

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 15th September 2020

The House met at 2.30 p.m.

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

PRAYERS

PETITIONS

HISTORICAL LAND INJUSTICES IN NANDI COUNTY

Hon. Speaker: Hon. Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member. I, therefore, wish to report to the House that my office has received a petition from the Governor of Nandi County, His Excellency Stephen Kipyego arap Sang, praying that the House looks into historical land injustices in Nandi County.

In the Petition, the Governor states that at the advent of colonial rule in Kenya, the colonial government disinherited the Nandi people of their ancestral land, leased it to settler farmers and multinational corporations to undertake large scale tea growing in the highlands, sugarcane and sisal farming in the lowlands. As a result, the Nandi people were resettled on peripheral and unproductive land, rugged and rocky hills, and along escarpments that are prone to perennial landslides.

Hon. Members, the petitioner avers that residents of Tinderet, Nandi Hills, Aldai and Mosop sub-counties are the most affected, with thousands of households, livestock and land under coffee bushes, maize, beans and other crops being destroyed by the perennial landslides.

The Petitioner asserts that, in an attempt to mitigate the suffering and improve the situation of the affected people, the County Government of Nandi has continuously been providing humanitarian and psychosocial support to the afflicted families, with the hope that they would be resettled on their land, upon expiration of existing leases for parcels of land under occupation. The petitioner observes that despite attempts to have the land revert back to the community upon expiry of the leases, the recommendations of the National Land Commission (NLC) on the matter were ignored. Some leases have allegedly been extended or renewed, therefore, leaving residents in the affected areas in a constant state of despair.

It is on this premise that the petitioner prays that this House intervenes on the matter with a view to putting in place a sound and credible legal framework for expeditiously facilitating efficient and impartial investigations into the said historical land injustices, and just resolution of claims arising out of the injustices.

Hon. Members, this Petition therefore stands committed to the Departmental Committee on Lands. The Committee is requested to consider the Petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2). The Committee is also at liberty to introduce legislative measures aimed at addressing the plight of the petitioner, should it deem fit.

I thank you.

I see an intervention from Hon. Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): I thank you, Hon. Speaker. This is basically a comment on the petition. What has happened over the years, particularly with the advent of the new administration, after the colonial Government, is that there were many issues to do with land. Communities were many times moved, not on any clear formal arrangement, but based on instructions by leaders at that particular time. The communities agreed. That happened in many places in the country. They agreed either for purposes of creating space for a very specialized crop arrangement, livestock or horticulture.

What happened after that period of time is that all these communities were ignored. They did not get back their land. At the point of changing the use of the land from the original intention, the land use was changed to individuals. So, individuals ended up occupying land unlike what was the initial plan. This happened everywhere. Even in my place at Yala Swamp, there was a portion that the then former Vice President, Jaramogi Oginga Odinga, convinced or told the people that they needed to move to higher areas as they prepared to reclaim portions of the swamp. This was in 1967/1968. This has not happened to date. As new arrangements are being done for purposes of the swamp, the county government and even the other county councils, the predecessors of the county government were getting into arrangements that placed land in different hands, completely ignoring the initial communities that were staying in this area.

So, as the Committee looks into this, I believe it is not just Nandi alone, but many other areas that need to be looked at for purposes of communities getting back their land that was changed in terms of use and in terms of the original intentions.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker, for this position.

This matter has not come to Parliament for the first time. My humble request to the Departmental Committee on Lands is that they move with speed. As we know, land is a factor of production. Even in Trans Nzoia County, where I come from, we have had many squatters as a result of the historical injustices. We know very well that one of the critical mandates of the National Land Commission is to look into issues of historical injustices. It is high time, as the Departmental Committee on Lands will be looking at this matter, we call upon the National Land Commission to move with speed. We have had many cases in courts pertaining to matters of land. Because land is a factor of production, it is critical as it can improve the livelihoods of our people.

I request the Committee to move with speed and conclude this matter, not just in Nandi, but in other counties like Trans Nzoia.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Atandi.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. This Petition is a very serious one and it is in the right place....

Hon. Speaker: Sorry, Hon. Atandi. Press your button again.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. This Petition is very serious and it is in the right place. In previous occasions, the Governor was captured physically uprooting tea plantations in Nandi. Most of us complained that, that direction was not the right one. He has done the right thing by tabling the petition here. I congratulate him for, at least, seeing the sense in working with Parliament to try to resolve this matter.

As Hon. Ochanda has mentioned, part of Yala Swamp and we are also struggling with similar challenges, is within Bondo Constituency. I urge the Departmental Committee on Lands to ensure that we go beyond issues raised in the Petition to do with historical injustices and land matters that face many Kenyans.

I support the Petition.

Thank you.

Hon. Speaker: Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. Governor Sang has done the right thing. As Hon. Atandi has said, we saw him on social media, print media and on television uprooting tea. I think it was out of frustration and pain because of land historical injustices that have affected his people. When your people are affected and are always at your door on their knees pleading with you to solve such issues, you can do things that may not be within the law, but what he has done today is within the law.

I remind the House that we have reports like the Akiwumi Report, where we have other historical land injustices. It is high time we demanded for the implementation of those Reports. The moment we implement the Report, we will not be having such petitions coming to the House because we would have solved an issue of historical land injustices.

Land is a very emotive issue. It is a very important factor of production in a country like ours, whose backbone is either agriculture or tourism. Most of our factors of production are all based on land.

I urge the House to support the Petition and move with speed and solve all historical land injustices across country. Thank you.

Hon. Speaker: Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker.

Article 1 of our Constitution talks about the sovereignty of the people. All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution. The people may exercise their sovereign power either directly or through their democratically elected representatives. This House is exercising that sovereignty of the people. When Governor Sang tables this Petition about the colonial injustices that were done, we are aware that the country has done a Truth, Justice and Reconciliation Commission (TJRC) Report and a Ndung'u Report which look at the displacements and issues related to land. It is incumbent upon this House to look at some of those Reports that were done. I urge that, if it is possible or within the power of the Committee, they table the TJRC Report when they present their Report, so that we are able to look at all issues pertaining to land in this country, not just only within a certain region. This is so that injustices can be rectified.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Eldas.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. The issue of historical land injustices whether during pre-colonial, colonial or after colonial times is emotive. Over the years, we have struggled to put in place institutions that deal with taxpayers' fund. So, as much as the Petition by Hon. Sang is in order, it is high time we also insisted that these institutions - and the

framers of the current Constitution have put it in place – are forced to work and effect their mandate so that the issue of land injustices is clearly sorted out. Otherwise, just waiting for one petition to come to the Floor of the House when we have institutions that are mandated to deal with this, yet they are not solving this is not right. We have funded them and it is high time that we as the representatives of the people, pursuant to Article 1 of the Constitution, invoked that Article and insisted that these institutions, including the National Land Commission, must work and go round the country to solve all the lingering land problems so that Kenyans can live in peace and invest in their land because land is a very important factor of production.

Thank you, Hon. Speaker. The Petition is timely. I hope the Committee, in its own wisdom, will try to expand and look at all other historical land injustices and deal with this issue, once and for all.

Thank you.

Hon. Speaker: I am sure those of you who have looked at the Lands Act know that those who presented before the National Land Commission have a window of five years, but under the Constitution the Commission, *suo moto*, can investigate any matter without necessarily being moved. The point Hon. Keynan has raised is a valid one.

The Petition is referred to the Departmental Committee on Lands.

Petition by the Member of Murang'a County. Place your request.

(Hon. (Ms.) Sabina Chege spoke off record)

You do not have your card! Why did you come here? If you know you are coming and you have a Question to raise, just do not walk on your two feet. Among other things that must accompany you is your card.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you. Hon. Speaker. I apologise.

SAFEGUARDING PUBLIC INTEREST IN KINYONA WARD OF MURANG'A COUNTY

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Speaker, I misplaced my card. Please, accept my apologies for not having it. I would like to bring to the attention of this House a petition for safeguarding the public interest in the use of Gituamba land in Kinyona Ward, Murang'a County.

I, the undersigned, on behalf of the residents of Kinyona Ward in Murang'a County, draw the attention of the House to the following:

THAT, over 65 acres of land in Gituamba area of Kinyona Ward of Kigumo Constituency, Murang'a County that was originally owned by the petitioners' grandparents as ancestral land under Land Reference No.LR/Kinyona/Loc/2/786 were allocated for tea nurseries and agricultural research and held in trust by the Murang'a County Council on behalf of the area residents;

THAT, in 1962, the Murang'a County Council leased the same land to Special Crop Development Authority for a period of 99 years;

THAT, the Special Crop Development Authority was later renamed first as the Kenya Tea Development Authority, then as the Kenya Tea Development Agency (KTDA) and finally to its current name as the Kenya Tea Development Agency Holdings;

THAT, the community's original intention in allocation of the land was the setting up of a tea tree nursery as well as establishment of a public tree research institute and not for the growth of eucalyptus trees for KTDA's fuel programme as is currently the case;

THAT, the said land was held as public land to be utilized for public interest but its use has for years been diverted and used for private interest by the Kenya Tea Development Agency Holdings or its subsidiary companies that are privately-registered entities;

THAT, the eucalyptus trees have created a dense forest cover that poses perennial security concerns ranging from attacks by wild animals, rape cases as well as being used as hiding place for stolen properties;

THAT, as a consequence to the planting of the water-consuming eucalyptus trees, the Kinyona River has reduced its water volumes and water flow downstream hence affecting irrigation and the general ecosystem of the area;

THAT, during the recent rains, several trees fell across the busy Mununga-Kinyona Road thereby affecting transport and communication in the entire area;

THAT, failure to utilize the land for its original purpose continues to cause unwanted distress, anguish and inconvenience to the residents of Kinyona Ward;

THAT, the efforts to have these concerns addressed by relevant authorities have not borne any fruits; and,

THAT, the matters raised in this Petition are not pending before any court of law, constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands: -

(i) investigates the irregular change of use of the land from public use to private use by the Kenya Tea Development Agency Holdings;

(ii) inquires into the matter with the objective of ascertaining LR/Kinyona/Loc/2/786 as a public land in conjunction with the National Land Commission;

(ii) directs KTDA Holdings to revert to the original objective of the establishment of a public agricultural research institute and a tea tree nursery - Gituamba Tea Nursery and Factory - failure to which KTDA's land lease will be revoked forthwith;

(iii) makes recommendations to protect the socio-economic interests of the people of Kinyona Ward as well as resolutions to protect the environment from negative effects occasioned by KTDA's wood fuel planting; and,

(v) makes any other orders that it deems appropriate in light of the circumstances outlined in this Petition.

Your petitioners shall ever pray.

Hon. Speaker: The Petition is referred to the Departmental Committee on Lands. The third petition is by the Member for Konoin, Hon. Brighton Yegon.

HISTORICAL LAND INJUSTICES IN CHEPCHABAS AREA

Hon. Leonard Yegon (Konoin, JP): Hon. Speaker, I am presenting Public Petition No.27 of 2020 regarding historical land injustices in Chepchabas area in Bomet and Kericho counties.

I, Hon. Brighton, on behalf of the people of Chepchabas area in Bomet and Kericho counties, draw the attention of the House to the following:

THAT, commencing from 1925, the African Highlands Produce Company (AHPC) which is a subsidiary of Muir Finlay which is now operating as James Finlay Kenya, and belonging to the Swire Group, started appropriating land in various stages from the Kipsigis community for expansion of the tea holdings;

THAT, the said land appropriation led to the banning of huts, scattering of livestock and destruction of granaries with the assistance of the colonial government in total disregard of the local people's rights of occupancy, possession and ownership;

THAT, under the Resident Labourers Ordinance of 1937, the local Kipsigis people were systematically moved and settled into various estates as squatter labourers whereby every resident aged over 16 years was compelled to sign contracts having restrictive terms in order to remain in the land and provide labour for the estates;

THAT, most of the people living in the adjacent villages of Changana, Marinyin, Chemasingi, Chepkoiben, Matuta, Bondet, Cheymen, Timbilil, Ketumbe and Chepchabas villages were moved to the designated areas at the periphery of their respective villages in line with the said ordinance and for fear of losing their ancestral land, most of the squatters put their thumbprints and contracts that bound them to remain on two acres of land, keep limited livestock and provide labour for at least 300 days per year for as little as Kshs24 per annum;

THAT, in 1952, over 88 families and residents of Kimulot were violently evicted from their land totalling 5,183 acres to create more land for Kimulot Tea Company, with majority of them getting incorporated as squatters under the same ordinance;

THAT, with the outlawing of squatting, many squatters were expelled from the land after the APHC issued a letter in 1961 to the effect that no licence would be renewed upon the demise of the original squatters, and further identified 214 squatter families from Chebitet, Chemasingi, Simotwet, Chepgoiben, Dimbolil, Tiluet, Kaproret, Chemamul, Marinyin and Masobet Estates for removal from their land;

THAT, in December 1974, the APHC hived off 600 acres from the Kimulot land LR No.8804/1 earmarked for sale to these squatters who had been organized into the Chepchabas Farmers' Cooperative Society at Kshs185 per acre which technically meant that APHC was taking back the money it had paid the workers over the years;

THAT, AHPC further created Chepchabas Cooperative Society comprised of the 214 families and demanded payment of Kshs280 per acre from them in 1975, thereby assigning most families as little as 1.6 acres which in the same case was on riparian reserve. Despite 85 acres being allocated by AHPC for common income generation through tea framing, the said resources have proved too minimal and unsustainable for a population which now exceeds 5,000 residents;

THAT, actions by AHPC compelled the residents of Chepchabas into squatter life on their own ancestral land;

THAT, the NLC in its ruling on 7th February 2019, noted that the AHPC which is now operating as James Finlay Kenya needed to pay the affected residents profits for utilizing their land over the years;

THAT, efforts to address this matter with other relevant authorities have not borne much fruit; and,

THAT, the matter in respect of which this Petition is made is not pending before any court of law or constitutional body.

Now therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands:

(i) inquires into the irregular takeover of the land in the Chepchabas area in Bomet and Kericho counties with the objective of facilitating due compensation for the residents of the area who were compelled into squatter life on their ancestral land;

(ii) undertakes a satisfactory audit of the original sale of land to the Chepchabas Farmers' Cooperative Society to ascertain whether the entire 600 acres of land were actually granted to the

society and whether each squatter got land that they paid for and orders that the said land be given unconditionally, if found not to have been duly granted;

(iii) recommends that, where possible, James Finlay Kenya Limited grants Chepchabas squatters pre-emptive rights in any future land dealings;

(iv) recommends, where possible, that James Finlay Kenya Limited shares profits with Chepchabas squatters proportionately for the number of years the firm has utilised the land; and,

(v) makes any other appropriate recommendation it deems fit in addressing the circumstance raised in this Petition.

Your petitioners shall ever pray.

Thank you so much, Hon. Speaker.

Hon. Speaker: As you will appreciate, those three petitions could take the Committee the rest of this year. Given all what you have said, I doubt that the Committee can finish dealing with even that last one in the remaining period of this year. It is a lot. Nevertheless, I believe the Committee is up to the task. I will not allow comments on these two petitions because I think we have gone beyond the 30 minutes reserved for comments and clarifications on petitions.

We move to the next Order.

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Draft 2020 Budget Review and Outlook Paper from the National Treasury and Planning.

The inaugural edition of the Directorate of Criminal Investigations' magazine.

They are already in tow in accordance with the protocols.

Hon. Speaker: Very well. Next Order.

Hon. Speaker: The Chairperson of the Select Committee on Implementation, Hon. ole Kenta.

Members, you are not putting your cards in the intervention box for these purposes. Place them in the intervention button. Yes, that one.

NOTICES OF MOTION

ADOPTION OF REPORT ON IMPLEMENTATION STATUS OF RESOLUTIONS OF THE HOUSE

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Speaker. I beg to give notices of the following Motions:

THAT, this House adopts the Report of the Committee on Implementation on its consideration of submissions from stakeholders regarding the implementation status of legislations, petitions and resolutions passed by the House and laid on the Table of the House on Tuesday 30th June 2020.

STATUS REPORT ON INQUIRY INTO CRISIS FACING SUGAR INDUSTRY

THAT, this House adopts the Report of the Committee on implementation status of the Report of the Departmental Committee on Agriculture and Livestock on a petition on

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an inquiry into the crisis facing the sugar industry in Kenya, laid on the Table of the House on Thursday 20th June 2019.

Hon. Speaker: Very well. Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: The first segment is by the Member for Murang'a, a Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

QPN. 22/2020

APPOINTMENT OF MEMBERS TO TOURISM REGULATORY AUTHORITY BOARD

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. I would like to ask the following Question to the Cabinet Secretary for Tourism and Wildlife:

- (i) Could the Cabinet Secretary confirm that the appointment of members of the Tourism Regulatory Authority Board *vide* Gazette Notice No. 5462 of 7th August 2020 was carried out in compliance with the requirements of Section 8(1)(g) of the Tourism Act?
- (ii) Could the Cabinet Secretary explain the circumstances under which the appointment of one Pauline Njoroge to the said board was revoked 24 hours after gazettelement?
- (iii) Was Ms. Njoroge given a fair hearing prior to the revocation of her appointment to the board under reference in accordance with Article 50 of the Constitution of Kenya?

Hon. Speaker: That Question will be replied before the Departmental Committee on Environment and Natural Resources. The next Question is by the Member for Ainamoi, Hon. Silvanus Maritim.

QPN. 24/2020

INVESTIGATION INTO MURDER OF LATE BERNARD KIBET NGÉNO AT KAPSOIT SHOPPING CENTRE

Hon. Silvanus Maritim (Ainamoi, JP): Thank you, Hon. Speaker. I wish to ask Question No. 24 of 2020 to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary provide status of investigation into the killing of the late Bernard Kibet Ng'eno who was an M-Pesa operator in Kapsoit shopping centre in Ainamoi Constituency who was brutally murdered on 24th August 2020 and the steps taken to ensure that the murderers are apprehended?
- (ii) What action has been taken against the police officer who is alleged to have murdered the late Patrick Kiprono Kirui of Identification Number 35880675 on 4th September 2020 at Kapsoit Shopping Centre?

- (iii) Given the recent wave of insecurity in Kapsoit Shopping Centre, what urgent steps is the Ministry taking to guarantee security of the business community in Kapsoit Shopping Centre, Ainamoi Constituency?

Hon. Speaker: That Question is to be replied before the Departmental Committee on Administration and National Security. The next Ordinary Question is by Member of Tetu, James Gichuhi. For Questions I encourage you to be pressing your intervention buttons.

ORDINARY QUESTIONS

Question No. 164/2020

CRITERIA USED TO IDENTIFY BENEFICIARIES OF CASH TRANSFER PROGRAMME

Hon. James Gichuhi (Tetu, JP): Thank you, Hon. Speaker. I rise to ask Question No. 164 of 2020 which is directed to the Cabinet Secretary for Labour and Social Protection.

- (i) Could the Cabinet Secretary provide the list of beneficiaries under the Cash Transfer Programme for older persons in Tetu Constituency?
- (ii) What criterion was used to identify the said beneficiaries?

Hon. Speaker: That Question is to be replied before the Departmental Committee on Labour and Social Welfare. The next Question is by the Member of Meru County, Hon. Bishop Kawira Mwangaza.

Question No. 183/2020

DISBURSEMENT OF COVID-19 EMERGENCY RESPONSE FUND CASH TRANSFER IN MERU

Hon. (Ms.) Kawira Mwangaza (Meru County CWR, Independent): Thank you, Hon. Speaker. I ask the following Question to the Cabinet Secretary for Labour and Social Protection:

- (i) How much money under the COVID-19 Emergency Response Fund Cash Transfer has been disbursed to Meru County for purposes of mitigating the negative impact of COVID-19?
- (ii) Could the Cabinet Secretary provide the criteria used to identify beneficiaries, details of the beneficiaries and the amount received by each recipient?
- (iii) What measures has the Ministry put in place to ensure equity in the distribution of the resources to vulnerable people residing in the informal settlements and rural areas of Meru County?

Hon. Speaker: The Question will be replied before the Departmental Committee on Labour and Social Welfare.

The next Question is by the Member for Soy, Hon. Caleb Kositany.

Question No. 185/2020

STATUS OF IMPLEMENTATION OF HUDUMA NAMBA PROGRAMME

Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Speaker. I rise to ask Question No. 185/2020 directed to the Cabinet Secretary for Interior and Coordination of National Government:

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- (i) Could the Cabinet Secretary provide the status of the implementation of the *Huduma Namba* whose registration exercise in 2019 was directed as mandatory by the Government for all persons?
- (ii) How does the Government intend to use the said number; and, when will the *Huduma* cards be ready for collection and use?
- (iii) How much money was used by the Government in the exercise, including registration services rendered and acquisition of biometric kits used in carrying out the exercise, and where were the kits stored for future use?
- (iv) How will persons who did not register for the number due to various reasons, including lack of required documents such as birth certificates and identity cards access Government services, if the use of the number is effected?

Hon. Speaker: Very Well. The Question will be replied before the Departmental Committee on Administration and National Security.

The last Question was by the Member for Laisamis, Hon. Arbelles Marselino Malimo, who has requested for its deferment for proper drafting.

(Question No. 188/2020 deferred)

Hon. Abdullswamad Nassir (Mvita, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is not in order?

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, I heard you say the last Question but I have a Question. I even confirmed with the Clerk-at-the-Table.

Hon. Speaker: The Question by Hon. Marselino? He has written to request for its deferment.

Hon. Abdullswamad Nassir (Mvita, ODM): I heard you say the last Question but I have an approved Question...

Hon. Speaker: This is the last Question. Order No. 7 has two segments; Questions and Requests for Statements. We are now moving to the next segment of that Order No. 7. The first request for Statement is by the Member for Wajir East, Hon. Rashid Amin.

Hon. Member, please press the intervention button.

REQUESTS FOR STATEMENTS

TRANSFER OF ROLES OF THE KENYA MEAT COMMISSION TO THE MINISTRY OF DEFENCE

Hon. Rashid Kassim (Wajir East, WDM – K): Hon. Speaker, pursuant to Standing Order No. 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the reorganization and transfers of roles and functions of the Kenya Meat Commission (KMC) from the Ministry of Agriculture Livestock and Fisheries to the Ministry of Defence.

Hon. Speaker, the KMC was formed in 1950 through an Act of Parliament with an objective of providing a ready market for livestock farmers and providing high quality meat and meat products to consumers. Notably, the KMC is one of the most experienced meat processors in Africa.

Hon. Speaker, recently the KMC's roles were transferred to the Ministry of Defence through an Executive Order. This transfer of roles does not comply with the KMC Act and is not in tandem with the State Corporations Act. Further, the transfer was not subjected to public participation especially livestock farmers who are the main stakeholders. This transfer will have a negative effect especially to livestock farmers, leading to loss of livelihood.

Hon. Speaker, it is against this background that I seek for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock. In the Statement, the Chairperson should inform the House on the following:

- (i) What informed the re-organisation and transfer of the roles of KMC to the Ministry of Defence?
- (ii) What measures have been put in place to ensure business continuity and ensure that livestock farmers are not affected by the said re-organisation?
- (iii) Could the Cabinet Secretary state whether the process was subject to public participation?

Thank you, Hon. Speaker.

Hon. Speaker: The Statement will be issued by the Chairman, Departmental Committee on Agriculture and Livestock. I do not seem to see him here. The request will be channeled through the Office of the Leader of the Majority Party.

The next request for Statement is by the Member for Nyeri Town, Hon. Martin Deric Ngunjiri Wambugu.

INFRASTRUCTURE IMPROVEMENT PROGRAMMES FOR PRIMARY AND SECONDARY SCHOOLS

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Hon. Speaker, pursuant to Standing Order No. 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research on the Primary and Secondary Schools' Infrastructure Improvement Programmes pertaining to funds earmarked for purchase of desks, lockers and chairs.

Hon. Speaker, the Cabinet Secretary for Education recently directed all County Directors of Education to facilitate availability of over 622,000 desks, lockers and chairs to different schools across the country by 19th October 2020. Further, the Government has set aside Ksh.1.9 billion under the Economic Stimulus Programme for the supply of locally assembled furniture to public primary and secondary schools as one of its mitigation measures in preparation for the reopening of schools.

Hon. Speaker, despite the COVID-19 pandemic being an ongoing public health concern, the Government is nonetheless expected to adhere to laid out rules and regulations regarding utilization of public funds, and it is on account of this expectation that I seek a Statement from the Chairperson of the Departmental Committee on Education and Research on the following:

- (ii) Could the Cabinet Secretary submit a distribution schedule of the beneficiary schools receiving this furniture per sub-county?
- (iii) How were these schools identified? and,
- (iv) Who are the local assemblers of these furniture per sub-county and how have they been identified?

Hon. Speaker: The Chairperson, Departmental Committee on Education and Research, when are you ready to issue a Statement on this? Since the Chairperson is absent, the request will be channeled through the Office of the Leader of the Majority Party.

The final request is by the Member for Mvita, Abdullswamad Nassir. Please press the intervention button.

STATUS OF OXFORD UNIVERSITY COVID-19 VACCINE TRIALS IN KENYA

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, pursuant to Standing Order No. 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health on the status of the Oxford University's COVID-19 Vaccine trials in the country.

Hon. Speaker, the Kenya Medical Research Institute (KEMRI) is currently engaged in multilateral partnership with the Wellcome Trust and the University of Oxford under the KEMRI-Wellcome Trust Collaborative Research Programme aimed at expanding the country's capacity to conduct multidisciplinary medical research. Further, Oxford University has engaged AstraZeneca Plc, which is a British-Swedish multinational biopharmaceutical company based in Cambridge, England, to develop a COVID-19 vaccine on its behalf by conducting differentiated human trials in Kenya.

However, we take note, with great concern, that similar COVID-19 vaccine trials were halted in the United Kingdom (UK) several days ago. As such, I fail to understand the rationale behind their continued experimentation in this country. It is on account of this expectation that I seek a Statement from the Chairperson of the Departmental Committee on Health on the following:

- (i) Has any COVID-19 vaccine trials been undertaken in Kenya since the outbreak of pandemic and are there any clinical trials currently in progress in Kenya?
- (ii) What prompted the suspension of AstraZeneca COVID-19 vaccine trials in the UK and was a similar suspension done in Kenya?
- (iii) Were key stakeholders in the country consulted before Oxford University was given the greenlight to conduct its COVID-19 vaccine trials in Kenya?
- (iv) How many similar COVID-19 clinical trials have been carried out in the country so far and what is their respective status?

Thank you.

Hon. Speaker: The Chairperson of the Departmental Committee on Health, when do you think you can issue that statement?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. In two weeks.

Hon. Speaker: Very well. Member for Bomet Central, I can see you have pressed your intervention button.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Speaker. I want to seek your guidance and assistance on a statement that I raised on 4th June and it was responded to in July. When we sat with the Ministry in the Departmental Committee on Transport, Public Works and Housing, the Ministry discovered that it had sent the wrong department. They sent Kenya Urban Roads Authority (KURA) instead of Kenya Rural Roads Authority (KeRRA). Therefore, their response was irrelevant. The Ministry requested for two weeks to give another response, but they have not responded up to now. I am seeking your assistance to request the Ministry to sit again with the Departmental Committee on Transport, Public Works and Housing, so that they can give a relevant statement on the same.

Hon. Speaker: Hon. Members, Ideally, an issue such as the one Hon. Tonui has raised should not even be brought to the plenary. The chairpersons of committees are encouraged in situations such as the one Hon. Tonui has raised that, once the people who have been invited to appear before a committee come and give pledges or an undertaking to return within two weeks,

that matter should just be followed up in the committee. At the plenary level, we are not privy to the promises made. So, Hon. Tonui, just check with the Chair of the Departmental Committee on Transport, Public Works and Housing and find out what is the position. Has the Ministry come back to them? If they have not, they should approach the Clerk to write to them or ask the clerk of the committee to draft a letter reminding them of the undertaking they made to the committee, and ask them to come forward with the information. That will be a better route so that at the plenary level we will not have to go to what was discussed in the Committee.

Next Order!

MOTIONS

AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS

THAT, this House adopts the Twenty Third Report of the Public Investments Committee on its consideration of the Auditor-General's Reports on Financial Statements of State Corporations, laid on the Table of the House on Thursday, 2nd July 2020.

(Hon. Abdullswamad Nassir on 5.8.2020)

(Debate concluded on 10.9.2020– Afternoon Sitting)

Hon. Speaker: Hon. Members, debate on this Motion was concluded and what remained was for the Question to be put, which I hereby do.

(Question put and agreed to)

Next Order!

INQUIRY INTO STATUS OF DAMS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on its inquiry into the status of dams in Kenya, laid on the Table of the House on Thursday, 17th October 2019.

(Hon. Kareke Mbiuki on 30.7.2020)

(Debate on Motion as amended concluded on 10.9.2020 – Afternoon Sitting)

Hon. Speaker: Again, Hon. Members, debate was concluded on this Motion and, therefore, what remains is what I must do now.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on an Inquiry into the Status of Dams in Kenya, laid on the Table of the House on Thursday, 17th October 2019, subject to deletion of the word “stop” appearing after the words ‘MUST forthwith’ in paragraph 180 on page 44 of the Report, and substitution thereof with the word “reassess”.

Next Order!

APPROVAL OF NOMINEES TO VARIOUS
NG-CDF CONSTITUENCY COMMITTEES

Hon. Speaker: The Chairperson, Select Committee on the National Government Constituencies Development Fund, Hon. Atanus Misiko Wafula Wamunyinyi.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Speaker. I beg to move that the House adopts the constituencies named in the Motion for further processing.

Hon. Speaker: Which Motion and you have not moved?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Speaker, I have not been able to access it.

Hon. Speaker: You are still analog?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Can someone help me with that?

*(The Clerk-at-the Table passed a copy of
the Motion to Hon. Wamunyinyi)*

Hon. Speaker: I think it is good to attend a number of these distance learning classes.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Speaker, normally I do. There is a problem with network.

Hon. Adan Keynan (Eldas, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon Keynan?

Hon. Adan Keynan (Eldas, JP): Hon. Speaker, I want to inform my good friend, Hon. Wafula Wamunyinyi, that these services are offered freely at the Centre for Parliamentary Studies.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): I am aware and I have done that before, Hon. Speaker. I do not suffer from the analog problem. It is just that I was not able to access the Motion due to network challenges.

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

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following eleven (11) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Wednesday, 12th August 2020 and Thursday, 10th September 2020, respectively.

1. BARINGO SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Geoffrey Kipkebut Kosgei	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Samuel Kiprotich Bungei	Male Adult Representative	Fresh appointment, pursuant to Sec.43(3)
3.	Zakia Jemuge Kiptuisang	Female Youth Representative	Fresh appointment, pursuant to Sec.43(3)
4.	Hellen Cheptoo	Female Adult Representative	Fresh appointment, pursuant to Sec.43(3)
5.	Christine Jepkemoi Kandie	Representative of Persons Living with Disability	Fresh appointment, pursuant to Sec.43(3)
6.	Renson Lerantei Ole Malito	Nominee of the Constituency Office (Male)	Fresh appointment, pursuant to Sec.43(3)
7.	Mariamou Ntausian Lekisemon	Nominee of the Constituency Office (Female)	Fresh appointment, pursuant to Sec.43(3)

2. CHERANGANY CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Timothy Kipketer Lagat	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Martin Okonya Were	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mary Wanjiku Githinji	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Eunice Njeri Muiruri	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	William Kaptebei Ruto	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Wilson Kiptarbei Too	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Julia Jepkoech Suge	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

3. KACHELIBA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Zablon Topote Lokwadou	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Aaron Toroitich Kendagor	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Korkapel Rael	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Rebecca Tinyang Nariwo	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Amos Limo Liangor	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Limaris Loukoyang	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Chemoni Madina Chemaswet	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

4. LURAMBI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Walter Chirande Anyembe	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Fabian Lilumbi Shilako	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Gloriah Musitsa	Female Youth Representative	Fresh appointment, pursuant to Sec.43(3)
4.	Jesca Asami Maina	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Gerald Shimoli Andrea	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Isaac John Otiende	Nominee of the Constituency Office (Male)	Fresh appointment, pursuant to Sec.43(3)
7.	Agnes Lamwenya Barasa	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

5. MUMIAS WEST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Hassan Emwana Makongolo	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Iddi Abbas Keya	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Winfred Chimita Osore	Female Youth Representative	Fresh appointment, pursuant to Sec.43(3)
4.	Rukia Matseshe Mukoya	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Samuel Isaac Kombe	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Philip George Otieno Musumba	Nominee of the Constituency Office (Male)	Fresh appointment, pursuant to Sec.43(3)
7.	Ruth Nambuye Wanjama	Nominee of the Constituency Office (Female)	Fresh appointment, pursuant to Sec.43(3)

6. MVITA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Easter Oduor Oremo	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Omar Shariff Ali	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Sylvia Buluma Adikinyi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Anna Nyambura	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Amina Soud Ali	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Jamal Ali Mohamed Noor	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mbeyu Fatuma Khamis	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

7. NDARAGWA CONSTITUENCY

(Re-submitted to complete list of Nominees as earlier submission had only six nominees)

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Margaret Wambui Muraya	Female Adult Representative	Fresh appointment, pursuant to Sec.43(3)

8. OL-KALOU CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Paul Kamau Wanjiru	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Simon Nduati Kariuki	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Teresa Ngima Kinyua	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Susan Wachera Thuku	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	John Kariuki Kimani	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Samuel Masharia Kanyi	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Joyce Njeri Karuga	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

9. SABATIA CONSTITUENCY

(Re-submitted to correct list of Nominees as earlier submission had grammatical errors on names of nominees)

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	John Sabwa Sagala	Male Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
2.	Alfred Keverenge Miheso	Male Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
3.	Nelly Imali	Female Youth Representative	Fresh appointment, pursuant to Sec. 43(3)

4.	Serah Muhalia Litu	Female Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
5.	Mary Gorretti Moji	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Ephraim Gallo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Nancy Injairu Kisala	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

10. TIGANIA WEST CONSTITUENCY

(Re-submitted to complete list of Nominees as earlier submission had only five nominees)

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	James Kiigu Mururu	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
2.	Solomon Mitheu Mbuui	Representative of Persons Living with Disability	Fresh appointment, pursuant to Sec.43(3)

11. WAJIR NORTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Adan Abdullahi Ibrahim	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Yussuf Abdullahi Ali	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Seynab Mohamed Saney	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Alasa Bishar Alasow	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
5.	Abdullahi Abdisalan Osman	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
6.	Rukia Abdullahi Ahmed	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

As I stated earlier, Section 43 of the NG-CDF Act, as amended in 2015 and the regulations thereunder, establishes the NG-CDF committee for every constituency. Each constituency committee comprises the national government official responsible for coordination of national

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government; two men, one of whom shall be a youth at the date of appointment; two women, one of whom shall be a youth at the date of appointment; one person with disability nominated by a registered group representing People Living with Disability in the constituency, and two persons nominated by the constituency office. Further, subsections (3) and (4) provide that the seven persons shall be selected in such a manner and shall have such qualifications as the Board may prescribe. The names of the selected persons are submitted by the Board to the National Assembly for approval before appointment and gazettelement.

Pursuant to the above, the NG-CDF Board has to date received lists of proposed NG-CDF committee members from all the 290 constituencies. Lists from 181 constituencies were approved by the National Assembly by April 2020. Lists of 180 constituencies were gazetted with effect from 14th April 2020 vide *Gazette* Notice No. 3737, published on 29th May 2020. Msambweni Constituency was not published in the *Kenya Gazette*. As you will all recall, the Member of Parliament for the area passed on before the committee was gazetted, which placed it in transition until a by-election is held. Lists of 93 constituencies were approved by the National Assembly in the month of June and the names were subsequently gazetted with effect from 11th June 2020 and 18th June 2020 vide *Gazette* Notice Nos. 5858 and 5859, respectively.

Lists of 11 other constituencies have been submitted to the National Assembly for approval pursuant to Section 43 and the Board is awaiting the Clerk's certificate once the lists are approved. Finally, lists of three constituencies—Chepalungu, Kuria East and Shinyalu—are currently being analysed by the Board for compliance to the Act and regulations before presentation to the National Assembly for approval. The delay has been necessitated by the fact that the process of selection failed to meet the criteria set out under Section 43 of the Act. Members need to follow the law to ensure that where you are required to meet the gender rule, you must comply; and where a youth is required, it must be a youth as described in the definition of youth. Those are some of the issues that could have led to the non-acceptance of the proposed names from those constituencies. Members need to follow the law. It should also be noted that committee members for two constituencies have their terms ongoing: Embakasi South and Ugenya. Their terms will end in May 2021 and August 2021, respectively.

I have given the background and explained the reason the Motion is before the House. I would like to state that we have been able to unlock the funds that had stuck at the Treasury. I would like to appreciate the CS for the National Treasury, who has now released up to Ksh12 billion. We are only left with about Ksh4 billion to complete disbursement, including funds for previous years that had been held up. I will ask colleagues to see to it that the funds are put to good use. Particularly, we have a challenge of ensuring that there is enough space in schools to comply with the health protocols which are going to be set out. I heard a colleague talking about the stimulus package desks. We should also ensure that we buy desks to ensure that when schools open, students are able to keep the distance required. Finally, I would like to ask Members to ensure that proposals for this financial year, the ceiling for which has since been set, are submitted to the Board for the necessary approvals to ensure that the funds begin trickling down.

With those few remarks, I beg to move and ask Hon. Keynan to second.

Hon. Speaker: Hon Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. This is a straightforward Motion. I want to thank the Mover. He has already answered some of the questions that we have been asking, like why money allocated to respective constituencies has not been released. The answer that he has offered explains the reasons. And we generally understand that there is a bit of a cash crunch.

We are all familiar with the reason the Fund was created. It is high time we made sure its functions are in line with the Constitution and the NG-CDF Act. Sometimes there are exceptional challenges on the role of a Member of Parliament. This is one thing that we should clarify as much as possible. Does the Member of Parliament as a patron have a day-to-day role in the management of NG-CDF Committees? The answer is no. The law is very clear. Attempts by hon. Members to perform the functions of NG-CDF Committee should cease. We should allow NG-CDF Committees to function without any interference. That is good for hon. Member. It is good for the Committee. It is good for the law. This will also set a clear example that Members of Parliament can at times be above certain petty things. It will actually be a coincidence. This is because whenever things go wrong, the blame is put on Members of Parliament.

To the best of my understanding of this law, the Member of Parliament has no role other than just being a patron. Maybe, that comes from that particular coincidence where that Committee is expected to discharge its functions. Sometimes we get a lot of nagging questions, audit queries, and even some criminal questions on the use of NG-CDF. It is high time we raised the bar and leave the Member of Parliament to do his work in line with the NG-CDF Act. At times there have been conflicts – there has been confusion. Hon. Wamunyinyi, I know you have a lot of experience in this area. It is my prayer that the management of the Committees will be streamlined through training. It is also fair that Members of Parliament are updated on the provisions of this particular law so that we do not stray from our mandate. Otherwise, the Report is straightforward. I know the Committee wants this passed. I hope the respective committees will also take their roles seriously.

With those remarks, I second.

(Question proposed)

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

REVIEW OF SEATING ARRANGEMENT WITHIN NATIONAL ASSEMBLY

Hon. Speaker: Hon. Members, this Communication supplements Guidelines Nos. 1 and 2, which I issued on 2nd and 11th April 2020 with regard to Chamber and Committee Sittings during the COVID-19 pandemic period. You may recall that, as part of legislative business continuity plan for both Houses of Parliament, the Parliamentary Service Commission, which I chair, did invite the Ministry of Health to undertake an inspection of facilities within the precincts of Parliament and recommend the appropriate capacity that the facilities could hold in compliance with the COVID-19 prevention protocols.

Following an advisory from the Ministry of Health dated 20th March 2020 regarding suitable seating capacity for the Chamber, committee rooms and other facilities during the COVID-19 pandemic period, I did issue guidelines limiting the number of persons that may be accommodated in the Chamber and other facilities used by the National Assembly.

Hon. Members, on the strength of that advisory and the measures that Parliament had put in place, you will agree with me that, despite the breadth of interactions of Members, there have

been far too low COVID-19 infections within the parliamentary fraternity. As you may have also noticed, recent statistics on new infections are also tending towards flattening of the curve.

Hon. Members, given the current situation, and so as to open up the Chamber and committee rooms for more Members to engage in legislative work, on Monday 14th September 2020, I instructed the Ministry of Health to inspect the facilities and recommend appropriate seating capacity for the Chamber, committee rooms and other facilities within the precincts of Parliament.

I am glad to report to the House that, in its interim report dated today, Tuesday, 15th September 2020, the Ministry of Health has recommended upward review of numbers that may be accommodated in certain spaces in Parliament as follows:

- (i) the Main Chamber shall now hold 112 Members up from the current 60 Members excluding the Speaker, the Clerk and four key officers facilitating the sitting of the House;
- (ii) the seating capacity for committee rooms in Continental House has been adjusted to 15 from 10 persons;
- (iii) the Chapel shall accommodate a maximum of 15 persons;
- (iv) the Muslims' prayer room shall hold a maximum of nine persons, being six on the male section and three on the female section;
- (iv) the capacity of the Mini Chamber and Committee Rooms 9 and 7 remains as advised in March 2020; and,
- (v) Committee Room 12 shall remain out of use.

With regard to the revised numbers in the Chamber, the Clerk is directed to take necessary measures to ensure that the Chamber is reconfigured so as to accommodate the revised number of Members with effect from the Morning Sitting of the House on Thursday, 17th September 2020. Consequently, Committees which may have scheduled meetings in the Chamber tomorrow, Wednesday, 16th September 2020 are advised to reschedule their meetings to alternative venues so as to allow the Clerk to reconfigure the Chamber as directed.

Hon. Members, the catering facility has also been re-opened. However, it shall be restricted to exclusive use by Sitting Members of Parliament only. Accordingly, I firmly reiterate that the facility is out of bounds to all visitors and direct that the Chief Serjeant-At-Arms strictly enforces this measure.

I also wish to restate that no visitors shall be admitted to the precincts of Parliament, except in exceptional circumstances permitted by the Speaker for persons appearing before Committees such as those currently appearing before the Public Accounts Committee, the Public Investments Committee, the Special Funds Accounts Committee and the Departmental Committee on Transport, Public Works and Housing on various matters under consideration.

Hon. Members, even as we increase the capacity in various spaces within the precincts of Parliament used by the National Assembly, I encourage Members not to drop the guard with regard to observing COVID-19 prevention protocols. Every one of us is duty-bound to take necessary measures towards flattening the curve of COVID-19 infections so as to hasten return to normalcy.

The House is accordingly guided.

(Applause)

Next Order!

BILL*Second Reading*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

Hon. Speaker: Chairperson, Departmental Committee on Finance and National Planning, Hon. Wanga, kindly take the Floor. You do not have a card? That is perfect and I will give you the Floor.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Speaker. I beg to move the Public Finance Management (Amendment) Bill, Senate Bill No. 3 of 2019 which was published on 15th April 2019 and passed by the Senate with amendments on 23rd October 2019.

Hon. Speaker, I would like to thank Senator Zani who is also the Deputy Secretary-General of my party for this very important Bill. This Bill could not have been timelier because it deals with structuring and collection of revenue by counties. Eight years now since the beginning of devolution, we have not structured collection of revenue. Today the Senate is debating the revenue sharing formula. However, the focus still remains on revenue that is coming from the national Government to the counties. There is no focus on own source revenue by the counties. How are they collecting and spending it? The biggest concern is that after devolution, even if you compare revenues with those of the previous county councils, the county councils were collecting more revenue than what the counties are collecting today. So, is it that they were collecting more then or we are declaring less today?

What this Bill seeks to deal with is the issue of how counties collect revenue. This Bill proposes thus:

“The Cabinet Secretary shall in consultation with the Council of Governors (CoG) and the Commission on Revenue Allocation (CRA) and Kenya Revenue Authority (KRA) develop a uniform County Revenue Collection System (CRCS). Every county shall adopt and implement the CRCS developed under subsection 1 having regard to their particular needs. More importantly, the County Executive Member (CEC) for Finance shall ensure that the CRCS is transparent, efficient, effective, verifiable, easy and simple to use, is properly managed and controlled to ensure accountability, is adequately secure to prevent any fraud, losses or any other violations, respects and promotes the distinctiveness of the national and the county governments.”

Hon. Speaker, this could not be timelier because right now as we were debating sharing of revenue, the counties would also be saying this is what we are bringing to the table as our own source collection and this is what we want our national Government to give us. The stories of how revenue is collected within the counties is a disastrous story. You hear stories of people collecting money from the women in the markets and parking lots, they then sit somewhere in some counties and physically share it and declaring none of it.

Hon. Speaker, just for the record, this Bill is developed in line with Section 12 (e) of the Public Finance Management Act which mandates the National Treasury to design and prescribe an efficient financial system for the national and county governments to ensure transparent financial management and standard financial reporting.

Hon. Speaker, county governments have specific reasons for levying charges. However, there are majorly six streams that are levied by the counties. These are property taxes, business permits, building permits, parking fees, outdoor advertisements and liquor licences. It is important to highlight that property tax in particular should be the focus of county governments.

Constitutionally, this is the largest decentralised tax. Globally it is also the major source of revenue for subnational governments. Under very conservative assumptions, a one per cent rate on top of 10 per cent highest valued properties, counties should raise at least Ksh66 billion under an ideal scenario. Take Nairobi County as an example. It was estimated to have a revenue potential of Ksh78 billion per annum and as per the annual revenue collected, it was only Ksh11 billion which is way below the capacity and that is what I was referring to.

This Bill went through public participation and we sought the views of the National Treasury which was in its support noting that it is important to standardise revenue collection across all counties. The aspect of collaboration with the KRA will be instrumental in improving collection of both county government revenues as well as the turn-over tax. The National Treasury noted that the Bill was in harmony with the implementation of a Presidential directive to adopt a single revenue collection system.

Hon. Speaker, looking at this Bill and the timing, a lot of things are happening within our counties that require guidance and legislation. However, when we see the Senate focusing on matters that should be the purview of the National Assembly, chasing national Government issues rather than focusing on tightening up county legislation and how to make county governments operate effectively, then we are losing the plot. By the now in the seventh year of devolution, the Senate should have dealt with all the nitty gritty issues that concern counties. If they did not spend so much time weeping and all the drama... People have been chased around here and nobody weeps in that manner. Even us women do not weep in the manner we see people weeping in the Senate. If they avoided this drama, then we can deal effectively with some of these pertinent issues that affect our counties and strengthen devolution adequately.

With those many remarks, I beg to move and ask my Vice-Chairman, Hon. Ndirangu Waihenya to second.

Hon. Speaker: Let us have Hon. Waihenya.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Speaker. The indefatigable Member for Homa Bay has spoken but then did I hear the Member to be suggesting that there is some weeping in the Senate? Does she infer that there is a funeral in the Senate or something that we need to know about? Or was it weeping in the sense of someone crying? Can the Member explain if she passed there and found people weeping? Maybe there is a funeral that we should attend to.

Hon. Speaker: Let us not go there. Let us allow what is happening there to continue happening.

Let us have the Member from the Royal Suburbs (Roysambu).

Hon. Isaac Ndirangu (Roysambu, JP): Thank you, Hon. Speaker. Allow me appreciate my Chair for moving the Bill very ably. I rise to second the Public Finance Management (Amendment) Bill, Senate Bill No. 3 of 2019 in the Second Reading.

Hon. Speaker, this Bill is developed in line with Section 12 which mandates the National Treasury to design and prescribe efficient financial management systems for the national and county governments to ensure that there is transparency and accountability in the financial management and standard financial reporting as intended in the Constitution, Article 226. The revenue collection system will eliminate revenue leakages at the counties occasioned by lack of a reliable revenue system.

At the outset, I wish to congratulate the county governments of Laikipia and Nyandarua which have already put in place very good systems and are leading this country in improving the amount of own source revenue that they are collecting within their counties.

Hon. Speaker, it is now almost eight years since the coming into force of county governments., yet they have not standardised their revenue collection systems. In most counties, there exist no guidelines to assist them to determine appropriate administrative arrangements for revenue collection and management. A number of counties have adopted structures which undermine control by their treasuries leading to poor coordination.

There have been complaints in the country on the levies paid. For example, if you are moving goods from Nakuru to Mombasa by road, you might pay levies in all the counties along the way. By the time your product reaches the Port of Mombasa, you will not make any profit. In addition, there has been numerous concerns from business people that some county governments levy haphazardly. Some of which are in breach of Article 209 of the Constitution, including inhibiting international protocols and agreements intended to ease regional and inter-county trade.

This Bill intends to amend the PFM Act No.8 of 2012 and ensures that a county government revenue collection system is developed by the Cabinet Secretary for the National Treasury in consultation with the Council of Governors (CoG), Commission on Revenue Allocation (CRA) and the Kenya Revenue Authority (KRA) and implemented by county treasuries. The system, once developed, will have certain features which will ensure own revenue resource collection is transparent, accountable, simple and easy to report.

Hon. Speaker, I wish to second the Bill. Thank you.

(Question proposed)

Hon. Speaker: Hon. John Mbadi, you have the Floor.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, my card had challenges and they are looking at it. Thank you very much for giving me an opportunity to support the Public Finance Management (Amendment) Bill (Senate Bill No.3 of 2019).

I want to agree with the Mover and the Secunder of this amendment Bill that it is long overdue. I remember when we passed the Public Finance Management Act, it was anticipated that the National Treasury would put it in place. The responsibility of the overall financial management in this country lies with the Cabinet Secretary for the National Treasury.

So, it was anticipated that the Cabinet Secretary for the National Treasury would introduce a legislation to Parliament which would help in trying to standardise, harmonise and make efficient the system of revenue collection in the counties. I understand why there was a delay in this. It was because immediately we passed the Constitution 2010, there was an obsession of protecting the counties in the little meaning of protection. Kenyans thought that any attempt to regulate the functioning of counties was trying to interfere with autonomy and independence of the counties.

I think we got it wrong. There was need to standardise and harmonise revenue collection in our counties. As it is today, every county is operating like *kiosks* or private businesses. No one knows what is required to be done to help make efficient the collection of revenue in the counties. As Hon. Wanga correctly said, if you compare the amounts being raised as own source revenue by our counties, it is far less than what the local authorities like urban authorities and other authorities used to collect. This is purely because of the system of revenue collection.

Local authority governments were keen in collecting revenue because it would be used to pay councilors and other officers. Right now, counties know that the salary is guaranteed from the shareable revenue from the national Government. Therefore, no one is careful or keen enough to ensure and enforce prudent and efficient collection of revenue.

The issues that Senator Zani, who brought the Motion, has highlighted of transparency, verifiability, consistency and simplicity are basic principles of accounting. We now require the team tasked with the responsibility of coming up with an efficient system of revenue collection in our counties, that is CRA, KRA, CoG and the Cabinet Secretary to go to the specifics and prescribe the bare minimum in terms of a financial management system and a revenue collection system. This is the bare minimum that we must demand for.

Even if you prescribe and come up with an efficient system of revenue collection, if there is not going to be fidelity to transparency and integrity of officers given the assignment of collecting revenue and their supervisors, then the system alone will not help. We must talk about corruption. To deal with it, we must start with the top leadership of every unit of Government. If it is in the counties, corruption must be discouraged from the office of the governor all the way to those who are collecting revenue.

We are also aware that some of these officers operate like toll stations where, for example, a junior police officer receives bribes and a percentage is already set aside to go to the next officer supervisor until the highest in the rank. This is the same in the counties where you will find the people collecting revenue in the market places, part of that money reaches the office of the governor. If we do not enforce transparency in our counties right from the top, this will be a challenge.

There is also a problem with the Constitution. When you look at the architecture of our Constitution, there is confusion on who is responsible for oversight of shareable revenue from the national Government and the counties own source revenue or locally generated revenue. That the function of county assemblies if you look at the strict provision in the Constitution is largely to look at the resources that are generated locally and oversight of the national shareable revenue is left to the Senate.

I think if we want the two organs, both county assemblies and the Senate to oversight the finances of the county, we should give them free hands. I hope this will be addressed through the Building Bridges Initiative (BBI), that we have the Senate oversight the national shareable revenue and also the locally generated revenue. The same with our members of county assemblies (MCAs), they should be given the responsibility and have full authority to oversight both locally generated revenue and the national shareable revenue.

We need to do a lot and free our county assemblies. They are being held at ransom by the Executive because their budgets are not free. They cannot spend at will. I hear of counties where if your budget per month is Kshs70 million and you disagree with the Executive, you will only get Kshs20 million, which cannot even pay salaries. So, there is a challenge in offering the oversight role. Let the county assemblies have an independent budget. Their money should be independent, so that they spend independently like Parliament is independent. We can oversee the Executive independently.

I want to conclude by saying we need to embed this culture of integrity within us. When you see people crying and you hear so many stories, it makes you very unhappy. I just hope that these stories are not true because if you are given a responsibility to do, please, do it. We hear some of these cries may not be genuine and I am happy that in this House, no one has been weeping, crying or mourning. You are mourning and crying because you went somewhere and got Kshs5 million and then you went and negotiated another Kshs8 million and then the person who gave you Kshs5 million gets annoyed with you and you face the music. It is very bad. When you hear some of these stories...

We were being told that some houses are up and some houses are lower. If this House is the Upper House, we can only be Upper House if we are not taking the route that I am hearing. I am being careful. You know what I am talking about, but I do not want to say it as I would have said it elsewhere. Otherwise, I would be discussing some houses. If this House is to be the Upper House, integrity is key and it is very important. Do not lie to us that you are protecting some interest and we know very well you are protecting your stomach. It does not make sense. By the way, it is something that everybody is talking about. Can you not feel ashamed? You are a leader and everyone is saying you took Kshs7 million here and you went and took Kshs10 million from another place. What kind of a leader are you? This is why I am calling upon voters. Please, people who qualify to be councilors or MCAs, let them remain MCAs. Those who qualify to be Members of Parliament, bring them to become Members of Parliament either in the Senate or the National Assembly. We have this carelessness of voters in this country that I do not understand where you think you can pick anybody and make that person a Member of the National Assembly. You bring people who cannot distinguish clearly what the role of a Senator or a Member of the National Assembly is. It is sad and I just wanted to say it because people who are doing these things know themselves.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker, for giving me this chance. From the outset, I wish to support the Public Finance Management (Amendment) Bill. In the footsteps of the Leader of the Minority Party, allow me to say that we cannot have a Government that has no policies and rules that govern the collection of revenue. Seven years down the line since we promulgated our Constitution, it is not fair that we have not really drafted the right rules in terms of a financial administration and collection of revenue at the county governments.

This Bill seeks to put in place a seamless collection system whereby county governments will now recognise that they are part and parcel of the national Government. You find a county government imposing some taxes or levies not knowing that the national Government has similar taxes in terms of the neighbouring countries or the regional blocs. Kenya exists within the East African Community (EAC). It is also cooperating in terms of the Southern African Development Community (SADC), the Common Market for East and Southern Africa (COMESA) and other regional trading blocs. Therefore, whenever a county is putting some rules in terms of taxation, we must look at it in terms of how it is impacting the relationship that Kenya has. Therefore, if the Cabinet Secretary in charge of the National Treasury is going to make these rules now, it means we shall have universal rules that apply which are in tandem with what Kenya has. Therefore, it is going to support the national Government in terms of the image and relationship on how it relates to other countries.

What is happening in various counties in terms of tax leakage is a lot. There are some taxes which are imposed like chicken taxes and egg taxes, but at the end of the day, those taxes do not really reach the national coffers. This means that the taxes are spent before getting to the required source. Therefore, if we are going to have a universal system created at the national level by the National Treasury, we are not going to have haphazard taxes whereby a governor just wakes up in the morning and since he is facing resistance from a certain quarter, decides to play politics on the ground. We are going to cure that using this Bill.

What is also very good is that the money which is going to be collected will go to the required destination and once it reaches the required destination, what follows is that we will have

the audit aspect of the resources. Audit will be achieved and once its verifiable, there is definitely going to be a better way of handling the resources for the counties that have collected.

This Bill recognises the existence of the KRA, the CRA and the CoG who will be a joint organ in terms of laying down the rules that will govern the formation of these tax rules. Therefore, once it is enacted, it is not going to override the existence of CRA and KRA. The independence of those institutions will still be there, but it will gain the richness that these institutions have in terms of collection of taxes. Therefore, it is not going to obstruct any of the agencies, but it is going to support the agencies to exist.

Finally, as I support this Bill, I want to look at the issue that this Bill is going to contain in terms of how the taxes are going to be applied. For instance, various counties have come up with IT systems in terms of collection of taxes, but these IT systems have not really been audited enough. Instead, they have been used as sources to hide the resources that are collected. Therefore, once this Bill comes into being, everything shall be universal and verifiable. Everything shall be identified from the source by whoever is interested in knowing whatever is happening in a particular county with respect to the collection of taxes.

This Bill is good and I urge my colleagues to support it. I also support it. Thank you, Hon. Speaker.

Hon. Speaker: Let us now hear the Member for Mavoko

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Speaker. I thank the Chair of the Departmental Committee on Finance and National Planning and his Vice-Chair. From the outset, let me say I have been a mayor and I think one thing that Kenyans should know is that this locally collected revenue today is pocket money of the Government chiefs.

In the wisdom of the Senate and the drafters of this Bill, we should have a system, as they say, that is simple, transparent and easy. When you look at it from 2013 when county governments came to play, the locally collected revenue went up. They started taxing more than what the local authorities used to do.

However, when it comes to declaration, very little is declared. When you go to the villages, everything has gone up for the *mama mbogas*, the *boda bodas*, taxis, and the single permit businesses. Where does this money go? This Bill is going to shed light on who is who. How are they collecting the money? Sometimes, I do not blame the governors because there are no structures or guidelines on how they are going to spend money. The other day I was just laughing when the governors were saying that they were going to suspend services. If they cannot provide these services when they have money and they do not tell us how they used the locally collected revenue, then it is ironical for them to say they will suspend services. I have seen the players who will be in it. I think with the Cabinet Secretary for National Treasury, CRA, and KRA, it will be an effective system. I remember some time back during the days of local authorities, we used to have a system called live-forms. It used to be very effective because it gave local authorities guidelines on how to use money, spend and pay taxes. I am sure in this day and age, this system should be more effective than it was then. Now that I have seen Hon. Mbadi has gone out, I want to tell him that in heaven, all the angels were angels until the devil decided to become a devil.

If your mentality is that of the MCA and you do not want to change, you would still remain an MCA. One time I was being looked for by police and I hid everywhere. Now I do not see how someone being looked for by police directs the police to pick him from where he is and he is picked he starts crying. That does not make sense. I will give my own example. When I went to Mavoko in 2008, the whole council was collecting a Kshs130 million per year. I introduced revenue enhancement method in that council and in the first year of 2008/2009, we managed to collect

Kshs500 million. In 2009/2010, we collected Kshs800 million and 2010/2011 it was Kshs1billion. By the time I left, it was Kshs1.5 billion. Always when you have a vision or a mission, everything is possible. But right now, governors are looking at ways of making money. When you go to villages, you will find high rise buildings and many businesses because they are collecting free money. This Bill is going to correct and change this.

I support the Bill. Thank you, Hon. Speaker.

Hon. Speaker: Member for Ainabkoi.

Hon. William Chepkut (Ainabkoi, Independent): Thank you, Hon. Speaker for giving me the opportunity to support this Bill. It is true that counties are collecting a lot of revenue, but there is no structured way of remitting the money. They do not declare the money. It is true we want a structured way of declaring the money, otherwise, this is pocket money for governors.

I support. Thank you, Hon. Speaker.

Hon. Speaker: Member for Kimilili.

Hon. Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker for granting me this opportunity. Article 96 of the Constitution is very clear in terms of the Senate representing the counties. The Senate has only been representing the counties when it comes to expenditure and sharable formula. I want to salute the Mover of this Bill from the other side, Dr. Zani, because the Bill is long overdue. Before the matters of devolution came in, we had counties, municipal councils and the local county councils. If you go to history, you will find the amount of money they were collecting in terms of revenue is higher than what the current counties are collecting. It is ridiculous. If the projection of revenue collection is X and you end up declaring 10 per cent of that, where has the rest gone to? There is a leakage. I want to agree with my colleagues that this money has been the pocket money for the governors. This has been petty cash in their pockets. It is a high time we moved with speed so that this Bill can be concluded immediately. I hope when the CRA comes with allocation of the money, there should be a framework where if you collected more, you should be given more. We hear that they are talking about the sharable revenue which comes from the national Government based on the Division of Revenue, but they do not want to tell us what they are collecting locally. If you go to the local counties, you will find that *mama mboga* is being taxed, *boda boda* in my county of Trans-Nzoia is being taxed twice or thrice what the *boda boda* is being taxed in the neighbouring counties like Bungoma or Uasin Gishu, but that money is not being declared. It is, therefore, important to have harmonised systems of this collection of revenue. The KRA is mandated with revenue collection. I wish there is a clear framework on how counties can work with KRA, so that the KRA can send some of their staff to the counties and bring in professionalism.

There is a lot of corruption in this country. Corruption is devolved. We have seen that in some counties, When the Ethics and Anti-Corruption Commission (EACC) goes for individuals with purpose of anti-corruption, some governors are facing the music while in others are untouchable. I do not know what is happening? It is high time we put this in place. This should be looked into. There are many streams of raising money in the counties. For example, when you want to build, you pay money to the local counties. There is also the issue of property taxing and licensing. It is so much money that the people are collecting. We have heard the experience of the Member for Mavoko, it is like an empirical study, making it clear and has demonstrated how you exponentially increase the collection of revenue in the county. That is a clear case study. If you go to our local counties, a lot is going on. Businesses are moving up and down, but you do not see the money.

I was disappointed when the Council of Governors said they are going to close services. They should tell us what they are doing with the money they have been collecting locally. I have seen some counties wanting to collect taxes from people selling chicken. I think it was in Kakamega County. Hon. Wangwe is here confirming. We are therefore telling the Senate to focus on those Bills that pertain their core business. They should not focus on secondary Bills. They have been running up and down doing work that is to be done by the National Assembly. Let them focus on issues to do with counties. I understand there is a committee on Public Accounts looks at the expenditure. I wish they expand the mandate of that committee to look at the revenue aspect. They just look at the expenditure, but not on the revenue. Today they are debating the revenue sharing formula, but they are disappointing us. Ten times and they are not getting a solution yet CRA gave them a solution in April 2019. What have they been doing? We know they have been running up and down, and whatever has been happening whether it is whipping or not, *siku za mwizi ni arubaini*. Everybody must carry their cross.

As we move forward, we want to look at the issue of integrity. The governors have disappointed devolution. In fact, they are the enemy number one when it comes to devolution. They must put a mechanism in place for purposes of accountability. We call upon the CRA and KRA and support this formula so that we can move with speed and implement.

I thank you, Hon. Speaker. I support.

Hon. Speaker: The Member for Taita Taveta County, can you press the intervention button?

Hon. (Ms.) Haika Mizighi (Taita Taveta CWR, JP): Thank you, Hon. Speaker for giving me this opportunity to also say something about this Bill. I was waiting to speak to the next Motion. Nevertheless, I will also add my voice to the Public Finance Management (Amendment) Bill of the Senate.

This Bill is necessary. It has come at the right time because it will give guidance on revenue collection and management. We have seen the lack of control in how revenue is collected and used in the counties. Therefore, it is key that we have this Bill in place.

I support the Bill. Thank you for this opportunity.

Hon. Speaker: Let us have the Member for Kitui Central.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker for this opportunity. I also add my voice in supporting this important Bill that amends the Public Finance Management Act.

Even as I thank the Mover and the Seconder, the only thing I do not agree with the Mover on is when she says it is timely. It is actually long overdue. This should have been done either in the first or second year of this parliamentary term. This is because with the counties, we need to do a lot in terms of financial reforms so that we achieve the provisions of the Constitution on prudent public financial management.

I have said it many times and I want to repeat that I do not know whether this should be handled by the Budget and Appropriations Committee or by the Departmental Committee on Finance and National Planning. We need a comprehensive amendment of the Public Finance Management Act, 2012. There are lots of gaps. If we really want to help the counties, we must look at some of those gaps. I just want to mention a few so that I put what I want to say into context.

We have been speaking about the single treasury account for a long time. We have been speaking about the need for autonomy of county assemblies in terms of financial matters. We have been speaking about the need to ensure that when it approaches the end of the year, the

procurement process is properly controlled to avoid the kinds of things we are seeing in the counties. Those things can only be done if we comprehensively review the Public Finance Management Act. You realise that of late, we have just been amending particular items and we still leave those gaps. We have to help this country in terms of public finance management. It would be important that we look at this Act comprehensively.

In terms of what this amendment Bill is proposing, the issue of uniform revenue collection system is critical. I wish this would have happened a long time ago. My colleagues have already mentioned this, but when you look at what is happening in the counties in terms of what is collected against the potential for collection, you really get surprised. It is amazing. Some are not even hitting 10 per cent of the potential.

The other day we were discussing the Nairobi County Government. The Mover hinted at the fact that the potential revenue collection is Kshs78 billion. However, they are collecting less than 40 per cent of that. If Nairobi was reaching its revenue collection potential, they would even be able to contribute to the Consolidated Fund. They would be able to fund their budget - which is about Kshs31 billion - and the excess could be given to the national Government so that they support other counties. What is happening? They are not reaching their revenue collection potential. I agree with those who say that revenue has become like pocket money for governors.

There are a number of us who are interested in becoming governors. Wamalwa has already declared publicly. Hon. Mbadi has declared publicly. Hon. Wanga has declared publicly. I wish that when those Members of Parliament become governors, we will see them being role models in terms of how to manage own revenue. It will be very bad if they go down to the counties and tell us that they will improve, then they end up doing the same. I have not forgotten my good friend, Hon. Makau. I support him a lot. I wish he becomes the Governor of Machakos because of what he has done for Mavoko Constituency. He would be able to improve on that.

Even as I support this Bill, it is time we put issues of integrity where they belong in this country. At the end of the day, we should help Kenyans. My county is facing what we are currently discussing. They cannot collect revenue. At some point, the Directorate of Criminal Investigations (DCI) found a lot of money in somebody's house who is supposed to be collecting that money and putting it in the county revenue fund. But the money is in somebody's house. You can see the kind of things we are talking about. Hon. Wanga, being the Chair of the Departmental Committee on Finance and National Planning, needs to spearhead some of those amendments so that we streamline the finance system in this country.

With those remarks, I support the Bill.

Hon. Speaker: Let us have Hon. Oduol.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker for the opportunity to speak to this Bill.

From the outset, I support this amendment Bill. It is very clear from the Constitution, 2010 that several public services and deliveries were instrumental in moving towards devolution. We expect that there should be a lot of services provided at the county level. As we look at what has been in play over the last eight years, we can clearly see that we do not have a clear system of revenue collection. There is also a sense that as we endeavor to collect resources, there are elements of corrupt revenue clerks and tax officials. It is also clear that we lack a framework that would enable county governments to ensure that we do not have a taxation system that affects those at the county level. There are cases in which we do not have a clear distinction between taxes payable to the county government and those that are payable to the national Government. I support this amendment Bill because what is bedeviling revenue collection at the county governments is

corruption. Instead of engaging in politics, we should look at how we can come up with policies that would persuade all the citizens that we have their best interests at heart.

We seem to have an approach where the loudest people or those who might be in a position to rabble rouse and get people to become emotionally charged are not really accountable. I support this amendment because I feel it captures the spirit of what the Constitution saw as very important. It is at the heart of what is ailing this country which is lack of transparency, efficiency, collaboration between the national Government and the county government and, most importantly, accountability where those in leadership can be clearly assessed and seen to be delivering services.

As I support this amendment Bill, I thank Hon. Zani and colleagues who have pointed out that if we can address and find ways of coming up with a framework that would make different levels of Government, leaders that are appointed and officers who are given responsibility, to work together in ways that are clear, transparent, effective and efficient, we will be in a position to make a deserved difference and serve our citizens.

I support the Bill.

Hon. Speaker: Let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. I rise to support this Bill that is one of the very good Bills from the Senate. I thank our Departmental Committee on Finance and National Planning for not only going through it, but also making it even better through some amendments.

I have listened to the Members speaking. I want to re-emphasise that the importance of this Bill is to not only have a system of revenue collection, but also have a uniform system of revenue collection, so that what is applicable in Nairobi County should be applicable in Siaya County, Wajir County, Nyandarua County and in the 47 counties. Right now, each county tries to localise its revenue collection system to fit what is in their convenience. When systems are so diverse, accountability and transparency disappear because it is very difficult to compare apples with oranges. When all fruits are standardised and they become either apples or oranges, at least, one can compare what has come through the revenue system in one county and the other one. The Bill has worked out a very simple way of letting the National Treasury develop the system of revenue collection. Each of the counties is then obligated under the new Clause 160A(2) to adopt and implement it.

I will come back to that far much later. One of the issues I have noted, and I had quick consultation with the Chair, is that when you now look at the Committee's Report, they have proposed to make some amendments. One of the key ones is that development shall take place within one year which is good to put a timeline. However, when you now come to Clause 160C, the proposal within the Bill is that failure to develop and implement a county revenue collection system or report on its status and performance will attract sanctions. The National Treasury, in consultation with the Senate, will withhold part of the share of the revenue that the counties are entitled to, until they develop a system of revenue collection. If they have developed it, they should implement it and report its status and performance. Either of those three would be cause for sanction. The Committee decided that the development of the system of revenue collection is not exactly or entirely the responsibility of the counties which is fair. I agree with them. However, Clause 160A (2) obligates every county treasury to adopt and implement the county revenue collection system.

I urge the Departmental Committee on Finance and National Planning to re-look at that amendment that they are bringing. It is good to remove the word "develop". However, we should not lose sight of the obligation of the county to adopt the system. When the

system has been developed and a certain county decides that immediately they adopt it, they shall be obligated to implement and report its performance, otherwise, they will risk a delay in remittance of their money, then a county can decide, mischievously, to say that they will not adopt it. We will lose the national goodwill that we are trying to create by every county adopting and implementing it. I would like to see the same sanctions extended to the provisions of Clause 160A(2) which is the obligation to adopt the system within a certain time. That is what I want to highlight because the Committee has done a good job. It has brought these amendments. By doing this, we will put some sanity in terms of how our counties correct this system and the transparency, so that everyone can know where they get the money from and where they do not collect the money. If it is uniform, it will say that you shall collect revenue from certain areas.

Members noted in the last or last but one finance Bills that we said that the new advance tax would be synchronised with the business permits which are collected by the counties. If we do not have this uniformity, it will become very difficult for KRA to determine how much a trader paid in his or her business permit and how much they will charge him or her for advanced tax because it is tied to the kind of permit that you have. By having this uniform system which is interlinked, then payment and assessment of taxes will be easier. Those are some of the things that can happen well in this kind of situation. Obviously, Members have raised the issues of how much money is leaking out, not being collected or collected and disappearing because it is not accounted for. Traders always complain that they pay so much taxes. However, when you look at the reverse of that in the books of the counties, you do not see the so much money that is collected from them. This means that there is a missing link between people paying and the money being reported in the counties. We hope that some of these amendments will address this issue. The Members of the National Assembly are the only ones who know the capacity of this country to generate revenue. We are the only ones who can do the vertical division of revenue between the levels of Government. When we say that we can only afford Kshs316 billion, our colleagues from the Senate, just to be seen to be good to the counties, say that we should allocate more money to the counties than we can afford. Never mind the fact that even when we give Kshs316 billion and appropriate the balance to the national Government, we are still left with a financing deficit in the order of Kshs800 billion.

It is not that there is so much money which is available for everyone. Any extra money which is given only extends that billion or other debt that eventually will befall not only ourselves, but also our children and grandchildren to repay. We hope that the money which is available within the counties will, obviously, help to bridge that gap, so that people do not keep fighting for months over a revenue sharing formula just because they feel that they have not got enough. I am not even sure that we have got accountability for what has been given. I am very encouraged by the efforts by the multi-agency teams in sending the signals to the counties that people will not misappropriate money and get away with it. We hope that those signals will continue to be there and the Auditor-General will give us more reports of the misappropriation of funds. We live in these counties. We see the developments which are taking place even by junior officers within the counties. Hotels and buildings are coming up. However, there is no surge in the bank loans which are extended to the counties for the development of those facilities. It basically says that there is an undisclosed source of money that is being used to put up all these facilities. It is not coming from the banks and relatives. Surely, it comes from the public coffers. Those are some of the things that we hope that the county assemblies will get sharp enough to get them. Our colleagues in Senate will also take up their role seriously to ensure that there is accountability at the county level. The billions that are sent to the *wananchi* will improve their lives by implementing the devolved function.

I want to once again support this Bill and ask the Committee to re-consider the amendment in Clause 160C to only remove the word “develop” and change it to “adopt”. So that we sculpture the spirit of not just the development, but of adopting, implementing and reporting.

With those words, I beg to support.

Hon. Speaker: Let us have the Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker, for this opportunity to contribute to this Bill. From the onset, I support the spirit of the Bill even though there are areas that require further considerations and amendments.

Generally, in any jurisdiction, any local authority or any organ has two sources of revenue; transfers from the national Government and locally generated revenue. Before devolution, we had local authorities that for all purposes and intent used to collect adequate locally generated revenue to enable them undertake their various services and programs. Of course, it has always been a paradox, a cause of worry and source of amusement that after devolution, the so-called counties are now unable to collect sufficient revenue to fund their activities and programs.

Indeed, this is feeling amongst many intellectuals and commentators that county governments together with their governors felt that devolution was a license to receive and not to generate. When we were discussing devolution, there was a feeling that county governments are more or less going to become like an economic bloc that would spur economic development, growth and expansion. That has not happened, to an extent that most county governments are mere net receivers and little producers at all.

(Hon. Speaker left the Chair)

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

Hon. Temporary Deputy Speaker, for example, my county, Busia County in the Financial Year 2016/2017 only afforded to collect about Kshs256 million of locally generated revenue. That is what has been recorded in the books. In 2017/2018, they only collected Kshs276 million. In 2018/2019, the figure cannot even be reconciled because no one knows where all the revenue went to. It is, indeed, interesting and funny. Yes, there is no requirement that every taxpayer must get an equal amount of services. But honestly speaking, it beats all logic to expect a trader in Funyula Market, Sio Port Market and Ganga Market to pay the daily levies yet receive no services at all. There is no water. There are no toilets in those markets. There is no electricity and no solar lighting. It is important that county governments become accountable to the people who elected them, the people they serve and the people who pay taxes.

Going to the particular Bill, I totally agree that it is important for us to harmonise the revenue generating procedures and revenue collection. Devolution did not intent to dismember this country into 47 governments and one government to produce 48 governments. We need it harmonised so that we can avoid a case of double taxation and double payment of levies.

Hon. Temporary Deputy Speaker, Article 209 of the Constitution of Kenya empowers the local authorities to levy taxes in forms of property rates, entertainments taxes and charges for the various services they offer. Schedule Four clearly states the services that county governments ought to offer. It is conceivable that they ought to collect, to impose charges for the services they render. The elephant in the house is that there has been no transparent, accountable and verifiable process of collecting this revenue. As a many of my colleagues have stated, and I have also observed it in my county, many are times that revenue is collected and pocketed. It is impossible

to believe that a county like Busia, with the border point and all the activities that happen, is unable to collect a substantial amount of revenue towards sustaining our activities.

Hon. Temporary Deputy Speaker, when you look at Clause 160...

(Hon. (Dr.) Wilberforce Oundo's microphone went off)

The Temporary Deputy Speaker (Patrick Mariru): Hon. (Dr.) Oundo, time is up on your part, but it is not up for the next one.

Hon. Tuitoek, you have the Floor.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this particular Bill. This Bill is exciting in that we have had a problem with counties in terms of revenue collection. I agree with many Members who have raised the issue that system collections in the counties is wanting. Basically, we do not see what they collect. Most of them are in the range of Kshs300 million or so yearly. If this particular system comes to force, this issue of standardisation may help in terms of seeing how each county is performing in revenue collection. I know there is a lot of challenges where the counties are y diverse. Some of my colleagues were talking about chicken, in Mogotio Constituency we do not deal so much with chicken, we deal with other aspects of domestic animals like goats and cows. In this case, this system should be robust to allow a diverse kind of collection.

One of the issues that the counties are suffering from is that of revenue from the national Government. This 'animal' called Integrated Financial Management and Information System (IFMIS) does not work effectively. If you talk to many county governments, they will tell you that even the money we agreed to disburse to the counties never get there on time. It almost gets there at the end of the financial year. This is an area that we should demand that as much they should do well in local revenue collection, the National Treasury should also up their game in enabling the counties to receive their share on time, so that they can execute most of the budgeted systems that they have put in place.

I know we have a problem in terms of accountability. This has been raised that even most of the revenue collected may end up in people's pockets. This may not necessarily be the governor, but it could be the other officers within the county. This is an area that we need to look at to bring some sanity to revenue collections in the counties. This is to make sure that even what is being discussed today in the Senate, the sharing of revenue, finds a way to increase that percentage for those who are doing well in terms of revenue collection. Currently, it is at one per cent, but they should increase it so that there can be a motivation for the counties to bring in more revenue to the system. They should think through it carefully so that they do not tax women who are doing small subsistence kind of businesses in markets. They just need to target bigger enterprises for revenue collection, but not the women and youths who are actually trying to survive.

In this case, as the Committee looks at it, we need to support this Bill. We also call on the National Treasury to make sure that the business going on in the counties, especially on the issue of procurement which is a headache that needs a bit of revisiting, so that it is straightforward and easy to operate. This is so that when the counties procure, they are able to get the money to pay their suppliers on time.

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

The Temporary Deputy Speaker (Patrick Mariru): Hon. (Dr.) Robert Pukose, Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. From the onset, I want to support this amendment. What we need to understand is that counties are not operating in a vacuum. In Trans Nzoia County, there is a Revenue Amendment Bill, No.4 of 2016 that was done and is now an Act which was assented to in 2017. So, as we make these laws, we should also realise what we want to achieve. I think the aim here is to achieve standardisation so that we can have a uniform revenue collection tool.

My caution would be that at the end of the day, if we are going to come up with a uniform collection tool for revenue and implementation, we should also not make it in such a way that it becomes very expensive for counties to implement. We should look at what is already in place in every county so that whatever law we come up with can be applied uniformly in the country, bearing in mind what is already operational.

Hon. Temporary Deputy Speaker, our biggest problem on revenue collection by the county governments is oversight. The money is collected, but there are cases of expenditure at source. When you have expenditure at source, it makes it very difficult for institutions which collect the money to budget for it and have effective use of the money. A case in point is hospitals. Every hospital collects some money, but instead of the money getting used and budgeted for at the hospital, it is sent to the county treasuries. The county government might not use the money for buying drugs and buying food for patients because it is not a priority. So they might use it for other things. In essence, that is not what it is meant to do. For instance, in my place, Endebess, we have forests and blocks of rocks, where lorries go to collect building materials. The cess is collected at Endebess, but the county government does not plough back the cess to make sure that the roads are passable. As we speak, the roads are impassable in some of those areas. What destroys the roads are the lorries that go there to collect stones for construction works. But the county government does not plough back the money to repair roads in those areas.

As we look at this law in terms of standardisation of revenue collection, we should also take into account transparency, so that it is clear that if a certain area contributes so much revenue, a certain amount of funds realised is ploughed back to that area for particular purposes. If we do not address this issue, people will be left wondering why they should pay cess, fee or rates yet they do not get services. So, it is incumbent upon the county governments to plough back a good percentage of what they collect to areas where it has been collected from. For me, that would be the right way to go.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall have Hon. Osotsi Godfrey.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this Bill.

This is one of the few Bills from the Senate which are very progressive. I commend Hon. Sen. (Dr.) Sani for this very progressive Bill. This Bill seeks to ensure that on-source revenue collection is transparent, accountable, simple and easy to report on.

As my colleagues have alluded to, there are challenges of revenue collection in the counties. In fact, in some counties, there is no system. The whole thing is haphazard. People collect money and just take it away. That explains why some local authorities were performing better than the county governments that we have. We all know what used to happen in Mavoko, Narok, and many other county councils and municipal councils which were performing better. But we now have a scenario where we have county governments that live on hand-to-mouth basis. They wait for money from the national Government to do anything. If there is no money, they say they want

to shut down. That is very unfortunate because that is not what the Constitution envisaged when we came up with devolution. The counties are supposed to be economic units but they are not. Actually, they are spenders of money from the national Government, which is very unfortunate. So, this system is very important. The role of the National Treasury as per the Constitution is to design and prescribe a standardised revenue collection system for use by the county governments. The National Treasury will be playing a big role by ensuring that we have standardisation.

When we talk about systems, we are talking about procedures, processes and IT based systems. The IT based systems in the counties do not have the capability to provide the right platform for achieving what this Bill is trying to achieve. So, I hope we will have a process to ensure we have IT systems that are easy to integrate, monitor and control. That would be very important. Even as we talk about such systems in the counties, we should also talk about the systems at the national level. As an IT expert, I can tell you that we have one system in the country called Integrated Financial Management Information System (IFMIS) which is a fraud. As per the Report of the Auditor-General on the ICT audit that was done, a lot of gaps and leakages were identified. I am not sure whether those gaps and leakages have been sealed. It even allows multi transaction on the same invoice. People have been paid multiple times from that system. The system is very easy to hark into. Parliament will help this nation by demanding for an audit of the IFMIS so that as we improve our collection systems in the counties, we also improve our systems at the national level. Otherwise, this particular move is going to ensure increased transparency because there will be less physical cash handling, which is a key contributor to revenue leakages. We also need to have a specific legislation on on-source revenue collection.

Hon. Emmanuel Wangwe (Navakholo, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Osotsi. What is out of order, Hon. Wangwe?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Our Standing Orders provide that every Member shall be responsible for what he states. Can the Member confirm that the IFMIS has failed - that it is a fraud and has paid various amounts of money to wrong recipients?

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Osotsi, you seem to have more information.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, if you listened to me very carefully, I made reference to an audit report from the Office of the Auditor-General following an audit that was conducted in 2016. In that Report, the Auditor-General made a number of observations and made recommendations on the IFMIS. Some of the issues that I have referred to were contained in that report. So, my good friend, Hon. Wangwe, by virtue of his office, can access that Report – which documents all the key leakages and inadequacies in that system.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Maanzo Kitonga, Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity.

(Hon. Kathuri Murungi spoke off record)

The Temporary Deputy Speaker (Hon. Patrick Mariru): As you can tell, Hon. Kathuri, Hon. Maanzo is from your side. I am completely guided by this screen. Be assured that when your time comes, you will get a chance.

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Temporary Deputy Speaker, my time is being taken up and yet I have been waiting since 2.30 p.m.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Maanzo, please, proceed.

(Loud consultations)

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Temporary Deputy Speaker for protecting me. We follow the seating arrangement.

This is a very important matter I wish to support. Currently and averagely, every county government in Kenya has received close to Kshs80 billion. When it comes to local revenue collection, it takes place day and night. It happens in hospitals.

Hon. Temporary Deputy Speaker, it is taking place day and night. It is happening in the hospitals, at roadblocks and also whenever there is transportation of goods, advertisement of products. Therefore, the growth of the economy since the devolution whereby we now have county governments, I am very sure now, from what county governments do, they must have improved ten times. However, the tragedy is that this money is not accounted for and a lot of times, it does not even reach county governments. It simply disappears with the officials of the county governments. Right now, when county governments are saying that they want to shut down the counties if they are not provided with money, the question is: Where is the money they have been collecting? Can they be used for emergency purposes to settle some of the little issues found in counties or even to pay employees?

So, these amendments make it very clear and we are looking forward to improve them more at the Committee of the whole House stage, so that we can make sure that the revenues collected at the counties are not lost at all and that any revenue collected by the national or county governments must be appropriated in one way or another. For the county governments, the county assemblies must appropriate this money. However, they must first know how much it is or what the expected collection is because once we put the systems right, we will be able to identify how much money has been collected in a year or even to project since most of those businesses keep on growing.

When any vehicle which, for example, is branded for advertisements belonging to Unilever or any other company moves from Mombasa to Busia, it will be stopped so many times at the borders of every county, hence the owner of that business ends up making so many payments such that the whole exercise or whatever business that particular person is doing is in futility. These are the people who should be protected. Within the law, we should have a certain way or standard so that if you have been charged in Mombasa County, then the other counties, because you are using a Kenyan highway, should not become beneficiaries of this particular venture. Anybody who tries to advertise any business which is supposed to be licensed yet the license fee has not been paid, cannot be allowed to operate even for one minute in any of the counties in Kenya. The tax officers will make sure that that particular business complies or it is shut down and its goods confiscated. It is not only that, but even all the people who do businesses everywhere including the hawkers cannot move around. There are enough revenue collectors of the counties to pounce on them and make sure that they are licensed.

Therefore, it is very important that we come up with a law, standard, methodology and system. Administratively, even now, I suggest that there should be paybill numbers for every single payment made to the counties. If they are not provided with paybill numbers, then they should not be allowed to make payments to individuals. That is happening with a lot of other activities in the counties including payment of water bills.

Thank you, Hon. Temporary Deputy Speaker. I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Buyu Akinyi, the Member for Kisumu County, the Floor is yours.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. Right from the outset, I support these amendments. Just like one of the Members has already said, the Constitution envisaged different ways in which counties could generate revenues. One of the ways, indeed, was by way of taxation or collecting revenue. However, more and more, we have seen counties totally dependent on the funds that they are getting from the national Government because they are not able to generate enough revenue from their collections.

There is a big discrepancy between what is reported as having been collected and what is actually collected. This is basically because of corruption. If you look at one area of collection of revenue, for example, in terms of parking fees, many times you will park and when you are asked for money, you will probably just say that you do not have enough money. Before you even finish saying that you do not have enough money, the statement that will come from the revenue collector will be: “*Leta tu hiyo.*” When you have so many “*leta tu hiyos*” in a day, it will amount to a huge sum of money which goes into the pockets of the revenue collectors. Therefore, at the end of the day, what is actually reported as having been collected is much less than what was actually collected. If revenue is going to be the source of tears for Members of Parliament, we must sort out this issue of revenue.

I would like to thank Sen. (Dr.) Zani for coming up with this amendment because it is going to be one of the ways in which we are going to help Members of Parliament and stop them from crying. It was disheartening for me to watch a colleague teacher, a renowned playwright, shed tears because of the county revenue sharing stalemate. If these tears can be sorted out by good collection of revenue so that counties have enough to spend on other important and essential issues for the *wananchi* hence they do not have to depend on funds from the national Government, then we must sort this out. This is Sen. (Dr.) Zani’s attempt of sorting it out.

If we have a uniform system of revenue collection, we will have a very effective benchmarking system amongst the counties because it will be easy to note the reason why one county is not doing as well as the others yet they are following the same system. It will be easier to tighten the corruption loopholes that might be making that county not to be as effective in revenue collection as the others.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now have Hon. Iringo Kubai.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to make my comments on this Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019). I will start by supporting this amendment Bill and wish that these amendments could have come as early as when we came up with the new Constitution which brought about the devolved county governments.

First of all, let me commend Sen. (Dr.) Zani who thought about this and the Committee which also addressed the same and gave it more teeth.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Kubai! There are some two Members there whom I am not sure are not observing the social distancing regulations. You can consult, Hon. Ngugi. There is no problem. However, you must consult while observing the required social distance.

You can proceed, Hon. Kubai.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker. As I was saying, the Committee gave it more gist and for the benefit of Members, we are just adopting this one in the Public Finance Management Bill so that this multiagency team which has already been suggested in the Bill should sit very fast and formulate the laws and proper acts so that it can be put in place.

I can see that the process of coming up with this Amendment Bill started way back in 2019 and we are now talking about it in late 2020. I pray that it should be acted upon very fast so that we can bring sanity in our counties. The beauty of it is that it will bring uniformity. Currently, each county adopts its own formula and once you adopt your own formula of doing things, sometimes they clash. For example, sometimes when goods are being transported from one county to another, they are charged at a certain value in a given county and if you go to another county, they will be charged at a different value. In the absence of these laws, sometimes the governors or revenue collectors come up with rules and change things overnight. The other day, when the COVID-19 pandemic started, a lorry of *miraa* in Mombasa was being charged only Kshs4,500, but somebody somewhere sat down and decided to raise the figure to Kshs45,000 and it happened that way. However, if there were tax laws, these things could not be there.

Lack of transparency is another thing which will be cured by this law. We will enact this one, but it needs good oversight from the county assemblies. They need to make sure that laws are followed. These monies should not go to people's pockets as it was being said. Many are blaming the governors, but I will say that even the revenue collector himself or herself, the one who is charging parking fees, the one who is charging the rates and the like, pockets the money. Cartels have developed in our counties whereby people even have their breakdown vehicles. They bribe the attendants to lock people's cars so that their breakdown vehicles can be used to tow cars and that person gets some money out of it. All these cartels will be cautioned.

On demanding bribes like my colleagues have said, if parking fees is Kshs50, but you have Kshs30, you will give it and be left with Kshs20. You will not get any receipt and your vehicle will be safe because that attendant will take care of it until you come back. We will enact these laws, but the mechanism of implementation is the onus and a way should be found out. After it is enacted, I believe the people who are supposed to make sure it is actualised should do it prudently.

With that, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Arbelles Marselino, Member of Laisamis, you have the Floor. That Member took an early leave. Let us have the Member for Nyando.

Hon. Jared Okelo (Nyando, ODM): I thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice and weight to this prevailing debate on the Public Finance Management (Amendment) Bill, 2019.

Firstly, this Bill seeks to standardise revenue collection within our counties and at the same time enhance accountability. I think that is the overriding factor here. It is a travesty that the defunct municipal councils and county councils, at the height of analogue transactions, were able

to mop up more resources for their respective jurisdictions. It is more than what the current counties, even with the benefit of digital platforms, can collect. Therefore, this is a matter which we really need to quickly pass so that there is a level of transparency on these revenues going to our counties.

The lacuna in the current law has only perpetuated financial probity within our counties. That lacuna has become a double-edged sword. I think almost all governors will be operating from home before December if this is left unattended. I have heard some of them claim that they have been stopped from entering Canaan. Canaan is meant for what we call character purity or purity of character. The absence of purity of character, and on the flipside, is hell or retention in Egypt. That is why this law, I believe, will help governors shepherd their transactions with a lot of transparency. That will also help them run the affairs of their various counties on above board platform. Currently, we are losing so much money and you ask yourself why.

I heard the Council of Governors say that the prevailing quagmire, the gridlock around revenue allocation, will give birth to closure of counties. You ask yourself, “Does it mean that only the shareable revenue from the national Exchequer is what makes counties run on”? Can the money they mop up from their respective counties be enough even to pay salaries, much less engage in any development programme? So, this Bill that I have risen to support is going to address some of these gaps. It will also help maximise collection of revenue that will allow counties to operate even if the national Government delays like we are witnessing at the moment.

The governors said that this gridlock can only stop service delivery. We know even in the United States, certain times, the Government closes down. But I think we have all the reasons to make our counties work even outside the remissions from the national kitty.

I support and thank Madam Senator (Dr.) Zani for coming up with this timely Bill that will address the issues that bedevil our counties down there. I thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. ole Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to also support this amendment Bill. I want to congratulate Hon. (Dr.) Zani from the Senate for bringing this progressive Bill. This is one of the most progressive Bills we have received from the Senate. I want also to congratulate the Chairperson of the Departmental Committee on Finance and National Planning, Hon. Gladys Wanga, for taking it up so that we can make sure our counties collect enough revenue.

It is not that counties do not collect enough revenue. The revenue is actually being diverted to other usages. There are a lot of fake receipts. If you talk of counties like Narok, you will find the clerks on the ground, those who are collecting revenue from tourists, have two sets of receipt books, namely, the genuine receipt books from the county government and receipt books that were generated from River Road. From the normal eye, you may not be able to differentiate. So, there is a lot of money that is being diverted. Actually, the fake receipts account for almost 70 per cent. It is the same with those who collect stones from quarries and those who collect sand from the sand harvesting areas of Machakos, Kajiado and even Narok.

On our growth in counties, we are seeing the physical structures coming up. We are seeing the growth in terms of business expansion. You cannot tell me that a town that has 2,000 different businesses and 30,000 buildings will not be able to collect revenue from the face of it.

This shortcoming is because of the Senate forgetting its responsibility and delving into the responsibility of the National Assembly. You find the Senate very busy chasing Cabinet Secretaries like that of Interior and Coordination National Government. I do not think that is their mandate. You will find the Senate chasing the Cabinet Secretary of the National Treasury. I do not

really know what they ask those cabinet secretaries and their role is basically the oversight of counties. This is their mandate and this is what they should have been doing instead of hanging in the middle, becoming an amorphous political NGO that is just a political gun that will be using politics in the division of revenue formula instead of concentrating on their core mandate.

This Bill seeks to amend the Public Finance Management (PFM) Act No.8 of 2012 to ensure that county governments' revenue collection system is developed by the Cabinet Secretary of the National Treasury and Planning in consultation with CoGs, CRA and KRA. Uniformity of revenue collection in counties will raise confidence among investors because some of them have the same businesses across different counties. They lose confidence with the different systems of revenue collection. We need their confidence for them to hugely invest in our country.

Hon. Mbadi said that the Building Bridges Initiative (BBI) will cure some of those issues. I hope that BBI will address issues such as this one as opposed to creating positions to massage the egos of those who are against church donations and yet, they received donations via Paybill numbers 672672 and 991444 to pay striking teachers and repeat elections, respectively.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Sankok, your time is up. You were moving on a tangent. Let us have Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support the Bill. I want to thank the Committee Chair, Hon. Gladys Wanga, for taking up this Bill immediately because time is of essence. Citizens are paying taxes very faithfully because they expect improved lives and businesses. Whatever is happening now in the counties is pathetic. The county governments are using all sorts of crude weapons to collect revenues: Personal receipts, semi-government personal receipts, skewed automations for their own good, right to pocket, and others give official waivers to friends to get back what they had calculated. Some even barricade roads for *boda bodas* and *matatus*. They have created chaos by design to thrive in at the expense of fellow citizens.

The objective of this Bill sounds relevant. It seeks to achieve uniformity, transparency and reporting systems annually. I want to inform the Departmental Committee on Finance and National Planning that it is possible to have the best system. But failure to have a way of enforcing it means that it will be flouted. When it comes to Section 160(c)(2) that the Leader of the Majority Party alluded to, I want to request the Committee to consider deleting the word "may" and replace it with the word "shall".

If the Senate has already recommended, then the CS, National Treasury will have no choice. The word "may" is not punishable. We will never get what we intend to achieve if that is not reinforced. The fidelity will never be there.

Hon. Temporary Deputy Speaker, as much as we want to punish those who will not adopt this system, it is also fair to motivate those who will adopt and use the system. The fairness should be in re-ploughing back efficiently the monies they have collected and submitted to the National Treasury. There is a lot of frustration there. They can collect and submit especially from the hospitals, where they have not been allowed to use now and the money takes ages to come back. That can be demotivating and can promote corruption. The National Treasury should be swift in disbursement of monies as a way of motivating counties that will adopt and use this system.

Lastly, as I thank Sen. Zani for this Bill, it is important that the Senate focuses on counties. Right now, they spread too thin on issues of national importance such as KEMSA. They are everywhere leaving the counties as orphans. This Bill ought to have come much earlier if they were focusing on their role of overseeing and improving the county governments.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now have Hon. Mwambu Mabongah.

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker. At the outset, I want to support this Bill from the Senate. I have a bit of reservations with whatever is happening in counties, right from my county of Bungoma. The Bill will seal all the gaps in terms of financial management. I would like to inform the Majority Whip that when the counties were setting up structures for financial management, staff was seconded from the National Government. You will realise that the sickness that is at the national Government is the same one that is being witnessed in counties in terms of revenue collection. With a standardised form of revenue collection, we will be clear with targets. I am sure that the Senate will look at the capacity of every county and set realistic targets that they are going to achieve in a certain financial year. It has been difficult for us to audit those counties because some of them have localised public finance. It is also very difficult to pin them down based on some of the existing anomalies. The standardised way of revenue collection will provide a clear procedure for audit. It will be easy to know when we have a problem in a certain county.

I want to agree with someone who said that some county revenue officers have two receipts. When you talk about lifestyle audit, we do not say that from the blues. We sit and relate with those people. You will be surprised at the lifestyle of a casual officer at the county revenue collection office. That means that most of the collected revenue is being pocketed by those officers. We have all manner of corruption in the counties because we do not have a clear structure of revenue collection. The Leader of the Majority Party said earlier on that it will be easy for us to identify the rotten fruits if we have a standardised way of revenue collection. It will be easy for officers involved to know the rotten counties in terms of revenue collection. The Member for Mavoko indicated that by the time he was leaving the municipal council, Mavoko was collecting Kshs 1.5 billion. But he did not tell us whatever is happening in Machakos County now.

At one time in my county of Bungoma, we loaned the United Kingdom some money but, at the moment, we cannot collect sufficient cash to pay the salaries of our employees.

So, this is timely and I request the Committee and the Senate to follow it up to the letter and ensure that this Bill is passed, so that we can save the amount of cash that is being lost in the hands of the people.

Thank you, I support the amendment.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nyikal Wambura.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Bill. Counties need to collect and raise funds for themselves, and not to depend on the shared revenue as provided for in Article 202 of the Constitution. If you look at what is happening now, governors are threatening to suspend services in the county because they cannot raise money. They are not talking at all of what they can raise by themselves. The Constitution in Article 209, allows them to raise funds through property rates, entertainment taxes and other taxes. They can raise money from single business permits and entertainment. It is a lot of money. They are either raising it and keeping it, as people are saying, or they are not raising it at all.

Yet, the local authorities that counties replaced used to raise considerable sums of money and offer services in areas like health. They provided water and sanitation and maintained some roads. So, really, the money is there and it should be collected. If it is being collected and used, we need a system.

I support this Bill because it reinforces that provision of the Constitution. What is important is a uniform system of collection. I like the Bill because it also provides for standards like integrity. In Clause 2 (160A), it is very clear. It has provided for processes in 160B. It is clear on the processes and what needs to be done. So, to that extent, it is comprehensive. Furthermore, it gives a timeline that will force the county finance executive to take action. It also provides for sanctions. I have noticed that some Members are worried that you cannot withhold funds because the county governments are not adhering to this. That is something that we must enforce. People who have been given a responsibility must know that if they do not do it, the people who elected them and the people they represent will suffer. That is the biggest force that will make them do what they are supposed to do.

This Bill provides two extremely important examples to us in implementing devolution; the issue of standards and policy. We know the national Government is responsible for standards and policy but, up to now, in all areas, not just in finance, there are no provisions to ensure that policies and standards are adhered to.

This is the first Bill I have seen that says: If they do not do that at the county level, action will be taken against them. It is a national policy and direction. This is why we have problems everywhere. The 47 governments plus the national Government want to work independently and yet, we have one country, one policy and one standard. To that extent, I support the Bill.

Hon. Temporary Deputy Speaker, as Hon. Makali had earlier said, we need to look at the Finance Bill even a little further. There are other areas as enumerated. We need financial devolution to go a little further.

In the health sector, many facilities at the sub-county level, for example, Level 4, 5 and 6 hospital facilities collect money that goes to the counties. The money never goes back to the facilities. In 2012 after the Constitution had been passed before elections, there was a feeling that the Executive should provide basic structures of finance, procurement and human resource to guide the governors. Politically, it was said that the Executive is trying to preempt devolution. I remember the Head of the Civil Service saying that if governors come in without those structures, there will be great loses of funds and many of them will go to jail.

Thank you. I support.

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

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Temporary Deputy Speaker. I want to support this amendment Bill from the Senate. As many colleagues have put it, there is lack of transparency in the way revenue collection is administered in the county governments. So far, if you look at the targets of revenue that the defunct local governments used to collect, we expected to have more revenue collections this time of devolution. There is no county government that has achieved the revenue collection targets which have been put by the Controller of Budget and the Treasury. Indeed, this is a big challenge. One thing that needs to be done is what has been proposed; a revenue collection management system. We do not understand whether it is lack of collection or if there are many pockets that take the collections. What happens when this money is collected? We see very aggressive levy collectors in towns and markets. They are aggressive people, but if you compare the aggressiveness of their collections and what they report as collections, you will realise that the collections are very low, indeed.

This Bill is timely and it will support what needs to be done. A convenient and secure system needs to be established through online payments that will minimise cash handling at the collection points. There are so many collection points, for example, the car park fees, markets and

levies from different services. Therefore, if cash handling can be minimised at those collection points, then we can have a good system that will give the county governments good collections.

We need very aggressive and independent county assemblies. What is happening now is that there is a lot of muzzling of the county assemblies by county executives. County assemblies are not independent; they are not able to determine what they should spend. So, they are slaves of the county executives. That is why the county assemblies are not able to do their oversight role. These should be done in a way that the county assemblies will be independent as the National Assembly and the Senate, so that they execute their mandate.

Hon. Temporary Deputy Speaker, on the independence of these assemblies... You administered one of the Assemblies before you came to this Parliament. What I am saying you have more experience on it. I know you were the Hon. Speaker of Laikipia County Assembly. They are worse now. They have become puppets of the executives in whatever they do. If any Member of the County Assembly (MCA) does not follow what the Governor wants done by the county assembly, their independence is muzzled and any project in their wards is paralysed. We have a big problem. In order for county governments to work, the county assemblies should be well endowed and empowered.

I think the Senate cannot supervise or monitor the county governments. It is very unfortunate that Senators can have 10 sittings without coming up with a formula for sharing revenue among the counties. Therefore, we need to empower the county assemblies. The Senate can have another mandate which will make them effective.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall now have Hon. Nguna.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. Before I even start contributing to this Bill, I would like to congratulate and say thank you to Dr. Zani. This Bill should have come the morning after we passed the Constitution in 2010. If you look at what we have been experiencing in the counties in terms of revenue collection, some of those systems are a laughing matter. You will find a lot of receipts undergoing carbon decay.

There is no doubt this Bill is going to improve the efficiency of devolution in our country. To summarise the benefits, it will be enhancing efficiency, effectiveness and economy in terms of service delivery. These will be enhanced by the transparency and accountability that the Bill is going to bring to the system. I will give you the example of my county, Kitui, where we have got a lot of sand resources - especially in my constituency. You will find most of the people who collect revenue with books which they cannot even account for. They just collect cash instead of remitting the money directly to a bank account. The proposed harmonised and standardised system is going to curb corruption in the counties.

If you recall, the system of government that we had in the old dispensation used to fund construction of classrooms, health facilities and so many other activities. We used to get services from the Government. In the current system of devolution, counties are even struggling to pay employees' salaries. It means that there is something amiss with revenue collection. This Bill is going to supplement what we allocate to counties from the National Treasury. I would have committed an injustice if I had not contributed to this Bill.

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

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

Hon. Zachary Thuku (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill. At the outset, I support the Bill. As my colleagues have stated rightly, this Bill should have come immediately after the enactment of the

Constitution in 2010. We have had issues on revenue collection by our county governments. The very purpose of devolution was to take services closer to the people by making sure that revenues that are collected are felt at the lowest level. We should see some level of transparency, accountability and verifiability of revenues collected by county governments. There are several types of revenues collected by revenue officers in the county governments. There is cess, parking fees, trade licence fees, physical planning fees and fees paid by *mama mbogas*. But we do not have a standard system for collecting revenue so that the money can be allocated later in accordance to the PFM Act.

It is so sad that the people who benefit from those funds are the revenue officers and the governors, which is a fraud against the people of Kenya. Therefore, this Bill will cure the anomalies that have been happening for quite a long time. The best thing about this Bill is that this money will go directly to the public coffers through Kenya Revenue Authority. It is the sole institution that is envisaged in this Bill to collect revenue. If that is that case, I am for the opinion that we should have a system, like the one for the NG-CDF, whereby the county governments submit their development and recurrent expenditure priorities to the Controller of Budget, so that the monies disbursed to county governments are well defined as opposed to what is happening today where the county governments have the luxury with the money they collect.

The other thing that I support about this Bill is the issue of verifiability. Today, anybody from outside would not be able to verify the amount of money collected by the county governments. The county governments are able to interfere with the systems they have. That is why the system that is envisaged in this Bill should be a system that is tamper proof. The only people who should have access to it should be KRA officers.

As I conclude, I also note that there is a punitive clause in this Bill. If a county government does not comply with this law once it is enacted, it can be denied the right to access funds from the National Treasury. This is going to ensure the county governments procure the system that is going to be developed. I believe that the national Government should be in a position to develop a system so that we have uniformity.

Hon. Temporary Deputy Speaker, I support and congratulate Senator Zani for coming up with this Bill. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. T.J. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Deputy Speaker, I thank you for recognising me, but I was not going to share my mind on this Bill. I am waiting for another business ahead of us.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Fair enough. That opportunity will then be taken by Hon. Oduor.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. First of all, it is so late in the day. Eight years down the line and we are streamlining how to collect revenue is a bit too late. But there is still hope that we can improve revenue collection.

I just want to tell you a little bit about what I see in the counties on collection of revenue, which need to be streamlined, standardised and systematised. Collection of revenue, as has already been indicated by many Members here, is haphazard and very violent. I see tax collectors in market places collecting revenue from women, which is a good thing. They should collect revenue. But they are extremely violent to those women and they take so much money. It is like robbery. They take the money but there is no receipt sometimes. They just go with the money.

They collect the money but do not remit it the same day. They can do so the following day. This means that tax collectors collect money but sleep with it in their houses until the next day when they take it back to the counties. That is already a bad thing.

Two, tax collectors are underpaid. They are paid little money and yet, they collect so much in the market. Will you not be tempted to steal the collected money? That is what I tend to see. Even tax collectors are put into temptation by collecting huge sums of money in various points and yet their salaries are so low. We need to regularise not only the salaries of those clerks who collect funds, but also put credible people who can collect those funds.

Politically, when elections are about to come, a governor who intends to run again announces that there is no tax collection because he wants votes. He or she wants everybody to do their business free of charge in the markets. I do not know whether it is allowed. So, there will be no tax collection. That means services are denied in the counties. Those are some of the things that I have observed and which make this Bill become very practical and necessary. We need to have tax collected on a daily basis and also remitted to the right place at the right time. Also, avoid politics in the collection of it such that some people can benefit from waiving tax when they should not be doing so simply because they want to get back their seats.

Finally, the money collected should be put to good use. Why are hospitals not having medicines and yet, patients pay for it? They are taxed but there is no medicine, including the little kind of cheap medicine such as panadol. They do not even have that leave alone paperwork where certain prescriptions can be written on.

At a time such as this when there is COVID-19 markets do not even have water tanks. Where has the money gone to? The tax has gone into the pockets of tax collectors. Tax collectors do so because their salaries come late; they are underpaid and are put into such a situation that is easy for them to come up with extra receipts that they use to collect funds or they are put in a situation where there are no receipts at all and they do it off-head by saying: "You pay this. You pay the other". They do it at will. You pay the tax according to what they want. If you do not, there is a stampede and there are huge fights in the markets. I have seen that and I feel so sorry for the old women. Tax collectors step on their foodstuffs. They step on their tomatoes, onions and fruits to punish those who cannot pay. I think it is good to have some manners when collecting tax from people. Apart from coming up with Bills that will control our standardised revenue collection, we should also have manners on how to collect tax.

Those are my thoughts. I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Ngugi.

Hon. Joseph Nduati (Gatanga, JP): Thank you, very much, Hon. Temporary Deputy Speaker, for giving me time to also make my contribution.

At the outset, I support the Bill because I have seen that it is going to address the many problems that we are having in our counties.

Hon. Temporary Deputy Speaker, when Murang'a County Government was a county council, it used to have a lot of money. It also used to have many programmes. However, currently, even within our own constituencies, nothing is happening in the county. Cess is collected manually but we do not know how it is banked. Sometimes, there are no receipts and there is no accountability.

It is through this method of revenue collection that we have seen the national Government infrastructure destroyed. This is because you find the national Government has done a very good road then they leave cess collection to the county government and it is from there that a problem develops. People who are responsible for collecting cess are not responsible enough. They allow

overloaded lorries to use those roads. The Government uses a lot of money on those roads. I think we should find a way of how the national Government should be involved. We cannot leave that matter to the county governments. We must have responsibility. This is because we cannot develop infrastructure then it goes to waste.

It is a high time the county governments adopted the NG-CDF model. If the NG-CDF uses Ksh39 billion per year, and most county governments maybe under Ksh10 billion, why can we not propose those projects? They are proposed in the county, approved here and when they get down to be executed, they are supervised from here. We are making a mess out of ourselves. It is high time we thought of how we are going to run those counties.

In terms of procurement, there is no transparency at all – it is opaque. Every Tuesdays and Thursdays, the Government publishes various tenders of various works which is going to be undertaken. I was reading the *Daily Nation* Newspaper and the Government has advertised a lot of works to be undertaken this year. However, in the counties, you cannot see anything. Later on, you will hear that a county was undertaking a project worth Kshs100 million. How was it procured? Why was it not transparent? Those are issues that we need to address. Otherwise, as a country, we are going to lose a lot of resources to those counties. It is high time, if a decision was to be made, maybe, we go back to what used to happen as Hon. Nguna has said. In the past, the national Government would do hospitals and rural roads. Currently, it is very hard for you to see a rural road, nursery schools and ECD centers being done by a county anywhere in this country. As we struggle as parliamentarians building classrooms in our primary schools and high schools, nothing is happening. This is such that by the time kids join primary schools, they are not well grounded. Those are things that we need to consider.

I support and we really need to relook at devolution. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Ganya Chachu. Kindly have the Floor.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Bill from the Senate.

I think it is a very good Bill. I wish Senators from the beginning were up to the task of really enabling counties to perform and do their best under the Constitution.

Most of the times, Senators have been keen doing other things outside their mandate as per the Constitution. However, this Bill is really timely. It will really go a long way in enabling counties not only to collect revenues, but to also prudently manage those revenues.

The Bill will enable all our 47 counties to collect revenue in a very harmonious way; in a way that is universal and uniform for all of them. It would be easy to monitor if we all adopt one set of standards unlike now where every county is trying to do its own things.

It is not every Kenyan who cares to know that there is so much mismanagement in our counties, especially when it comes to revenue collection. Nothing has changed from the old county councils. If anything, they are just more learned, well-educated managers in our counties and are using their expertise to loot and not to manage the affairs of our counties.

I really hope this Bill sets a very good standard or rather a uniform kind of accounting software or whatever it is that will be procured at the national level for all those counties. I hope with the advice of the World Bank and all those monetary institutions that give support to Treasury and to our counties, we will be able to get the best system out there. If the counties will have capacity, they will use the systems fairly well. They will also be monitored on a regular basis by all authorities that are charged with the mandate of monitoring the performance of our counties.

Hon. Temporary Deputy Speaker, once those systems are adopted across our counties, we will know the counties that are doing well in revenue collection, those where plundering is taking place and those where resources collected from citizens are used prudently for the welfare of the people.

I hope this Bill will have punitive measures to ensure that those not using the system well or those deliberately looking for ways of evading the system are penalised. I hope the penalties will be hefty to deter others from doing so and those affected should face the full force of the law.

As I conclude, I suggest that those counties that would have done well in revenue collections, that is, those that will have adopted the systems well and enhanced their revenue collections should be rewarded, while those which are not keen on using the system to collect revenue because of other reasons – because they will be stealing from the *wananchi* - should be penalised. So, we should have a carrot-and-stick system where people are rewarded and others penalised. Counties should be ranked and rewarded on the basis of how well they have performed in terms of revenue collection.

Hon. Temporary Deputy Speaker, this is a good Bill and I hope we will get more of such Bills from the Senate going forward. I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have the Hon. Mbithi, Member for Masinga

Hon. Joshua Mwalyo (Masinga WDM-K): Thank you for giving me the opportunity to air my views on this important Bill. It is, indeed, a very important Bill and has come at a good time. Revenue collection is a challenge especially in our counties. The eight years of devolution should have been a learning moment for counties with regarding to systems of collecting revenue, which ought to be ready by now. It is so that all the loopholes are sealed for them to collect enough money for paying salaries.

I believe there are some counties which collect enough revenue to pay their people. There are a few governors who do not cry always for lack of money. Their people never go on strike because they have enough money to pay salaries, say, for nurses and doctors. However, majority of them have not seen the need of collecting enough money and saving the same money to be used for recurrent expenditure.

My constituency collects a lot of money. We have sand harvesting whereby about 200 lorries carry sand daily and each lorry is charged Kshs2,000. That amounts to Ksh400,000 per day. If you multiply that by seven days, because they come daily, it is Kshs2.8 million. In one month, it is over Kshs11.2 million and that is only from sand. There are others that come to sell cabbages from Central Kenya. Others bring other food stuffs and they are all charged. Therefore, if the money is collected and saved, it is a lot. There would be no need to cry when the National Government has not remitted money to them.

I have realised that the clerks, especially in my area, earn little money, but they live large. The kind of cars that they drive, the houses they have built and the investments they have are big. That tells you that the collection in the county is much.

Therefore, this Bill, if it is utilised properly, will bring uniformity in the collection of revenue in the counties and monies collected will help counties develop. I have realised that whatever is collected is not ploughed back to the constituencies. This is because even the bridges that we built through the Kenya Rural Roads Authority (KeRRA), because of the weight of the lorries, they get destroyed and they do not even bother to repair them. It is us who seek money from KeRRA again to build them. Therefore, value in our constituencies is not got from the money

that is collected by the counties. Therefore, strict measures should be taken once this Bill is enacted so that the counties can realise that they need to use their money well.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, Hon. Mbithi. Hon. Members, I can tell from my screen that there are around five more Members who want to speak to this, but I am afraid of the Resolution of this House. This item on the Order Paper must come to an end in the next two minutes. This is because the House resolved that such an agenda must take a maximum of two-and-half hours which ends around 6.20 p.m.

I am unable to break that Resolution of the House. We have the Mover to reply and the Mover must have a maximum of five minutes. So, I am sure the Members who wanted to speak to this would also want to speak to the next one. So, I am told the Mover will be Hon. (Ms.) Nyenze on behalf of the Chair of Departmental Committee on Finance and National Planning.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker. On behalf of the Hon. Chair, I am here to reply. I thank Members for the contributions they have made to this important Bill. Members have shown a lot of interest. It is in the interest of Kenyans that we seek to standardise revenue collection in our counties to bring sanity and control in financial management in our counties, especially during this digital era. We must have a digital collection system whereby the revenue collected is not stashed in sacks.

This Bill will bring sanity and give incentives to those who do well. In a way, let Members bring some amendments where we will have some law on collection especially with regard to *mama mbogas* (green grocers), where we need to have a limit to the amount we can collect. We look forward to the amendments that you will bring to the Committee. We invite Members to bring more amendments to this important Bill.

With that, Hon. Temporary Deputy Speaker, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we will not put the Question on that item now. It will be done at a later date.

Next Order!

(Putting of the Question deferred)

MOTION

INQUIRY INTO THE DEATH OF ELEVEN BLACK RHINOS AFTER TRANSLOCATION TO THE TSAVO EAST NATIONAL PARK SANCTUARY

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on its Inquiry into the Death of Eleven Black Rhinos after Translocation to the *Tsavo* East National Park Sanctuary, laid on the Table of the House on Thursday, September 19, 2019.

(Hassan Hulufu on 30.7.2020 – Afternoon Sitting)

(Resumption of Debated interrupted on 10.9.2020 – Afternoon Sitting)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, as the Clerk has indicated, this is resumption of debate interrupted on Thursday, 10th September 2020 – Afternoon Sitting.

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Those who had spoken shall not speak again and they are Hon. Charles Were, Hon. Ibrahim Sahal, Hon. (Ms.) Millie-Odhiambo, Hon. Daniel Maanzo and Hon. (Ms.) Rozaah Buyu, who had a balance of four minutes. Hon. Buyu, you have the floor for the remainder of the four minutes.

Hon. Rozaah Buyu (Kisumu (CWR), ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. Like I said the last time we talked about this Report, I am a Member of this Committee and I support the Report.

I would like to clearly state that, at the point when the Committee was going through this discussion, it was a very passionate and emotional session. This is because the Committee equated this to innocent and helpless men being sent to the gallows while people are watching. Indeed, the black rhinos were innocent and helpless. The only reasons they met their death during the relocation was out of negligence and due to inadequate human resource.

The last time we were here, Members cried out that they wished the Report actually named the people held culpable for some of those actions. The Committee was very bold in calling out the CS for Tourism and Wildlife in terms of taking responsibility. This is because the Committee felt that being at the helm of that Ministry, it was improper for him to say that he was just called and thought everything was okay. He just went to flag-off the exercise. CSs are paid to do much more. Their mandate is much more than just being page-boys.

The Committee also found that the then PS in the Ministry as also holding responsibility for the death of the 11 rhinos. Why? It is true that there was no board because it had been disbanded. But it is also true that the PS sat in the board that had been disbanded. It had on three times declined going through with the relocation exercise sighting improper salinity of the water and unfavourable weather as being part of the reasons.

The PS having sat in that board and sitting in the new board, should have advised them against this. What is it that had changed in terms of the conditions that had stopped the previous board from going on with the relocation exercise? What improvements had been made and why did they choose to go on with the exercise at that particular time. I think the Committee was very bold and, for that, I continue to support it and the Report.

It is true that, at the time when the relocation was being done, essential areas were ignored. They did not have the officer in-charge of ecological areas and the officer in charge of veterinary services. How then could this be carried out without those essential services? I support the findings of the Committee and say that, indeed, the CS and the then PS should be held responsible for the death of the 11 black rhinos.

Hon. Temporary Deputy Speaker, I support the Report. Thank you.

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

Hon. Hassan Hulufu (Isiolo North, KPP): Hon. Temporary Deputy Speaker, I was the Mover and I am taking notes so that I can reply at the end.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Sorry Hon. Hulufu Oda. That was not in my list. But it is noted. Shall we have Hon. ole Kenta.

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to join my colleagues in supporting the Report. What happened in Tsavo regarding the death of the 11 black rhinos should not have happened. It was gross negligence and failure by the CS and his team to ensure that such precious animals, in the list of endangered species, did not perish.

I support the Committee's Report that the CS should take responsibility and so should the other concerned officers. This is because if something like this happens in another country, it

would have been a matter that calls for the CS to resign. But this being Kenya, he still continues to hold office. I believe he should think twice about retaining that office.

This brings me to something that happened the other day in the Maasai Mara. People were so greedy and negligent that they allowed the building of camps along the crossings used by wildebeest. They are the spectacle of the great migration, which is the eighth wonder of the world. People have built camps and blocked the movement of the wildebeests and other animals, thus causing the death of several thousands of the animals. The worst part is that a video was taken by a foreign tourist and has been circulating all over the world. This has cost us a lot of goodwill and this also happened during the time when the rhinos died.

When they talk about the quality of the water being the cause of the death of the rhinos, we wonder whether KWS has scientists who were supposed to have advised against relocating those rhinos. But you find that most people who were responsible were on suspension during that time. This brings to the floor the abuse of power by those in authority whereby, if they do not like you, they kick you out. If you do not sing to their song however bad it is, they kick you out. If you advise them it will not be right to relocate the rhinos, they remove you. I think it is time we defended and protected officers.

I was a member of the Departmental Committee on Environment and Natural Resources in the last Parliament. I know we fought for more allocation of funds to KWS, but we always failed. It shows that even the CS has failed because he has been unable to fight for the allocation of resources to KWS and other very important institutions like this one.

I believe, as Parliament, we should relook at some of those issues. KWS takes care of our heritage. I think instead of throwing money into dams that are never completed thereby losing billions, it is important for us to put more money in our national reserves and parks. This is because had it not been for Covid-19, tourism sustains the economy of this country.

I think for years since the time we were under colonial powers up to Independence, tourism has always come to the aid of this country in its hour of need. When there was no money from the World Bank and we were a pariah State, our own beautiful parks brought in tourists and dollars. That is how we survived. This is something we must retain at all costs.

I do not want to say that the Ministry of Tourism and Wildlife is not taken care of. I believe if you look at its budgetary allocation, you will find that it is very minimal in comparison to other ministries which are not of much importance. It is the same with the Ministry of Petroleum and Mining. We have a lot of resources underground and we are not utilizing them. I believe as Parliament, we should ensure some of those very key ministries are properly budgeted for. They should get enough resources to ensure that, as a country, we are self-sufficient in as far as natural resources are concerned.

Thank you, Hon. Temporary Deputy Speaker. I support the Report and the CS should take the responsibility as well as other officers.

Hon. Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Chepkut Chirchir. It is okay if you do not want to speak to this one. Let us have Hon. Pukose Robert.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker, for allowing me to contribute to this. At the outset, I support this Report. The Committee did commendable work. It is a shame that this happened. It is actually a tragedy that we lost 11 rhinos on translocation to Tsavo East. This is something that should not have happened. When you read the report, considering that the PS was in the previous board and he was not able to share the same information with the new board that had initially made sure that two attempts to translocate those rhinos did not happen... It is very sad that when we have change of officers, the information that

we had in the previous records cannot be shared with the incoming officers. That makes me support the issue of having the PS and the CS held personally responsible for whatever happened. I think we even need to go further. When it goes to the Committee on Implementation, they need to say what it is when we say that we are holding them responsible. What is it that Parliament is doing to them? What is it that we want them to be held responsible for? How? Is it a vote of no confidence? Is it having them pay for those 11 rhinos? What is it? I think that needs to be further defined. When you say we are holding them personally responsible, it should be a deterrent measure that never again should something like that happen in this country.

Just as Hon. ole Kenta was putting it, a foreigner built a camp, on the path that has been followed for years by the migrating wildebeests from Serengeti to Maasai Mara, causing a stampede that led to the loss of quite a number of wildebeests. What has the Ministry of Tourism done to deter that kind of behaviour and hold those people who did that responsible for whatever happened? This is something that is going to deny this country that spectacle and the eighth wonder of the world because of somebody who built his camp on the way where the wildebeests have been migrating through over years.

It is high time the KWS is restructured in terms of how many veterinary doctors it recruits. How many is it recruiting? It even needs scientists who get involved in the management of the various animals. It is actually a force and not a service because the behaviour especially of KWS officers in Mount Elgon National Park, which is in my constituency, has been wanting because, more often than not, you will find that whenever those officers meet *wananchi*, they beat them up. They go as far as harassing people who are carrying out their day-to-day activities. Their behaviour has been quite wanting. So, I think it is high time we got professionalism in the KWS and CS Balala, his PS and the CAS, who is the former Inspector-General of Police, must be in the lead. They should inculcate some element of good discipline and service especially on how wildlife can interact with the communities within those areas.

With those few remarks, I support.

Hon. Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nyikal, the Member for Seme, you have the Floor.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. This Report underlines a very major principle of the problems we see in this country – that people in positions of authority use their authority and power and completely ignore technical issues. We have seen this in this Report. We saw exactly the same in the report on the dams and the report of PIC on the management of parastatals. The problem is governance. The people who are governing think that power can overcome technical issues. That is why those rhinos died. This physical world is controlled by its own laws, nature or by God's laws; if you are religious or a Christian. The human organisation of structures that we put in place and politics cannot have power over those structures. So, what do you see here? There are huge problems of governance. One, there is no board. They have delayed for a long time to have a board in place. So, how do you run an organisation without a board?

The next thing you see is that they remove the veterinary officer who was in charge. This is the Director of Veterinary Services who was probably giving technical advice in that committee. That is a management problem. You find that again they employ two officers bringing a reporting problem. So, you bring disharmony in the structure. Then the technical officer you have is on suspension. You have a report which says there is high salinity in this place and you cannot take those animals there. You ignore that. What power do you have over the animals once the technical

people have told you that those animals cannot live in that area because of the salt in that place? You cannot use power to change those. So, again, it is the problem of governance.

Then there is no policy on how they relate with international partners. So, what do we find? The World Wildlife Fund which had given the money is actually putting pressure on them. It looks to me like they succumbed to that and relocated those animals because of that pressure. The technical officer was suspended for whatever reason. The veterinary officer in the board was removed and they changed the structure. Who are the veterinary people who are looking after this? They are people in uniform and the report says they are too scared to talk to the managers. If you do not respect the technical people because they are junior, you are not disobeying them but disobeying the laws of nature. Even if it is people, they will die. We have governance issues in all those places. We saw it in the two reports I have mentioned and that is why those animals died. The governance structure was wrong. The people were authoritative. They did not take into consideration technical issues. They were running the system by fear.

I, therefore, support this Report, particularly the recommendations that serious action should be taken at those levels. Even when they employed the technical person, they employed a person with wrong qualifications. What did they expect? I support this Report. We are seeing this everywhere in the way we run our institutions. Thank you.

Hon. Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now hear Hon. Wangwe.

Hon. Emanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me, at the outset, to support the Report by the Departmental Committee on Environment and Natural Resources on the issues that they have raised on the inquiry into the death of the 11 black rhinos.

Hon. Temporary Deputy Speaker, what we are seeing from the Report, is exactly what Hon. Nyikal has said. I want to put it in stronger terms! It is negligence and failure to take responsibility of your own duties. We do not expect an institution like this to run without a board. That is what we found out. We do not expect an institution like this to haphazardly employ wrong people for the good job available yet in Kenya, we do not have deficiency in terms of manpower. This should be condemned. I would equally go a notch higher and suggest that they be surcharged for the death of those rhinos. When rhinos are alive, they serve as tourist attractions and they hold a future for generations to come. We will now live with that reality. They are not there and we cannot just say it will continue in that manner. This happened! The institution is using the wrong rule and it is behaving like the jungle itself. We must condemn it and ask the Committee on Implementation chaired by the great man, Hon. ole Kenta, to sit down and read it again when it comes to his desk, and make sure that the recommendations in this Report are effected.

Just like the many other Reports that we have passed in this House, let us make sure that what has been put in the Report is not just for the sake of debating on the Floor. This is the life of our country. The life of our country belongs to the attractions that we have, the natural fauna and flora that we have. Once we destroy this, as many have said... The other day, Citizen TV was showing a camp that was built that stopped the migration of wildebeest. Who else has the eighth wonder of the world at the Maasai Mara? This is the corridor which we are proud of. If we are going to obstruct the natural flora and fauna, we are definitely going the wrong way. Look at what has happened. Two days ago, the Government of Uganda and that of Tanzania signed an agreement on pipeline worth trillions of shillings. I have a background in petroleum. It is a shame that we lost that kind of contract. We must tell our leadership that this should not be the case. We should have tamed and brought it to this country for the sake of our future generations. Since that is gone,

we cannot allow the natural flora and fauna that we have to diminish. We must protect what we have.

Thank you, Hon. Temporary Deputy Speaker. I beg to support the Report.

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

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Speaker for allowing me to contribute to this Report. I support it. I am a member of this Committee and I participated effectively in all the deliberations that we had as a Committee. I stand to strongly support it.

What happened is a disaster and it should never have happened. It happened due to sheer negligence and bad governance in our institutions. The eleven rhinos should never have died. It is not the first time we have relocated our wildlife species from one part of the country to the other. From 1986 to 2018, we have undertaken 289 translocations of those animals from one part of the country to the other and out of that, the mortality rate was at four per cent. During that time, a total of 1,825 were successfully translocated. We have experience, we have the knowledge and we have done it before. Why did this disaster happen this time round? This is purely due to sheer negligence and bad governance at the KWS at that time. At that time, there was no board in place. The whole board had gone home and the new one was yet to be hired. So, the responsibility was purely with the KWS and the Ministry of Wildlife and Tourism.

The entire exercise was rushed, maybe, due to opportunities or maybe they wanted it done before the new board came in place. That is because the previous board did their due diligence to ensure that everything was done as per the law, global standards and best practice in wildlife translocations. They stopped this exercise before. Now that the board was not in place, I think the Ministry officials and its leadership saw that this was a golden opportunity to do what they wanted to do. As a result, due to abuse of power by those in authority, we lost eleven black rhinos which are endangered species. That is a disaster by any standard when you know there are quite a number of rhinos that are there today. What happened was due to sheer negligence because the expert knew that the boreholes had high level of alkaline and salt than it is allowed for consumption by the rhinos and yet those animals were translocated. The rhinos drank the water with high salinity levels and, as a result, they succumbed to death. KWS has experts. If they do not, they can even acquire experts from South Africa, Botswana or Namibia where they do translocations of such animals on a regular basis. They have the network and extra capacity, but this happened. We strongly feel that those people in power, those who contributed to the death of black rhinos in one way or the other, must take full responsibility. I strongly call upon our Committee and the Committee on Implementation to ensure that whatever we have debated in this House is not in vain. We have given our recommendations and, so far, every member who has contributed is in support of this Report. This will serve as an example and will deter other authorities in future to think twice before they mess up our wildlife management and before they lead to the death of our wildlife species as it happened in this case. If this is well done, we will learn from it, and people will take responsibility from this exercise and, as a result, it will deter efforts that will be done in wildlife translocation.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kwenya Thuku. He took early leave on this one. There seems to be no further interest to speak to this. Under the circumstances, I shall have the Mover replying. Is it Hon. Oundo for the Chairperson?

Hon. Hassan Hulufu (Isiolo North, KPP): I am standing in for the Chair. I am actually the one who moved the Motion.

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

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker, I would like to reply. I would like to thank all the Members who have contributed to this Report. It is very unfortunate that we lost 11 black rhinos – a species of animals which is endangered and which is a source of attraction for tourists who enable us as a country to earn foreign exchange.

The Departmental Committee on Environment and Natural Resources had an opportunity to interrogate this matter. We invited the former board whose term lapsed. At the time of the death of those rhinos, there was no board in place. Therefore, the Ministry of Tourism and Wildlife had the responsibility of ensuring that what was supposed to be done by the board was done by the Ministry led by the Cabinet Secretary (CS). This is because the CS delayed the appointment of the new board. It is on the basis of that fact that the Departmental Committee on Environment and Natural Resources recommended that the overall responsibility for the death of the rhinos should be taken by the CS for Tourism and Wildlife.

The former board had delayed the translocation of the black rhinos because the prevailing conditions in Tsavo were not conducive for those animals for two main reasons. There were drought conditions and the salinity of water.

The recommendations of the Committee are very clear. The CS is required to take overall responsibility. The former Principal Secretary for Wildlife who sat on the former board had the responsibility of advising the CS not to approve the translocation because she was privy to the concerns of the former board. Therefore, she should also take responsibility.

We also realised that in the allocation of tasks, people were given jobs which were not related to their areas of expertise. A marine ecologist was assigned to be in charge of terrestrial ecosystems, which is a very big mismatch in terms of skills and knowledge. That is partly what was responsible. All the same, the same officer who was on suspension at the time had information on the poor quality of water and he withheld that information.

I concur with the Members who have spoken. The recommendations are clear. I call upon the Committee on Implementation to move very fast, given the magnitude of this event and the tragedy we have suffered as a country, to ensure that the recommendations are implemented.

I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, Hon. Hulufu Oda. Hon. Members, we will have to defer putting the Question on that Order to a subsequent time.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 6.54 p.m., this House stands adjourned until Thursday, 17th September 2020, at 10.00 a.m.

The House rose at 6.54 p.m.