

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

Thursday, 26th November 2020

The House met at 10.00 a.m.

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

PRAYERS

Hon. Deputy Speaker: Inaonekana kwamba hatuna Wajumbe wa kutosha. Ninaamrisha kwamba kengele ipigwe kwa dakika kumi.

(The Quorum Bell was rung)

Hon. Charles Njagagua (Mbeere North, JP): Hoja ya Nidhamu, Naibu Spika.

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

Hon. Charles Njagagua (Mbeere North, JP): Bwana Naibu Spika wa Muda, naomba kujua jambo: Je, tulikubaliana kuwa siku ya Alhamisi tuwe tukiongea Kiswahili? Wengine wanaendelea kuongea kizungu. Hoja yangu ya nidhamu ni kuisitiza kuwa Kiswahili ndiyo lugha sanifu ya kutumika leo. Je, tutaongea kwa Kiswahili ama kizungu?

Hon. Deputy Speaker: Now, let me speak in English because I know I can easily communicate to you better that way, Hon. Njagagua. I know your history and mine are intertwined somewhere.

You are highly encouraged to speak the national language of Kiswahili, but it cannot be a must because our Standing Orders have not been changed to specifically state that. So, this being a House of orders and rules, you are highly encouraged to speak in Kiswahili. The Speaker will be very inclined to give Members who are willing to speak in Kiswahili an opportunity. A good example is the Member for Kesses, Hon. Mishra. We will be happy to give such Members an opportunity because we also have to start adopting the systems that we create for ourselves. We cannot be having Standing Orders in Kiswahili and yet... So, that is what we are going to do. As I have said, it is not a must. We, however, encourage Members to speak in Kiswahili. We will give opportunity to them to do so.

What is it, Hon. Mishra?

Hon. Swarup Mishra (Kesses, JP): Hon. Deputy Speaker, I would love to talk in Kalenjin specifically in Nandi.

(Laughter)

Hon. Deputy Speaker: You are completely out of order! There are only two languages that will be allowed in this House; that is, English and Kiswahili. Nandi is not one of them.

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Hon. Swarup Mishra (Kesses, JP): *(Inaudible)*

Hon. Deputy Speaker: Well, then you will change the Standing Orders that time. For now, the Standing Orders are clear that it is only Kiswahili and English.

What is it, Hon. Mwambire?

Hon. Teddy Mwambire (Ganze, ODM): Bwana Naibu wa Spika, ndani ya Bunge kuna viti vya kutosha lakini nimemwona mmoja wetu ameketi kwenye sakafu. Je, ni sawa hivyo kwamba Mheshimiwa aje Bungeni kisha akae sakafuni badala ya kitini?

Hon. Deputy Speaker: What you need to do, Hon. Mwambire, is to specify. From where I sit, I cannot see anybody sitting where you have just stated.

Hon. Teddy Mwambire (Ganze, ODM): Bwana Naibu wa Spika, yule ambaye alikuwa ameketi kwenye sakafu sasa hivi ameketi kwenye kiti. Alikuwa ameketi sakafuni karibu na anapoketi Mhe. Mishra. Nahofia huenda uongozi wa kidhalimu umeanzishwa humu Bungeni kwamba wengine wapige magoti.

Hon. Deputy Speaker: Of course that will be completely out of order. Looking at where you are standing, you must have been able to see what was happening. Unfortunately, I did not pick it at that particular point. I would have acted accordingly.

Let us proceed, Hon. Members.

NOTICE OF MOTION

Hon. Deputy Speaker: Hon. Halima Mucheke! She is not in the House. This one will be deferred to the next sitting.

(Notice of Motion deferred)

ORDINARY QUESTIONS

Hon. Deputy Speaker: On this particular order, Hon. Members, we have a series of Questions. We will start with the Hon. Member for Nyeri, Hon. Rahab Mukami.

Je, unataka kuongea kwa lugha ya Kiswahili or will you proceed in English?

Question No.213/2020

DIRECTIVE FOR ALL PUBLIC OFFICIALS TO TRAVEL USING KENYA AIRWAYS

Hon. (Ms.) Rahab Mukami (Nyeri (CWR), JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain the benefits realised by the government and Kenya Airways following the Head of the Public Service directive that all public officials travel using Kenya Airways noting the airline continues to charge exorbitant airfares on local and international flights and offer unreliable services, including perpetual delays and rescheduling of flights?
- (ii) What measures are in place to address the continued financial losses and trade disputes experienced by the national carrier that compels the Government to continuously bailout the airline?

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

Next is the Member for Kesses. Remember, the languages you were asked to communicate in are English and Kiswahili only. You can try Kiswahili, Hon. Mishra.

Hon. Swarup Mishra (Kesses, JP): Hon. Deputy Speaker, you are right, but politics needs no language and governance is about understanding.

Hon. Deputy Speaker: Well, let us stop there before I allow you to proceed. You are talking about politics yet we are not doing politics here. We are basically debating in the Chamber. Elsewhere, you can do that.

What is it that you wanted to raise? Maybe I cut you short too soon.

Hon. Swarup Mishra (Kesses, JP): Hon. Deputy Speaker, I do not know...

Hon. Deputy Speaker: The best way forward is that you ask the Question first and then we can go to those other issues later on.

Question No.259/2020

LOGGING FOR THE REGISTERED SAW-MILLERS

Hon. Swarup Mishra (Kesses, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Environment and Forestry the following Question:

- (i) What plans are in place to lift the ban on logging in our forest for prequalified saw-millers to harvest mature plantations thus cushioning millers from lenders and the effects of the COVID-19 pandemic?
- (ii) Could the Cabinet Secretary undertake to allow prequalified and registered saw-millers to work for seven days in a week unlike the current situation of five days and by when, further could the Cabinet Secretary grant saw-millers a five-year term to harvest what they had been allocated to sort out liabilities incurred during the ban?
- (iii) What measures has the Ministry put in place to ensure equity in allocation of forest materials to registered and pre-qualified saw-millers?
- (iv) Could the Cabinet Secretary explain clearly the plans the Ministry has in ensuring tree planting with relevant stakeholders and further synchronize with the said activities with community-based groups and Non-Governmental Organizations?

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Environment and Natural Resources.

Question No.340/220

ADMINISTRATIVE BOUNDARY FOR CHANGARA LOCATION

Hon. John Waluke (Sirisia, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

When will the Ministry demarcate the administrative boundary for Changara Location in Western Region and place it in the appropriate county noting that the current map does not reflect the description contained in the District and Provinces Act of 1992?

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Administration and National Security.

Next is Question No.344/2020 by Member for Nyando.

Hon. Jared Okelo (Nyando, ODM): Shukrani Bwana Naibu wa Spika. Huenda nitaomba radhi kwa sababu Swali langu limechapishwa katika lugha ya kimombo. Sasa nitalisoma jinsi ilivyo.

Hon. Deputy Speaker: Well, on that note, we will be asking the relevant officers to note that Members should be making their preference known. Should you be interested in asking your Question in Kiswahili, it will be put in Kiswahili in the Order Paper? That is a good opinion and option you have given us, Hon. Okelo.

Proceed!

Hon. Jared Okelo (Nyando, ODM): Asante, Bwana Naibu wa Spika. Mimi ni mmoja wa wale ambao ni magwiji wa lugha ya Kiswahili humu Bungeni.

(Laughter)

Question No.344/2020

REHABILITATION OF ROADS IN NYANDO CONSTITUENCY

My Question goes to the Cabinet Secretary (CS) for Transport, Infrastructure, Housing, Urban Development and Public Works.

- (i) Could the Cabinet Secretary explain the plans in place to rehabilitate the dilapidated roads in Nyando Constituency that have been rendered impassable because of frequent floods, despite a budgetary allocation of Ksh5 billion for rehabilitation of roads destroyed by floods across the country?
- (ii) When is the Ministry expected to commence rehabilitation of the roads in Nyando Constituency?

I thank you. Shukran.

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Transport, Public Works and Housing. We go to the Member for Butula, Hon. Joseph Oyula.

Question No. 346/2020

STATUS OF OWNERSHIP OF LR. NO. MARACH/ELUKHARI/752

Hon. Joseph Oyula (Butula, ODM): Thank you, Hon. Deputy Speaker, for granting me this opportunity. I rise to ask Question No. 346 of 2020. This Question is directed to the Cabinet Secretary for Lands and Physical Planning.

- (i) What is the status of ownership of land parcel L.R. No. Marach/Elukhari/752 situated in Butula Sub-County, which was acquired by Bukati Primary School through the support of Norval United Church from Canada?
- (ii) Could the Cabinet Secretary consider taking appropriate intervention to ensure that the land is secured from land brokers who have coerced the seller to disown the initial sale agreement to Bukati Primary School for purposes of grabbing and resale to a second buyer?

- (iii) Could the Cabinet Secretary provide a list of schools that have been granted title deeds for the land on which they are built on in Butula Sub County?
- (iv) What measures has the Ministry put in place to ensure that all schools across the country have title deeds?

I thank you.

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Lands. We go to the Member for Kasipul Constituency, Hon. Charles Ong'ondo.

Question No. 347/2020

ENVIRONMENTAL POLLUTION IN KASIPUL CONSTITUENCY

BY M/S. CHINA CITY CONSTRUCTION COMPANY

Hon. Charles Ong'ondo (Kasipul, ODM): Thank you, Hon. Deputy Speaker, for allowing me to ask Question No. 347/2020 directed to Cabinet Secretary for Environment and Natural Resources.

- (i) Is the Cabinet Secretary aware that M/s. China City Construction Company in Kasipul Constituency emits toxic dust which is blown to Akech and Katangá Villages causing health hazards?
- (ii) What action has the Ministry taken against the said company which has further blocked access to Awach River, which is the main source of water, and dumping hazardous materials on the access points?
- (iii) What steps is the Ministry taking against M/s. China City Construction Company from further polluting the environment and contaminating Awach River in Akech and Katangá villages?

I thank you.

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Environment and Natural Resources. We go to the next Member Hon. (Ms.) Zuleikha Hassan, Member for Kwale County.

Question No. 354/2020

EVICTON OF UKUNDA RESIDENTS BY THE KAA

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Asante sana, Mhe. Naibu Spika, kwa nafasi hii na pia asante kwa kuzidi kutueleweshwa kuhusu maswali haya kuwa kwa siku zijazo, tunaweza kuuliza kwa Kiswahili na ikatambulika kwa lugha hio. Kwa leo, vile imeandikwa kwa kiingereza, nitaendelea kuuliza kwa Kiingereza.

Hon. Deputy Speaker, I stand to ask Question No. 354/2020 to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.

- (i) Could the Cabinet Secretary explain the status and circumstances that led to the evictions of the residents living on the land around Ukunda Airport by the Kenya Airports Authority (KAA)?

- (ii) Why is KAA insisting on building a perimeter wall before compensating residents of Mkwakwani Village in Ukunda Ward, Msambweni Constituency who hold title deeds and have already agreed to the relocation?
- (iii) When will the KAA and the National Land Commission (NLC) compensate residents with regard to their land and properties acquired for the expansion of Ukunda Airport?

I thank you.

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Transport, Public Works and Housing. We go to the Member for Starehe, Hon. Charles Njagua. That Question is deferred.

(Question deferred)

We then go to the second segment of this particular Order. That is the request for Statements.

Hon. Paul Koinange, I can see you had something you wanted to say.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. If you allow me, I wish to address the following to the House with regard to Questions.

On Wednesday, 25th November 2020, the following Questions came up for reply by the CS for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security:

- (i) Question No. 256/2020 by Hon. Robert Mbui;
- (ii) Question No. 194/2020 by Hon. Qalicha Wario;
- (iii) Question No. 250/2020 by Hon. Alfred Masadia;
- (iv) Question No. 301/2020 by Hon. Caleb Kositany;
- (v) Question No. 297/2020 by Hon. Josphat Kabeabea;
- (vi) Question No. 304/2020 by Hon. Benjamin Tayari;
- (vii) Question by Private Notice No. 024/2020 by Hon. Silvanus Maritim; and,
- (viii) Question No. 328/2020 by Hon. (Ms.) Faith Gitau.

It is regretted that the Committee had no choice but to drop all these Questions in line with the provisions of Standing Order No. 42 (c) (5), after Members who raised them were absent without the Committee's Chairperson's permission and nobody communicated to me.

Hon. Deputy Speaker, the House puts in a lot of effort, time and resources processing Member's Questions for reply by CSs. Ministries, on the other hand, also put in a lot of effort, time and resources preparing replies to Member's Questions. When Members do not appear before committees for replies to the Questions, all efforts, time and resources put in by the House and Ministries go to waste. On behalf of the Departmental Committee on Administration and National Security, I appeal to all Members raising Questions before committees of the House to ensure they appear before the replies.

I thank you.

Hon. Deputy Speaker: First of all, that is a very legitimate concern. The reason why I gave you a lot of time, because you were standing on a point of order, is because I thought this is a matter that should be dispensed with right now.

Members have always complained that chairpersons and committees sometimes take too long in responding to Questions. It becomes a bit difficult when it is the Members themselves who do not avail themselves to pursue their Questions at the committee level. What I am trying to

grapple with, Hon. Paul Koinange, is whether it was right for you to drop the Questions. What I think should have happened is for you to report to the House and we would be able to know how to handle that matter.

However, it makes sense. If the Members asks Questions and they do not appear, it becomes difficult for them to be processed. I see some of those Members who were mentioned here, in the House. I would really be very curious to know what is likely to have happened. Even if there are going to be very good reasons they had for not attending, it would have been better if that was communicated to the Committee at that point.

Another thing that we are grappling with and we would like to send it to the relevant Procedure and House Rules Committee is whether once a Member asks a particular Question, it still belongs to him. At that point, it is a property of the House and should be answered even in absence of the Member. In terms of tidiness, it would be good for the Member to be there or at worst, his representative.

This is something that we need to look at. Let us start with Hon. Wangwe before I come to some Members who...

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. I wish to add my voice to that issue raised by Hon. Koinange.

As per what you just said, although it is not yet concluded, I feel that once a Member presents a Question on the Floor, it no longer becomes a Member's concern, but the House's concern. In my view, and in attending to a course of natural justice, I feel that Chairpersons should not drop Questions. Instead, they should have the alternative to transmit the written reply without necessarily having the Member interrogate the Question. A Member could raise an issue affecting a particular area, but also touching on the concerns of other Kenyans. Once we get a written reply, it would serve the purpose rather than dropping the Question at the Committee level. Let other Members have the benefit of listening and getting to know what reply the Member has received.

Hon. Deputy Speaker: As we continue to do that, we should look at the relevant Standing Order which is Standing Order No.42(c) (5). This is something that we changed. I was grappling before as to whether the Chair has the power. It is very clear. Let me read it for the record so that even as we debate, we are able to internalise what is in the Standing Orders.

Standing Order No.42(c) (5) states:

“Where the Member who raised a Question referred to the Committee is absent without the Chairperson's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.”

That is what is in our Standing Orders. Even as we proceed to debate, the Chair was absolutely right to drop the Questions.

Let us hear from Hon. Chachu.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Deputy Speaker. I truly appreciate the position of the Chairman of the Departmental Committee on Administration and National Security. It is a very genuine concern. Standing Order No.42(c) (5) is very clear.

In other Committees, we table the answer so that the Member is able to at least have the information later on. It is not discussed in the Committee. It is just tabled and Members can always access the answer from the secretariat or the Clerk's Office. That is what we have been doing in other Committees. The Standing Orders are very clear.

Also, we have to appreciate that there are times when Members just cannot make it. For instance, on the day that we lost our secretary in Marsabit, Hon. Qalicha of Moyale had to fly within a fraction of a second to attend that burial. In our region, we bury people on the spot,

whether you are a Christian like me or a Muslim. There are extraordinary circumstances which Members of Parliament face. Let us be pragmatic as we deal with this issue.

Hon. Deputy Speaker: That is agreeable. The Standing Orders gives you the leeway to simply talk to the Chair of the Committee. It is as easy as that. Circumstances may arise where you are not able to attend. It happens all the time. It is also good to communicate. Otherwise, the Chair would be waiting for you in the committee room expecting you to come and pursue your Question but you are not available to do that.

What is it, Hon. Murugara? What do you have to say on this? I am going to give an opportunity to a few Members because this is a serious issue.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Deputy Speaker. I have had occasion to attend several Committee meetings to ask Questions. What happens is that I read out the Question and then I get a written response that is read by the relevant Government officer. Later on, I get a copy of that response. That is a very tidy way of doing things despite the fact that our Standing Orders have a different provision. We need to see whether we can amend them and come up with a better way of getting answers. What is the purpose of dropping a Question that has a written answer? The correct thing is to give the Member the written answer. However, when he is absent, he misses the occasion to ask supplementary Questions. The good thing about being present is that if the answer is not sufficient, you have the time to ask supplementary Questions and you get supplementary answers.

Hon. Deputy Speaker: Let us hear from one of the Chairs of Committees. Probably, they have the same issue. Let us have Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Deputy Speaker. I agree with what Hon. Koinange has said. At the same time, we need to look at the Standing Orders and amend them so that instead of dropping the Question, we table the answer. As my colleague has said, you lose the benefit of asking a supplementary Question.

Secondly, we request the Clerks who clerk the departmental committees to remind Members. Members could be within Parliament but they have forgotten that on that particular day, the Cabinet Secretary (CS) is coming to reply to their Questions. The Leader of the Majority Party or the Majority Whip normally tell us on Thursday when the CSs are coming to reply. We are very busy and can easily forget. We urge that the Clerks remind us one day before or first thing in the morning on the day that the CS is coming, Members should be reminded that Questions will be answered.

Hon. Deputy Speaker: Let us have Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. My observation is that once Members raise Questions on the Floor, these Questions are taken to the CS, the Ministry grapples with a solution and then presents it on the day that the Member is invited. As my colleagues have said, the responses are normally in written form. As Members have said, the idea would be to look at the Standing Orders to see how we can amend them so that we do not drop the Questions.

I was supposed to appear before that Committee yesterday morning. I got the schedule on time and knew I would be the first person at 10 a.m. to have a response to one of my Questions, which was very important to me. Something even more important happened. I got an invitation to attend the signatures launch for the Building Bridges Initiative (BBI). I was invited by His Excellency the President, the Right Hon. Raila Amolo Odinga and my party leader, Kalonzo Musyoka. I had to go. I communicated with the Chair and informed him that unfortunately,

something had come up. I do not know. How do you handle situations where it is just last minute and it is also important business of the House?

Hon. Deputy Speaker: That is a very interesting issue raised by Hon. Mbu. That is an admission that you did not attend without any...I am trying to see any other Member who did not...I will give an opportunity to this other side. I have given opportunities to quite a number of Members to my...Let us have a Member who has not spoken this morning. Let us have Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Deputy Speaker. Any Question asked in this House does not belong to a Member of Parliament. They are Questions of national importance touching on citizenship. Dropping the Question merely because the Member who asked it is not in the House is not fair representation. We must endeavour to expand our democratic space in terms of representation.

There are situations where due to circumstances beyond our control, Members of Parliament may not be in the House. One such circumstance is yesterday's launch of the signatures which most of us attended and could not even attend some Committee meetings. If parliamentary proceedings were on, some of us were not going to attend. Those are equally important national activities.

Therefore, we should elevate our Standing Orders to sustain those Questions to their logical conclusions. That is, if Questions are asked and the MPs who tabled them are not in, they should be given the chance to respond to them when they are available in the House. If we did that, we will be doing justice and strengthening the representation of the people through this House.

Hon. Deputy Speaker, I think it is fair to sustain these Questions in the best interest of the people.

The Deputy Speaker: Let us have Hon. (Dr.) Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I happen to be one of the people whose Questions have taken long to be responded to. Unfortunately, at times, you get the invites through SMS and you are not within Nairobi. I am also a Member of the Procedures and House Rules Committee and we need to make an amendment to that Standing Order 42 (c) (5). It should not just end at dropping of the Questions and that ends the issue. We should also make the Chairs of the Committees to be fair to the Members who have asked the Question. It should be upon them to make sure that the Member's Question is responded to.

This is because, when we ask these Questions, we are not asking them in vain. We are asking them because of certain circumstances which we expect that at the end of the day must be addressed. Most of the issues we raise here are key issues affecting our constituents and it is part of our constitutional mandate as representatives of our people.

So, I think there needs to be balance.

The Deputy Speaker: Hon. Members, I have heard all of you. Many times, Chairs have been accused of being slow - I have said that before. The Committees have also been accused of sleeping on their job. Now, this is a different scenario where the Members have not appeared to participate in the proceedings of having the Questions answered. The Standing Orders is not black and white. The Committees, through their Chair, have the right to drop the Questions. If you really want to change the Standing Orders, it is up to you Members. There are many modes of changing the Standing Orders. It could be through the relevant Committee, that is, the Procedure and House Rules Committee or through a Motion, that is, on your own Motion as a Member.

If you feel that this Standing Order is not helpful to yourself, you have a right to proceed and change it. However, you must take the issue of Questions very seriously. When you ask a Question, and as you have rightfully said that these are important questions, it is important that you avail yourself. By the way, this is not a very rigid Standing Order. You have the option of talking to the Committee Chairperson. It is as simple as that; they can reschedule for another time. However, we do not encourage that we keep rescheduling Questions, because, remember, it is not only the Committees issue but there are other parties from outside Parliament that are involved. These include the Cabinet Secretaries (CSs), the Chief Administrative Secretaries (CASs) or Principal Secretaries (PSs). At times, this is something that goes even beyond the Chairperson to be able to be as magnanimous and help you; there are other parties who are involved.

Therefore, Members, let us take our Questions very seriously and let us appear when the Questions are being answered. That is the bottom-line. But as Members have clearly stated, the Chairperson should, as much as possible, also afford to be flexible in specific circumstances. But remember, it is the Members who complain that the Chairs are not working hard. So, when the Chairs are now working very hard like Hon. Koinange who was able to marshal the CS or the PS to come and answer some of these Questions and the Members are not available, it does not show seriousness on the part of Members.

Henceforth, let us take these particular Questions section very seriously.

We are now going to Statements and we have one by the Member for Konoin, Hon. Brighton Yegon.

REQUEST FOR STATEMENT

REDUNDANCY OF EMPLOYEES AT JAMES FINLAYS KENYA LIMITED

Hon. Leonard Yegon (Konoin, JP): Thank you very much, Hon. Deputy Speaker. I would like to request a Statement, regarding the intended redundancy of employees in the tea sub-sector.

Hon. Deputy Speaker, pursuant to Standing Order No. 44 (2) (c), I seek to request for a Statement from the Chairperson of the Departmental Committee on Labor and Social Welfare regarding the redundancy of employees in the tea industry, in particular employees at James Finlays Kenya Limited.

Hon. Deputy Speaker, more than 700 employees at the Kericho-based James Finlay Kenya Limited will lose their jobs due to redundancy. The tea company delivered the devastating news to the employees, on Friday via a company notice dated 19th November, 2020. As indicated, the redundancy will be effective from 31st December, 2020. This redundancy will adversely affect the direct income of the employees and of those who have been depending on this sub-sector.

It is on that concern that most of the affected employees had loans from financial institutions and further were paying these loans as guarantors to defaulters who were laid off during earlier dates from the same company.

Hon. Deputy Speaker, it is on this background that I seek a Statement from the Chairperson of the Departmental Committee on Labor and Social Welfare on the following-

- (ii) What measures is the Government undertaking to ensure that the looming redundancy which is about to be carried out is altered, and what interventions will be taken to improve the business environment caused by among others; low tea price, low demand for various products and increased external cost?

- (iii) State whether James Finlay Kenya Limited has notified the respective unions on the unionisable employees or the individual employees who are not members of Trade Unions or are otherwise ununionisable and the labor officer as required under Section 41/1 of the Employment Act of 2007 of the reason and the extend of the intended redundancy.
- (iv) Could the Chairperson provide detailed audited accounts of James Finlays Kenya Limited for the preceding three years, showing its revenues and expenditures to ascertain whether there is indeed and significant drop in its revenues to warrant the intend redundancy.
- (v) Could the Chairperson provide a list of all the 719 employees who are intended to be affected by the redundancy and their respective divisions?
- (vi) Could the Chairperson, provide an elaborate send-off package plan for the affected employees showing their various entitlements?
- (vii) Could the Chairperson provide a guidance and counselling plan intended to manage the stress and frustrations of the affected employees post redundancy?
- (viii) What measures has the Government put in place to ensure that persons affected doing the redundancy- if it will be carried out- will be conducted in full compliance with the applicable Collective Bargaining Agreement (CBA) and the loss terms and conditions of employment and that the employees will receive their full terminal dues?

I thank you, Hon. Deputy Speaker. I signed it on 24th November, 2020.

The Deputy Speaker: That is directed to the Committee on Labor and Social Welfare, is it not? It is a matter on agriculture but going to the Committee on Labor and Social Welfare because they have labor issues. Is the Chairperson of the Departmental Committee on Labor and Social Welfare present?

Yes, let us hear from Hon. David ole Sankok who is one of the active Members of that particular Committee.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Deputy Speaker.

The Deputy Speaker: How long do you think you need to transact this and give a reply to the Hon. Brighton?

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, on behalf of my Chair, Hon. Mwathi, who is an oasis of wisdom, we will respond to him within three weeks because this matter is very urgent. We know...

(Loud Consultations)

Hon. Deputy Speaker: I am listening to you, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): I am being distracted. We will call the parties within three weeks and table a Report on the Floor of this House in February when we come back from recess.

Hon. Deputy Speaker: Can you try to make it a little faster? Of course, I understand the situation is not very easy to marshal everybody to come around. But can you try to make it earlier, if it is possible?

Hon. David ole Sankok (Nominated, JP): Let me consult the Chair. Probably, as early as next week, on Tuesday. We will be having a Sitting and probably, on Thursday, we will have somewhere to start from.

Hon. Deputy Speaker: Hon. Brighton, what is it? You have heard what the Committee has said.

Leonard Yegon (Konoin, JP): Hon. Deputy Speaker, considering this is a contemporary issue and considering the deadlines that have been put in place, they are supposed to go on 31st December. I would be glad if we handled this issue before we proceed on recess so that we can sort out the issue at hand.

Hon. Deputy Speaker: I am sure the Committee has heard. Let us see how quick they will be. Hon. Sankok has said he wants to consult. Let him consult with a view that there are deadlines in this issue and see how quick we can move.

What is it, Hon. (Dr.) Pukose? I think that is settled.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Deputy Speaker, without anticipating Members going on recess on 3rd December 2020, what Hon. Sankok is saying is actually unrealistic. He would better get his act together so that this matter is addressed with the seriousness it deserves.

Hon. Deputy Speaker: Hon. Sankok has said that he will be consulting to see how quickly they can do it. He has settled it. So, we can leave it at that.

Let us go to the next Order.

MOTION

ESTABLISHMENT OF DATABASE CENTRES IN ALL CIVIL REGISTRATIONS CENTRES IN THE COUNTRY

THAT, aware that the constitution and the Kenya citizenship and immigration act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the state to citizens, including a birth certificate; further aware that, article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) the country; this house urges the government to establish database centres in all civil registration centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

(Hon. (Ms.) Mary Njoroge on 5.11.2020)

*(Resumption of Debate interrupted
on 5.11.2020 - morning sitting)*

Hon. Deputy Speaker: Hon. Members, on this Order, we have a balance of 37 minutes. Hon. Baya had a balance of one minute. If he is in the House, he can take it. Ordinarily, Hon. Baya sits very close to Hon. Speaker. It seems he is not around. So, we will give a chance to the next Member. Members are encouraged to speak the national language and make sure their masks are on. Many times we see Members bringing down their masks while very close to other Members and speaking, therefore creating unnecessary risk. I see quite a number of Members who want to speak. I do not know if this is an indication they want to speak on this particular one. Hon. Members, remember that any Member who has spoken should not speak again on this particular Order.

What is it, Hon. Ochanda?

Hon. Gideon Ochanda (Bondo, ODM): Hon. Deputy Speaker, I want to make a special request though it may not really be in terms of our Standing Orders. Given the time we have between now and Thursday next week, and the kind of Motions that are lined up, I request through you, Hon. Deputy Speaker, that we get a way of shortening the period of dealing with these Motions - I know there are hours dedicated for this - so that we are able to dispense with the four Motions before us by Thursday next week.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: It is possible. Hon. Members, in terms of shortening, I do not know which shortening of the time you are referring to. Are you talking about shortening of speaking time or the time allocated to a Motion?

Hon. Gideon Ochanda (Bondo, ODM): I request through you, to indulge Members to contribute in a shorter time such that we are able to dispense with all the Motions by Thursday next week.

Hon. Deputy Speaker: On this one we have 37 minutes to go, our hands are tied because it is already water under the bridge. You made a decision and it is five minutes for each Member. So, there should be no problem on this one, but should you want to shorten it in the next Motions, you can do it at the beginning. That is what the Standing Orders say. This is a resumption after interruption of debate. We are doing it five minutes per Member. Are you suggesting that you want to have them go lower than that?

Let it be five minutes for this one since it is 37 minutes remaining, we can do it. But in the next one, I know you have the power, when you start at resumption to shorten speaking time for Members. Members can also be encouraged to speak less without having to be guided by any restriction.

Members, please, give few salient issue and to save time for the rest. I am trying to look at Members who have not spoken. Hon. Tong'i.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Deputy Speaker. At the outset, I support this Motion because it is timely and considering the challenges our parents face in getting this very important document, a birth certificate, back at home, even in the entire country Kenya.

We have heard of many cases where parents have been forced to even give a bribe to get a very basic document which again influences and directs the lives of our children in many ways. For one to register for an examination, both Standard Eight and Form Four, and for that matter any other exam at the national level, one needs a birth certificate. Therefore, this requirement is very critical from the Government. The same Government has not made it possible for parents to get this document without having to struggle the way they are at the moment. The idea of having a

centralised or harmonised registration of birth certificates would not have come at a better time than now.

I have had cases in my constituency, in Kisii Central, where parents have been forced to even give a bribe to get this document. Some parents are kept waiting for years on end. One parent came to see me to persuade me to go and stand in the gap for them because their child was supposed to be registered was sent away from school, yet they were not able to get this document from the government offices. It is important that as Government – it is not enough to set up rules – we should find out how the rules are working. Some of the officers given the task or opportunity to serve our people have not been very fair. Therefore, our parents or Kenyans have suffered and we all know the impact of losing time.

Our people depend on small scale businesses. When they are taken away from their businesses, they are hurt because they lose, not just time, but their livelihood because their income and their businesses suffer. They suffer on account of negligence on part of an officer who has been given a privilege to serve Kenyans, knowing how many people out there are unemployed. It is only fair that people who have been given an opportunity to serve go an extra mile and serve our people without demanding for bribes or asking for favours before they serve our people.

Gone are the days when people used to think that a birth certificate is a luxury. During our days in school, a birth certificate would only be required when applying for a passport. But nowadays, it is a basic requirement and one needs to submit at every stage of any government registration. We hope the bio-registration which was started by the Government will address some of these challenges so that we do not have too many documents in our wallet and do not have to carry so many of these. They should be carried in one folder where all the information about a person is given. All developed countries have succeeded because they have data of their citizens. When we have data, we are able to establish for purposes of planning, we are able to know how many people we have, how many are pupils are going to join Form One so that the Government is able to plan ahead of time. We are also able to know how many students are going to join university and how many are qualified for national polytechnics so that we are able to plan ahead of time.

So, without having to repeat what has been said by my colleagues, I take this opportunity to thank Hon. Wamaua for bringing this creative and innovative thinking which has come to address the issues and challenges that our people are facing at the constituency level. I am sure it is the same thing all over the country. Kenyans will be served in a better way than having to go through the challenges they have suffered in the past.

I support and thank the Hon. Member for coming up with this great idea.

Hon. Deputy Speaker: Let us have Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Deputy Speaker. I have not contributed on this particular Motion and I thank Hon. Mary Wamaua for bringing it. It is very timely because we have just passed the *Huduma Namba* Regulations and the *Huduma Namba* law is in place. So, as far as registration is concerned in the country now, the law and the systems are ready, but one thing is left; that is, the administration. We have the law and regulations, but now the issue is about people who are going to implement them. That is why it is very important that we have as many registries as possible. Probably, it should be in all sub-counties. We already have *Huduma* Centres and those are the areas the *Huduma Namba* is going to be issued.

From the Regulations, *Huduma Namba* is going to become the only number a person has. That is going to be your identity number, birth certificate number, death certificate number, driving licence number and everything else. Therefore, the moment a person is no more that number remains, but it becomes the death certificate. I hope implementation of that very good plan is going

to be taken care of by the people who are employed in the country to deal with that particular matter. The moment we have all that in place, but the people serving are still delaying those services to frustrate Kenyans so that Kenyans can give them bribes, I think...

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

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

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Deputy Speaker. I respect the Hon. Member who was my lawyer when I was the Chairman of the Student Organization of Nairobi University (SONU). However, he is scaring us with the *Huduma Namba* issue. He is saying that it will be a death certificate. Of course, I understand that it will be a driving licence, birth certificate, *et cetera* but when he mentioned death certificate, it means that I may not pick my *Huduma Namba*.

Hon. Deputy Speaker: By the time you will be picking it, you will not be dead. Let us hear Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Fortunately, or unfortunately, we must appreciate different cultures. This particular number has been designed to be the birth certificate, identity number, driving licence number and so on. When you activate systems, that number will be produced. A lot of questions were raised when we were making the regulations. When we met the Principal Secretary (PS), Dr. Kibicho and his team from the Ministry of Interior and Coordination of National Government, we raised the concern Hon. Sankok is raising. It reduces the work of processing death certificates because eventually, we will all go. When we go, people who are left have to process death certificates for them to do things like succession.

Hon. Deputy Speaker: When you go where?

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Deputy Speaker, when all of us leave this world or die.

Hon. Deputy Speaker: Yes. You also seem to be as scared as Hon. Sankok. You are using colourful words like “going” instead of saying death or something else.

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Deputy Speaker, even the best friend of God, Moses, had to die at some point, according to the verses of the Bible - not the speaker.

This number is designed to take care of all those documents, and that particular number remains with that person for eternity. One can never be given another number. So, I appreciate the concerns of Hon. Sankok, but we can still change the law and the regulations, if Hon. Sankok brings a Motion to that effect. The death certificate can be one of the documents which are not part of the *Huduma Namba*. I agree that this is going to make a big improvement. However, the biggest worry is what Hon. (Ms) Wamaua is worried about: Are we going to change the people who are handling this matter at the grassroots? That is what Dr. Kibicho and his team must concentrate on to ensure that it is effective on the ground and a few individuals do not take it upon themselves to frustrate Kenyans when they try to acquire that very important number. We believe that after some time, it is going to be harmonised so that every Kenyan is happy and is served sufficiently. It has been successful in other countries and I believe it will be successful here.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. I now give an opportunity to the Chairperson of the relevant Committee; that is, Hon. Koinange. When you are doing limitation of debate on Bills, Motions and other business, the Chairpersons of the relevant Committees are given priority if they are not the ones moving. So, I will now give an opportunity to the Chairperson.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I also want to make a contribution on the Motion on the establishment of database centres in all civil registration

centres in the country. The Civil Registration Service is the Government agency mandated to register all births and deaths that occur in Kenya, and those of Kenyans which occur abroad. Birth registration is done for legal and statistical value.

The Civil Registration Service is mandated by the Constitution and the law. In executing its mandate, the Department implements Article 14 on citizenship by birth which states:

“A person is a citizen by birth if on the day of the person’s birth, whether or not the person is born in Kenya, either the mother or the father of the person is a citizen.”

The Department also implements Article 53 on rights of children, which states that every child has the right to a name and nationality from birth.

Hon. Deputy Speaker, the Births and Deaths Registration Act, Cap. 149 of the Laws of Kenya, provides for compulsory registration of births and deaths immediately they occur. It is regrettable that such a critical department of our national Government is still housed in a rented office. It is for this reason that the Departmental Committee on Administration and National Security decided to allocate funds to construct a permanent office for the Department because of the security of the documents it has.

Registration of births and deaths in Kenya assumes a community-based system, which is based on the fact that births and deaths occur in the community. Assistant Chiefs are, therefore, responsible for registration of births and deaths that occur at home while medical personnel register births and deaths that occur at health facilities.

The Civil Registration Service undertakes very critical roles in our country, core among them being registration of births and deaths occurring in Kenya; registration of births and deaths of Kenyan citizens occurring outside Kenya; registration upon legitimisation and recognition of a child; re-registration upon adoption; issuance of birth and death certificates; formulation, review and implementation of policies, regulations, standards and strategies on births and deaths registration; interpretation, administration and enforcement of the Birth and Deaths Registration Act, Cap. 149 and other related statutes; maintaining, securing and keeping custody of births and deaths records; capturing, collection, compilation and analysis of vital statistics of births and deaths data from civil registration; dissemination of vital statistical reports to relevant stakeholders and undertaking research and innovation in civil registration.

Hon. Deputy Speaker, the national statistical coverage rates for 2019 stands at 75.5 per cent for births and 38.8 per cent for deaths. This is against the Department’s target of 100 per cent coverage of registration of births and deaths. The Department currently has 124 sub-county offices out of 324 sub-counties. The following counties have no offices, hence making it difficult to serve the residents of those counties effectively: Isiolo, Mandera, Samburu, Turkana, West Pokot and Nairobi. A majority of counties have, at least, two offices. The Department is unable to operationalise more sub-county offices due to low staffing levels and low budgetary allocations.

As I conclude, the Department has digitised birth and death records up to September 2020. The Department engaged 9,000 youths across the country to undertake the exercise. Though the department has digitized its records, the digital records are not adding value due to lack of network connectivity in some sub-county offices.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is okay though, of course, you took advantage and stated all the issues about registration. This one was very specific but you have done well on that one. Is the Hon. Vice-Chair of the Public Investments Committee (PIC) there? You have been given this other front seat you are seated on.

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP): Thank you, Hon. Deputy Speaker. I also rise to support this Motion.

It is important to look at the distribution of those registration centres in the country. Indeed, it is sad to note that the distribution of those centres is not fairly done all over the country. The criterion used by the Department in establishing those offices is really wanting. As I speak to you, my constituency is 300 kilometres from the county headquarters. I have three sub-counties in my constituency and I have no registration centre. Indeed, I have visited the office to share this issue with them on numerous occasions. I am shocked by the deaf ears the lady in charge of the Department has given us on numerous occasions.

Young children who were not registered at an early age because of the pastoralist way of life have travelled 300 kilometres to the county headquarters to access that vital document. The cost incurred by those people is unbearable. The risk they are exposed to on numerous occasions while travelling to access that vital document is equally unbearable. Indeed, the criterion used in prioritising the establishment of those offices is really wanting. I am saying this because you will find that an officer is posted 30 or 40 kilometres away from another centre and yet, three sub-counties which are 300 kilometres from the next registration centre are yet to realise one.

I plead with the Chair of the Departmental Committee on Administration and National Security. I have already asked a Question on that matter. As we speak, we are exposing young Kenyans, school-going children and Kenyans to risk. God forbid! Next time you will hear children travelling from Bute, Korondile or Vuma sub-counties in my constituency that were either attacked on their way to access that vital document or were exposed to other risks because the situation on the roads is unbearable. Those areas have clan conflicts on numerous occasions. There is a tendency of attacking vehicles in that area and, at times, even barricading roads. You will wonder why an officer, cognizant of all those facts, has blatantly decided not to post an officer in that area.

I can assure you that four county assembly members from my constituency travelled all the way from the constituency to Nairobi and we had a joint meeting to explain those new circumstances to the lady in charge of that Department. The attitude displayed by that officer is totally unacceptable.

Hon. Deputy Speaker: You see, Hon. Member, you have been given an opportunity to contribute to this Motion.

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP): I will contribute. I will conclude.

Hon. Deputy Speaker: Okay, conclude.

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP): I am obliged to raise this because, at times, you will only get opportunity to share the unique difficulties you are facing in your constituency when you get similar Motions on the Floor of this House. You will be obliged to share with your colleagues the difficulties you are undergoing only when Motions of these kinds arise.

Hon. Deputy Speaker: Okay. You can have that at the Zero Hour.

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP): Fair enough. As I conclude, I strongly support this idea. Indeed, we must look at the distribution all over the country. Our prioritization and ranking must be done. The unique challenges faced by the marginalised parts of this country must be well considered, if at all we are reading from the same script.

Thank you.

Hon. Deputy Speaker: Hon. Muturi Kigano.

Hon. Clement Kigano (Kangema, JP): Hon. Deputy Speaker, the matters that are canvassed by the Motion are of vital importance to this country in terms of statistical planning, education, agriculture, health and everything. They are in the centre.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: I can see there is a point of order here. What is it Hon. Nyamai?

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Deputy Speaker, I am rising on a point of order under Standing Order No.87. I have listened to the Hon. Member who has just contributed to this Motion. He kept on mentioning a woman, talking about a person being deaf and casting aspersions on an individual who is not in this House and whom I believe is a Government officer. We know that Government officers who are working in such areas, whether they are from within those counties or from outside, experience a lot of challenges. Is it in order for him to keep on mentioning an individual? He, especially, kept on talking about a woman who is deaf and dumb? Is it really good?

Hon. Deputy Speaker: Well, what is your main point of quarrel? Is it the mention of “woman” or “Government officer”? He did not mention by name. I did not want to open this again. In all fairness, the basic issue with the Member was that he took it out. You know this is a Motion that is specific, but he ended up speaking about his constituency. If you had risen over that, it would be okay. Since he has already concluded, I do not think it is something that we should put a lot of time on. Please, let us leave it, Hon. Member. We can leave it at that. You have already had your fair share of the ground.

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP) (*Off-record*)

Hon. Deputy Speaker: Well, he says he did not use the term “woman”. That is something else. Let us leave it there. What I am seeing is that we probably will be.... What is it that you did not say?

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP): Hon. Deputy Speaker, for avoidance of doubt, I have not used the word “woman” at any one time. For avoidance of doubt, this House has direct oversight role on any State officer. Indeed, the Chair before me has, as a Chair of a Departmental Committee, an oversight role on day to day administrative operations.

Hon. Deputy Speaker: That is okay now. We can leave that. Hon. Kigano, please proceed. I think we will be really going out of the rail.

Hon. Clement Kigano (Kangema, JP): Hon. Deputy Speaker, I did not anticipate that this is a matter that can create some controversy. It covers male, female and everybody in this country. It is central to our lives.

Hon. (Dr.) Robert Pukose (Endebess, JP): On a point of order, Hon. Deputy Speaker.

Hon. Clement Kigano (Kangema, JP): My brother is interrupting me and yet he has spoken three times. This matter concerns everybody in this country, both men and women. It covers statistical planning in education, agriculture and even where I sit as a Chair. I am happy and I am not speaking for the Government. When I requested for a *Huduma* centre to cover all the matters anticipated by the Motion, the Cabinet Secretary, a gracious lady, Prof. Kobia, responded swiftly. She just asked me to get a premise because she was ready. The ball is now in our court. I want to ask my brother to get a premise and call Prof. Kobia. She is ready to be approached by any Member. She only has a challenge of a premise. In my case, she has rented the premises that we sought, and she was ready to have staff there. The Government is doing a good job through that gracious lady.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Did you rise on a point of order, or you were contributing? The Member for Kangema is a senior Member at his professional level. I had given you an opportunity to contribute but you responded. It is okay because you have given an overview of the case in your constituency.

Hon. Clement Kigano (Kangema, JP): I was giving an example of the case in my constituency. It is good to propagate any information that one might have. I was demonstrating to the House that it is not difficult to get this facility in your constituency.

Hon. Deputy Speaker: Thank you, Hon. Muturi Kigano. I will now allow the Member for Igembe Central, Hon. Iringo.

An Hon. Member: He has left.

Hon. Deputy Speaker: I will allow one Member who has not spoken to speak and it has to be in Kiswahili before the Mover is called upon to reply. Hon. Murugara, you are encouraged to speak in Kiswahili.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Deputy Speaker. Unfortunately, I never learnt any Kiswahili in school.

(Laughter)

I had a misfortune of being taught French which is not recognised here. Allow me to speak in a language that I can best express myself.

An Hon. Member: Speak in French! You want to speak in French?

Hon. Deputy Speaker: You should not be misled. It has to be a language spoken in the House.

Hon. George Gitonga (Tharaka, DP): It has to be this *lingua franca* known as English. I rise to support this Motion by Hon. Mary Wamaua. It goes without saying that registration documents such as birth certificate, identity cards and death certificates are very important. Those documents matter a lot in life and it is important that the Government ensures that service delivery and provision of those documents are near to the citizens. My constituency is rural and vast. We only have a registration centre at Marimanti.

The second one is coming up in a second sub-country. I want to get a cue from Hon. Kigano to get a third one in Chiakariga. The net effect is to bring those services closer to the people. It is vitally important that the Government assists Members of Parliament and citizens in getting those centres established and equipped near the citizens. I want to call upon the Government to expand and establish more registration centres so that our people are better served.

The *Huduma* centres are very important. I think that is what Hon. Kigano was referring to when he said that Prof. Margaret Kobia helped him establish a centre. I am grateful to Prof. because she authorised that I establish a *Huduma* centre, which will also serve as a registration centre, in Marimanti. Although she indicated that there are no funds for this and we have to use the NG-CDF which is cumbersome because we have to seek authority from Nairobi, I want to state that it is an important step towards that development. The Government must, without any reservations, set aside funds to establish *Huduma* centres in every sub-county, county and in all the constituencies in the country.

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

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

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There is a challenge of poor road network in the rural areas. People have to go for long distances to access those centres. There is also a challenge in a case where children are not born in hospitals. How does the Government get records to show that children not born in hospitals are eligible for birth certificates? I think we can use chiefs, their assistants or area managers, who are the basic level of administration, to achieve this. I always beseech the Government to pay area managers some stipend to motivate them to render services. It will be very useful to train area managers to get basic documentation for purposes of those registration centres.

With those remarks, I support and ask the Government to establish those centres across the country.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Member for Tharaka.

Hon. Members, as you are aware, this is a House of procedures. We are dealing with Motion No. 8. It was a resumption of debate interrupted on Thursday, 5th November 2020 in the morning, and we had a balance of 37 minutes. We have already covered our 37 minutes and I now want to call upon the Mover, Hon. Mary Wamaua, to reply.

Hon. (Ms.) Mary Njoroge (Maragwa, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank Members for supporting this Motion and for coming up with recommendations that are meant to make issuance of those documents simpler. There are so many ideas that have been raised on how we can improve on this so that our people in our constituencies access those services. Among those ideas, it compels me to move with speed to introduce an amendment to the Civil Registration Act to make this more effective.

This will make our guardians and parents to stop making trips, back and forth, looking for relevant documents. In general, this is an important document. The Government should offer services to people and make sure that they access whatever they require. The Government has an education policy that provides for usage of the National Education Management Information System (NEMIS) and birth certificate numbers. There is also the Huduma Namba which we have been told that it will contain the birth certificate number. If the Government can move with speed to make sure that there is issuance of Huduma Namba containing birth certificate numbers of our children, they will have done justice to our people. I beg to reply.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members. From where I sit, we lack the requisite threshold to put the Question. I order that the Question on Establishment of Database Centres in all Civil Registration Centres in the country be put in the next Sitting as it will have been queued in the Order Paper by the House Business Committee.

(Putting of the Question deferred)

Next Order!

MOTION

PROVISION OF ASSISTIVE DEVICES TO PERSONS WITH DISABILITIES

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

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I beg to move the following Motion:

THAT, aware that according to the World Health Organization, an estimated 15 per cent of the world's population live with some form of disability or different ability, with 80 per cent of them living in developing countries; further aware that in Kenya, approximately 6.5 million people live with some form of disability out of whom, nearly 3.8 million are women and girls, while approximately 85 per cent of the total number live in abject poverty; concerned that a majority of Persons with Disabilities (PWDs) face numerous challenges including being denied their fundamental rights and freedoms including the right to education and opportunities to work, virtually guaranteeing that they will live their lives in poverty which often exacerbates their vulnerability and dependency on other people, assistive devices and critical medical items and requirements; deeply concerned that lack of these devices, medical items and requirements makes it impossible for PWDs to live normal and dignified lives; this House urges the National Government to provide assistive devices and required medical items and requirements free of charge to Persons with Disabilities at the constituency level through Government hospitals or any other Government body and to put in place mechanisms for replacement of worn-out devices to enable them live a dignified life, be more productive and to coexist with other people in the society.

Kenya is a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD). The UN-CRPD basically aims at ensuring that PWDs enjoy their rights like persons without disabilities. I am honoured to move this Motion today, barely one week to the International Day for PWDs that is celebrated on 3rd December every year. The International Day for PWDs aims at ensuring that governments show commitment on the steps they have taken to ensure that lives of PWDs are worth seeing and emulating. I am happy that Kenya is a signatory to the UN-CRPD. In this regard, Kenya has ratified so many treaties. Some of them are on the Sustainable Development Goals (SDGs). The Kenya Constitution, 2010 in Article 54 recognises the rights of PWDs.

Persons with Disabilities have rights just like any other persons that need to be protected. There is no way we can talk about those rights and ensuring that our people enjoy their rights to a dignified life when a section of the population of Kenya cannot afford to live a dignified life. There is nothing more empowering than a PWD being able to use an assistive device. What are assistive devices in this country? I want Members to understand that assistive devices for persons with disabilities are a game changer. If a PWD living in Ndumbuini, Turkana or Isebania is not able to have a mobility device like a wheelchair, crutches and diapers...

For Members who do not know, we have adult diapers. They are assistive devices for persons who suffer from spinal injuries in this country. They use them like children. The PWDs who have challenges with their skin, for example, the albinos, use sunscreen lotions. The PWDs who are visually impaired use a walking aid to move around and to be independent. Persons with disabilities with mental health challenges use drugs every day before they go to bed to sleep.

Persons with disabilities suffer. If you look at the health indicators in this country, they have a negative impact on PWDs. The indicators are wrong and bad. This country has tried. We have seen the President many times talking about empowering PWDs. The other day he talked about PWDs and we saw yesterday how the Building Bridges Initiative (BBI) proposal will cure what PWDs are facing in this country in terms of representation. Without an assistive device like a wheelchair, a white cane and braille for reading, PWDs' lives in this country will be of abject

poverty and this cycle will repeat itself. In this country, PWDs are considered a burden to their families. They cannot move or go to work or anywhere else even to see the city.

The other day, the Bus Rapid Transit (BRT) system was introduced in the country. However, we said that there is no point of a PWD having a wheel chair and yet, they cannot get into the BRT train to go to the city from Kawangware or Kayole. That is a challenge. I am passionate about PWDs. I am now five years old being a disabled woman and a Member of Parliament. I have seen the challenges of PWDs. Some PWDs are confined in rooms with animals. I went to Tharaka-Nithi and I could see, because PWDs have constant persistent needs, they are more often put together with chicken and goats so that they are not seen. What are we not doing right?

Hon. Temporary Deputy Speaker, Mahatma Gandhi said that the true measure of any society is determined by how it treats the vulnerable persons in the society. We cannot talk about vulnerable persons without talking about PWDs. They live in our constituencies, wards and villages. Article 100 of the Constitution of Kenya talks about special interest groups. We cannot talk about women and youth and exclude PWDs. We belong there. It is time for Members to recognise the important roles that PWDs play in their constituencies because they live with them. I have been to counties. You will not see any governor who knows what disability is all about. Our budgets do not reach there.

In my own understanding, disability is expensive in this country. The cost of a wheelchair is high. The costs of lotions and everything else are high. It is not fair. I served as a Woman Representative for Migori County. I donated 150 wheelchairs to PWDs even though they were not enough. We want to see how we can make disability less expensive for PWDs. The Government should ensure that all those medical assistive devices are available in all our wards, counties and constituencies so that, if a wheelchair of a PWDs breaks down, he or she does not need to come to Nairobi to repair it. Those are challenges that PWDs go through.

I beg for a minute more please. This is a passionate topic.

For a long time, disability has been seen as a national function. Disability must be devolved because PWDs live in our constituencies. The moment we devolve---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Dennitah, your time is up. I want to add you a minute to move the Motion. All Motions are passionate. Please, give her the microphone.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): What I was simply saying is ---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Just move the Motion.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): I want to move the Motion by saying that even the National Hospital Insurance Fund must cover PWDs.

With those remarks, I beg to move and request Hon. David ole Sankok, Nominee 001, to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. Hon. ole Sankok, you have the Floor for seconding.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

Let me start by saying that this is a totally non-partisan Motion because all of us, including you, agree that we have PWDs in our constituencies. That is why Hon. Dennitah, who is a Member of ODM and I from Jubilee, are together in moving and seconding this Motion, respectively.

Hon. Dennitah became disabled in Narok through a road accident when she was already a Member of this House. There is an everlasting possibility of anybody joining this club called

PWDs. We have to put measures in place to make sure that in any case, you are comfortable. When she joined my club of PWDs, she was already the Woman Representative for Migori County. She has achieved a lot while on that wheelchair. She did a Voluntary Counselling and Testing (VCT) centre in Awendo and HIV Testing and Counselling (HTC) Centre in Kuria East while on a wheelchair. There is ability beyond disability. She was able to achieve all this because she was enabled. That is why today we have a Motion to try and make sure that we have enabled our Members back in our villages so that they can also achieve the way Hon. Dennitah has. I implore upon the people of Kuria East and Migori in general to consider giving an opportunity to Hon. Dennitah to be re-elected in 2022 so that she can complete the journey she has started while on a wheelchair.

In this 20th Century, we still have PWDs crawling in our streets. Some still crawl to the market as they take their wealth there. They crawl with a bale of *mitumba* on their heads. We have students who crawl on their toes to the pit latrines in their schools and you know how dirty they can be. They will then use the same arms that have been soiled to eat food. Their self-esteem is diminished. When they go to class, it is very difficult for them to cope or adjust. We also have PWDs who crawl in day schools. That is because they lack Kshs1,500 to buy a set of crutches. They will crawl to school under rain and sunny conditions. The first lesson is to dry up before you start understanding what is being taught. The situation is pathetic. That is why Hon. Dennitah decided that we have to provide those assistive devices because they are essential. You do not buy your legs. Let us also have the PWDs move without necessarily paying for them because you did not pay for your legs.

We have cerebral palsy victims. Those people use pampers at the age of 40 to 50. They need essential equipment. Mothers have been divorced simply because they have disabled children. Mothers cannot go for the so-called *kibarua* because they have to take care of their cerebral palsy or autistic children.

I can give an example of a cerebral palsy child in my constituency. The mother decided to go for *kibarua* and left the child under a tree. Some rabies-infected dogs came and took away the private parts of that boy. We took him to Kijabe Mission Hospital. Sometimes, we are emotional. A disabled person, Ben Mbusia, was detained and locked in a sheep pen for more than 10 years. It was all over the media when I rescued him. He was weighing 11 kilogrammes at the age of 16. We had to start by weaning him with normal food. The boy is at Mama Ngina Children's Home. We become emotional when we talk about PWDs. We are requesting this House to pass a Bill so that the Government and the NHIF can cover on assistive devices. If the NHIF can cover for diabetic drugs that cost Kshs10,000 per month, what about an assistive device of Kshs1,500 that can assist a PWDs for a whole year? Each health centre can provide PWDs with assistive devices because they already know who they have in that particular health centre.

We thank President Uhuru for what he has achieved so far in advocating for PWDs rights. Poor access to Government procurement ...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am not going to allow this anymore. Hon. Sankok, you should have started by seconding. Just to be on record, please, second.

Hon. David ole Sankok (Nominated, JP): We are very emotional. I second this particular important Motion. I also ask Members to support us.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Motion No.9 has been moved and seconded procedurally.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the first Member to speak on the Motion is the Member for Kathiani, Hon. Mbui Robert.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this important Motion to provide assistive devices and required medical items free of charge to persons living with disabilities. At the beginning, I must say just as the Hon. Sankok has said that, all of us are potential candidates to live with disabilities. I am saying that because I was a temporary member of that club for a number of months and I understand the challenges that people living with disabilities face. This Government supports many sectors. The elderly get a stipend every month when they are above 65 years and orphans get a stipend every month, but when it comes to persons with disabilities, the Government says that it can only support those people living with severe disabilities. That tells me that they do not even understand. We have policy makers who do not understand that even a little form of disability completely makes somebody incapable of carrying out very basic responsibilities.

Hon. Temporary Deputy Speaker, I did some little research on this and realised that Kenya is a signatory to the UN Convention on the Rights of Persons with Disabilities. Articles 4, 20, and 26 state that the State should promote the availability of appropriate devices and mobility aids and provide accessible information about them. The standard rules on equalisation of opportunities for persons with disabilities also calls upon states to support the development, production, distribution and servicing of assistive devices, equipment and dissemination of knowledge about them. The reality is that we are in a low-income country. Unfortunately, from the statistics, in many of our low-income countries and middle-income countries, only about 5 to 15 per cent that require those system devices actually get them.

So, because of that, many people live in abject poverty. If you go to the streets of Nairobi, you will find that almost all beggars are people living with disabilities. In fact, they are not only beggars, but they actually get an assistant who walks them around. There is one gentleman I saw in the streets. I think he lost one of his legs. That gentleman has been begging in the streets of Nairobi hopping on one leg. I thought those are the kinds of things are our Government needs to deal with. Let me share my personal experience because, you know, a lot of times, people do not understand how difficult it is.

When I was a temporary member of people living with disabilities, I realised that we take for granted some things that we cannot do by ourselves. At that time, I could not take a bath by myself. I needed to be assisted. Please consider this. I could not completely use one of my legs and so, I could not step on the ground and stand up like I am doing now. So, even if I had to put my leg somewhere, somebody had to help me by either holding me back or something like that. It was so difficult. Whenever I wanted to take a bath, my wife had to support me and put me on a chair. So, I used to bath while seated down. It was so unfortunate. When I came back to the House, we went to Mombasa on a trip. First and foremost, in the plane, I had to sit with my leg stretched because I could not bend it. I realised that when you go to serve food, you want to choose the food you will eat but you cannot be on crutches and also carry a plate of food. You can actually carry nothing. If you are on crutches, you can only hold crutches and nothing else. So, it is a shame to hear that, at such a time in this country, there are people who do not have crutches.

So, I support this Motion and support Hon. Dennitah Ghati and for those who do not know, we joined together in the last Parliament. This was a very vibrant person. In fact, if the *Jerusalema* Challenge would have been done when she was walking, you would have seen some moves you

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would not believe. However, today she is living with disability. So, all of us are potential victims. Let the Government take this seriously and support...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Indeed, it is very true that when we joined Parliament in 2013, Hon. Dennitah Ghati was walking; she was not disabled.

Hon. Mbui, thank you for the information on short-term membership to the disabled club and your experience of the Mombasa trip. I must also tell Members that in Parliament, whenever a person who is disabled travels, we always provide for aides. That is part of our policy and I am sure had Hon. Mbui travelled with his wife, she could have assisted in serving him food. That is how Parliament of Kenya is seriously taking matters concerning people living with disabilities.

Very well! Next is the Member for Baringo, Hon. Cheruiyot Jesire.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Ahsante sana kwa nafasi hii umenipa niweze kuchangia Hoja hii inayoendelea wakati wa sasa, kuhusiana na wale watu ambao wako na changamoto ya miili yao, jinsi ambavyo wako na ulemavu. Jambo hili linaguza kila mtu. Ni jambo ambalo kila mtu anahitaji kulitilia maanani. Katika nchi hii, tunapopanga kazi na ratiba zetu kila wakati, ni vyema tuwe tukiwakumbuka wale wenzetu wanaoishi na ulemavu.

Hata tunapongea mambo ya ulemavu, ni kweli kwamba huduma za afya nchini humu zimegatuliwa. Kule mashinani katika kaunti zetu wangeweza kuweka bajeti ya kuhudumia watu hao. Wakati tunaposema BBI itaweka fedha nyingi kwa kaunti zetu, ningependa kaunti zitilie jambo hili maanani, maanake kule ndiko wanaweza kujua idadi ya watu walioko katika wadi zao na wale walemavu. Itafaa wapitishie bajeti wakiwa na idadi hiyo ndio watu wapate huduma kwa njia ambayo inafaa binadamu.

Wakati mwingine tunachukulia hao watu kama kwamba hawafai. Hata unakuta kwamba wanafichwa nyumbani mwetu. Kama vile kila mtu amesema hapa, huu ni mtihani ambao kila mtu anaweza pita. Lakini wakati mwingine, jinsi ambavyo tunawachukulia walemavu si kama binadamu ama njia ambayo inamfurahisha Mwenyezi Mungu. Tukiongea hapa kuhusu vifaa ambavyo wanatumia, kuna jambo moja huko kwetu Baringo ambalo limenisumbua na nataka kulitatua. Nashangaa kama Kenya nzima iko na hiyo shida.

Katika kaunti zetu, tukiangalia sehemu za biashara, ni ngapi zinavyoo vinavyo ambavyo vinawafaa walemavu? Hii ni kuonyesha hatuwakumbuki. Walemavu pia wanafanya biashara lakini hawana vyoo vinavyo wafaa. Wamama ndio wameathirika zaidi kutokana na hii shida. Kwa sababu mama akiwa na mtoto ambaye hawezi kutembea, hiyo ni shida yake. Huyu mama hubaki nyumbani na haendi shambani.

Wakati mwingine unapata mama yule bado ana umri mdogo lakini amezeeka kwa sababu ya mawazo. Hana fedha za kulisha mtoto ama kununua bidhaa za kumsaidia. Sisi kama viongozi wa nchi hii tuwape kibao mbele walemavu ili waweze kuiishi kama watu wengine. Mheshimiwa ambaye ameongea mbele yangu amesema kwamba kwa muda mfupi alikuwa na ulemavu lakini sasa ako sawa. Bado anakumbuku kwa ugumu na ndio anahitaji sisi kuwasaidia walemavu.

Nashukuru kwa kupata nafasi kuchangia Hoja hii kwa sababu ni nzuri. Pia nimeona wenzangu wanachangia kwa njia inayofaa. Naunga mkono mia kwa mia. Serikali ya Ugatuzi pamoja na Serikali kuu wanapaswa kuketi pamoja na kuangalia vile walemavu wataishi vyema hapa nchini.

Asante sana, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Asante sana, Mhe. Jesire. Waheshimiwa ni vyema mjue kwamba katika Bunge letu ya Kitaifa, tumeleta Kanuni za Kudumu Toleo la Tano. Kwa hivyo, Wabunge wataweza kuongea kwa Kiswahili. Pia, tuko na tafsiri ya

kwanza ya 2019 ile kwa kimombo inaitwa: The Standing Orders 5th Edition. Kila Mbunge amepatiwa hizi Kanuni.

The public must understand that the Standing Orders were launched here in Parliament the other day by H.E. the President. So, we have the Standing Orders 5th Edition in Kiswahili. Wale ambao hawana wachukue ndio waweze kuongea kwa Kiswahili ingawa ni kama mtihani. Very well. Let us have the Member for Vihiga, Hon. Adagala Kahai, give her the microphone.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hoja ya nidhamu, Mhe. Naibu Spika Wa Muda. Ningependa kusema jambo kuhusu nidhamu katika Jumba hili. Wakati ulikuwa unazungumza, Mhe. Sankok alikuwa anachukua *video*. Ningetaka kujua kama hii iko katika Kanuni za Kudumu. Nimeona hili si jambo nzuri. Kwa hivyo ni vizuri aseme nia ya kuchukua hiyo *video*.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Mhe. makosa ni yapi, yataje?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Ningetaka kujua kama kuchukua *video* inakubaliwa maanake si vizuri yeye kukurekodi. Nataka atueleze ako na nia gani na wewe.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Niko na furaha kwa sababu Waheshimiwa wanaongea kwa Kiswahili kulingana na Kanuni za Kudumu Toleo la Tano. Wacha nimsikie 001, sijakuona kama Spika lakini unaweza kuongea.

Hon. David ole Sankok (Nominated, JP): Asante sana, Mhe. Naibu Spika wa Muda. Wewe ni mrembo ndiyo niliona nikuchukue picha. Lakini mimi shija rekodi mtu ye yote.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members! I gave orders that when you rise on a point of order, please try to refer to the Standing Orders. Wale ambao wanaongea kwa Kiswahili watumie Kanuni za Kudumu, Toleo la Tano. Hon. Members, I want to assume... Hon. Sankok is in order. You can share the rest outside the Chamber with Hon. Gedi. Let us have the Member for Vihiga County.

Hon. (Ms.) Beatrice Adagala (Vihiga (CWR), ANC): Asante sana, Mhe. Naibu Spika Muda kwa kunipa nafasi hii niweze kusema jambo kuhusu huu mjadala wa walemavu. Nimesikia vile Mhe. Ghati pamoja na Mhe. Sankok wameongea. Kusema kweli, walemavu wako na shida mingi.

Wengi wao hawana vifaa vya kuwasadia kutembea kama mikogonjo, viti vya migurudumu na kadhalika. Ni huzuni kubwa kwa sababu watu wengi huwaficha walemavu. Nimesikia huzuni mingi sana moyoni mwangu kusikia kuna mahali mlemavu alikuwa amefungwa kama mbuzi katika zizi la ng'ombe. Hili si jambo la haki. Mlemavu ni kama binadamu wengine. Wanafaa kulindwa kisheria na kupewa haki zao.

Jambo la walemavu si la kuchukuliwa kwa mzaha, mbali lina takikana kuchukuliwa kwa makini. Mahitaji yao yanapaswa kuchukuliwa kama ya Wakenya wengine. Kusema ukweli kuna wengine ambao tangu wazaliwe hawajawahi kutembea wengine wakiwa na umri wa miaka 50 ama 60. Wengine wanafaa kupewa nepi. Kusema ukweli, huko vijijini vya kwangu kuna wamama ambao hawawezi kununua hizo nepi. Walemavu wanafungwa matambara na vidonda za kitanda zinawashika na wako tu. Kwa hivyo, wanahitaji usaidizi unaofaa. Serikali inapaswa kuhudumia ndugu zetu na baba wetu ambao ni walemavu.

Nimeona dada yangu, Mhe. Ghati, ameongea kwa upendo. Tumetembea naye katika mikutano mingi. Naona mama anatetea walemavu na ukiangalia, hakuna mtu ambaye angependa kuwa na mlemavu. Yeye ni kiumbe au mtu ambaye Mungu aliumba kama wengine. Wanafaa wapewe mahitaji yao vile wanavyohitaji.

Kuna zeruzeru ambao wanahitaji mafuta ya kujipaka ndiyo jua lisichome sana ngozi yao na tena wanahitaji miwani kwa wingi. Nasihii serikali iangalie tuone mahitaji ya hawa ndugu, dada na baba zetu wanalindwa katika hii nchi yetu ya Kenya. Na ifanyike haraka tuone kwamba inashughulikiwa vilivyo na walemavu wote katika nchi hii wanashughulikiwa. Nikiongea hivi, tumejaribu kununua *wheelchairs* na hazitoshi. Unajaribu kutoka kwa mfuko wako lakini hazitoshi. Ukienda kwa hafla tofauti unaona mzee au mama anakuja akitambaa chini. Hawa watu wanahitaji waishi maisha ambayo yanafaa katika hii nchi yetu ya Kenya. Kwa hivyo ningependa kuunga mkono Hoja hii na kusema kwamba walemavu wapewe nafasi kimasomo, kibiashara na kimaisha. Waishi kama wakenya *in a dignified manner*.

Asante sana, Mhe Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I understand the special pants *kwa Kiswahili zinaitwa chupi za dharura*. Let us have the Member representing the people of Isiolo North, Hon. Hulufu Oda

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you very much, Hon. Temporary Deputy Speaker. I stand to support this Motion. I thank Hon. Dennitah for bringing this Motion.

I also happen to have lived with disability temporarily for close to half a year as a result of a bandit attack. So, I fully appreciate the extent to which assistive devices can make a difference when you are in such a situation. Unlike Hon. Mbui, it happened to me when I was single. I was not married. I had no partner to support me with some basic personal issues and it was really challenging.

Article 54 of our Constitution addresses the rights of persons living with disability. We are required to treat them with dignity and respect. There is also requirement that they be facilitated to access education and other facilities. Unfortunately, as a result of these assistive devices not being easily accessible to persons with disability, especially children who are living with disabilities across the country, many of the children are not able to access basic rights like basic education. I am talking of a region like the one I represent, which is an Arid and Semi-Arid Land (ASAL). Isiolo North is a very expansive constituency and it is also ASAL. Most of the times when children are born with disabilities, they are actually hidden from the public. They are seen to be some form of curse, but the few who have been able to access support, mostly through religious agencies, have proven themselves and they have also proven that disability is not inability. They have actually proven that they are enabled differently. That is why I support this particular Motion.

In my culture, it is normally said that you can escape, at birth, disability which is congenital. However, nobody is sure of continuing to live as an able-bodied person. An accident can happen at any time. Indeed, through accidents, many individuals born able-bodied have ended up being disabled! For that reason, even those of us who at the moment may not need these assistive devices, need to be very cautious.

As representatives of the people, we know that a huge population of our country, close to 6.5 million Kenyans, is living with one form or another of disability. These people need different types of assistive devices. It is quite in order and it is also in line with our current Constitution - I am sure it has also been enhanced through the BBI proposals - that the Government should be called upon to provide assistive devices at the lowest administrative unit possible. There is talk about availing them at the constituency level. For a constituency like North Horr, which is 38,000 square kilometres, if you avail the assistive devices at, say, the sub-county headquarters, then it becomes a challenge. In my constituency I have two sub-counties. It is close to 15,000 square

kilometres and so, availing assistive devices at the sub-county level may not enable all the needy people to easily access them.

We need, therefore, to look at the challenges facing different constituencies. For example, which is the lowest administrative unit which is appropriate for the delivery of the assistive devices to Kenyan citizens living with disability? That way, we will enable them access the devices easily so that they can enjoy their basic rights. We will also be facilitating their proper integration into the Kenyan society.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, before we move on with the Motion under Order 9, that is, provision of assistive devices and required medical items free of charge to persons with disabilities, which has been moved by Hon. Dennitah Ghati, we have a proposed amendment to the Motion by Hon. (Dr.) Nyikal James. As a matter of procedure, we have to call upon him to move his proposed amendment to the Motion.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to move an amendment to this Motion, which I support with all my heart.

Hon. Temporary Deputy Speaker, I beg to move:

THAT, the Motion be amended by—

(a) deletion of the word, “urges” appearing immediately after the phrase, “This House” in line 14 and replace it with the words, “resolves that”.

(b) Deletion of the word, “to” appearing immediately before the words, “provide assistive devices” appearing in line 14 and replace it with words, “through a planned progressive programme”.

(c) Deletion of the word, “provide” appearing immediately before the words, “assistive devices” appearing in line 14 and replace it with the word, “provides”.

It will, therefore, read as follows:

“...; this House resolves that the National Government through a planned progressive programme provides assistive devices and medical items and requirements free of charge to Persons with Disabilities at the constituency level through government hospitals or any other government body and to put in place mechanisms for replacement of worn-out devices to enable them live a dignified life, be more productive and to coexist with other people in the society”.

The essence of these amendments is: (i) We are deleting the word, “urges” and replacing it with the word, “resolve”. Whenever we say, “urges”, that becomes the end of it.

The discussion does not produce results unless a Member goes ahead and brings a Bill. However, if we say that this House resolves and the action that we have resolved on is an action that is practical, it will then be acted upon and perhaps in the next budget, you could even get funds to implement the resolution of the House.

Hon. Temporary Deputy Speaker, the next essence of this amendment, I have said through a planned progressive program, is to provide assistive devices. I know, from my experience, that what the Government will do is, if you say that everybody is going to get assistive devices and you say it should be done immediately without any program, the first reaction will be that we do not have enough money. As Hon. Dennitah Ghati eloquently puts it, assistive devices are very many starting with wheelchairs, for example, crutches, calipers, prosthetic limbs, hearing aids, sunscreens like we provide for people with albinism or lip care, walking aids, braille, even talking computers and as high as motorised wheelchairs. If you say that we are resolving that they provide

all those, the fear of the Principal Secretary and the National Treasury will be: Can we have enough money if people with disability decide that all of them need motorised wheelchairs?

The advantage of saying planned and progressive program is that they find it easy to say, for example, in the first year, we will provide clutches, calipers, prosthetic limbs or hearing aids for free. Then the next year we can say that we can move on and provide wheelchairs, so that as the time goes by, it is easier to implement. I know, from my experience, the Executive normally does not have a problem with that. They actually welcome it. What the Mover or the Committee on Implementation will have to do is sit with the Executive and work out a program of implementing. That is the essence of my amendment.

I, therefore, move the amendment.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Who is your Seconder?

(Hon. Makali Mulu spoke off record)

There is nothing out of order until it becomes an asset of the House. You will raise it at a particular time.

Hon. (Dr.) James Nyikal (Seme, ODM): I ask Hon. Wafula Wamunyinyi to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes. After it becomes an asset of the House, then I will have Hon. Makali Mulu to raise his point of order.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Temporary Deputy Speaker, I wish to take the opportunity to second the amendment as proposed by Hon. (Dr.) James Nyikal.

This is merely helping to ensure that whatever is passed by the House can be enforced. It is just to ensure that enforcement takes place, that whatever the House has resolved out of this Motion, is implemented. It is just to make it enforceable. Secondly, taking into account what we know, as a House and as a country, there will need to be planning for implementation of some activity of this requirement whose cost may be enormous. Therefore, just to be reasonable, allow the planning to take place and even if a resolution has been passed for implementation, it is made gradual to allow the planning and implementation to be easy, but at the end of the day, fulfil what we want to do and realise the goal.

Otherwise, Hon. Temporary Deputy Speaker, the Motion is important. As it is always said, disability is not inability. Because of this, we have to facilitate and help the people living with disability to lead a normal life, enjoy and be part of the community as is expected of them.

I, therefore, wish to second the amendment by Hon. (Dr.) Nyikal.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, allow me to propose the Question on the amendment to the Motion by Hon. James Nyikal.

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

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

Order, Members. I will give an opportunity to Hon. Makali Mulu. It is a matter of procedure that any Motion or Bill becomes an asset of the House after procedurally moving, seconding and proposing the Question. We were not able to raise issues before, but now, the Motion is

procedurally before the House. It is now an asset of the House and I can give Members an opportunity to debate on it.

Serving my second term in Parliament, I am aware of the difference between the words “urge” and “resolve”. I am sure they both make a lot of difference as far as Parliament is concerned.

Let me give an opportunity to Hon. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I have a lot of respect for Dr. Nyikal, but the matter I wanted to raise is procedural and it also touches on the Constitution. Once we replace the word “urges” with the word “resolve”, it becomes a commitment. Resources will be required. The Constitution is very clear that when a Bill or a Motion touches on additional resources, it becomes a money Bill or a money Motion. Procedurally, it needs to go through a process before it is debated. That is the clarification I wanted him to make.

I wonder whether it would be right to debate it without going through the required procedure. That is the clarification I wanted. I am sure you will agree with me that as you said, there is a big difference between the words “urge” and “resolve”.

I support his amendments. What he is saying makes a lot of sense. However, procedurally, there could be some hitches.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. It is true. As I said before, there is a difference between the words “urge” and “resolve”. When we use the word “urge” in a Motion, the implication or import is different from when we use the word “resolve”.

This would not have been decided before the Motion was brought to the House. I will call upon Members to contribute to this before the Speaker makes an official communication. The Motion must first be an asset of the House. We can then debate on the constitutionality of the matter as far as the budget is concerned.

Let us have Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker.

I appreciate the input by Dr. Nyikal to amend the Motion. However, in line with what Hon. Makali Mulu has said touching on Article 114, when you read the Motion further upon amending, it will touch on the distribution line meaning that supply of the devices shall be enforced through hospitals. Remember, health is a devolved function.

Hon. Temporary Deputy Speaker, this House is seized of an ongoing court case between the Senate and the National Assembly, and we have since appealed. However, this has given us some restrictions. That means this becomes another issue if we are restricted in terms of making a resolution. Whereas the amendments are good, they are being proposed in a manner that is likely to put us in a more difficult corner than where we are today. Therefore, urging might be okay, but once we resolve, it changes the whole issue and it puts the House in a conflicting situation.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, let me give a chance to another Member. Even as Members comment on this matter, as Hon. Makali had suggested, I will give a communication later.

Let us hear the Member for Taveta, Hon. (Dr.) Shaban Namsi.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Asante sana Bi. Naibu Spika wa Muda kwa kunipa nafasi hii pia nami niweze kuchangia suala hili la kurekebisha Hoja hii ambayo imeletwa na Mhe. Dennitah Ghati. Kwanza, ni muhimu tufahamu kuwa binadamu haishi kuumbika...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the Commissioner is actually the ‘Mother of this House’. She is the lady who has served the most number of terms in this House.

Commissioner, we are debating the proposed amendment by Hon. (Dr.) Nyikal.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Yes, I am getting there. Bi. Naibu Spika wa Muda, nimeanza kwa kutaja kuwa aliyelea Hoja hii amefanya jambo muhimu sana. Ningetaka kuunga mkono Mhe. Daktari James Nyikal ambaye tuliweza kufanya kazi pamoja na walemavu hapa nchini. Sioni aibu kusema kuwa alikuwa Katibu wangu wa Kudumu na alipigania swala la walemavu vilivyo.

Ukweli ni kwamba walemavu wanateseka hapa nchini. Na katika hali ya mateso yale, kuna umuhimu wa sisi kujua kuwa Kipengele cha 27 cha Katiba ya Kenya kinasema tusibaguane. Tusibague mtu kwa misingi ya ulemavu, dini, kabila au rangi. Haya yote yametajwa katika Katiba yetu. Hivyo basi, ninakubaliana na kuunga mkono kuwa kuna umuhimu wa sisi kufanya uamuzi ambao utaweza kutekelezwa na Serikali kuu ya hapa nchini.

Ni kweli kwamba uamuzi wa swala lolote ambalo linagusia pesa ambazo zinatakiwa kutumika kutoka kwa Serikali Kuu - kuna umuhimu wa kukumbuka kuwa Katiba hii pia inatueleza kuhusu swala hili - ni lazima lipitie mikakati fulani. Tujue kuwa walemavu ni wenzetu hapa nchini na wana haki ya kupata usaidizi kama ule wa viti vya magurudumu, mikongojo, bakora wanazozitumia na vifaa vingine vya kuwasaidia. Wao pia ni watoto wetu na ni wenzetu. Wanalipa ushuru kama wanavyolipa wengine hapa nchini. Basi, tuna haki ya kufanya uamuzi kuwa Serikali Kuu ni lazima iwalinde na kuwapatia vifaa hivyo vya kuwawezesha.

Bi. Naibu Spika wa Muda, namuunga mkono Daktari James Nyikal kwa kuleta pendekezo hilo ijapokuwa mikakati ile inapaswa kufuatwa. Tunapopitisha swala hili, tulipitisha moja kwa moja ili tuweze kuhakikisha kuwa ndugu zetu wanaoishi na ulemavu wanaweza kupata usaidizi.

Kwa hayo machache, naunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me now hear the Member for Bondo.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support what Hon. (Dr.) Nyikal has brought. I understand the sentiments of Hon. (Dr.) Makali. What he has raised is something that is always here with us, that when we are urging, we are doing stories. We are not coming up with certain things that are implementable. We have an issue here that we need to have implemented and which is supporting resolving.

The next thing is the terms of the money bit and where there is a small misunderstanding. Hon. Nyikal is asking for a planned programme. He is not saying that we want this from next week such that the Government starts giving free devices. The amendment is proposing a planned programme. The Government will be planning that kind of programme and will be looking at it in terms of the kind of resources that they will be having from time to time. A planned programme can go for years, but as of now, the amendment is asking whether we can have a planned programme where this can be provided.

Hon. Temporary Deputy Speaker, I am saying this because the Government constantly collects data on disability. There is data that was required when we were doing the Huduma Namba. It was a very outstanding question. Last week or last week but one, there has been an exercise going on in the country of registering people with disabilities. What are these things for? In my view, coming up with these numbers lets the Government to know what it is and what their needs are. Based on that, the Government must come up with a planned programme on how to implement the kind of needs that are isolated from time to time. I think, that is where Dr. Nyikal

is coming from. If we look at it from that direction, it does not need any money as at now. It needs an administrative arrangement where the Government comes up with a programme where after a period of time, even on an annual basis, they will be asking the Budget and Appropriations Committee, for example, for resources, but in a manner that is planned and programmed.

Thank you, Hon. Temporary Deputy Speaker.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me get it from the Member for Kanduyi. I like to listen to Members on issues raised before I make a determination.

He is making a clarification. He is on a point of order. What is out of order, Hon. Member?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Speaker, Members are missing the point. Those opposing this amendment are missing the point and we must clarify it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): A point of information is not a point of order.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Speaker, is it in order for the Hon. Whip of the Majority Party to stand here and state, where it is very clearly provided, that there is expected administrative programme to plan and specifically gradually provide for actions or things to be done including budget, and he says that this is out of order? Is he in order?

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member for Kanduyi, both of you... I do not want to raise a lot of debate on this because Members are debating. Members are aware of the procedures of the House, whether it is a point of information or a point of order. Hon. Members, let us debate the amendment before I make my determination on the effect of our vote on what Hon. Makali Mulu addressed. I had ordered that we debate on this before I make a decision.

Hon. Makali Mulu was on a point of order and will still get his time when it comes to debate. I would still, at one point, make a decision on the issue that was raised by Hon. Makali Mulu.

Whip of the Majority Party, what is it? The Hon. Member stated that you were out of order. Were you in order?

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Temporary Deputy Speaker, English is a borrowed language. The journey English took to arrive in Kenya could be defined that it first came to Luo Nyanza and by the time it got to Western, maybe it was diluted by then. When you come from Luo Nyanza, you hit my constituency before you hit where the New FORD-Kenya leader comes from. Therefore, my take is this: This is a debate, it is a view...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do not debate. Just reply to the Member.

Hon. Emmanuel Wangwe (Navakholo, JP): It is good that he is informed. Let Members make a decision on that, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): So, you are saying Members to make a decision? That is well. That is why the Majority Whip is admitting that his

English and that one of the Member for... It is both of them. I do not know who missed the point. However, as a Speaker, that is well taken care of.

Let me have the Member for Tharaka before I make a decision on the same because what has been raised by Hon. Makali is very important. So, Hon. Makali, before you debate, it is important for me to make a decision on this.

Proceed, the Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you, Mr. Temporary Deputy Speaker. The arguments canvassed by...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am not a Mr. Speaker. As I said before, men gave birth to us and they married us, but I am a Madam.

Hon. George Gitonga (Tharaka, DP): Sorry, Madam Temporary Deputy Speaker. I apologise for that. The amendments proposed by Hon. (Dr.) Nyikal are weighty. They are trying to make sure that what we do here is not done in vain. Unfortunately, there is a procedure to follow, especially where the House is making resolutions which have to go to the Executive for implementation.

I have tried this before and I have been advised, which advice I have taken to be true, that where the House resolves, the Executive will have to spend money on it. There are budgetary implications involved. Therefore, the Motion has to first go to the Budget and Appropriations Committee where it is deliberated before coming to the House Business Committee. It has to be approved so that resolutions can be made by the House. This is the handicap we have here. So, if we pass the proposed amendments, whichever way, whether it is planning or executing, there are budgetary connotations that are involved. Therefore, the Motion may actually have to be withdrawn from the House and taken back to the House Business Committee where it may be referred to the Budget and Appropriations Committee before it is brought back.

So, we will have to take a decision on that.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, having listened to the Members as they debated the proposed amendments by Hon. (Dr.) James Nyikal and also having listened to the issues raised by Hon. Makali Mulu, guided by our own Standing Orders, research and the Speaker it is, indeed, true that as far as our Motions are concerned, there is a difference between when you are moving a Motion in terms of urging and in terms of resolving, which has budget and money implications. That is where Hon. Makali is coming from as well as any other Member that would have spoken to it.

However, when a Motion is brought before the House for moving or for amendment, the House takes the Motion in whole. For this matter, we have a proposed amendment by Hon. (Ms.) Dennitah and Hon. (Dr.) Nyikal that has three proposed amendments, namely, (a), (b) and (c).

For clearance of doubts, in our proposed amendment in (a), Hon. (Dr.) Nyikal is proposing that we delete the word “urges” which is appearing after the phrase “this house” in the Motion which you have in your Order Paper in line 14 and replace it with the word “resolves.” Of course, that has money implications.

In proposed amendment (b), which is part of the Motion, Hon. (Dr.) Nyikal is proposing a deletion of the word “to” which is appearing immediately before the phrase “provides assistive devices.” This appears in line 14. His proposal is to replace it with the words “through a planned progressive programme”. Then (c), which is part of the proposed amendment proposes the deletion of the word “provide”, which is appearing before the phrase “assistive devices”, appearing in line 14, and he is replacing it with “provides”. Notwithstanding, the interest we have now is in the proposed amendments (a) and (b). That is the issue that had been raised by Hon. Makali Mulu.

I want to move that this Motion is in order. It is being protected by the amendment in (b). It should also be taken note of that we are looking for “through a planned progressive programme”. I am sure the Mover was so guided. However, if in the proposed amendments we did not have the phrase: “Through a planned progressive programme”, Hon. Makali would have been very correct because it would have brought a constitutional issue. Members, you may be aware that for most of the Motions you bring into the House we urge, as the substantive Speaker keeps on saying, urging is urging. Hon. Makali is right. Resolving is resolving. It has a money or budgetary implication. For this matter, the Member is substituting the urging with resolving, but not on planned or budgeted funds. This is progressive, in future. It will be in the next Budget. Hon. Makali, an Economist, a *daktari* and a Member of the Budget and Appropriations Committee, is very much aware of the procedures of the House and issues that touch on the Budget.

So, with this import, the amendment proposed “through a planned progressive programme” has not committed the programme to any budget of this financial year. That is why Dr. Nyikal was so sure to use the words “through a planned progressive programme”. You know Parliament has a lot of clerks, lawyers and experts. With that guidance, I rule that the Motion is in order as it is protected by the words “through a planned progressive programme” and is also informing Members of the difference between urging and resolving, as it was very well cited by Hon. Makali Mulu. He also served in the last Parliament like myself. The Member for Taveta, the Commissioner, has served for four terms. There is a great difference. When our Motions are presented, they go through a process before they are approved.

I can hear a Member suggesting that I put the Question, but let us first hear from Hon. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I want to make it clear that my question was on procedure. Up to this point, I do not think anyone has opposed the amendments. The amendments add value to the Motion in terms of implementation. It is not just enough to urge and pass the Motion if it is to be implemented. Hon. Nyikal is trying to assist the Mover develop an action plan so that there is a follow-up. I respect your guidance in terms of whether this Motion will have an appropriation of money. For now, I support the amendment because it is important that we implement a programme other than just debating and passing it. Once this Motion has been passed with this amendment, the Committee on Implementation will do a follow-up to ensure that we have a plan for progressive implementation. This will be of great help to our country.

Hon. Temporary Deputy Speaker, I do not think there is any Member without persons living with disabilities in their constituencies. Just as they say, “disability is not inability”. I want to state that these people have a lot of potential. They have talents that can be exploited if they are fully supported. They are just requesting for a facilitative environment. They should be facilitated to exploit the opportunities they get. When we joined the 11th Parliament, very few Members would have failed to admire Hon. Dennitah’s contribution and her dedication to push the agenda of the people of Migori, who elected her to represent them in this House. We sit with her in the Commonwealth Parliamentary Association (CPA). The agenda that she is pushing here is the same one she is pushing at the CPA - to have a chapter on disability. I would really love to see this Motion implemented. The amendment by Hon. Nyikal seeks to do just that. I want to urge Members to support this amendment, so that this Motion can be implementable.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Member for Kitui Central, Dr. Makali Mulu. We appreciate your understanding of the budget-making process.

Hon. (Dr.) James Nyikal (Seme, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Seme, you cannot speak twice to a Motion. You are raising an intervention, but we have already ruled on the matter. Let us hear the Member for Ol Jorok, Hon. Muchira Mwangi.

Hon. Members, please note that we are debating the proposed amendment by Hon. Nyikal, and not the original Motion.

Hon. Michael Muchira (Ol Jorok, JP): Thank you, Hon. Temporary Deputy Speaker. I intended to contribute to the original Motion by Hon. Dennitah Ghati. Can I proceed?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You cannot contribute to the original Motion. As a matter of procedure, we must prosecute the proposed amendment to the Motion by Hon. Nyikal and if it is passed, we debate the Motion in its amended form. If the amendment is not carried, we resume debate on the original Motion.

Let us hear the Member for Funyula, Hon. Oundo Ojiambo, Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support the amendment by Hon. (Dr.) Nyikal. Indeed, the substantive wording of urging and resolving is a grey area in this House. If you urge, it means you are just talking. You are just making a statement to entertain yourself and do the rest of the other things. If we say we are resolving, because this is the National Assembly, the national Government is compelled by the Constitution and other laws to implement whatever we will have resolved. Whichever way they want to implement it and however long it takes to implement, the resolution must be implemented. It is on that score that I support the amendments proposed by Hon. Nyikal in respect of the Motion moved by Hon. Dennitah Ghati. I hope I will be given an opportunity at the opportune moment to contribute substantively on the amended Motion when it will be listed next.

With those few remarks, I support Dr. Nyikal's amendments.

(Hon. (Ms) Dennitah Ghati spoke off-record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Dennitah, this is your Motion. You cannot say I put the Question. Order, Members. I must follow the procedure before I put the Question. On the amendment, you know the numbers that we need. I am not saying that we do not have the numbers, but from where I sit, I think it will be an abuse of debate. Let us have the Member for Likoni, Hon. Mboko Hamisi.

Hon. Members, for your information, if you want to contribute to the main Motion, you will have a chance. If you contributed to the proposed amendment, I will not deny you the chance to contribute to the Motion as amended or as was proposed by Hon. Dennitah.

Proceed Hon. Mboko.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Ahsante sana, Mhe. Naibu Spika wa Muda. Nataka kuunga mkono marekebisho ambayo Mhe. (Dr.) Nyikal amependekeza kwa Hoja hii. Wakati mwingi tunatoa Hoja pasi na kuwa na mipangilio, Sisi kama Bunge la Taifa, huwa hatuzungumzi tu na jambo libaki hapa katika *Chamber* ya Bunge la Taifa. Tunataka tuweke mikakati ili kwamba mapendekezo tunayotoa yanatekelezwa kwa njia mwafaka. Daktari Nyikal amezungumzia njia mahususi zitakazotumika kuhakikisha Hoja hii imetekelezwa na vitengo husika vya Serikali.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Mishi, it is not a disability to put on these masks. Hon. Members, because of the times, let us put on our masks. I

can see there is no Member near you. However, let us not assume. I am also constrained with the mask I putting on.

Proceed, Hon. Mishi.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Mhe. Naibu Spika wa Muda, kama nilivyosema, naunga mkono marekebisho machache ambayo Daktari Nyikal amependekeza kwa Hoja hii. Ni muhimu tuweke mikakati ambayo itawezesha mapendekezo tunayowasilisha kutekelezwa. Hivyo basi, lazima tuonyeshe njia ya mikakati ambayo itawekwa ili mapendekezo yetu yachukuliwe kwa umuhimu sana na kuweka *programmes* mahususi za kuhakikisha mapendekezo yamefanyika. Naunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! There is a point of order from the Member for Ugunja. Are you on intervention?

Hon. Opiyo Wandayi (Ugunja, ODM): No, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Please, be on record. When you are not on record, here we assume you are shouting.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order. I had put an intervention to try and understand how long we are going to deliberate on this. I have serious issues that we need to converse. Sorry, I came a bit late.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I will guide accordingly. Hon. Opiyo, Chairman of Public Accounts Committee, I will guide you. Hon. Mishi Mboko, kindly finalise.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Bi Naibu Spika wa Muda, ninamalizia. Ninaunga mkono iwapo Hoja hii itakuwa na marekebisho yaliyopendekezwa na Daktari Mhe. Nyikal. Itakuwa Hoja itakayotimiza malengo yetu. Tunapozungumzia hii Hoja, lazima tujue tutatumia lugha aina gani itakayotuwezesha kutekeleza mapendekezo ambayo tumeyazungumzia. Ninaunga Mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members. This is a House of procedures. We will have a balance of an hour and two minutes to debate this Motion by Hon. Dennitah Ghati. However, as a matter of procedure, we will be compelled first to dispense with the proposed amendment by Hon. Nyikal. If the amendment is carried, we will then debate the Motion as amended. If it is negated, we will debate the Motion as was proposed.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The time being 1.01 p.m., the House stands adjourned until today, Thursday 26th November 2020 at 2.30 p.m.

The House rose at 1.01 p.m.