Standing Order 265—

- (i) resolves to amend its Standing Orders as contained in the Schedule to the Report; and,
- (ii) orders that the amendments to the Standing Orders as contained in the Schedule to the Report shall come into effect on Monday, 18th May 2020.

Thank you.

Hon. Deputy Speaker: Very well. Let us move on to the next Order. Is Hon. Sabina Chege in the House? What about Hon. T.J. Kajwang'? Is Hon. Eric Muchangi Njiru in the House? That one is easily identifiable for obvious reasons. He must be the one coming in. He does not share that feature with anybody else in this House. The Member for Runyenjes, you have the Floor.

REQUESTS FOR STATEMENTS

DISPARITIES IN PAYMENT OF TEA BONUSES TO FARMERS IN RUNYENJES CONSTITUENCY

Hon. Eric Njiru (Runyenjes, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order No.44 (2) (c), I wish to request for a statement from the Chairperson of the

Departmental Committee on Agriculture and Livestock regarding disparities in payment of tea bonuses to farmers in Runyenjes Constituency.

The Kenya Tea Development Authority (KTDA) is the managing agent for the Rukuriri and Mungania tea factories in Runyenjes Constituency. During the public participation for farmers initiated by KTDA in April 2019, they agreed that farmers will be paid 30 per cent of sold tea leaves between the months of July 2019 and December 2019 for deliveries to Rukuriri Tea Factory and Kshs10 per kilogramme will be paid for deliveries to Mungania Tea Factory for the same period. However, on the contrary, KTDA went ahead and paid farmers a uniform figure of Kshs5 per kilogramme for tea leaves delivered to both factories. It is notable that farmers had already been advanced monies by various financial institutions in the hope that they will be paid Kshs10.50 for Rukuriri Tea Factory and Kshs10 for Mungania Tea Factory thus affecting income projections for the farmers from the two factories.

It is against this background that I seek for a statement from the Chairperson of the Departmental Committee on Agriculture and Livestock to investigate and compel the KTDA to pay the remaining balance of Kshs5 and Kshs5.50 per kilogramme for tea leaves delivered to Mungania and Rukuriri tea factories respectively, in order to cushion the farmers against losses on monies loaned to them by financial institutions.

Hon. Deputy Speaker: Very well. Before I refer it to the relevant Departmental Committee on Agriculture and Livestock, I see some interest, particularly from the former Member for Runyenjes who has since upgraded. Hon. Mbarire, you have the Floor.

Hon. Cecily Mbarire (Nominated, JP): Hon. Deputy Speaker, I want to add my voice to that of the MP for Runyenjes Constituency, Hon. Eric Muchangi.

This matter has brought a lot of problems and conflicts on the ground amongst the farmers and the directors of the factories. As the Committee looks into this matter, it will be important to understand at what point KTDA decided the rates at which the farmers would be paid. Normally, the people who determine the rates for the farmers' pay is actually the directors of the factories. Here we are seeing a KTDA that has become bigger than the farmers and yet, it was created to facilitate the farmers. They are the ones now deciding how much a farmer should be paid, which is against the rules and regulations of the tea industry. They are pushing prices down the throats of the farmers without caring what the farmer will say. It is this same KTDA that initiated the process of public participation last year where those amounts were decided. We want to know on what basis they are deciding not to pay farmers as per the agreement.

Secondly, why in particular, have they refused to listen to the Rukuriri Factory directors who have made it very clear that they have the money to pay, but they still insist that they pay Kshs5? This is causing unnecessary suffering among the farmers.

I hope this can be taken as a matter of urgency. It is causing a lot of suffering. We want this matter resolved. Let me repeat that KTDA has become the biggest obstacle to the growth of the tea farmer. I am happy that we have the Tea Bill and the Tea Regulations that will be coming later. We must clip the wings of the KTDA.

Hon. Deputy Speaker: Very well. Let us have Hon. Mutunga Kanyuithia on the same.

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Deputy Speaker. I would also like to add my voice to that request for a statement by the MP for Runyenjes.

It is very wrong for an institution to initiate the process of getting into a contract, discuss the details of the contract itself, get into the contract and then decide to go against it because it has the power. KTDA behaves like a monopoly in the agricultural sector, especially in the tea sector. We cannot afford to wait and watch tea go in the direction that other crops have gone. In this

country, we buried pyrethrum. We were the best producer and marketer of pyrethrum in the world. We were producing 70 per cent of the world's pyrethrum. Now we have been bypassed by small countries like Rwanda.

The KTDA, as a monopoly, has decided to mess the farmers by not giving them their dues. When the regulations come to this House, I would like to urge Members to look at them critically to ensure that KTDA does not have the power to change anything that it has agreed on with farmers, and that it learns to stick to the contractual agreement.

I support that request for a statement.

Hon. Deputy Speaker: Let us go to the next statement request by Hon. T. J. Kajwang'.

TAX EVASION AND REPACKAGING OF ALCOHOLIC BEVERAGES

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I request for a Statement pursuant to Standing Order No.44 (2) (c) on tax evasion and repackaging of alcoholic beverages.

Pursuant to Standing Order No.44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on tax evasion and repackaging of alcoholic beverages by several companies in the country.

We recognise the impact of public and private sector investments to the economic growth of this country. It is evident that import businesses generate significant revenue in terms of import and custom taxes. However, in the last 12 months, several companies imported over 200 million empty bottles of 250 millilitres from Pragati Glass Gulf and Nizwa Industrial Estate in Nizwa, Oman and Kioo Limited, Saza Road, Dar-es-Salaam, and obtained bottle caps from Torrent East African Limited. The said bottles were allegedly cleared duty free into the country. The bottles were subsequently refilled with liquor in various brands, sealed with fake Kenya Bureau of Standards (KEBS) stickers and excise terms and sold to unsuspecting customers. The firms involved are Zheng Hong, Patiala Distillers, Hill Kenya Limited, Mount Kenya Breweries, Saiwan Enterprises, Vine Park FRM, Platinum Distillers, Moonwalk Investments Limited, Tihan Limited and Two Cousins Distillers.

The brands manufactured and packaged by those companies with fake KEBS stickers and excise stamps are invariably low-cost products with very high percentage alcoholic content and are sold mainly to low income earners, mostly youths. Whereas the bottle tops generally fall under the excise tax regimes, bottles do not, thus making it possible for fraudulent manufacturers to evade paying tax on bottles.

Concerned that tax evasion, counterfeiting and refilling are a common practice in those companies, I hereby seek your directive to cause the Departmental Committee on Finance and National Planning to undertake an inquiry on the matter and report to the House on the following:

- (i) The total tax paid by the same firms between January 2019 and March 2020 and whether the firms are tax compliant and, if not, why?
- (ii) The correlations between the quantities of the empty bottles and the bottle tops supplied...

Hon. Deputy Speaker: Order, Hon. Kajwang'. I think there is a breach of social distancing by some members in the Front Bench to my left. It is not easy for me to... That is the Member for Homa Bay and I am not sure whether the other one is Hon. Junet. You must sit in the designated areas. Hon. Gladys Wanga is not seated at her rightful place. I can see there are some empty seats.

Hon. Junet Nuh (Suna East, ODM): We are consulting!

Hon. Deputy Speaker: Well, even consultations require social distancing. The only other time you do not exercise that is probably at home, with your family.

(Laughter)

There are several seats that are vacant. I can see about six seats to my left. Please, grab one of them. So, Hon. Junet, if you have to consult outside, maybe then, when you come back, we will have... Proceed and consult. But even outside, you must observe social distancing.

Proceed Hon. T.J. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Deputy Speaker, we do not know how this social distancing works. That is because when we keep so far away, it cannot be social anymore. But anyway, we will comply with all those guidelines that pertain to COVID-19. The Committee should report on the following:

- (i) The correlations between quantities of empty bottles and bottle cups supplied to or imported to the said firms and the amount of tax paid for the period.
- (ii) Whether the said firms and all their directors have been involved in tax evasion in the past and, if so, what action has been taken against them.
- (iii) What action has been taken to ensure that all the importers of such consignment pay the necessary taxes without failure? What steps has the Kenya Revenue Authority (KRA) taken to stem the vice, recover the lost revenue and deter the said firms and others firms from engaging in tax evasion and such schemes.
- (iv) What action has KEBS taken to ensure that the counterfeit goods are not sold to unsuspecting citizens?

I thank you Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. T. J, you asked me to use the direction of an inquiry. I do not know whether I want to do that. If it took the normal route of a Statement where, once they conduct their investigation, they bring the Cabinet Secretary (CS) to the meeting and you are invited, that will suffice.

Hon. T. J. Kajwang’ (Ruaraka, ODM): Well, Hon. Deputy Speaker, I might have used the words “undertake an inquiry” ...

Hon. Deputy Speaker: If you were to take the direction of an inquiry, the approach would be different.

Hon. T. J. Kajwang’ (Ruaraka, ODM): I may have used those words, but I meant that the Committee will conduct hearings for them to report to the House on the issues that I have raised.

Hon. Deputy Speaker: Okay. I would have also said that you wear your mask properly, but having known you for a long time, I understand the difficulties that you are having. I know there are people who cannot physically put on their masks correctly.

(Laughter)

Hon. T. J. Kajwang’ (Ruaraka, ODM): Hon. Deputy Speaker, everyone has a different physiology. Some have problems with big noses which do not fit very well with the standard masks.

(Laughter)

Hon. Deputy Speaker: In your case, I have been seeing that nose for a very long time, since the 90s.

(Laughter)

Now, that will be referred to the relevant committee together with the previous one by Hon. Muchangi, which will be directed to the Departmental Committee on Agriculture and Livestock.

Next is Hon. Sabina Chege. Meanwhile, Hon. Samuel King'ara, the Member for Ruiru and Hon. Omuse, the Member for Teso South, should be prepared to make their requests.

EXEMPTION OF INSPECTION OF IMPORTED DRUGS INTO THE COUNTRY

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you Hon. Deputy Speaker. Pursuant to Standing Order No. 44 (2) (c), I wish to request for a statement from the Chairperson, Departmental Committee on Trade, Industry and Co-operatives regarding the elapsing of exemption of inspections of drugs that are imported into the country.

Hon. Deputy Speaker, the Gazette Notice stipulating the new rules outlined that KEBS will no longer inspect goods entering the Kenyan market without a Pre-Export Verification of Conformity to Standards (PVOC) which elapsed on 15th April 2020. This, therefore, poses a big challenge to the healthcare sector, especially at a time when the country is grappling with the burden of Coronavirus disease of 2019 (COVID-19) and other non-communicable diseases such as cancer.

Hon. Deputy Speaker, it is against this background that I seek a statement from the Chairperson, Departmental Committee on Trade, Industry and Co-operatives to consider extending the exemption of inspections of drugs into country which elapsed on 15th April 2020.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Which Committee do you intend to have this Statement committed to?

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): The Departmental Committee on Trade, Industry and Co-operatives.

Hon. Deputy Speaker: Okay. It looks like there are many things that deal with health which you Chair but, since it is directed to the Committee on Trade, Industry and Co-operatives, it is committed to that particular committee.

Next is Hon. Simon King'ara. Is he in the House?

DISBURSEMENT OF CASH TRANSFERS TO THE ELDERLY, ORPHANS AND PERSONS LIVING WITH SEVERE DISABILITIES

Hon. Simon King'ara (Ruiru, JP): Thank you Hon. Deputy Speaker, for according me this time to represent the people of Ruiru.

Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson, Departmental Committee on Labour and Social Welfare regarding the disparities in

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the disbursement of cash transfers to the elderly, orphans and persons living with severe disabilities.

Hon. Deputy Speaker, we recognize the efforts that are being made by the Government to cushion the less fortunate members of our community through various initiatives, among them the Inua Jamii Cash Transfer Programme. Ruiru Constituency is one of the most populated constituencies in the country, with over 500,000 residents. A proportionate number of the population comprises the elderly, orphans and persons living with disability; with minimal or no sources of income.

Hon. Deputy Speaker, it is against this background that I seek a statement from the Chairperson of the Departmental Committee on Labour and Social Welfare on the following:

- (i) What measures have been taken to ensure that all elderly persons, orphans and persons with severe disability are incorporated in the Inua Jamii Cash Transfer Program?
- (ii) What steps has the Government taken to ensure that the said needy persons who qualify benefit from the program in Ruiru Constituency and who from the year 2018, have not been included in the system despite having been registered?
- (iii) Could the relevant Ministry state the timeline for the disbursement of the cash and opening up of the systems to update the names of those who were not included previously?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That has been referred to the relevant committee. Let us have Hon. Geoffrey Omuse. He does not seem to be around. We will now go to a response by the Departmental Committee on Administration and National Security's Chairman, Hon. Paul Koinange to respond to the request for a Statement by Hon. John Kiarie, the Member for Dagoretti South. Are you ready, Hon. Koinange?

STATEMENT

CIRCUMSTANCES SURROUNDING DEATH OF PETER GACHAGO GACHERU

Hon. Paul Koinange (Kiambaa, JP): Hon. Deputy Speaker, I wish to make a Statement regarding the death of Peter Gachago Gacheru. The Member of Parliament for Dagoretti South Constituency, Hon. John Waweru, requested for a Statement regarding the death of Peter Gachago Gacheru from Kawangware. He particularly sought to be informed on the following:

- a. The actual cause of death of Mr. Peter Gachago Gacheru and whether the death was as a result of use of excessive force by police officers.
- b. Whether there is any on-going probe into the death.
- c. The steps the Government has taken to identify the killers.
- d. The steps the Government has taken to ensure the family of the deceased is compensated, noting that the deceased was the family's breadwinner.
- e. Measures that the Government has put in place to ensure that lives are not lost through brutality as a result of excessive use of force by security officers.

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Hon. Deputy Speaker, I wish to state as follows. Mr. Peter Gachago Gacheru was taken to Saraya Medical Centre on 3rd April 2020 by a good Samaritan after he had sustained injuries. However, he succumbed to the injuries on the same night. The post-mortem report indicated that the deceased died as a result of injuries sustained at the back of the head. The Government is, however, not aware that police officers deployed to maintain law and order on the material date used excessive force. The case is still under investigation.

The death was reported to Kabete Police Station subsequently. The Office of the Directorate of Criminal Investigations (DCI) immediately commenced investigations into the death. The Independent Police Oversight Authority (IPOA) is also conducting a parallel investigation into the death. Once the investigations are concluded, the file will be forwarded to the Office of the Directorate of Public Prosecutions (DPP) for appropriate action and advice. However, the Government has no plans to compensate the family unless by order of court with competent jurisdiction. The Government has taken elaborate measures in ensuring that the security officers do not use excessive force when executing their mandates. These, among others, include:

- a. All officers of the National Police Service are conversant with provisions of the Sixth Schedule of the National Police Service in regard to conditions as to the use of force while in due execution of their duties.
- b. The National Police Service Commission has been spearheading a wide range of police reforms which are aimed at transforming the institution into a service which will serve the public in accordance with the law.
- c. Police officers have been introduced to various forms of training; including training on human rights and public relations.
- d. The Service has adapted a multi-agency approach in crime management which has had a positive impact in service delivery and efficiency.
- e. Independent bodies such as Independent Policing Oversight Authority and Kenya National Human Rights Commission have been established to check on the excesses of the Service with individual officers who have been found to have abused their powers and mandate taken to court for prosecution.

Hon. Deputy Speaker, with your permission, I want to report that, for the last two weeks, we have visited 15 police stations in the Nairobi Metropolitan Area. I assure this House that police officers are doing their best not to harass the public. We had only a few cases where they have been reported to IPOA.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Koinange. Please, take a seat. As you do that, there are a number of vacant seats and 30 minutes are over. As per the Hon. Speaker's Order, they should be filled. They are Seat Nos. 311, 197, 118, 224, 279, 297, 331, 269, 81 and 59.

Let us have the Leader of the Majority Party and then I will give a chance to that Member at the very end. I do not know whether Hon. Kiarie is here.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I want to thank the Chairman of the Departmental Committee on Administration and National Security, Hon. Koinange, for giving that good Statement. This House represents the people of Kenya. The issue of police brutality is on television news every night. There are independent institutions that were formed under the new Constitution in 2010. Those formed in the 10th Parliament, as Hon. Mbadi

is aware, did a good job. But the current ones like IPOA, the Internal Division of the Police and the Kenya National Human Rights Commission have not.

The question that was asked was the circumstances under which the gentleman died. We want an answer to that. I am sure the DCI acts fast. It is one office when a matter is raised, they apprehend the culprits within 24 hours. So, the Chairman needs to be very firm. Many Kenyans across the country, from the Lake to the desert, to the Coast and to Nairobi

We saw a demonstration of people who took a body to Muthaiga Police Station and, instead of the police receiving the body, the mourners and the people who were there were teargassed. What is wrong if the Officer Commanding Police Division of Muthaiga Police Station allowed the people to go in and ask their representative what happened? They were teargassed and chased away. There is a lot that the police need to do. The Chair and his Committee need to move fast on that. There are a number of commissions like IPOA that have not performed to my satisfaction. We approved the men and women in IPOA. We did not approve them to be an appendix or part of the Government or to be part of the police. The National Police Service is an independent body. We did not approve them to be part of the Executive.

The Inspector-General of Police is an independent office. It is not part of the Ministry of Interior and Coordination of National Government. He is supposed to work with it, but not take orders from other people. Individuals who have been appointed to independent offices must give a verdict that can counter-check what the police say. The police cannot check themselves particularly on the death of this individual. I am sure Members will agree with me. We sit here to represent the people of Kenya. We do not sit here to represent anybody else. Every night you switch on a television, from Western to other parts of the country, there are people in one way or another who are brutalized. We saw a policeman who went to a couple's one-bedroomed house and asked them why they were not wearing masks. He removed the wife and the child. We have seen that the cessation of movement pronounced by the President is not being enforced effectively and that is why COVID-19 is spreading.

There is cessation of movement of people into and out of some particular counties, apart from the people who are offering essential services. Yet, there are some people who are still moving around. Why is this happening? It is because they are bribing the police. We need to look into this aspect. Finally, we need to find out why there is more brutality on innocent citizens of this country by the police.

Hon. Deputy Speaker: Is that Hon. (Dr.) Robert Pukose? Proceed. Try to be brief so that I can give a few more Members an opportunity to contribute. I can see there is a lot of interest. Just make a direct comment and then we proceed.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I want to thank the Chairperson of the Committee. However, the Report actually falls short of explaining what type of injury Mr. Gachagua had sustained. I want him to be very clear. He talked of an injury to the back of the head, but he needs to tell us what type of injury it is. Is it a penetrating or gunshot wound? Is it a blunt trauma? The police have been known to use excessive force, including execution of people by shooting them. So, was that person shot or was he beaten with a *rungu* or that kind of thing?

As we speak, about 5,000 families from Kariobangi Ward have been evicted and they are sleeping hungry. They are worried that the police are going to brutalize them now that they are

exposed. Therefore, this is something that the Chairperson needs to be very clear on. What type of injury did the victim suffer? Was this person shot? I need him to clarify that.

Hon. Deputy Speaker: Okay. We will have the Leader of the Minority Party and then I will go to the end there and then come this way. I will give six Members an opportunity to contribute.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Deputy Speaker. Cases of violation of human rights by police officers are on the rise. In fact, it is not supposed to be a “Police Force.” We changed it to a “Police Service.” This is something that cannot be taken lightly. As I appreciate and congratulate the Chairperson for the Statement, I am at a loss because the Chairperson is a fellow Member of Parliament. The only thing we want to ask the Chairperson to do on our behalf is to be a little bit harder on the relevant Government organs and agencies.

When you are told that investigations are on-going, who exactly is conducting those investigations? If the investigations are being carried out by the same police officers who have been suspected of committing the crime, they certainly cannot conduct independent and factual investigations. If it is by IPOA, which seems to be weakening by the day, then I want to ask the Chairperson to report to us the number of cases of violation of human rights by the police that have been reported to IPOA in the last two years. We see such cases every day. How many such cases have been dealt with by IPOA conclusively or where they have challenges, so that we can rate the performance of that institution? They are being paid by taxpayers and they must deliver.

Hon. Deputy Speaker, we must speak with one voice as a House and send a message to this Ministry; that they have no rights to molest Kenyans. They have the rights to maintain law and order, but they should do so with decorum. We cannot just bully, beat and kill innocent people left, right and centre. There is a case of someone who took his wife to hospital only for him to be killed while returning home. How do you justify that action in a civilized country? So, this is something that we expect the Chairperson to look into.

The Chairperson should understand that we are not being hard on him. We are just telling him that he represents us. He is the one who is chairing the Committee that deals with this Ministry. Please do it on our behalf.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. We will have the Member over there and then I will come this way and then come to this direction. So, let us start from there. Who is that Member?

(Hon. (Prof.) Zadoc Ogutu spoke off record)

He is the Member for Bomachoge Borabu Constituency. It is difficult to trace you. Proceed.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Deputy Speaker. Mine is just to react to the Report that has been presented. I want to thank the Chairperson for giving us that brief Report. Considering what has been in the public domain regarding police officers, we seem to be dealing with an institution that has already decided on what to do and how to do it. Why do the bodies that oversee the police, whose operations are financed using public funds, not giving conclusive reports on all the pending cases that affect the rights of the common people?

The police are said to have committed a number of criminal offences, like the case of the young man who was found outside at night in Eastleigh when he was going to help himself. Many innocent people are beaten up when they take their grievances to the police. Those are cases we really need...

Hon. Deputy Speaker: Be brief the Member for Bomachoge Borabu.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Hon. Deputy Speaker, we need a comprehensive strategy review to establish why the police are not making a difference.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Member for Mavoko, the Floor is yours.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. Chairmanship comes with responsibility. I cannot agree more with Members. More importantly, I would like to remind the Chairperson that he represents us. There is no way you can go to bed with those people. Every Kenyan knows that police brutality in this country is at its peak. It is very annoying when a policeman stops your car and asks you why you are not wearing a mask and yet, you are alone in the car. We have seen people maimed. I agree with the Leader of the Majority Party that IPOA is dead, and the Inspector-General of Police is not even independent. He thinks that the Cabinet Secretary, Dr. Matiang'i is his boss. He should stand up and work for his office. He should realise that he is independent.

Regular checks on the state of minds of members of the police fraternity must be undertaken because some of them must be mad and are still in the National Police Service. We must address this issue very seriously. Yesterday, I saw people of Kariobangi being beaten like they are not Kenyans. We are fighting the COVID-19 pandemic but, it is as if we are promoting it. There is no way you can tell me that the people of Kariobangi North have not spread the COVID-19 amongst themselves because social distancing and other preventive measures were not adhered to. We should, by all means, protect Kenyans from police brutality.

Thank you.

Hon. Deputy Speaker: Let us hear Commissioner Adan Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Deputy Speaker. I want to thank the Chairperson of the Committee for bringing the Report. You can see the structural deficiencies in our Constitution. That is why the person who will be responding to Questions in the next Parliament must be a member of the Executive. You can imagine the situation where the Chairperson, who is not a member of the Executive but an MP, is now tasked with the responsibility of getting information that is very difficult to obtain.

Secondly, we must not be seen to be condemning the entire National Police Service. The Service consists of over 100,000 police officers. Criminal responsibility is individual. There are members within the Service who are bad and there are others who are doing exceptionally good work. Therefore, what we need to ask both the IG and IPOA is to weed out the bad elements within the National Police Service instead of condemning the entire Service of over 100,000 officers.

Thirdly, those of us who come from the Northern Frontier District know that over the last few years, there has been tremendous improvement. There is a bit of improvement even in the way they do it. In the past, they were more brutal. Since we are tasked with the responsibility of giving them a budget, it is high time we empowered those other institutions so that we have properly trained and managed police officers so that rogue officers within the Service can be weeded out and dealt with in accordance with the law. That way, they can suffer appropriate punishment for their criminal activities as individuals.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Wanjira Wangari, the Floor is yours.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Deputy Speaker. I join the House to thank the Chairman of the Departmental Committee on Administration and National Security for bringing this Report. I remember that during the last Session, I asked a Question

regarding the circumstances that led to the killing of a young man from Meru University. What followed between the Chairman of the Committee, Inspector-General of Police and IPOA was a ping pong game. I hope that this time round, the Chairman will give us proper timelines in terms of investigations. The IG hides under the phrase “the issue is under investigation”. It took a lot of ping pong for the involved officer to be apprehended and interdicted. Let us not hide under “investigations” this time and give a way forward on the timeline it will take for action to be taken against the said officers.

Hon. Deputy Speaker: I think we should also tell Kenyans to follow the law so that, as we tell the police to follow the law, the citizenry is also following the law. We have ventilated quite a lot on this and the rest can be dealt with in the matters that are coming up.

Let us proceed to the next Order.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is out of order, Hon. Wamalwa? I will not allow it if it is something to do with the police.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. I rise to seek your direction because last week, I sought a Statement from the Chairperson, Departmental Committee on Health regarding the dismissal of Dr. Joel Lutomiah from Kenya Medical Research Institute (KEMRI), and she was to report today.

Hon. Deputy Speaker: I am confident that this is just part of today because we still have another today in the afternoon. I was in the Chair when you sought that Statement and the Chair of the Committee mentioned that she will issue an answer in the afternoon.

Chairperson of the Departmental Committee on Health, is that the position?

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Yes, Hon. Deputy Speaker. My desire was to give the answer in the afternoon. Due to the depth of the other Questions by Members, the Ministry asked for more time to respond. This afternoon, I will give a proper position.

Hon. Deputy Speaker: Okay. Let us hear you in the afternoon.

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

Hon. Deputy Speaker: You are out of order. Chairman, Departmental Committee on Administration and National Security, do you have something to say? As you were making the Statement, a raft of issues came up. Which ones can you pinpoint?

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I want to assure the House that the journey initiated by my Committee of visiting all the police stations in the country will unearth most issues that are making the police behave in the manner that they do. It is not all police officers who behave in that manner. We want to understand why they behave in the manner that they do. Last year, we allocated money to the National Police Service (NPS) for the establishment of 9 mental health centres so that they can take care of police officers. We will go back to them and find out why there has been no improvement. I want to assure the House that we will follow up on those issues and ensure that they are addressed by the NPS. The citizenry will feel that they are being served by *Utumishi Kwa Wote*.

Hon. Deputy Speaker: I know that Members will not be satisfied with some bits. There were some specific and direct questions. Hon. Pukose and the Member for Gilgil asked specific questions while some Members made general statements. I do not know whether you picked any.

Hon. Paul Koinange (Kiambaa, JP): I have noted all the questions in regard to the timeline of the investigations, cause of death and the manner the information is passed to the family of the deceased on the real cause of death. In this case, the deceased was hit by a sharp object on his

head. I am currently consulting the IPOA, Hon. Kiarie and the family. There is a post-mortem report and they are already going on with the investigations. I can table that.

Hon. Deputy Speaker: Okay, you will table it. Next Order!

BILLS

First Reading

THE FINANCE BILL

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

Second reading

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to move that The Public Finance Management (Amendment) Bill be now read a Second Time.

This is a small Bill with only one clause. That is because you directed the withdrawal of Clauses 2 and 3 based on the reasons I gave when I wrote to the Speaker. We are only dealing with one clause.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. T.J., what is your point of order?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I do not know whether I have a different Order Paper or there is a Supplementary Order Paper on the Floor. I can see that Order No.9 relates to the Committee of the whole House.

Hon. Aden Duale (Garissa Township, JP): That was last week.

Hon. Deputy Speaker: No! I think you are looking at the Order Paper for the Afternoon Session. I know you belong to the old school of thought and you have a problem with those issues.

(Laughter)

Hon. T.J. Kajwang' (Ruaraka, ODM): I am sorry! I am looking at the Order Paper for the 2.30 p.m. Session. I know we have definite challenges with Information Technology (IT). There were no units on IT during our time. Until we get there, please, bear with me as I orient myself.

Hon. Deputy Speaker: The Leader of the Majority Party is perfectly in order.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Deputy Speaker. Hon. T.J. is ahead of us. He is already in the 2.30 p.m. Session when we are still in the Morning Session.

The objective of this Bill is to amend Section 24 of the PFM Act of 2012. It empowers the Parliamentary Service Commission (PSC) to establish a fund for the Houses of Parliament (Senate and the National Assembly). It is a long story and Members would recall that in 2018, the Chairperson of the Committee on Members Services and Facilities made a request in writing to the PSC to address various concerns relating to the catering department, welfare and facilities within Parliament based on poor service delivery and accountability of the money that we

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contribute. People out there think we get free meals. We pay for every facility in Parliament, including food and the gym. Nothing is for free in Parliament. The Committee did a Report to this House and noted that so much is missing in terms of service delivery.

Consequently, the PSC resolved to develop and publish regulations providing for the establishment of a Catering Fund under the PFM Act. The Resolution provided that the money we pay will be deposited, accounted for and managed in accordance with the PFM Act and the relevant laws. In 2018, the PFM Act only allowed the Cabinet Secretary for National Treasury to make such regulations to establish a Fund under the Act.

The Parliamentary Service Commission did a resolution that there should be funds and the first one should be Parliamentary Catering Fund. It is the fund into which the money we are paying will be deposited and accounted for. It will be managed in accordance with the Public Finance Management (PFM) Act and the relevant laws. At that time, the Public Finance Management Act in 2018 only allowed the Cabinet Secretary for the National Treasury and Planning to make such regulations under the Act. He is the only one empowered by the Public Finance Management Act and by law to establish funds. It was, therefore, necessary to amend this Act to allow the establishment of a special parliamentary fund, including the catering facility fund and to allow the Commission to publish the appropriate regulations on how the fund will be run, who in the Commission will run it, who will do the auditing and accountability. For those of us who have been in Parliament for all these years, we pay for everything, but we do not get the audited accounts. That is why the Committee felt that this is the reason we suffer poor service delivery. For this reason, this Bill proposes an amendment to Section 24 of the Public Finance Management Act during the Committee of the whole House stage, which we did in the Statute Law (Miscellaneous Amendments) Bill, 2018.

During consideration of the Bill, the amendment was passed by the House as a Floor amendment. It was identical to what is before the House in Clause 2 of the Bill. So, we did this Bill in the Statute Law (Miscellaneous Amendments) Bill of 2018. After that Statute Law (Miscellaneous Amendments) Bill of 2018 was passed and assented to, a case was filed in the High Court challenging the constitutionality of the Floor amendment on the basis of lack of public participation. This is Case Nairobi Constitutional Petition No.163/2019 by none other than my good friend, *Okiya Omtatah and four others versus the Attorney-General and 11 others*.

In a decision of a three-judge bench, they confirmed that amendment, being a Floor amendment, which was not subjected to public participation, did not hold water. They said it is unconstitutional. What are we doing now? We are making it proper. This Bill was subjected to public participation by the Chair of the Departmental Committee on Finance and National Planning. The whole aim was to introduce the Bill to delete and replace the provision whose passage was seen to have been procedurally offending the Constitution. I chose to publish a stand-alone Bill which has been subjected to extensive and robust public participation as may have been seen from the Report tabled by the Departmental Committee on Finance and National Planning. The reason of the Bill is to ensure that the regulations will be published. So, once we pass this Bill, the Parliamentary Service Commission will have the powers to publish the regulations. This will help us to establish a fund.

Members do not know that everything we pay goes back to the National Treasury. We will have a fund, so that the money we pay for our facilities, whether it is the gym, the food and catering services, is put in one place, accounted for and is open to Members' scrutiny. They can scrutinise and say that it is a huge amount of money and we do not want it to just be haphazardly managed. We really want it to be a fund that is managed well, with auditors and the Committee on Facilities

and Welfare can follow up. The Parliamentary Service Commission when submitting their budget can have a section showing how an amount collected during a year was audited. Based on that, we can question why the facilities are deteriorating and why they are not up to standard. We pay money, but we do not know where the money goes. We do not know how it is used. This is the House that does oversight. So, it must start with itself. It must start to oversee the resources that its Members pay.

That is only one clause. I am sure we will not spend much time. As I move, I ask the Chair of the Departmental Committee on Finance and National Planning to second just that clause. As you directed, I have withdrawn the other clause based on issues raised under the Constitution.

Hon. Joseph Limo (Kipkelion East, JP): Hon. Deputy Speaker, I rise to second the Leader of the Majority Party, who has ably moved the Second Reading of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020). I will not repeat what he has said.

Basically, that is it. The objective is to allow the Parliamentary Service Commission to come up with any fund which it considers suitable to carry its mandate for the purpose of serving Members in the best and most efficient way possible.

The Public Finance Management (Amendment) Bill was published on 4th March 2020. It was read for the First Time on 17th March 2020. Subsequently, this was published in the print media on 20th March 2020 for the purpose of ensuring that all the people of Kenya are given a chance to make comments in line with the public participation requirement, which is key in the Constitution of Kenya, 2010. We did all the processes which are required by the Constitution as appertains to public participation. By the time the time allocated for public participation elapsed, there was no memorandum received. That means no person in this country had any objection on the Bill. At the same time, as we were tabling our Report on 29th April 2020, we had not received any comment from the National Treasury and Planning although we wrote to them to give us their comments. Therefore, it is deemed that the National Treasury equally had no objection. Therefore, our Report was tabled as per the requirements.

This Bill, once enacted, will give flexibility to the Parliamentary Service Commission to set any fund, not limited to the catering facility fund. The Commission can set up any other fund which will ensure that Members are served in a special way; in an efficient way, and not a special way.

What is important in any fund is accountability. This is a House of records. This House is in charge of oversight. In case all what is deducted from the Members of Parliament, be it for catering or the health club, is not accounted for properly, this House will be responsible.

(Hon. (Dr.) James Nyikal consulted with other Members)

Hon. Deputy Speaker: Order. Order, Dr. Nyikal and his team. I am surprised when it is from Dr. Nyikal. I would rather somebody else. Well, let me not mention the name of the gracious lady there. Please, let us keep social distance. Please. Please. Please. It is important we follow health regulations. We must show Kenyans that we do these things properly here.

Let us proceed. Finalise, Hon. Limo. This is a fairly straightforward thing.

Hon. Joseph Limo (Kipkelion East, JP): Indeed, I want to also congratulate you for keeping an eye. I have seen quite a number of Members going close to each other.

As I conclude on this Bill, I urge the House to be very vigilant especially when it comes to oversight especially now when we are talking about the current situation where a lot of funds are being disbursed. In fact, the other House, the Senate, should look at what the county governments

are doing with funds set aside for the purpose of fighting COVID-19. Equally, this House must measure up to the task when it comes to overseeing all the funds, including the COVID-19 funds.

Therefore, I conclude by saying that I thank the Office of the Speaker, the Office of the Clerk and the Departmental Committee on Finance and National Planning for the logistical support during the processing of this Bill. Finally, I thank the Leader of the Majority Party who has always supported us during this process.

I beg to second.

Hon. Members: Put the Question.

Hon. Deputy Speaker: Is that the mood of the House?

Hon. Members: Yes

(Question proposed)

(Question put and agreed to)

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

Next Order.

MOTIONS

APPROVAL OF MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

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

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, my point of order is serious. I rise to seek your guidance on whether the mediated versions of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) and the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) are properly before the House. That is a pertinent question that needs to be answered before this House proceeds to approve the mediated versions of the two Senate Bills. From the outset, allow me to note that although Standing Order No.87(5) prohibits us from criticizing or calling to question proceedings in the Senate, the same Standing Order allows any Member of this House, including myself, to debate...

(Loud consultations)

Hon. Deputy Speaker, what is going on at the back?

Hon. Deputy Speaker: Leader of the Majority Party, I agree with you totally. Today, Hon. Wanga is not interested in distancing at all. She has held several meetings in the Chamber. She is just from a long consultation with the Minority Whip. It is interesting that she is dealing with people from Nairobi, Kisumu and the neighbouring counties. I had decided to keep off that particular meeting until you decided to consult loudly.

Proceed, Leader of the Minority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, our Standing Orders allow any Member of this House, including me, to debate on the structure and role of the Senate. In this regard, allow me to refer to Article 123 of the Constitution, which is clear on the manner of voting in the Senate. Simply put, Article 123 of the Constitution provides that voting on a matter before the House is done by an elected Senator or nominated Senator of a respective county having been delegated to vote on behalf of a delegation. However, as you are aware, the Senate is said to have recently adopted rules of procedure that apparently fall outside the scope of Article 123 of the Constitution by allowing a concept of “proxy voting”. In fact, I am aware that for the two mediated versions of the Senate Bills that are now before this House for approval, the Leader of the Majority Party and the Minority Whip in the Senate were allowed to vote on behalf of Senators who signed to vote. That is absurd and unheard of in any parliamentary jurisdiction that I am aware of. Simply put, assuming we apply this concept in this House, all I will need to do is to rise and vote for as many Members as I can by arguing that they are voting through me. I will never do so. This, besides being strange and unknown procedure to the Constitution, is tantamount to erasing Article 123 of the Constitution and assuming that it does not exist in regard to the Senate. Therefore, if this absurd procedure was used in respect of these two mediated versions of the Senate Bills, how can we proceed, as a House, to approve the same today? What is undoubtedly tainted by illegality cannot be legal at the end.

What I am raising today in this House is fundamental. The County Allocation of Revenue Bill 2020 will be brought to us, maybe, this afternoon, for consideration. If the same proxy voting will have been applied, it will mean, for example, that the Senator for Garissa County - where I come from - Senator Haji or any other Senator will not have voted to decide the amounts to be allocated to their respective counties. Proxy voting will purport to have voted for all counties. In fact, two Senators, the leader of the Majority Party and the Minority Whip, voting for all Senators will do away with at least 45 Senators. So, only two of them will have voted against 45 Senators. That brings to question the import of Article 96(1) of the Constitution, which defines the Senate’s role as being to protect and represent the interest of counties.

Hon. Deputy Speaker, it is for these reasons that I seek your indulgence and guidance on the legal and procedural propriety in terms of Article 123 of the Constitution on the mediated versions of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) and the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) before this House proceeds to approve the two Bills.

I want to table the *Hansard* of the Senate proceedings. I am not a mad man. I did my homework last night and I have the *Hansard*. Of interest are Pages 29, 30 and 32, more so Page 34 of that day’s Senate deliberations. If I may read:

“**The Speaker** (Hon. Lusaka): We shall now proceed to vote by roll call.

The Clerk-at-the-Table will call out the names. The Senate Majority Leader and the Senate Minority Leader will vote on behalf of the Senators who signed to vote.”

That is the *Hansard*. We need guidance. We cannot make an illegality. So, with this, I table the *Hansard* and ask for your guidance.

Hon. Deputy Speaker: Before I give any guidance, I want to look at the *Hansard*, because this is a very serious matter. I will allow a few to ventilate, starting with the Leader of the Minority Party, then the Deputy Whip of the Minority Party and then I will consider this other side. I do not seem to see any interest from this other side.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Deputy Speaker. The Leader of the Majority Party has raised a matter that is fundamental and that goes to the core of democracy in this country. I agree it is really a shock that, that is what transpired in the Senate. If the *Hansard* has captured the same, then it is a very sad moment. There is no way the people of Homa Bay will have their votes cast by a Senator from Kakamega. That cannot happen. If at all the Senator for Kakamega voted on behalf of the people of Homa Bay, it is unconstitutional, undemocratic and unrepresentative.

But my concern is with where this matter is raised. With all due respect to the Leader of the Majority Party, the procedure of enacting laws in this country is very clear in our Constitution. The Constitution says that where the two Houses approve different versions of a Bill, then that Bill goes to mediation. In the process of mediation, we have equal representation of both the National Assembly and the Senate, and the mediation committee agrees on a mediated version of the Bill. That mediated version is introduced in both Houses simultaneously and dealt with simultaneously. So, even if the Senate has not followed the correct procedure to deal with the mediated version of the Bill, the National Assembly is blind to that fact, in my view. We have to deal with the mediated versions of the Bills as the Senate also deals with them. If they have passed it through whichever method, flawed or otherwise, that is their business. It is our business to pass it procedurally in the National Assembly.

It will be upon the people of Kenya, and the Leader of the Majority Party is one of the people of Kenya, to challenge the process in the Senate. But I find it a bit inappropriate for us in the National Assembly to stop discussion on a mediated version of a Bill. What we expect is the report from our representatives in the Mediation Committee. The Chair or the Vice-Chair or whoever was leading the Members of the National Assembly in the Mediation Committee should report to us what they agreed on and we deal with it procedurally as a House that respects the rules and procedures. Let the Senate that does not respect the rules and procedures deal with it procedurally. For us, as a House, I just want to put it on record that there is nothing that would stop us from discussing the mediated versions of these two Bills.

Hon. Deputy Speaker, I rest my case.

Hon. Deputy Speaker: You say you want the House to be blind to whatever proceedings that have occurred in the Senate. How about when we have been informed? What happens? What would be your take? It was fine before we knew, but now the matter is before the House.

Hon. John Mbadi (Suba South, ODM): Hon. Deputy Speaker, I still stand by my position. Why? What we are dealing with is not a Bill from the Senate. We are dealing with a report of the Mediation Committee. If the report was to first go to the Senate then come to the National Assembly, then it would be a different story. We would argue that because the process was not followed, then we cannot deal with it. But what we are dealing with is a mediated version of the Bill. So we deal with it and the Senate also deals with it.

Hon. Deputy Speaker, thank you.

Hon. Deputy Speaker: I have heard you. Let us hear Dr. Wamalwa, Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. This is a serious matter. I was watching television yesterday when the Senate was conducting its business and I was very perplexed. Process is very critical in determining an output. If the input is illegitimate, it is obvious the output is illegitimate. The process that was used by the Senate was fraudulent. It goes without saying that the output is fraudulent as well. It is not just on mediated Bills. For all Bills, the process must be followed to the letter. Parliament is an institution of record and tradition. There are dos and don'ts. We follow the Constitution and the Standing Orders. When

you look at the Standing Orders of the Senate, there is nowhere it is stipulated that the Leader of the Majority Party or the Minority Whip can vote on behalf of the rest. So, it is obvious the output is fraudulent, illegitimate, and null and void. In fact, I was looking for Okiya Omtatah when I saw that. I have no doubt wherever Okiya Omtatah is, this is a matter he is looking at critically. We cannot accept something illegitimate from the Senate to come here.

There is technology. There is Zoom. In this National Assembly, we have many holding areas. I do not see the Senate doing the same. They should have invited the other Senators to sit in the lobby or whichever areas and then vote through Zoom. Because voting was done fraudulently by two Senators, it is my humble request that the Bill must be rejected. They must follow the process.

I thank you.

Hon. Deputy Speaker: Member for Homa Bay Town. I will come to this side and give opportunity to two Members.

Hon. Deputy Speaker: Point of order, Hon. Deputy Speaker.

Hon. Aden Duale (Garissa Township, JP): What is it, Leader of the Majority Party? This is your issue and we are trying to get views from other Members also.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, what is in question is Article 123 of the Constitution. Even if we pass this Bill, it is supposed to go to the President for assent. But the Senate has passed it unprocedurally. That is the point I am raising. If we pass the Bill, the way some people are saying, somebody may challenge it in court. What will the President assent to? He will assent to a Bill over which in one House Article 123 of the Constitution was violated. It was an illegality.

Hon. Deputy Speaker: Let us hear the Member for Homa Bay, then I will come to a few Members on this side and then we will make progress.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Deputy Speaker, under the Constitution, there are Bills which can only originate from the National Assembly and there are Bills which can originate in either House. In respect of these two Bills, they originated from the Senate and communication on them came under the Constitution and the Standing Orders of the National Assembly. The National Assembly processed these Bills from the First Reading to the Third Reading. The National Assembly proffered amendments to the versions of the Bills which came from the Senate. If, indeed, this House were to be mandated to interrogate whether a Bill coming from the Senate was procedurally passed, at what stage do we do so? Without saying that in law it should not be the case that one House oversees the other, my view is that if there were to be a challenge in terms of procedure that the Leader of the Majority Party is now raising, it would be raised when the Bill is communicated as it first lands here and not when the House has processed it and has made a resolution on it.

In the context of these particular two Bills, if you would permit me, the National Assembly recommended various amendments.

(Hon. Junet Nuh spoke off record)

Hon. Deputy Speaker: What is it, Whip of the Minority Party?

Hon. Junet Nuh (Suna East, ODM): Hon. Deputy Speaker, I know Hon. Kaluma is a renowned lawyer and a mediator. He even worked with PLO Lumumba. Unfortunately, this is not a court. This is Parliament. There is a ruling of the Speaker that said matters about the Constitution, a Member can raise them anytime when the Bill is before the House. I wanted to remind him for

he is a renowned lawyer. When I was arrested the other time, he was my lawyer even before the NTV and other television stations. Last week, I sent him the videos and asked him if he could remember them. I respect him as a lawyer, but he thinks we are in the Supreme Court. We are not. We are in Parliament.

(Laughter)

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank my Minority Whip in whom I have utmost respect.

Hon. Deputy Speaker: It is good you said: “My Whip” and not “My client”.

(Laughter)

Hon. Peter Kaluma (Homa Bay Town, ODM): On this, I beg to agree. What we have is not the Bill which was transacted in the Senate with whatever defects the procedures leading to it would have treated. The distinction I am making is that what we have now is a mediated version of the Bill. That now requires me to make the second point I wanted to make.

Article 93(1) of the Constitution establishes Parliament of Kenya with two Houses. These are two equal Houses which are given distinct and separate mandates as we know under Articles 95 and 96. It is not contemplated, in my respectful consideration of the Constitution, that once either of the Houses discharges its mandates, more so in relation to Bills which have to be transferred between Houses, that either of the Houses exercises oversight over the procedures antecedent to what the other House has gone through in terms of enriching a Bill before its transmission. If we were to go that direction, then we would hamstring the entire institution of Parliament particularly in relation to transactions of Bills. I see a situation where this House will transact a Bill legitimately and then the Senate, upon receiving the same Bill, will sit asking what the quorum was in the National Assembly and how many Members voted. The presumption in law is that when a Bill is duly transmitted from one House to the other, it is not the business of either House to go into the antecedents and the procedures of it. That is a mandate of other Kenyans. We do not have a constitutional mandate between the two Houses to exercise oversight over one another.

If you allow me to raise the third point in this particular one...

Hon. Deputy Speaker: So that I can give chance to another Member.

Hon. Peter Kaluma (Homa Bay Town, ODM): This is a short one. I sat in this Mediation Committee and I thought it would be useful...

Hon. Deputy Speaker: Make it very quick then.

(Loud consultations)

Hon. Peter Kaluma (Homa Bay Town, ODM): When this Bill was transacted, the House recommended various amendments to the Bill from the Senate. A Mediation Committee was then established. My view is that if you look at the provisions in the Constitution relating to a Mediation Committee in Articles 112 and 113 against Article 123 that the Leader of the Majority Party is speaking to, it is not defined how voting should take place in the Mediation Committee. In this respect, all our amendments as the National Assembly were agreed to in the Mediation Committee. I request we go to the business.

Hon. Deputy Speaker: Hon. Kimunya, the Floor is yours.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Deputy Speaker. Let me speak as the Member of Parliament for Kipipiri. If the House approves, I will be moving the Motion as the Chair of the Mediation Committee.

What the Leader of the Majority Party raised is true. It may be a serious matter. However, I want to agree with the Leader of the Minority Party that we are not talking about a Bill that is serially processed in the Senate and after it has been processed to finality, the Senate brings it to the National Assembly. We are talking of a parallel process where the two mediated versions are supposed to be approved by both Houses simultaneously. After the two Houses have concurred, then the Bill is sent for assent. If the two Houses do not agree, then it becomes a different ball game altogether.

The matter the Leader of the Majority Party has raised would be best raised when the Communication by the Speaker of the Senate is that the Senate has passed its version. We can, therefore, debate in terms of the passage only. However, they agreed with us. I can tell you in most of the amendments in the mediated version, they agreed with us. It is what this National Assembly wanted. So, basically, we spend a lot of time to do amendments. When we have gains, instead of securing them, we are now doubting the Senate whereas they acceded to all the amendments that we made.

Hon. Deputy Speaker, the thing we need to look at in this mediated version is whether or not it has come from the Senate.

Hon. Deputy Speaker: I am also trying to hear other Members' views and especially those who are not Members of the Mediation Committee. Hon. Member for Mogotio, are you a Member?

Hon. Daniel Tuitoek (Mogotio, JP): No, I am not a Member.

Hon. Deputy Speaker: Okay. Have the Floor then.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity.

The issue that the Leader of the Majority Party is raising is on procedure and not really on the substance of the mediation. Having looked at the Senate proceedings yesterday with their Chairman, it is like we want to micromanage the Senate procedures and the Standing Orders. My view is that if we have issues with the Standing Orders of the Senate, this may not be the right forum to raise that matter. I feel they should conduct their business as per the Standing Orders of the Senate. When it comes here, we then conduct our business. I, therefore, agree with the Leader of the Minority Party that we should not micromanage the Senate. What I saw yesterday going on in the Senate would otherwise be troubling if we agree with the Leader of the Majority Party because they now have designated Members who come to the Senate weekly. They do not bring everybody on board every week. They only invite certain Members to come to the Senate and they vote on behalf of their colleagues.

Thank you.

Hon. Deputy Speaker: I have heard you all. This would take a long time and we may not completely decide on it now. For example, I hear Hon. Mbadi saying that we should be blind. If we were to go to the parables of the Bible, the gentleman who was healed by Jesus, he was made to see and he went back to say: "Let me close my eyes to be blind". I see the direction we are going. I see Members also saying that we could easily pass this or transact the business one way or the other and allow any other person to go to court and challenge our decision. It is a right procedure, but sometimes we do not need to act in vain. I have heard the issues of Article 123 clearly. Hon. Kaluma is saying we become blind to whatever issues that are coming from the

Senate, so that they can also help us to be blind when we send ours there. In one way or the other, these are arguments. Hon. Members, however, this is a very serious matter. There are quite a number of issues that must be looked at very seriously. Looking at the weight of the matter, I am actually convinced to step it down to allow a more substantive ruling on it.

(Applause)

We will look at all the issues on their own merit. And there are arguments here in support of us proceeding and others not supporting that position. That is something that will be looked at with a lot of thought being put into it. So, Members, the best thing is for us to step down Order No.10, and since we have the same thing as Order No. 11, we also step it down to allow better consultation. I think that is the best way to go.

*(Order Nos. 10 and 11 – Motions on Mediated Version of the County Governments
(Amendment) Bill (Senate Bill No. 11 and No. 7 of 2017) withdrawn)*

Next Order.

OTHER MEASURES TO ADDRESS EFFECTS OF COVID-19 PANDEMIC

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Deputy Speaker, for that guidance. We are not here to violate the Constitution. Article 123 must be upheld and I have no other interest.

Hon. Deputy Speaker, I beg to move the following Motion:

THAT, aware that, the World Health Organization (WHO) declared the Coronavirus Disease 2019 (COVID-19) a global health pandemic and that the pandemic has led to an unprecedented global health crisis;

Cognizant that the Government, non-governmental institutions, well-wishers and health authorities globally have joined hands and put in place a number of measures to contain the pandemic, mainly through travel and behavioural restrictions, provisions of necessary protective facilities, equipping existing health facilities, availing resources and providing necessary assistance and information;

Appreciating the policy measures and interventions being undertaken by the Government, through the multi-agency National Emergency Response Committee on Coronavirus (NERC) led by the Ministry of Health, to contain the spread of the pandemic and cushion Kenyans against its social and economic effects;

Further cognizant of the legislative measures proposed by the Executive, including the establishment of the COVID-19 Fund, the reduction of the Value Added Tax, amongst others;

Further appreciating the role of the National Assembly in taking necessary legislative interventions and offering the necessary political and legislative support, whenever required;

Now therefore, this House resolves:

- (a) to laud and appreciate the Government of the Republic of Kenya for the action and policy measures undertaken so far in combating the spread of the virus and addressing the economic effects of the virus in the country to cushion ordinary Kenyans from its effects.

- (b) to commend and appreciate all healthcare workers and service providers in the country for their selfless efforts, commitment to service, care and compassion towards persons who have been infected and/or affected by the virus.
- (c) to urgently put in place modalities of facilitating the continuity of the business of the House remotely using modern technology whilst upholding the constitutional requirements on public access and participation, quorum, and voting in Parliament; and,
- (d) that, to supplement the COVID-19 Fund and other measures put in place, the Budget and Appropriations Committee reviews the proposed Annual Estimates for the FY 2020/2021 with a view to allocating funds towards cushioning the country further from the short-term and long-term effects of COVID-19, particularly allocating and ring-fencing funds for:
 - (i) the provision of personal protective equipment (PPE), testing and medical equipment, including adequate ventilators; and,
 - (ii) the establishment of a suitable national health facility for the treatment and management of infectious and viral diseases such as the COVID-19, with a bed capacity of at least 1,000 persons.

Hon. Deputy Speaker, some Members in various forums are saying that these Motions are being delayed. It is the prerogative of the House Business Committee (HBC) to ensure that important agenda come first. Today, I am happy to say that this House has passed the relevant legislative laws such as the tax laws that will not only cushion the economy from negative effects, but also help Kenyans who are staying at home and have been affected by the COVID-19 pandemic.

Secondly, this House has also passed the Budget Supplementary Appropriations Bill which was assented to by the President that now allocates serious resources to the key sectors that are in the war against COVID-19. So, the National Assembly has done its duty. I can say it without fear of contradiction. We have also passed more than five regulations, one on COVID-19, the various ones on the Public Health Act, the ones on the curfew and many others such as the one on the VAT. They all have been approved by this House.

So, the National Assembly in its last four sittings rose to the occasion and complied with Articles 94 and 95 of the Constitution in discharging its mandate of legislation, representation and oversight. I thank the Chair of the Budget and Appropriations Committee, the Chair of the Departmental Committee on Finance and National Planning, Chair of the Health Committee, all Committee Members, House in general and its leadership, for rising to the occasion. The COVID-19 will not cause us to violate the Constitution and the Standing Orders on how the House is run. The Constitution provides how to vote and to prosecute a Bill from the First to the Third Reading. You cannot circumvent.

I saw Hon. Kimunya arguing and I told him that we have no problem with his Bill. He is the Chair of the Mediation Committee. We have a problem with the voting procedure in the Senate. A whole Article of the Constitution was not followed and then the wrong process was followed. Hon. Speaker said he is going to make a Communication.

I have asked Hon. Speaker to write to the Speaker of the Senate and ask him to confirm because I have the *Hansard* and there is need to confirm whether that violation of the Constitution took place.

Secondly, we have cushioned companies, ordinary Kenyans and given resources to the Ministry of Health.

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

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

I am told the Report that was tabled last week by the Chair of the Committee on Health was disowned yesterday by the Principal Secretary for Health. The Kshs4 million on tea was an error. I hope the Chair will have an opportunity to tell us what has happened. However, there are two things we must make clear, namely, Kenyans must follow the health protocols and guidelines given to them and matters curfew. They must follow the rules on cessation. I want to make it here clear that the only person and organ that can declare cessation of movement is the National Security Council, delegated to the Cabinet Secretary for Interior and Coordination of National Government. Governors cannot declare cessation of movement.

The problem in this country is that everybody thinks they can play around with the Constitution, just the way the Senate is voting through two individuals. People are bribing and moving all over. May I say it here that the men and women who are manning the roadblocks of cessation must be given an allowance. They are only given tea and bread. When that happens and somebody comes along with Kshs10,000, they will allow him to proceed with his journey. The police officers must be given special allowances just like our health workers who are on the front line. Today, people can go to Garissa and Mombasa. Kenyans must follow the health protocol in place. We must observe social distancing and wearing of masks.

Hon. Temporary Deputy Speaker, police must stop brutality. If you are given the numbers of people killed by the police versus those who have died from COVID-19, those killed by the police are more. I heard a Member from northern Kenya saying that there are no extrajudicial killings there. Extrajudicial killings are happening in northern Kenya as well as at the Coast. That is a shame! You are supposed to be representing your constituents here.

As a representative, you are here to talk on behalf of your people. So, I am telling the Inspector-General (IG) of Police that his office is independent. He is not surrogate to anybody else. He sits in the National Security Council. So, he must tell his rogue police officers who want to make a kill out of this pandemic to stop what they are doing.

It is very shameful for the President to apologise on behalf of the police. How can the President of the Republic of Kenya, who is the Commander-in-Chief, apologise on behalf of the police? The Cabinet Secretary for Interior and Coordination of National Government and the IG have not apologised. This is shameful.

In fact, today, if the President apologised for something that has happened in this House or in my office, I would resign as the Leader of the Majority Party. The buck stops with me. So, the President has apologised on your behalf and you are not remorseful. Every night we watch television and see the CS for Health, who is doing a very good job, Sen. Kagwe, telling us the situation. The next story is how the police have killed or maimed people. You saw the lady in Busia who had a small child and was told to sleep in a cell.

To all of us, this is a pandemic. You have seen what is happening in the United States of America (USA). The people of Eastleigh, Mathare, Kawangware and Old Town have no choice. In fact, Members of Parliament should lead by testing. We must do more mass testing. Leaders, from tomorrow, let us have Members testing through mass testing. The media, which reported that 17 Members of Parliament were infected, had better get a letter from the Speaker. No Member of

Parliament is positive for Coronavirus, but you are aware our colleagues in Tanzania have died. Two Members and two former Members have died.

We must get a language to talk to the people because they are scared of quarantine and the payment. I want to tell Governor Joho that he was doing a good job until he became a dictator. He warned the people that if they did not get tested, they would see him. See him as who? You cannot come to my house and test my children by force. It is against the Constitution.

Leaders, let us work together. This pandemic is affecting our daily lives, economy and the lives of our people. This is the moment we must forge together as the President, Legislature, Executive, Judiciary, citizens and the Leader of the Opposition. All of us must speak with one voice. We must take this disease very seriously because it does not know age; whether you are young or old, female or male, Muslim, Christian or other faiths.

Finally, as I conclude, if you read the Bible or the Quran, you will read about the over 25 prophets and how communities were destroyed when they refused to follow the teachings of the Almighty God. Those of us who believe in God, please, in our homes... It is only God who brings calamities and diseases. He used to destroy other communities through floods and fire, but now he has sent a virus that we cannot see with the naked eye. We are only being told by those who use laboratory equipment that they have seen it.

So, those of us who believe in the scriptures, whether we are at home or somewhere else, let us pray to the Almighty God. We should ask him for forgiveness, so that he can spare us from this pandemic. This needs God's intervention. As much as we do a lot of protocols and look for...

Hon. Oku Kaunya (Teso North, ANC): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Leader of the Majority Party!

Hon. Oku Kaunya (Teso North, ANC): On a point of order, Hon. Temporary Deputy Speaker. Is it in order for the Leader of the Majority Party to allege that the Almighty God sent the Coronavirus to this country and the world? I think these are matters of religion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Do not go beyond there because you will be contributing. I do not know about your religious persuasion. I have been listening to the Leader of the Majority Party and I have heard him say that the Almighty God sent this pandemic.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I am a person of faith and I read the scriptures. I have read about prophets and communities that were destroyed when they disobeyed the scriptures. I do not need to teach you about this.

A virus cannot come just like that. There must be reasons. This is my opinion. In as much as we are doing everything, those who are looking for the vaccine and those ensuring that we do social distancing or wear masks like I am doing, above all, the solution to all problems is found in the scriptures. My friend, read the Bible or the Quran. We are also told that when you are stressed, you should pray.

I am asking Kenyans wherever they are to pray. If that is what you have a problem with, then when contributing, you will tell us who else exists other than the Almighty God. I am talking about the Almighty God who created the heavens and the earth. He made you to leave your house this morning and come to this Chamber and made you a Member of Parliament. I am talking about the Almighty God and nobody is more powerful than him.

For the first-time, you have seen Coronavirus has made everybody equal. Trump, the Chinese President, the small and big are all crying. Coronavirus has made everybody equal. It

does not choose a king or a queen. Prince Charles and the Prime Minister of Britain were infected. I am only telling Kenyans to pray in their homes.

I beg to move and ask Hon. Mbadi to second.

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

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to take this opportunity to thank the Leader of the Majority Party for coming up with this Motion.

Kenya, like any other nation in the world, is facing tough times. We all know that managing and controlling this pandemic is not easy. We are working hard, but this is a pandemic and not an epidemic. We are confronted with a number of challenges which we must deal with. There is the health crisis, which we are all aware of. We also have issues of social intervention and humanitarian issues, but above all, even if we manage to control this disease, the economic challenges will live with us for quite a bit of time.

Therefore, this is a time that, as a country, we must speak within ourselves and look inwards for solutions to our problems based on our environment and circumstances. Let me start by talking about the health issues because they are the most critical and immediate ones. Whereas I would start by appreciating the work of the Executive, the Ministry and the President in trying to manage this pandemic, we must also tell the Government in no uncertain terms that their reaction and response has been wanting in a number of ways. The Government has been talking to us because we are looking for an exit strategy. We have to get out of this pandemic in one way or the other. For us to get an exit strategy, the Executive, the Government and the Ministry must lead the initiative.

We support and we appreciate the daily reports about the numbers, but we need explanations. We were told that this country has capacity to test between 30,000 and 37,000 people in a day. As we speak, the highest number of people that have been tested is just over 1,000 in a day. What is the reason? What is the justification? What is the explanation? This is not forthcoming. We want to tell the Ministry that they must step forward and escalate the testing. What they have been saying is good, but it is not good enough. They must speak with us and tell us for how long we are going to see the numbers of 22, 25 and 45. What is the game plan? Every country in the world has a game plan.

The Government must be serious about mass testing. If there are no resources, provide them. It is disheartening to look at the Budget Estimates and see it being taken as business as usual. There are no clear provisions for resources to fight this pandemic. Why is the Government of Kenya taking Kenyans for a ride? For how long are we going to wait for this Government to behave normally? They are the ones who are telling us not to behave normally because the disease is going to treat us abnormally. It is the Government that is behaving normally and the disease is behaving abnormally. So, we are waiting for clear Government intervention in terms of resource allocation. I would tell you that if you look at the Budget Estimates that were tabled here last week, you will find that the amount that is directly linked to COVID-19 is Kshs2.6 billion in a Budget of trillions of shillings. Something is happening in this country that needs to be addressed. We are the people's representatives. We must address it.

Hon. Temporary Deputy Speaker, the other bit is about social intervention. The biggest problem that our people are facing currently is lack of food. They are hungry. Forget about COVID-19. I am sure you go to your constituency. They will tell you how many people have died of COVID-19. I am not saying we should be relaxed, but they will tell you that they are suffering, and that they are likely to die from hunger. This is not time to invest in capital expenditure to build

roads. We can live without roads as we eat. Right now what Kenyans are concerned about is food to eat. So, we must provide funds for our people to eat. In every constituency, those who live below the poverty line must get Government funding to be able to eat. By the way, the figures are there.

If you come to my constituency, you will find that they are numbering about 6,000 households. If you extrapolate that to the whole country, it comes to between 1.8 million and 2 million households. A household averages six people. Feeding these people for four or five months would need not more than Kshs20 billion. This is something this country can afford. So, as a House, this is the time for us to rise to the occasion, look at the Budget that has been tabled and deal with this issue radically to make sure that food is provided to our people.

The Leader of the Majority Party has talked about police brutality. Other Members have talked about police brutality. I want to repeat it that, whereas we support the enforcement of various regulations and rules so that our people do not get infected with Coronavirus, it is not a licence to anybody in this country to re-introduce police torture and cases of mishandling Kenyans. Our Constitution is robust about human rights. Human rights must be respected. Where one violates the rules, there is the due process of the law. Follow the due process of the law, but do not kill our people. They do not deserve to die. The Constitution is clear. No one is allowed to take the life of another person. Whoever is taking advantage of this crisis to bring back dictatorship to the country must stop.

There are even cases of eviction we see in some areas. I am not talking about those people who have been stealing land, like in Ruai. You can deal with those ones because you do not even see them there.

The Temporary Deputy Speaker (Hon. Patrick Mariru): I am sure you are almost concluding.

Hon. John Mbadi (Suba South, ODM): No, I have 10 minutes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You do not have 10 minutes. If you remember the resolution of the House that we did some time back on the debate between 22nd April and 29th May, you have five minutes. Anyway, you have a minute to conclude.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, I thought that is something we discussed. I think it was a mistake and the Clerks-at-the-Table know that we agreed that I have 10 minutes. Please, do not take away my 10 minutes. I am speaking as the Leader of the Minority Party, and that voice must be heard.

The Temporary Deputy Speaker (Hon. Patrick Mariru): That is why you have priority, the Leader of the Minority Party.

Hon. John Mbadi (Suba South, ODM): I am also the Chairman of one of the most serious parties in the country. Let me just touch on the three last issues.

On the economic issue, I have talked about the livelihood of our people. I am talking about businesses. We must create an economic stimulus to help the small and medium enterprises. I have talked about food, but let me put it this way. Kenya is a net importer of food. At this time, every country is struggling to survive. What strategy does the Government have in the event that the countries which give us food decide to use their food locally? This is the time to respond.

Finally, because I do not want to disagree with you too much, you being my friend, I want to talk about...

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Leader of the Minority Party, you actually have 10 minutes. I have confirmed that from the Motion.

Hon. John Mbadi (Suba South, ODM): Thank you. Let me conclude because I think I have said the bit that I wanted to say. I want to just touch on the two last issues.

One is the financial sector, which is likely to face distress. The Government must come up with a strategy to ensure that the financial sector does not come down in terms of financial distress. We must also ensure that the Government does not get into financial distress. Interestingly, even after what I said about the Budget Estimates, even though the Government is not providing funds to respond to COVID-19, you still find our public debt going up. The most unfortunate is that the Government is even proposing to increase domestic borrowing from slightly over Kshs200 billion to over Kshs400 billion and yet it is claiming to be reducing the CBR rate downwards. How on earth would you think of increasing domestic borrowing at this time?

My concluding remarks are that the Government should get serious. Even though we are in a crisis, get serious. There are areas in this country where people are dying of floods. Over 100 people have died. The COVID-19 pandemic has killed only 14 in Kenya and yet all the attention is on COVID-19. The people of Budalang'i, Nyando, Karachuonyo, Kochia, Migori, Nyatike and Luanda have been left to struggle on their own. No one thinks about them. Chichi is this country we are living in. The Government should get serious. If you have been sleeping, please wake up. If you have been sleeping because of the "Handshake", the "Handshake" did not mean that you now do things the way you want. They must know that minorities still exist.

With those remarks, I second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well.

(Hon. Peter Kaluma spoke off record)

Order, Hon. Peter Kaluma. Hon. John Mbadi is here. Why are you saying that he is back? Anyway, before I propose the question, I ask that Member who is at the corner, that must be Hon. Charles Nguna, please, be kind enough to yourself and others to have the mask on. I know it is uncomfortable, but it is necessary.

(Question proposed)

Hon. Members, we will be guided by the interest of the Members on this. We start with Hon. (Ms) Martha Wangari. We are trying to fix the microphone. Why do you not use this other microphone, Hon. (Ms) Martha Wangari, as the technical people try to fix it?

Hon. (Ms) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this Motion.

Of course, I support that we are dealing with an unprecedented pandemic. The scientists and the religious people have tried explaining it and we have not gotten the right answer yet. I support the Leader of the Majority Party that it is a shocker for us to go back to God. I think we were running away from actual issues. I hope that at the end of the day, he will hear us so that this pandemic is lifted because everything has stopped, even in the big nations. The super powers in the world are actually on their knees.

Hon. Temporary Deputy Speaker, as a country, we have done very well in terms of our response. We started not very well, but we have improved along the way. However, one thing that I hope that we will look at is the issue of our borders. I spoke about it when we met the Cabinet Secretary (CS) for Health, Hon. Mutahi Kagwe, and the CS for Interior and Coordination of National Government, Hon. Fred Matiang'i, with the Delegated Legislation Committee. The borderline between Tanzania and us and between Somalia and ourselves has to be closed. We must

not negotiate because the numbers that we are witnessing in Tanzania will affect our numbers as we are talking today.

We must be very decisive as a country, between the Ministry of Interior and Coordination of National Government and the Ministry of Defence, on closing the borderline in Mandera, Lamu and other areas. Otherwise, the gains we have made will be ploughed back by the numbers that we will register. I say that because last week — as we met and we sit with you in the Delegated Legislation Committee — we had cases of people who went to Somalia to buy goats and came back through Wajir. Consequently, Wajir registered cases that were brought back by the people from Somalia, who had gone to buy livestock, both camels and goats. We must be very categorical. The Ministry of Defence with the Ministry of Interior and Coordination of National Government must take this very seriously and close totally, the borderline between Somalia and us and between Tanzania and ourselves.

The other issue is the fact that we have relegated all other illnesses and forgotten that every day in this country we still lose 90 cancer patients. Those numbers are alarming. Today in my constituency, in an area called Ngomongo, almost a thousand families are outside because of flooding. So, we also must not forget that, even if we have and are dealing with the issues of Covid-19. The disaster institutions that we have put in place must not stop working. We must not say that everything else stops because at the end of the day, who are we protecting? It is Kenyans. In the last two months, we had floods that have killed almost 200 people in this country and we are not talking about that. Cancer kills almost 3000 people per month and we are not talking about that. I hope the Ministry and the county governments can take this chance to improve the institutions that we have at the county levels. Why do I say that? I have said before on this Floor that we must make our referral hospitals be referral hospitals.

Hon. Temporary Deputy Speaker, Moi Teaching and Referral Hospital (MTRH) in Eldoret, Nakuru Provincial General Hospital (NPGH) in Nakuru and Kenyatta National Hospital (KNH) must not be used to treat HIV/AIDS, administer ARVs, treat malaria or give immunization to children; they must be referral hospitals. The only way to do that is to make sure that the dispensaries — one in Kiptangwanyi in my constituency and other areas — are working and have basic medication that is required. During this flu season, we are dealing with children with respiratory issues, which are normal — apart from the Covid-19 — that will escalate because of the danger of having pre-existing conditions. So, we must make sure that we deal with them at that level so that anything else is escalated to the referral hospitals.

On the issue of relief food, Hon. Temporary Deputy Speaker, people in my constituency were registered by the chiefs in the Deputy County Commissioners (DCCS) and Assistant County Commissioners (ACCs) offices almost three weeks ago. If you are giving people food, please know that hunger does not wait. Let this be efficient, done properly, use the Nyumba Kumi and the right frameworks to deliver food to the people who need it. We have another number that we did not have before. People who used to wash clothes and get Kshs300 to give food to their children are no longer doing that because people are closing their homes. They cannot even access them to get that Kshs300. In terms of increasing that net, it can only get wider.

I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, let me remind you that you only have five minutes. Please organise your thoughts. It is not 10 minutes.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker. First, I want to commend the Government for the work it has done in sensitising people.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Junet. What is it, Hon. Osotsi?

Hon. Junet Nuh (Suna East, ODM): You must add me my time, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You will definitely have your five minutes, Hon. Junet.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, in the Order Paper I can see we have three amendments from three Members. You can give direction as to how we will deal with them.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Osotsi, you are correct. After Hon. Junet speaks, I will address myself to that.

Let us have Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I take this opportunity to thank the Government for sensitising people at the start of this pandemic, for the press conferences they have been holding and alerting people. In the absence of that, the issue would have gotten out of hand.

As a House, we have a constitutional responsibility to oversee the Government. The Government has failed in many ways that Kenyans did not expect. The fight against the Coronavirus pandemic must have a human face. It cannot be that the Government has not suspended the Constitution and neither has Parliament.

I cannot overemphasise the issue of police brutality as has been said by the leaders. There is no country in the world that has reported more cases of death through police brutality than Kenya. This pandemic is an equaliser. It is happening all over the globe. Our police force cannot behave like goons in uniform. They have been properly trained to protect the lives and property of Kenyans. That is how they earn a living unless they have instructions to engage in brutality.

Secondly, this Government has not done anything tangible other than announcing numbers every day at 3 O'clock. The Government could not afford to give its citizens masks which are worth Kshs3 leave alone food. The masks are Kshs20. Members of Parliament are buying masks for people in their constituencies. We were told that there would be free sanitisers. We were told that the Kenya Pipeline Company would produce alcohol-based sanitisers. Coronavirus is almost ending. They have washed their hands off it and now they are washing their legs. We have not seen any free sanitiser in our constituencies.

It cannot be business as usual and we keep quiet. We have a constitutional mandate to represent the people. We have sovereign power. The Government is unable to feed or give free masks and sanitisers to its people. What else can they do? We will not allow the Government to contact trace people who have Coronavirus in their homes, force them into quarantine and expect them to pay for their upkeep. The Government must pay for the upkeep of people in quarantine who they have traced through their contacts. If somebody has broken the law, you can quarantine him.

(Applause)

I have not finished. I know you are not happy with what I am saying today. If somebody has been traced and is quarantined, the Government must pay that bill. It has the money. The Government must account for the money set aside for Coronavirus, shilling by shilling and penny by penny. This country is known for people who enrich themselves through disasters. They are

known. They are in offices. We want the Government to account for each coin of the COVID-19 funds in this House.

People are shamelessly discussing tea and *mandazi* that cost Kshs4 million when our people are dying of coronavirus. People are dying of shame. We must condemn that act with the strongest terms possible. That people can sit in offices and use Kshs4 million to have tea and *mandazi* when people are dying of hunger, others for lack of masks, others for lack of sanitizers and others out of floods. It is very shameful, yet you call yourself a government. If this was happening in mature democracies, this Government would have resigned. We would have already had a general election. If you cannot defend your people from floods and by buying them masks, then you do to deserve to be called a government.

In conclusion, I want this House to rise to the occasion and hold this Government to account for every action, omission and commission against the people of this country.

With those few remarks, I condemn what is happening in this country. A handshake is not a cheque for doing whatever you want as the Leader of Majority said here.

(Applause)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Members, in light of what Hon. Osotsi had raised earlier, there are three Members who have proposed amendments to this Motion. It is tidier to deal with those proposed amendments at this time, so that then Members will be discussing the final Motion as amended, if the House decides so.

We have amendments from Hon. Moses Cheboi which I am told were dropped. This is on page 304. We have other amendments from Hon. Nassir, Hon. Savula and from Hon. (Dr.) Nyikal. We shall take them in that order.

Hon. Nassir, you may proceed.

Hon. Abdullswamad Nassir (Mvita, ODM): Asante sana Bw. Spika wa Muda. Marekebisho yangu kama yalivyoweza kuorodheshwa katika Ratiba ya Shughuli ya leo...

(Loud consultations)

Bw. Spika wa Muda, ningeomba tu, kila wenzangu wakizungumza, kwa kuwa nina dakika tano tu, wanipe nafasi.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You are on the Floor. Proceed.

Hon. Abdullswamad Nassir (Mvita, ODM): Bw. Spika wa Muda, kuna maswala ambayo ni muhimu sana. Nimeweza kuzungumza na nikataja...

(Loud consultations)

Ndugu zangu, lugha ya Kiswahili ni lugha yetu. Bw. Spika wa Muda, nitadai dakika zangu. Tayari nimeweza kusema kuwa kama ilivyoorodheshwa...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Proceed, Hon. Nassir.

Hon. Abdullswamad Nassir (Mvita, ODM): Asante. Jambo hili la karantini kama walivyozungumza wenzetu, ndugu yetu Mhesimiwa Junet, Duale na wengineo huwezi kuchukua

Mkenya ambaye hana hatia yeyote na bila ya kutaka kwake na kumlazimisha kukaa katika karantini. Na baadaye unamwambia alipe Ksh2,000 kwa siku. Kando na hilo, tunazungumza kuwa wale ambao watakaopelekwa karantini, lazima Serikali, kama ilivyo katika nchi zingine zote duniani, watu ambao wanaweza kukaa katika Nyumba zao, waweze kukubaliwa. Hili ni jambo ambalo limezungumziwa na Wizara ya Afya na ambalo tumeweza kulijadili na Serikali za Kaunti.

Hivi leo ni aibu yakuwa watu wanazuiliwa kutoka katika zile karantini, kisa na sababu hamna.

Mwisho Bw. Spika wa Muda...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Unayo hoja ipi ya nidhamu Kiongozi wa Wengi Bungeni?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Speaker, I think the gist of Hon. Nassir's amendment is to ask the select Committee of the National Government Countituencies Development Fund (NG-CDF) to propose amendments for consideration by the House to permit the utilisation of NG-CDF. That is his amendment. He should stick to that.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Hon. Nassir is on the Floor. The amendment is on page 305. Stick to that amendment, Hon. Nassir. That is what you are supposed to move.

Hon. Abdullswamad Nassir (Mvita, ODM): Iko sehemu mbili. Nadhani anafahamu.

Mhe. Naibu Spika wa Muda, ninaomba dakika zangu ambazo zimechukuliwa, Karani ahakikishe nimezipata ili watu wa Mvita wawakilishwe sawasawa.

Kwanza, nimezungumza kuhusiana na amana ya karantina. Si sawa Wakenya kuchukuliwa na kuambiwa walipe ile amana.

Pili, nimezungumzia wale ambao wako na nafasi ndani ya nyumba zao wakubaliwe kufanya karantina nyumbani mwao. Hilo ni jambo ambalo Wizara ya Afya na serikali za kaunti wamekubali. Ni aibu kwamba Serikali ya Kaunti ya Mombasa imeshatumia zaidi ya Ksh20 milioni kuwalipia watu ambao walikua wamezuiliwa kwenye makazi ya karantina.

Nawasihi, nawarai na kuwaomba kwa unyenyekevu kila Mkenya anayetusikiza, kama Mhe. Duale alivyosema, wenye kuhusika na mambo ya *lockdown* na mambo ya *cessation of movement*....

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. Wamalwa?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Hon. Temporary Deputy Speaker, there is a process and procedure of moving an amendment. We have been listening carefully to the Member for Mvita. When you propose an amendment, you should move it and then give reasons for the amendment. He is debating the amendment instead of moving it first. Up to now, we do not know the amendment. He is giving stories instead of moving the amendment.

Hon. Abdullswamad Nassir (Mvita, ODM): Mhe. Naibu Spika wa Muda, nilianza kuzungumza

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Nassir. Hon. Wamalwa, Hon. Nassir moved an amendment. If you heard his Kiswahili, he actually moved the amendment.

Hon. Nassir, conclude.

(Loud consultations)

Hon. John Mbadi (Suba South, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, the Leader of the Minority Party?

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, my point of order is that if a Motion is framed in English, moved and seconded in English, how can an amendment to the Motion be moved in Kiswahili? How would it fit even if he had moved the amendment? I heard him speak in Kiswahili throughout. We do not mind him speaking in Kiswahili, but he should move the amendment in English then contribute in Kiswahili.

The Temporary Deputy Speaker (Hon. Patrick Mariru): I will deal with that issue.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We still have to go to the substance of this Motion. What is it, the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I have a lot of respect for the Member for Mvita, but I want to make two things very clear. He has not moved his amendment. When he moves the amendment, she should explain it and have a Seconder.

In the Order Paper, the amendment is in English. It is not in Kiswahili. So, he does not have the luxury speaking in Kiswahili. Some of us from Northern Kenya and those from the Lake have a problem with Kiswahili.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Hon. Junet Nuh, you cannot have a point of order over another point of order. The Leader of the Minority Party has raised a point of order on the use of Kiswahili.

(Loud consultations)

Order, Members! Hon. Abdullswamad Nassir has used Kiswahili. In reference to when we were adopting the Kiswahili Standing Orders, what he has done is allowable. He used Kiswahili language to move that Motion. Hon. Abdullswamad Nassir, what you should do is to conclude and get someone to second. Then the House will have an opportunity to discuss that matter.

Conclude, Hon. Abdullswamad Nassir.

Hon. Abdullswamad Nassir (Mvita, ODM): Mhe. Naibu Spika wa Muda, nadhani tetesi hapa...

(Loud consultations)

Ninaomba wenzangu waweze kunisikiza. Kuna hoja mbili ambazo nimeleta. Ya kwanza ni kuhusiana na fedha za National Government – Constituency Development Fund (NG-CDF). Ninavyoona, ninafikiri ni hisia za wenzangu, hiyo ya NG-CDF ningeomba iteremshwe na isiwe katika orodha.

(Applause)

Pili, ni jambo kila mmoja wetu analifahamu, nina Imani kwamba hakuna yeyote hapa atakayeweza kukubali Mkenya alipishwe amana ambayo hana hatia yoyote. Nimezungumzia hili kwa lugha inayofahamika.

Nikimalizia, ninataka kutoa usisitizo kwa unyenyekevu kama vile anavyozungumza Mhe. Aden Duale kuwa hakuna yeyote katika hili Bunge pamoja na magavana ambaye ana ruhusa ya kusema kwamba, hakuna watu kutembea kuhusiana na *lockdown*.”

Kwa hivyo, nawasihi wenzangu wote tuchunge hali zilivyo....

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Abdullswamad Nassir! We have to be tidy on this. Please stick to your amendment. Do not speak to the mother Motion. You are speaking on the second part of your amendment which says:

“THAT, the Government considers waiving charges payable by persons who are under mandatory quarantine, excluding those isolated due to violation social distancing and curfew requirements.”

Stick to that specifically.

Hon. Abdullswamad Nassir (Mvita, ODM): Asante sana, Mhe. Naibu Spika wa Muda. Nimefahamika kuhusiana na hilo na ningemwomba ndugu yangu, Mhe. Ibrahim Ahmed Abdisalan aniunge mkono kwa jambo hili. Ikiwezekana, Mhe. Naibu Spikawa Muda, kwa ruhusa yako, kwamsimamo...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well.

Hon. Ibrahim Ahmed (Wajir North, ODM): Hon. Temporary Deputy Speaker, for avoidance of doubt, I am not Hon. Abdullswamad Nassir and I can choose the language to speak. So, for that matter I think there is no part in the Standing Orders that says that when the Mover speaks in English, then...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Do not deal with that. Just proceed to second the Motion.

Hon. Ibrahim Ahmed (Wajir North, ODM): Hon. Temporary Deputy Speaker, I rise to second this Motion.

(Loud consultations)

I am wondering why my colleagues are creating a big confusion while we have a very important business to transact here.

As we speak, so many people are placed under quarantine and they have no funds to clear their bills. We have not only put them in very difficult positions, but we have also risked their lives. Remember, when you are placed under quarantine in a hotel, the hotel’s owner expects you to clear the bill at the end of your stay. It is unfortunate that despite having appropriated Kshs2.6 billion for COVID-19 pandemic intervention, the Government has not set aside some amount of money to clear bills for those placed under mandatory quarantine.

Second, it is also crystal clear that we have problems in our priority ranking with regards to intervention of COVID-19 pandemic. By the way, the Ksh2.6 billion we are talking about seems to be only meant for COVID-19 infected areas and not the 290 constituencies in this country. This is because, as we speak, all the MPs can confirm that the only ongoing interventions in our constituencies are cessation of movement and curfew. So, what are we appropriating this money for? We must get our priorities right. We must carry out a real needs assessment in all the constituencies. The first priority is food.

As a number of Members have correctly noted, we are in a state of confusion. The National Emergency Response Committee on COVID-19 must be cascaded down to the counties and constituencies levels. Those structures must communicate from the grassroots level on what is happening so that they can make informed decisions. Otherwise it will remain as a Committee established in counties with positive cases of COVID-19. We are not willing to go that direction. Those structures must be cascaded down to the counties.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, it must be very clear that we are not dealing with the original Motion. We are now dealing with an amended Motion. Hon. Ahmed, you are seconding on that aspect alone. Do not discuss the other part of the Motion.

Hon. Ahmed Ibrahim (Wajir North, ODM): Without avoidance of doubt, these things are intertwined.

(Loud consultations)

I can assure you that the number of people placed under quarantine and are supposed to have their bills cleared is spread all over the country. This Government must be obligated to cater for this.

The Temporary Deputy Speaker (Hon. Patrick Mariru): It is important for Members to appreciate what we are dealing with.

We have a Motion and there is a proposal of an amendment by Hon. Nassir. I shall propose the Question on that specific amendment and the Members will dispense off with that. You will notice that Hon. Nassir has dropped the first part of the amendment. I will propose the Question on the second part of the amendment.

*(Question of the second part of the amendment,
that the words to be added be added, proposed)*

Hon. Members: Put the Question.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Is it the mood of the House that I proceed to put the Question?

Hon. Members: Yes!

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let me establish that.

*(Question, that the Question of the amendment
be now put, put and agreed to)*

*(Question of the second part of the amendment, that the words
to be added be added, put and agreed to)*

(Loud consultations)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we have another amendment by Hon. Nyikal.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kaluma, what is out of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): The House has passed a resolution on the second part by waiving charges payable by persons who are under mandatory quarantine, excluding those isolated due to violation of social distancing and curfew requirements meaning we are giving powers to those who enforce curfew to send people to remand. That part is a function of the court. We should say that in principle. That is outrightly unlawful that anybody in quarantine should not pay...

(Loud consultations)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kaluma, what is out of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): We have just passed this resolution...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Are you discussing what the House has just discussed?

Hon. Peter Kaluma (Homa Bay Town, ODM): There is an illegality in that resolution.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Kaluma! I know you understand our Standing Orders. The House has just made a decision. It is impossible to revisit that during this session at this time. You can do a further amendment as Members are proposing.

Hon. Nyikal has an amendment.

(Loud consultations)

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker. I rise to propose an amendment to this Motion that I overrally support. This is in relation to Paragraph d (ii) which in general I support, and it is acceptable that we need an institution.

My amendment is deleting the words “a” and “national” in the paragraph; deleting the word “facility” and replacing it with the word “facilities”; and deleting the last words, which are “with a bed capacity of at least 1,000 persons”.

I support the original intention of having the facility in place.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nyikal, you have (a) and (b). Is that right?

Hon. (Dr.) James Nyikal (Seme, ODM): Yes. I have (a)(i), (ii) and (iii) and (b). Therefore, the new paragraph d (ii) will read “establishment of suitable health facilities for the treatment and management of infectious and viral diseases such as COVID-19.”

Hon. Temporary Deputy Speaker, all I am asking is that instead of just asking that the Government establishes one big hospital, we make provisions so that the Government can establish many hospitals. With infectious diseases, if you have one main hospital which is a distance away, you will be transporting people from distant places of the country to that place, in the process disseminating the disease and spreading it. It is an extremely good Motion. If we amend it, we will also make sure that various facilities of the same standard are established at the county level to ensure that people are treated at the facility nearest to them when they fall sick. That is the essence of my amendment. I think it improves the whole Motion. I ask all Members to support it.

I ask Hon. Martin Owino to second this amendment.

Hon. Martin Owino (Ndhiwa, ODM): I rise to second the amendment. We do not only look at the clinical aspects of disease management. We also look at the primary aspect. Access of medical facility is important in management and prevention of any infectious disease. Centralising treatment will not be ideal in this situation. I also applaud the Mover of the original Motion that the UHC comes in if the national body chooses to support the county referral hospitals and sub-county hospitals.

I second.

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, I will propose the Question before putting it.

*(Question of the first part of the amendment,
that the words to be left out be left out, proposed)*

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Patrick Mariru): Is it the mood of the House that I put the Question?

Hon. Members: Yes!

*(Question of the first part of the amendment, that the words
to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the word
to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the word
to be inserted in place thereof be inserted, put and agreed to)*

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we have the final amendment by Hon. Ayub Savula.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Deputy Speaker. Notice is given that the Member of Parliament for Lugari, Ayub Savula intends to move the following amendments to the Motion on other measures to address the effects of the Covid-19 pandemic.

I beg to move that, the Motion be amended by -

a) inserting the following new paragraphs immediately after the following paragraph “further appreciating the role of National Assembly in taking necessary legislative interventions and offering the necessary political and legislative support, whenever required”.

(i) Concerned that, COVID-19 Pandemic has disrupted the Country’s economy and that economic development outcomes are expected to be seriously affected by the interruption caused by the virus both globally and locally;

(ii) Deeply concerned that, the Government faces significant fiscal challenges as the national economy faces contraction because of the effects of COVID-19 Pandemic, a situation made worse by the depreciation of the shilling,

and the Government may in the current financial year not be able to meet its loan obligations;

(b) inserting the following paragraph immediately after paragraph (c)-

(d) That, the Government of Kenya should urgently engage multilateral and bilateral lenders with a view to renegotiate loan obligations, with emphasis on waivers of interest and extensions on the repayment period, as well asking for total waivers on some of the loans so as to free up money to enable the Government to contain the spread of the pandemic, cushion Kenyans against its social and economic effects, and address economic impact of the pandemic.

My amendments to the Motion by the Leader of the Majority Party are pegged on the following facts: One, the revenue collected by KRA is going to drop because the economic activities are low. Two, after we pass the budget as the National Assembly, it will go to the President for assent. After the President signs the warrant for expenditure of the cash, the first charge by the Treasury is to pay loans.

I thank the Leader of the Majority Party for the noble idea of bringing this Motion, so that we can discuss as Members of Parliament and find a way on how to cushion our economy. The main loans are from the Chinese Government. COVID-19 is a global pandemic, the Chinese Government should agree we renegotiate the terms and conditions of the loans, so that we save the economy of this country. The President sat with Chief Executive Officers (CEOs) of Banks and they agreed to restructure loans for Kenyan individuals and business men who are doing business. The international community, China included, must also follow suite. I want to ask the CS Treasury to move quickly after we pass this amendments, so that we can save the country's economy.

I beg to move and request Hon. Osotsi to second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Osotsi, you have the Floor.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker. I stand to second this amendments by the Member for Lugari, Hon. Savula, who is my good friend. They are progressive amendments. The public debt is now 62 per cent of the Gross Domestic Product (GDP). With the economic effects of Coronavirus, we are likely to get to a situation where this country will be unable to pay some of these debts. This is progressive. I want to encourage Members to support these amendments. Hon. Savula has proposed two approaches in his amendments: bilateral engagement and multilateral engagement.

I think the government should focus more on multilateral engagements. I know efforts are already being made at the level of the African Union for African countries to come together and push for debt deferment and even debt cancellation.

With those few remarks, because of time, I second.

(Question, that the words to be inserted proposed)

Hon. Members: Put the question!

The Temporary Deputy Speaker (Hon. Patrick Mariru): Is it the mood of the House that we put the question?

(Loud consultations)

Let me establish that.

*(Question, that the question of the amendment
be now put, put and agreed to)*

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

(Question of the Motion as amended proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, what that means is that the original Motion is accordingly amended. You will now speak to the Motion as amended.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): If we had time, we would have continued with debate on the Motion. It is 1.00 p.m. I am sure the Motion will be put in the Order Paper again so that Members can engage on it.

Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.