

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 6th July 2021

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: There is no quorum. Ring the Quorum Bell.

(The Quorum Bell was rung)

Very well. We can commence.

PETITION

RENAMING OF KARURA FOREST AFTER PROF. WANGARI MAATHAI

Hon. Speaker: Member for Kamukunji, I thought I saw him. Proceed.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker. I would like to take this opportunity to present Public Petition No.015/2021 regarding the Renaming of Karura Forest after Prof. Wangari Maathai.

I, the undersigned, on behalf of various environmental conservationists across the country draw the attention of the House to the following:

THAT, it is an established historical fact that the late Hon. (Prof.) Wangari Maathai was instrumental in salvaging Karura Forest from the existential threat of land grabbers, thereby safeguarding its preservation and conservation for current and future generations;

THAT, on account of Prof. Wangari's tireless efforts and dedication, Karura Forest is today a thriving natural endowment that not only serves as a home to many animal and plant varieties, but also provides Appropriations-in-Aid revenue for the Government through fees obtained for its therapeutic benefits that attract thousands of runners, walkers, cyclist, campers and tourists every year;

THAT, Prof. Wangari's unmatched sacrifices, selflessness and courage led to the preservation, conservation and proper management of other forests, wetlands, public parks and natural resources in the country, and are a key driver behind the Government's environmental agenda of attaining a minimum of 10 per cent forest cover in the country;

THAT, Prof. Wangari's emphatic passion, commitment and resilience in promoting community forest management and improving the quality of life for many Kenyan communities

were immeasurable, and her environment conservation legacy continues to be one of the inspirations behind environmental conservation and women empowerment in Kenya;

THAT, Prof. Wangari was a leader of many firsts by becoming the first woman in Eastern Africa to obtain a Doctor of Philosophy degree, the first woman to be appointed Associate Professor at the University of Nairobi, a founding member of the Green Belt Movement, a founding advocate for multiparty democracy and winner of the Right Livelihood Award, Better World Society Award, Global 500 Roll of Honour, Goldman Environmental Prize for Leadership, Edinburgh Medal, Jane Adams Leadership Award, the Golden Ark Award, Legio d'honneur, Indira Gandhi Prize and the Nobel Peace Prize, among many others;

THAT, her noble work has been appreciated globally by many countries including France which started a school in her honour, the United States of America which opened the Wangari Maathai Gardens in Washington DC, the Wangari Maathai Trees and Garden at the University of Pittsburgh, the unveiling of her statute at Benedictine College in Kansas and the historic global award of Nobel Peace Prize in 2004.

THAT, sadly, nationwide recognition of Prof. Wangari in her native nation of Kenya is comparatively lower, exemplified only by renaming of Nairobi's Forest Road to Wangari Maathai Road and the establishment of the Wangari Maathai Institute for Peace and Environmental Studies at the University of Nairobi.

THAT, in view of the concern that most of the accolades, awards and commemorations recognizing and honouring the exemplary work and impact of Prof. Wangari are primarily undertaken by foreign countries, and further in view of the fact that her 10th Death Anniversary is in September this year, it is high time and it is prudent for the State to consider renaming Karura Forest after this icon of national heritage and champion of global environmental conservation.

THAT, efforts to have the matter addressed by relevant authorities have not borne any fruits.

And that the matters raised in this Petition are not pending before any court of law in Kenya.

Now, therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Sports, Culture and Tourism:

- (i) considers the matter with a view to recommending the renaming of Karura Forest as Wangari Maathai Forest in order to accord due honour to Prof. Wangari Maathai's efforts of championing the forest's preservation as well as enhancing Kenya's international image in environmental conservation, promote eco-tourism, rebrand and revive the vibrancy of the forest, inspire and motivate younger generations to embrace conservationism, and to foster and inculcate transformative values by restoring the culture of afforestation, re-afforestation and conservation of natural resources; and,
- (ii) makes any other recommendation that it deems fit in the circumstances of the Petition.

And your petitioners will ever pray.

Hon. Speaker: We will accommodate a few comments and clarifications. We will start with Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker. I rise to comment on the Petition by the honourable Member for Kamukunji. The late Professor Wangari Maathai was a wonderful lady. She was the first African woman to win a Nobel Peace Prize. She

put her efforts and life on line for a sustainable environment. I remember her words of the humming bird. She said:

“You must be like a humming bird whereby the little things you do can sustain the environment. We should not see just the fire. This humming bird uses its beak to pick little water to put off the fire.”

She used to say that the environment will never forgive you if you do not conserve it. In line with the Heroes Act, we should rename that forest in remembrance of this hero, Professor Wangari Maathai. I thank the honourable Member. In this country, we are very forgetful of our heroes and Professor Wangari Maathai leads on matters of environment as others follow. We call upon the honourable Members and the relevant committee in charge, the Departmental Committee on Environment and Natural Resources, to move with speed with this recommendation so that we can rename that forest after Professor Wangari Mathai.

We do not want it to look like in Kileleshwa where a road was named after a trade unionist, Atwoli, who has done so much in this country and some crooks went there at night and demolished it. It is good to recognize heroes. When it comes to trade union matters, he has also done his bit and it is important that we must respect heroes. Let the Committee move with speed so that we can rename Karura Forest in the memory of Professor Wangari Maathai. I thank you, Hon. Speaker.

Hon. Speaker: Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker, for giving me this opportunity also to congratulate the Member for Kamukunji for bringing such a very important Petition.

Professor Wangari Maathai was the first African woman to win a Nobel Peace Prize. She won that Nobel Peace Prize through tears mixed with blood. I remember when I was at the University of Nairobi, she singlehandedly rescued and saved Karura Forest. We were students at the University of Nairobi by then. We were with her. Some of our students were even killed when we were saving Karura Forest. She was the first Kenyan woman to become a professor. You know professors never retire and when they retire, professors do not tire and if they tire, professors do not die and if they die, they do not rot and if they rot, they will not smell and if they smell, they will smell of rose flowers.

We really need to honour some of those heroes. It is high time that we honoured her not only by renaming Karura Forest as Professor Wangari Maathai Karura Forest, but even a national school or one of the stadiums that we are building so that the whole world can remember her. This is because there is literally very little that we can do in a forest. It will only be accessible to Kenyans. However, if we have an international stadium where we can have Olympics and international football game, the whole world will see that we have honoured a professor who was a great environmentalist.

It is only today that I have changed my colours. I normally wear green. Why? It is a sign of conservation that we need to conserve our forests and make our country green. I support. I normally put on green. It is only today that I changed to yellow.

Thank you very much, Hon. Speaker, for giving me that opportunity. You are a presidential candidate. I know most Members will be in your camp, Hon. Speaker.

Thank you very much, Hon. Speaker and *muthuri wa muthigi*.

Hon. Speaker: Now you are speaking a language that is alien to the House. Hon. (Prof.) Oduol.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker. I also would like to comment and agree with the Petition that has been brought forward by the MP. Leadership, as is clearly reflected, is what we need when there are challenges and when we need to have solutions. I remember Professor Wangari Maathai as a leader. I know that Members have alluded to what it is that she did in terms of being the first woman professor or the first woman who did one thing or the other. I remember Professor Wangari Maathai and this is why I support that, indeed, we should name Karura Forest after her. She clearly helped us to understand that leadership is gender neutral.

Hon. (Prof.) Wangari Maathai told us that when looking for a person to put in leadership, we should look for their vision, thoughts, courage and boldness. They must also be servants of the people. She also told us that leadership is from the shoulder upwards. It is in somebody's conviction. Truly, it is a question of their heart. For this reason, it is befitting to name Karura Forest after Prof. Wangari Maathai. That should be permanently etched so that generations to come are inspired to have women professors and leaders. They will seek to ensure that we do not bar or stop anyone from making a difference on account of their gender.

I support. It is a timely and, indeed, commendable request.

Hon. Speaker: Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I thank the Member for Kamukunji for presenting that Petition about a great woman. Her death is a monumental memory to ourselves, given the energy that we saw in her when she worked. At that time, I was a student. I used to see her demonstrations and struggles. She will remain monumental in our lives. She showed us that when we have energy and capability, we need to work. She worked for the conservation of the environment and forests. I vividly remember her fight to save Uhuru Park. She also fought to save Karura Forest. Therefore, I stand with the Petition. I support that the relevant Committee should go ahead and award recognition to her by naming Karura Forest after her. Possibly, just add to Karura, Prof. Wangari Forest because when you talk about Karura Forest, you talk about Prof. Wangari and when you talk about Prof. Wangari, you talk about Karura Forest.

I thank you.

Hon. Speaker: Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker, for allowing me to contribute to this Petition by Hon. Yusuf Hassan, Member for Kamukunji. At the outset, I support this Petition. It is timely, considering the achievements of the late Hon. (Prof.) Wangari Muta Maathai. As the Committee looks into this Petition, it is important that we have criteria for naming important places. When Hon. (Dr.) Chris Wamalwa tries to justify the naming of a street in honour of a trade unionist, Mr. Francis Atwoli, we cannot put Hon. (Prof.) Wangari Maathai in the same category with Francis Atwoli. That is an abuse. That is why many Kenyans feel that the naming of a street in honour of Mr. Atwoli is not justified. This is a very important Petition. We should not trivialize it to the level of Atwoli issues. We need to have criteria for naming important places and streets. It is not about waking up in the morning and naming a street or some place in honour of anybody.

With those few remarks, I support the Petition.

Hon. Speaker: Member for Mavoko.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Speaker. I thank Hon. Yusuf Hassan, Member for Kamukunji, for bringing this important Petition to this Parliament.

Prof. Wangari Maathai had many firsts. One of them was maintaining the greenery that we see in this country. Every Kenyan remembers how Prof. Maathai fought for Uhuru Park. I agree with Members that Karura Forest be named after Prof. Maathai. Had everybody listened and adhered to Prof. Maathai's advice, maybe, we would not be having climatic changes in this world. I join Hon. Hassan in supporting this Petition.

However, Hon. Speaker, I just wanted to find out: I have heard Hon. Yusuf Hassan say that it should be committed to the Departmental Committee on Sports, Culture, Heritage and Tourism. I was of the feeling that it is more of environment and natural resources. According to how you are going to rule, maybe, it can be committed to a joint committee, that is, my Committee and the Departmental Committee on Environment and Natural Resources so that we can give the desires of his request.

I thank you.

Hon. Speaker: Hon. Catherine Waruguru.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Ahsante, Mhe. Spika. Niruhusu pia nitoe pongezi kwa Mhe. Yusuf Hassan, Mbunge wa Kamukunji, kwa sababu ya kufikiria mambo ya Mhe. Wangari Maathai. Sisi kama Bunge, hatutaki hili Bunge la Kitaifa lifanywe kuwa kama kaunti ambayo sitaki kutaja. Kuna watu ambao wanaamka na kufanya mambo bila mipango na kuleta uhasama kati ya jamii. Ni lazima iwekwe wazi kwamba kama hatuna sheria ambayo imetungwa, ni njia gani itatumika na kamati ili kupitisha mambo ambayo yanahusu *kuname* kitu kutumia jina la mtu—natatizwa na Kiswahili kidogo lakini nitaendelea.

Mhe. Spika, Mhe. Wangari Maathai alishafariki. Alifanya kazi ngumu na alifurushwa na Serikali ya marehemu Mzee Daniel Moi. Yule mama alifedheheshwa, alivuliwa nguo, alivuliwa hadi uchi na alifanywa kuwa mtu wa kuchekelewa na jamii. Yule mama hakufa moyo. Niruhusu nitumie hii fursa kuwaambia wanawake tulio ndani ya hili Bunge kuwa safari zetu katika siasa si lazima ziwe ni za shangwe na vigelegele. Tutapigwa na *teargas*, tutakimbizwa na polisi na tutatolewa nguo. Nauliza wanawake tukae kidete kama Mhe. Wangari Maathai.

Niruhusu niseme kwa sababu kuna watu ambao wako na mazoea mabovu. Wakishindwa katika sera ama kufanya kazi, wao hukimbiza wanawake wakitumia polisi na *teargas*. Mimi nitauliza...

Hon. Speaker: Please, now be relevant to the Petition.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Mhe. Spika, niko *relevant* sana kwa sababu hakuna mwanamke amebeba fedheha katika hii Kenya kama Mhe. Martha Wangari Maathai na ndio nauliza...

Hon. Speaker: Hon. (Ms.) Catherine Waruguru, there was nobody by the name Martha Wangari Maathai. Na hayo mambo ya wanawake kukimbizwa msituni ama barabarani, si mngeyazungumzia kule nje tafadhali?

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Mhe. Spika, wewe ni Spika wa wanawake na wanaume. Pia wewe umezaa wasichana ambao kesho watasimama kuwa marais. Safari ni ile ile ya wanawake kukimbizwa. Sisi kama wanawake wa hili Bunge, tunazidi kusema Mhe. Wangari Maathai *viva*. Wanawake tusimame kidete. Naye *Minister* ambaye anahusika na maneno ya usalama, wacha kutuma askari kusukuma wanawake, hasa wanawake wale ambao wanatafuta viti. Sisi wanawake tunajivunia Wangari Maathai.

Mhe. Spika, Mhe. David ole Sankok amevaa rangi ya chama. Furusha yeye avae nguo ambazo zinafaa Bungeni maanake hizo amevaa ni *uniform* ya chama.

Ahsante.

Hon. Speaker: Hon. Majimbo Kalasinga.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Speaker. I rise to support this very important Petition. Environment is life, environment is love, and environment is everything a man and all the living things like. I give serious support to this Petition because when you move around the world, you see a lot of naming of that very important lady called Prof. Wangari Maathai.

When visitors come to this country, they should find serious areas where they can visit and enjoy places called Wangari Maathai. I also believe that we should take it seriously and try as much as possible and name a place in honour of people who are still alive. Living people who have made history must be given respect. We must name places after them so that when they are alive, they know where they are marked.

In the same spirit, I want to name one of the beautiful rocks in Kabuchai Hills, EGH Justin Muturi. That is because the people of Bungoma remember that when you served in Bungoma as a magistrate, you allowed the Dini ya Msambwa, who were outlawed, to participate as a religion. Whenever they pray, they face Mt. Zion and that rock. So, Hon. Speaker, while you are still alive, I will name the rock, EGH Justin Muturi. We pray that in the next one or two years, you get the CGH. That is God willing. Inshallah.

This is the Member for Kabuchai and I support the Petition.

(Laughter)

Hon. Speaker: Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you Hon. Speaker, for giving me this opportunity to comment on the Petition by the Member for Kamukunji.

It is good to honour our leaders posthumously and even when they are alive. There is no other befitting way to honour somebody who has done exemplary work especially in environmental conservation in this country like Hon. (Prof.) Wangari Maathai. We have many roads in Kenya named after people we do not know, even foreigners whom we do not know what they did for us. A president may visit us for a few hours and a road is named after him; another one may comment well about Kenya and a road is named after him. But we have our heroes whom we do not recognize.

I support the Petition to the level that Karura Forest deserves to be named after Wangari Maathai and even big structures and the Park she saved where they wanted to build a skyscraper. I support the Petition. We need to have monuments depicting her good works. Even the other parts of this country where she helped in conserving the environment should take cue. Even our counties should also do the same.

As a member of the Committee which will be tasked to look at the Petition, I will be at the forefront to support it and come with a resolution to have the forest named after the great lady. Thank you, Hon. Speaker.

Hon. Speaker: For avoidance of doubt, so that as you comment about the Petition you do so with this knowledge, the responsibility for naming and management of forests and registration is vested in the Kenya Forest Service Act. For purposes of our Standing Orders, the relevant Committee that should be engaged in that is the Departmental Committee on Environment and Natural Resources. Some people may have made a mistake and misled Hon. Yusuf Hassan because they thought it is a cultural issue like others. Forests are not treated that way. There are some forests which are very sacred and I speak with authority on the issue of forests as you know.

(Laughter)

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Speaker.

I had the opportunity to serve in the 9th Parliament with Prof. Wangari Maathai. If you look at her curriculum vitae, Prof. Wangari Mathai had over 24 international awards. In her CV, she had five honorary degrees and she had about 10 professional affiliations. On academic appointments, sometime in 1976, she was the Chair of the Department of Veterinary Anatomy at the University of Nairobi among others. On personal achievements, she was a director of the Red Cross, a founder and coordinator of the Green Belt Movement, among others, and not to forget Member of Parliament for Tetu Constituency in the 9th Parliament.

The three things the lady did that Kenyans will never forget are: In 1989, the *Baba na Mama* Party, KANU decided to put a 60-story building in Uhuru Park, which when one politician was asked why they should put it there, he said that people would be admiring it. He was told any time people admire a building is when there is a fire. That lady stood against the KANU Government during the hard time and the building never saw the light of day. That building was never put up and Uhuru Park was saved.

At the height of grabbing of land, she stood very firm not only on Karura Forest, but also for City Park next to Parklands. She was very firm. Because of her, Karura Forest was saved.

Most importantly, during the height of multi-party politics, we had many detained Kenyans. She led a protest at Uhuru Park which led to the release of political prisoners. If there is somebody who has a right of something to be named after her, it is none other than Prof. Wangari Maathai.

I support the Hon. Member for Kamukunji in the Petition. I look forward to seeing Karura Forest named after Prof. Wangari Maathai or something like that.

Hon. Speaker: Members of African Parliamentarians' Network Against Corruption (APNAC) know that the late Prof. Wangari Maathai was an extremely active Member of APNAC.

Hon. Muturi Kigano.

Hon. Clement Kigano (Kangema, JP): Thank you, Hon. Speaker. I would like to speak about the late Prof. Wangari Maathai from personal knowledge. I had the privilege of representing her when she was attacked in Karura Forest and charged with incitement and other offences.

Prof. Wangari Maathai saved Uhuru Park when KANU wanted to invade it and put up the KANU Headquarters. She also represented herself and camped at All Saints Cathedral which led to the release of Koigi wa Wamwere and others. Wangari Mathaai is an icon to be recognized in this country. In fact, we are late in giving her this type of iconic recognition. It is long overdue. She is a first in many spheres in leaderships and human rights. It is my submission that naming the forest in her memory will be a reclaim of our lost glory in history.

Lastly, it is an insult to Wangari Maathai and to the environment and green movement when my colleague wears yellow when we are discussing green and environment and an icon. It is an affront to the lady.

I also look forward to supporting a similar Petition, when Hon. Mbadi brings it, to rename Mbagathi Road in recognition of *Baba*, because he was also an associate of Wangari Maathai and suffered for human rights. It is long overdue to recognise the living heroes before they die. A road should be named after *Baba* as Wangari Mathaai.

(Applause)

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Speaker. I would also like to join my colleagues in commending the Member for Kamukunji for this long overdue request. Everybody knows that Prof. Wangari Mathai put this country in the world map. Having been a Member of Parliament, a professor and, at least, somebody who made Kenya what it is today, she deserves that. The Nobel Laureate, as we all know, suffered a lot. It was not for herself or her family, but for the benefit of all the Kenyans.

I remember when she fought for the preservation of Uhuru Park and Karura Forest. She underwent a lot, and at that time she was treated like a villager. All the people who suffered in the Nyayo Detention Centers should be recognised because, were it not for them, we would not be having the freedom that we have today. In fact, when one talks about Hon. Raila, one should know that he is one of the icons who fought for the freedom of the citizens of this country.

(Applause)

Nobody else should suffer like them. If it were not for them, even the current Constitution that we are fighting over would not be there. It is important that Kenyans, especially MPs and others, recognise those people because if we do not do it ourselves, then we are not thinking about this country.

So, I support and look forward to such recognition.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. The time allocated for Petitions is over. Therefore, that Petition stands committed to the Departmental Committee on Environment and Natural Resources. Hon. Hassan, do not pursue the Petition through the Departmental Committee on Sports, Culture and Tourism. Pursue it with the Departmental Committee on Environment and Natural Resources.

Next Order!

PAPERS LAID

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

The 26th Bi-Annual Report of the Monetary Policy Committee for April 2021 from the Central Bank of Kenya (CBK);

The Annual Report and Financial Statements of the Kenya Reinsurance Corporation Limited for the year ended 31st December 2020;

Report of the Auditor-General and Financial Statements in respect of Kenyatta International Convention Centre (KICC) for the year ended 30th June 2019, and the certificate therein;

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2020, and the certificates therein:

(i) the Kenya Electricity Transmission Company Limited;

(ii) the Privatization Commission; and,

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(iii) the Kenya Ports Authority.

Thank you.

Hon. Speaker: Next Order!

NOTICE OF MOTION

ALTERATION OF THE CALENDAR OF THE HOUSE

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order No.28 (4), this House resolves to alter its Calendar for the Fifth Session (Regular Sessions) as adopted on Wednesday, 10th February 2021 and amended on Tuesday, 8th June 2021 by varying the period for the Short Recess with respect to the Second Part of the Session so that:

(a) the Short Recess commences on Friday, 9th July 2021 and ends on Monday, 2nd August 2021; and,

(b) the House resumes regular sittings on Tuesday, 3rd August 2021 to continue with the Second Part of the Session.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order!

ORDINARY QUESTIONS

Hon. Speaker: We will start with the first segment of Questions. The first Question is by the Member for Tharaka-Nithi County, Hon. Beatrice Nyaga.

Question No.225/2021

DELAY IN CONSTRUCTION OF CHUKA-KAANWA-KARENI AND CHIAKARIGA-MARIMANTI ROADS

Hon. (Ms.) Beatrice Nyaga (Tharaka-Nithi CWR, JP): Thank you, Hon. Speaker. I rise to ask Question No.225/2021 directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain the status of construction of the Chuka-Kaanwa-Kareni and Chiakariga-Marimanti Roads in Tharaka-Nithi County despite having been funded?
- (ii) What has caused the delay in the construction of said roads to bitumen standards as directed by the President in 2017?
- (iii) When is the construction expected to commence and what is the expected completion date of the project?

Hon. Speaker, I would like you to give me a minute to explain something small on this Question. This is not the first time that we have asked about those particular roads in Tharaka-Nithi County.

*(Hon. Clement Kigano stood between Hon.
(Ms.) Beatrice Nyaga and the Speaker)*

Hon. Speaker: Member for Kangema, the rules do not allow a Member to stand between the Member who is speaking and the Speaker.

Hon. Clement Kigano (Kangema, JP): Hon. Speaker, I apologise.

Hon. Speaker: Proceed, Hon. Beatrice Nyaga.

Hon. (Ms.) Beatrice Nyaga (Tharaka-Nithi CWR, JP): Thank you, Hon. Speaker. I was saying that this is not the first time for me to ask this particular Question. Last year, I brought the same Question to this House and the Cabinet Secretary came, explained and gave a promise which he never fulfilled. If I can remember correctly, in 2016, the former Member for Chuka/Igambang'ombe, Hon. Muthomi Njuki, who is now the Governor for Tharaka-Nithi County, brought the same Question to this House. In 2018, Hon. Patrick Munene, the Member for Chuka/Igambang'ombe, asked the same Question. The Ministry has been giving us promises that have not been fulfilled.

So, I request the Committee to tell the Ministry that the people of Tharaka-Nithi County have been waiting for those particular roads to be constructed, but it has not been possible all those years. So, we need a promise that can be fulfilled – that, the contracts for our roads are going to be awarded on time.

Thank you, Hon. Speaker.

Hon. Speaker: Unfortunately, I received a request by the Chairperson of the Committee, Hon. Pkosing, that he will not be around today. He had notified me about his absence. Your concerns will be recorded for purposes of presentation to the Cabinet Secretary when he next appears. Hon. Nkatha, it will be good if you can be present to raise that issue with the Cabinet Secretary. So, the Chairperson is directed to make sure that you are present.

Hon. (Ms.) Beatrice Nyaga (Tharaka-Nithi CWR, JP): Thank you, Hon. Speaker.

Hon. Speaker: The next Question is by Hon. Halima Mucheke.

Question No.227/2021

STATUS OF INVESTIGATIONS INTO DISAPPEARANCE OF DENNIS KINOTI

Hon. (Ms.) Halima Mucheke (Nominated, JP): Thank you, Hon. Speaker. I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Could the Cabinet Secretary explain the status of investigations into the disappearance of one Dennis Kinoti of ID No.23700320, a resident of Meru Town who went missing on 14th February 2021 and a report of missing person made at Meru Police Station vide Occurrence Book (OB) No.OB98/15/02/2021?
- (ii) How many suspects have been apprehended or questioned in connection with the disappearance?
- (iii) What specific measures has the Government put in place to protect Kenyans from the spate of abductions, kidnappings and disappearances of persons that has been rampant in the country in the last one year?

Thank you, Hon. Speaker.

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

The next Question is by the Member for Kwale County, Hon. Zuleikha Hassan.

Question No.230/2021

RECRUITMENT OF ISLAMIC RELIGIOUS EDUCATION TEACHERS IN PUBLIC SCHOOLS

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Hon. Speaker, I stand to ask the Teachers Service Commission (TSC) the following Question:

- (i) Could the commission explain the progress made in employing Islamic Religious Education (IRE) teachers in public schools across the country?
- (ii) What measures has the Commission put in place to ensure that the shortage being experienced with regard to IRE teachers is addressed soonest?
- (iii) Could the commission provide a list of all IRE and Christian Religious Education (CRE) teachers and their placement to schools across the country?

Hon. Speaker: Very well, Hon. Zuleikha. That is for a written reply. Therefore, the Teachers Service Commission (TSC) is directed to provide you with a written reply within the next seven days. They should be able to provide that. The next Question is by the Member for Subukia, Hon. Samuel Gachobe.

*Question No. 231/2021*DELAYED COMPLETION AND MEASURES TO PREVENT
ACCIDENTS ALONG SOLAI-SUBUKIA ROAD

Hon. Kinuthia Gachobe (Subukia, JP): Thank you, Hon. Speaker. I rise to ask Question No. 231/2021, directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) What measures are in place to prevent accidents occurring along the Solai-Subukia Road (D366) in Subukia Constituency noting that majority of them are due to sharp bends and lack of road infrastructure such as signage and markings, speed bumps, pedestrian crossings, among others?
- (ii) Could the Cabinet Secretary explain why the completion of the construction of the said road has delayed, including erecting of speed bumps, road marking, installation of culverts, traffic and road signs?

Hon. Speaker: That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next and last Question is by the Member for Meru County, Hon. Kawira Mwangaza.

Question No. 233/2021

EQUAL EMPLOYMENT OPPORTUNITIES FOR PERSONS LIVING WITH DISABILITIES

Hon. (Ms.) Kawira Mwangaza (Meru CWR, Independent): Thank you, Hon. Speaker. My Question is directed to the Cabinet Secretary for Labour and Social Protection:

- (i) What steps is the Ministry taking to ensure that there are gainful and equal employment opportunities for Persons Living with Disabilities (PWDs)?

- (ii) Could the Cabinet Secretary also provide information from the National Employment Authority on the status of the database on employment opportunities across the country for PWDs, considering that they are in dire need of sources of livelihood, especially those from Meru County?
- (iii) Could the Cabinet Secretary provide a list of all registered PWDs in Meru County, showing the nature and category of each disability?
- (iv) What action(s) has the Ministry undertaken to ensure that regular and periodical updating of the register is carried out for all PWDs across the country, particularly in Meru County, so that they may benefit from the various programmes and facilitations meant to empower, assist and facilitate them with regard to their livelihoods during the COVID-19 pandemic?
- (v) Could the Ministry consider providing free assistive equipment and devices to all PWDs across the country, and particularly in Meru County, so that they may live fulfilled lives?

Hon. Speaker: That Question will be replied to before the Departmental Committee on Labour and Social Welfare. We will move to the next segment of that Order which is responses. There is a response to be given by the Chairman of the Departmental Committee on Administration and National Security, to a request by Hon. Col. (Rtd.) Geoffrey King'ang'i.

STATEMENT

DEMOLITION OF HOUSES AROUND MASINGA AND KIAMBERE

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker.

This is a response to a Statement sought by the Member for Mbeere South, Hon. Col. Rtd. Geoffrey King'ang'i on the issue of brutal evictions of residents of Mbinguni in Makima Ward of Mbeere South Constituency.

The Member specifically sought the following:

(i) to be informed on the circumstances that led to the inhuman and extremely brutal evictions of residents and the demolition of houses at Mbinguni Centre;

(ii) what urgent intervention measures the Government is undertaking to address the ongoing humanitarian crisis at Mbinguni Primary School exemplified by massive congestions devoid of sanitation, water, COVID-19 masks, food and other basic needs, particularly in consideration that schools are scheduled to open on 10th May 2021;

(iii) in light of the fact that those residents are the rightful owners of the land near Masinga and Kiambere dams where they have lived and farmed despite claims to the contrary by the Tana and Athi River Development Authority (TARDA), in what timelines shall the Government resettle the Internally Displaced Persons (IDPs), resolve the land ownership issue and duly compensate the residents for their colossal losses?

(iv) on what basis were the journalists and residents of the area as well as the Member of Parliament harassed, beaten, arrested, and does the Government intend to pursue the false/trumped up charges against them?

The response is as follows:

The eviction exercise in Masinga and Kiambere was a legal exercise following a court order. The court matter was as a result of TARDA's effort to evict the illegal squatters from its property amicably without success. Consequently, TARDA filed a case in the Environment and

Land Court in Embu, Case No. 148 of 2017/2018, TARDA vs Joseph Muli and Others. The ruling was delivered on 12th March 2020 in favour of TARDA where the courts ordered for the restoration of beacons to safeguard the buffer zone of the two dams. Hereby, they have attached the court order. The court further issued execution orders dated 3rd September 2020, directing the Regional Police Commander of Eastern to provide security during the eviction exercise. There is also attached a copy of the execution order.

Currently, there are no IDPs accommodated at Ndunguni Primary School. Therefore, there is no humanitarian crisis.

Thirdly, TARDA also owns land in Masinga and Kiambere and possesses the following title deeds: LR No.28670, LR No.28671 and LR No.12621. The court determined the true ownership of the land and issued court orders accordingly.

Finally, Col. Rtd. Geoffrey King'ang'i, MP for Mbeere South Constituency and 11 other suspects were arrested and charged with various offences related to the following:

- (a) Taking part in an unlawful assembly, contrary to Section 79 of the Penal Code.
- (b) Incitement to violence, contrary to Section 96 of the Penal Code.
- (c) Obstructing police officers while executing lawful duty contrary to section 103(a) of the National Police Service Act, 2011.
- (d) Arson contrary to section 332(a) of the Penal Code.
- (e) Malicious damage to property contrary to section 339(1) as read together with section 339(2)(a) of the Penal Code.
- (f) Contravening provisions of prevention, control and suppression of COVID-19 directives issued by the Cabinet Secretary for Health pursuant to section 6 as read together with section 164 of the Public Health Act (Cap. 242 of the Laws of Kenya).

Thank you, Hon. Speaker.

Hon. Speaker: Hon. King'ang'i, you have the Floor.

Hon. Geoffrey Muturi (Mbeere South, JP): Thank you, Hon. Speaker. I want to thank the Cabinet Secretary for Interior and Coordination of National Government for taking time to provide the statement. I also want to admit that I did interact with him and the Principal Secretary during the Committee hearings. There has been a bit of canvassing around the issue. I want to thank the Chair of the Committee because he has been very graceful to facilitate the kind of discussion around this issue.

Allow me to put a few facts straight. One, the TARDA land in Mbeere South totals 66,000 acres. It is colossal. It is kilometres upon kilometres of land. The piece of land in question is more than 6,000 acres and it touches Masinga Dam. A distance of about 40 kilometres is the coastline of Masinga Dam, and it is in my constituency. The truth of the matter is that nobody in my constituency entered TARDA land. TARDA is trying to claim this area for the first time. The people of Makima have been living there since the dam was constructed in 1978, more than 40 years ago. In fact, the people of Masinga have seven villages: Ndunguni, Twanyoni, Muthithu, Masai Cross, Uthunthini, Nunga Mboo and Mwanyani. For every village, there is a primary school. And in the same land, there is a secondary school. Those people did not settle on the land yesterday. Those are Government schools where we have allocated NG-CDF money to build classrooms.

This is the area that the Cabinet Secretary now claims he was bound by a court order. TARDA is a public body. They went to court to procure a court order. So, it is the Government using one of its arms to procure a court and then claim they are bound by the court order so that they cannot protect the citizens? I do not know how it got to a point where the Member of

Parliament is now called upon to defend citizens from their own Government; people who are being paid through taxes. People did not move into TARDA land. TARDA moved into people's land, 34 years after the construction of the dam and after TARDA was legally in place. Those title deeds were obtained only in 2012 and yet people have been living there since 1978 when the dam was constructed.

I do not understand why out of 60,000 acres, it is difficult to settle around 300 families to the extent that the Government resorts to violence. I would like to condemn the brutal violence that the Government has resorted to. There was no need for violence. People were scattered all over the place without shelter. As a matter of fact, there is a young couple that lost a child in the night after they had been evicted by the Government. The Government owes the people of Makima an apology. The Government owes the people of Makima retribution—payment for the houses that were demolished. The Government must provide the people of Makima with alternative land so that they can move out of the land they claim. We have a case where the Government abdicates its responsibility, so that the people have to defend themselves against their own Government. There is negligence on the part of public servants and public institutions. This is an area where, before I was elected, half the constituency had no titles. As we speak now, Karaba adjudication section has no title; Riakanau adjudication has no titles; Makima adjudication section has no titles and yet the adjudication was completed 40 years ago. What is the Government doing sitting around there, and yet titles are in the Nairobi offices, but cannot be issued to the owners?

Hon. Speaker: You know this is the kind of discourse that becomes like a monologue. If it was a play, we would call it soliloquy. You are speaking on behalf of your constituents, but I am wondering as much as Hon. Mwathi can hear you and get entertained, he is unlikely to give you an answer to that. I gave you the opportunity to make your point, but it amounts to some form of lamentation. I wonder whether you were present when the Cabinet Secretary appeared before the Committee.

Hon. Geoffrey Muturi (Mbeere South, JP): I was present.

Hon. Speaker: Did you ask him those questions?

Hon. Geoffrey Muturi (Mbeere South, JP): I asked those questions, Hon. Speaker.

Hon. Speaker: And he did not respond to them?

Hon. Geoffrey Muturi (Mbeere South, JP): He did not respond to them, Hon. Speaker.

That is why I am forced to...

Hon. Speaker: So, you are lamenting now?

Hon. Geoffrey Muturi (Mbeere South, JP): This is lamentation, Hon. Speaker.

Hon. Speaker: Then you must make it short because there is going to be no answer.

Hon. Geoffrey Muturi (Mbeere South, JP): Thank you, Hon. Speaker. I will make it short. I will finish by saying that, as far as we are concerned, the seven schools and seven villages that are in Makima in the so-called TARDA land will remain there. That is because nobody has talked to the people of Makima. As a matter of fact, there is even a settlement scheme whose occupation the Government stopped four years ago. What is so difficult about talking to people to find out what the problem is and solve it?

Thank you, Hon. Speaker, for indulging me in my so-called lamentations. But you can understand our frustration when we have an irresponsive Government. It is really a shame!

Hon. Speaker: You can see Hon. Mbarire wants to join you in the lamentations.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Speaker. Let me first begin by thanking Hon. Mwathi, the Chair of the Security Committee, for bringing the response

on this important matter. And let me declare my interest. I am a Member of Parliament from Embu County and, therefore, this matter concerns me a lot. Let me also thank Hon. King'ang'i, who has really taken this matter seriously from the word go, and for having brought it before this House.

The right to property is enshrined in the Bill of Rights in the Constitution. We know that in this country, property does not necessarily have a titled deed to it, especially when it comes to land. There are people who have lived on pieces of land for many years, but may not have a title deed because the Government has not accorded them that important document.

Hon. Speaker, this is the case with the people of Makima who are majority residents of Mbeere South Constituency. Since I would hate to end with lamentations, would the Chair of the Departmental Committee on Administration and National Security, jointly with the Chair of the Departmental Committee on Lands, consider visiting the people of Makima and have a public consultation and participation with them to understand the extent of their problem?

Two, could the Chair of the Departmental Committee on Administration and National Security undertake to push for compensation of the affected individuals who were evicted by this Government from their land and their property destroyed? Those people are living in absolute poverty because of that disruption. I end there. Thank you.

Hon. Speaker: Now, we will hear from a former CEO of Tana and Athi River Development Authority (TARDA), even though it is not a lamentation.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Speaker for giving me the opportunity to give information to the two Members.

I was the Chief Executive Officer of TARDA some time back. I confirm that the mandate of TARDA is to assist the communities around it in terms of livelihood. I am surprised that they have gone to the extent of destroying the property of the people in Masinga Dam to Kiambere, which was part and parcel of the development. The solution is for TARDA to sit down with the people who are affected.

The mandate of TARDA is to have the people improve their livelihood by engaging them in agricultural activities such as land cultivation, specialised production of crops, livestock and fish. I am surprised that the mandate has now changed and the Ministry of Interior and Coordination of National Government has come in to destroy people's property. I, therefore, suggest that the current management of TARDA sits down with the Ministry of Lands and the community to enable them sort out the issue. I do not think there is any serious issue there. It is unfortunate that it has taken that kind of dimension. The best thing is for TARDA management to sit down with the community instead of destroying property. I regret whatever happened there.

Thank you.

Hon. Speaker: Let us now have Hon. Mwathi.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I empathise with Hon. King'ang'i and the Members who have spoken, including Hon. Mbarire. The situation, as it sounds... I am not quite seized of what is on the ground, but the matter needs to be addressed in the manner the former CEO has said.

At the outset, this should have been curbed at the initial stage, that is, before people faced off. They should have been able to sit down and amicably sort out the problem. They are now creating another problem for people who have nowhere to stay. For me to come up with a comprehensive plan going forward, I have to visit the area so that the Committee and I can be seized of the matter. If the land in question is 66,000 acres, then, it is quite big and, probably, an engagement with the management and leadership of TARDA can yield some fruits. At the same

time, I urge the Member to submit documents, if there are any, indicating that those people have been there for 34 years, as alleged. We need to make a case for those residents who are quite deserving. Otherwise, it went the wrong way that they were not able to sort it out amicably and had to resort to going to court.

When I hear that there are four schools that are going to be left without students, then, it should worry every Kenyan. We should have schools where public funds have been spent. The schools are going to be left empty because the entire crowd has been pushed out! I will seek your direction on whether we are going to undertake this exercise jointly with the Committee on Lands.

Hon. Speaker: It may not be necessary to have a joint sitting because either Committee belongs to the House. If we are to go with Hon. King'ang'i and arrange a meeting just for you to get a feel of what is on the ground, whether it is the other Committee or yourself, you will still be able to get a report. You have a secretariat which will be able to take notes.

Hon. Mwathi, I think you and your Committee can do it. You can even have a sub-committee in your Committee but, ideally, I suggest that you be there because then, any follow up between you and either the Cabinet Secretaries of both Lands and Interior and Coordination of National Government would be better off if you are the one leading the discussions with Hon. King'ang'i.

Hon. King'ang'i, I can see you are still not satisfied. Do you want to continue lamenting?

Hon. Geoffrey Muturi (Mbeere South, JP): Hon. Speaker, I am most obliged. I appreciate the Chairman's undertaking to visit. I think that is settled for now. If he comes, I am sure he will hear from the residents. I trust that the Chairman and the Committee will come up with some recommendations.

I am most obliged.

Hon. Speaker: Hon. Mwathi, do you still want to speak to it?

Hon. Peter Mwathi (Limuru, JP): Yes, just to mention that I am accordingly guided by your pronouncement and that I will sit with the Hon. Member together with officials from the Ministry of Interior and Coordination of National Government. We should be able to get a date when we will visit safely.

Thank you.

Hon. Speaker: Did you pick any of the officials from the Ministry of Interior and Coordination of National Government? It is about human beings being evicted. In the process, Hon. King'ang'i ended up being locked up. I do not know whether he has since been charged or he is treated differently from the rest of his constituents. However, Hon. Mwathi will deal with that bit later.

That concludes that aspect of Order No.7. Is that the Majority Whip or the Member for Ndhiwa? You are intensely engaged by the Member for Homa Bay Town.

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF AMENDMENTS TO THE KENYA NATIONAL LIBRARY SERVICE BILL

Before we move to the next Order, I wish to make this Communication by way of guidance on consideration of the proposed amendments to the Kenya National Library Service Bill, National Assembly Bill No.5 of 2020. This being consideration in Committee of the whole House of the Kenya National Library Service Bill, National Assembly Bill No. 5 of 2020.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Members, I wish to guide the House as follows: This is with respect to amendments proposed by individual Members on the said Bill and the application of the provisions of Article 114(2) of the Constitution and Standing Order No.133 (5).

Hon. Members, as you are aware, Article 114(2) of the Constitution provides that:

“If, in the opinion of the Hon. Speaker, a Motion makes provisions for a matter listed in the definition of “a Money Bill”, the National Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance.”

Further, Article 114(3), defines a “Money Bill” as a Bill that contains provisions dealing with, *inter alia*, taxation, the imposition of charges on a public fund, the appropriation, receipt, custody, investment or issue of public money and the raising and guaranteeing of any loan or its repayment. In this regard, every Bill that provides for the matters noted above ought to proceed in line with the provisions of Article 114(2) as aforesaid.

Additionally, Standing Order No.133 (5) provides as follows:

“No amendment shall be permitted to be moved if it deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill or is not appropriate or is not in logical sequence to the subject matter of the Bill.”

Hon. Members, on Wednesday, 19th May 2021, I invoked the provisions of Standing Order No.131 regarding the harmonisation of proposed amendments to the Kenya National Library Service Bill, 2020, and referred the proposed amendments by Hon. Millie Odhiambo-Mabona, MP, and those by Hon. (Dr.) Patrick Musimba, MP, to the Departmental Committee on Sports, Culture and Tourism for harmonization through a process commonly referred to as winnowing. The Committee considered the proposed amendments and has made observations and recommendations as follows:

1. With regard to the proposed amendments by Hon. Millie Odhiambo, the Committee notes that the Member proposes that the House amends the Bill so as to introduce the following:

(a) New Part IIA to establish a Kenya Resource Identification Numbers Agency to administer international standards resource identification numbers for books, magazines, music and other resources;

(b) New part IIB to include a requirement for the deposit and registration of books and newspapers. This is already provided for in the Books and Newspapers Act. (CAP 111).

(c) New Clauses 35A to 35D to import sections of the Books and Newspapers Act. (CAP 111) and have the said parts incorporated into the Library Bill in a revised manner taking into account the current Constitution of Kenya and the modern state of national and international trends;

(d) New Part IVA to provide for delegated powers by the Cabinet Secretary;

(e) New Clause 39A to repeal the Books and Newspapers Act. (CAP 111); and,

(f) Fourth Schedule to provide for the conduct of business and affairs of the Board of the Kenya Resource Identification Numbers Agency.

Hon. Members, according to the addendum to the Report of the Committee which is a product of the winnowing process, the Committee notes that the proposed amendments directly fall within the provisions of Article 114 of the Constitution as well as offend the provisions of Standing Order No.133 (5) as they contain Money Bill aspects and also unduly expand the subject of the Bill. The Committee, therefore, recommends that the amendments ought not to be proceeded with.

I have thoroughly considered the Report of the Committee and agreed with them.

(2) With regard to the amendments proposed by Hon. (Dr.) Patrick Musimba seeking to establish “Presidential Library Authority” and a “Governors’ Library Authority” with respective boards and corresponding functions, the Committee similarly observed that the amendments fall within the provisions of Article 114 of the Constitution as well as the requirements of Standing Order No.133 (5) and also similarly ought not to be proceeded with.

I have since also considered what Hon. (Dr.) Musimba is proposing and obviously creating such boards and authorities will involve expenditure of public funds whose budget Hon. (Dr.) Musimba has not stated where it should come from. The CS, National Treasury, was not consulted when the Bill went for public participation.

Hon. Members, whereas I applaud the noble ideas by the two Members, whose implementation would have gone a long way in improving the management of the library services of the country, I must reiterate the need for due legal and procedural consideration by all Members when proposing amendments. Instructively, it is noted that the amendments offend the provisions of Standing Order No.133 (5) which place a limitation on amendments that “propose to unreasonably or unduly expand the subject of the Bill.” Such amendments would only be proceeded with in accordance with the provisions of Article 118 of the Constitution on public participation, which has not happened, as well as Article 114(2) of the Constitution on the manner of considering a Money Bill.

In this regard, Hon. Members, the cited amendments by Hon. Millie Odhiambo and Hon. (Dr.) Patrick Musimba will not be proceeded with. This includes part (c) of the proposed amendment to Clause 2 by Hon. Millie Odhiambo and all the amendments to Clause 2 by Hon. (Dr.) Patrick Musimba.

Hon. Members, for avoidance of doubt, the proposed amendments for which a disclaimer under Standing Order No.133(5) has been made in today’s Order Paper will, therefore, not be proceeded with for the reasons I have stated.

The House and Members are accordingly guided.

I thank you.

(Applause)

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order.

Hon. Speaker: Hon. Millie Odhiambo, I hope you do not engage in the reasons because you have very good proposals. You are so seasoned and one of the most active legislators that I know in the 11th and 12th Parliaments. To propose amendments within the Act or even to repeal it, I am sure it would have been the easiest for you, but I will give you a chance to say something Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker, for what you have indicated. I appeared before the Committee and its Chair would tell you that I was in agreement with regard to some of the issues related to public participation because I was raising very fundamental amendments that required the attention of some of the authorities such as the Office of the Attorney-General, because I was killing one agency and creating another.

So, in terms of budgetary issues, I am not creating, but ceding the country’s money. Having said this, I am glad you raised this issue because I wanted your directions on some issues. One, the issue of public participation is a lot in relation to this Bill. I have seen it coming up in relation to other Bills. So, when Members propose issues relating to a Bill that may require

public participation, is there a way they can be facilitated before the Committee of the whole House? I know it is not unconstitutional to facilitate further public participation.

Another issue I wanted to find out is determining whether a proposed amendment is a money Bill, and especially the one without timelines. The Appropriation Bill usually has timelines, but what if a Bill does not have timelines and is bringing something progressive to the country? Looking at the Books and Newspapers Act, I even asked lawyers about it because it is archaic and unnecessary. If we are dealing with libraries, there is nothing more relevant than books and newspapers. I even asked some people who told me that some provisions in that Act are cumbersome to them. They do not know where to keep books in this digital era.

The amount of money we are charging is outrageous for young people who are doing this kind of work. I can still bring amendments later once this Bill passes, so that we can kill the Books and Newspapers Act. But progressively, does Parliament have a way of accommodating Members to ensure provisions in the Standing Orders are facilitative and not a hindrance when they seek to improve a Bill?

Otherwise for now, I told the Committee I do not mind, but I would love clarity because not all aspects of my amendments are affected. So, I wanted to go on record that I have amendments which are not affected by your ruling. So, the Leader of the Majority Party, who is cheering, should know that when he took this position, he should be serious, and when seated here, he is working. So, he should not feel bad when Members bring amendments. I have seen a culture where when Members bring amendments, some people think it is onerous to them. I accept and embrace amendments because these are Bills. We are not just ticking boxes, but we are here to improve on them.

Hon. Speaker, I thank you. Otherwise, we will soon be declaring Kimunya must go.

Hon. Speaker: Hon. Millie, as you have said on the first issue, which is important, remember wherever a Bill is read for the First Time, it stands committed to the relevant Committee without Question put. I think this will come out tomorrow that the Committee to which a Bill is referred has a maximum of 21 days within which period to bring a report.

I want to blame Committee Chairs, when you think you will take a longer period than the 21 days, there is no harm in coming back to the House in plenary and seeking for extension of time. Indeed, you can even ask for more time than the 21 days depending on the subject matter being considered. On the point you have raised on whether a Member can facilitate, I wish to discourage it. Part of the reasons we came up with the new Standing Order in terms of Members being assisted by the institution of Parliament to legislate is to take away that burden. If we do this, it will be too onerous on Members. In the meantime, the Procedure and House Rules Committee, I am happy the Deputy Speaker, Hon. T.J. Kajwang' and other Members of the Committee are here, this is something that can be provided when reviewing our Standing Orders. So, should there be need, I want to encourage committees to come to plenary and seek for extension of time. If you need more time to do public participation, Parliament will facilitate in the usual way. If we put it on the individual Member, a committee has 17 or 19 Members.

Hon. Members: Nineteen Members!

Hon. Speaker: If I heard Hon. Millie correctly, she used the word 'facilitate'. You know it can have far reaching implications to your pocket. I think the point you have raised is a legitimate one and should be considered. So, it will be much better if a committee or any Member who thinks their Bill is in danger of being cut off by the 21 days rise here and claim that "my Bill has been referred to this committee, it has not been finalised and I still want it to be given more time to be considered". I am sure the plenary will accede. It has always graciously

extended time without any problem. In the meantime, I think this is a serious point which Members of the Procedure and House Rules Committee should consider.

The other issue about money Bills is self-explanatory. Hon. Millie, even though by some of your actions you intended to delete or repeal the Books and Newspaper Act, which as you rightly pointed out is a fairly archaic piece of legislation, I am just looking at you and wondering because you have brought many Bills here. I want to encourage you to make a proposition to repeal it and replace it with something new. You have been doing a lot of work in terms of bringing fresh Bills and their enactment results in the repeal of archaic pieces of legislation.

To that extent, I want to agree with you if there is need in future. I am also informed that the Committee took up some of your proposals which they owned as part of their own amendments. The Committee of the whole House will not be considering the parts I have read. Hon. Millie, I believe I am clear. Are you satisfied? Very well.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Hon. Moses Cheboi) took the Chair]

THE KENYA NATIONAL LIBRARY SERVICE BILL

Hon. Chairman: Order, Members! You can now take your seats. We will be moving pretty fast and, of course, I know you have heard the Speaker's ruling. So, we will be moving minus the particular amendments which were the subject of the Speaker's Communication. Let us proceed.

Chair, you can now proceed and transact your amendment. The one which is dropped is that by Hon. Millie, but the Committee's amendment is going to proceed. So, which is your amendment, Hon. Chair?

Clause 3

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended by inserting the word "public" immediately after the word "other" appearing in paragraph (b).

Hon. Chairman, this is for the purpose of distinguishing the Kenya National Library Service from other public libraries in the country.

Hon. Chairman: I think that is extremely clear.

(Question of the amendment proposed)

What is your point of order, Hon. Millie?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, I actually have an amendment to Clause 3, which is not affected by the ruling.

Hon. Chairman: Let me just confirm that. That is actually right. So, then, we will proceed first with the amendment by the Chair and then transact yours that is not affected by the Communication that has been made. There are even some which have not been specifically mentioned, which are consequential. Hon. Millie, being a seasoned legislator, knows them. Even if they were not mentioned specifically by the Speaker, we will deal with them. I can see one of them is on Clause 5. I want you to prepare your mind on that one. There is even one on Clause 2. Just look at that. I have heard you, Hon. Millie. What is your point of order, Chair?

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Chairman. I hear Hon. Millie. If we admit her amendments, we will be describing something which is not in existence, namely, something on which the Speaker has ruled.

Hon. Chairman: I think you need to canvass yours. When Hon. Millie's amendment comes, you can raise that issue and we will look at it on its own merit. You have done yours very well. I have proposed the Question. Is there any Member who wants to speak to this particular one? Hon. Ngusya, you have the Floor.

Hon. Charles Nguna (Mwingi West, WDM-K): Hon. Chairman, I am a Member of the Departmental Committee on Sports, Culture and Tourism and I think our amendment did not make a lot of difference. We support the use of the word "public" to differentiate.

I support the Chair.

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

Hon. Chairman: Let us now go to Hon. Millie's amendment. Hon. Members, if it is not the one which the Speaker had specifically ruled on, you have the opportunity to support or oppose it. So, I will give Hon. Millie a chance to move and we will see what the Members have to say.

Hon. (Ms.) Odiambo-Mabona (Suba North, ODM): Hon. Chairman, I beg to move:

THAT, the Bill be amended in Clause 3 by—

(a) inserting the following new paragraph immediately after the prefatory sentence —

“(a) to establish a national public library service;”

(b) re-numbering paragraph (a) as paragraph (b); and,

(c) re-numbering paragraph (b) as paragraph (c).

Hon. Chairman, I just want to clarify that contrary to what the Chair is saying, this amendment is not one of the ones Hon. Speaker talked about. Clause 3 talks about the purpose of this Bill. I am saying that the first purpose of the Bill is to establish a national public library service. If you look at all the other aspects, if you are dealing with whatever institution it is setting, that is what the main purpose should be. So, I am basically saying that. It gives strength to what the Chair has amended by adding the word "public" because I am just saying that it should be establishing the National Library Service.

(Question of the amendment proposed)

Hon. Chairman: I will give the Floor to the Chair and see what he has to say. I wish you could sit where ordinarily the Deputy Leader of the Minority Party sits. That would be a good place for you. You know it is always good for the Chairs to be close because several times we really have to consult. You can even be seen well. Hon. Makau, what is it that you have to say as the Chair of the Committee? I am giving you the opportunity to contribute because you had made your comments. I wanted you to go on record now that Hon. Millie has already moved her amendment.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Chairman. I heard her say that she supports what is on the Order Paper.

Hon. Chairman: No! Hon. Makau, you have moved your amendment and it has been taken. Hon. Millie Odhiambo has a different amendment which she has proposed. Now I have given you an opportunity. Initially, remember, I had heard you make some comments which were not meant to be done at that particular time because the amendment had not been moved. So, are you supportive?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Chairman.

Hon. Chairman: What is it again, Hon. Millie? You know we will not progress if you raise a point of order against yourself.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, we will progress because I know the rules of the House. My amendment was strengthening this clause by establishing the National Public Library Service, but I see under Clause 4, there is established a national library to be known as the Kenya National Library. So, I drop my amendment.

Hon. Chairman: That makes a lot of sense.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

Hon. Chairman: On this particular one, I do not see the Chairperson proposing. Yes, I see one by the Chairperson, but, of course, the ones by Hon. Odhiambo-Mabona...

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Not all of them.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Chairman.

Hon. Chairman: Well, proceed and do yours and then we will see which one, Hon. Odhiambo-Mabona, as a House.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting the words “books, serials, music and others” appearing in paragraph (f) and substituting therefore the words “library resources including books, serials and music”.

Hon. Chairman, the paragraph is incomplete and hanging and there is need for it to be redrafted for purposes of communication.

I thank you.

Hon. Chairman: That is okay. Actually, you had already canvassed it well.

(Question of the amendment proposed)

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

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

Then we will take Hon. Odhiambo-Mabona's. Let us be very clear. Hon. Odhiambo-Mabona, it really does not matter whether the Speaker tied it specifically. If it is consequential, it will be dropped. So, you need to convince the House that it is not consequential to the ones which were dropped. The opinion that I have here is that it is consequential, but just convince us.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, I am up to the task. If you look at my amendments, it is (a) and (b). Part (a) is consequential because it is talking about monitoring the work of the Kenya International Resource Identification Numbers Agency, which we have dropped. So, it is consequential.

However, (b) seeks to improve Paragraph (l). Paragraph (l) says: "Establish a public national centre for books to promote reading, writing and publishing in local languages, traditional knowledge and culture, information and advocacy, book development, and easy access to books".

Hon. Chairman: Are we dealing with (f) or (l)?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): L for *lala*.

Hon. Chairman: Okay.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, I am saying that that sentence is very convoluted. You do not know whether we are beating drums, writing books or what we are doing. I am not sure.

I am trying to make it more coherent. It is a sentence that is seeking to provide very clearly for very important piece that is supposed to do, but it is not coming out clearly. So, I am breaking it to (la): "provide easy access to information for all Kenyans"; (lb), "Promote a reading, writing and publishing culture amongst Kenyans"; (lc): "Establish a public national centre for books, magazines, newspapers, videos and other information materials" and (ld): "preserve traditional culture and knowledge by promoting reading, writing and publishing in local languages". That is not consequential. So, I propose that that part of the amendment be passed.

Hon. Chairman: Actually, that is absolutely right. It is not consequential. What was consequential is f.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes.

Hon. Chairman, I beg to move:

THAT, the Bill be amended in Clause 5 by -

b) deleting paragraph (l) and substituting therefor the following new paragraphs—

“(la) provide easy access to information for all Kenyans;

(lb) promote a reading, writing and publishing culture amongst Kenyans;

(lc) establish a public national center for books, magazines, newspapers, videos, and other information materials;

(ld) preserve traditional culture and knowledge by promoting reading, writing and publishing in local languages;”

Hon. Chairman: I am sure you did not move that, but on this one on (l), I will give an opportunity. So, let us propose the Question.

(Question of the amendment proposed)

Hon. Leader of the Majority Party. The issue here is not so much about it being consequential. It is whether it is going to be taken or not.

Hon. Amos Kimunya (Kipipiri, JP): Yes. Thank you, Hon. Chairman. I see where Hon. Odhiambo-Mabona is coming from trying to expand l.

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Hon. Chairman: Hon. Odhiambo-Mabona, please, allow the Member to contribute.

Hon. Amos Kimunya (Kipipiri, JP): She is trying to expand by paraphrasing (l), but in the process she ends up repeating what is already provided in (e). Again, I have looked through this amendment and it is basically not adding anything that is not already covered within (d), (e), (f), (i) and (j). Basically, we are repeating the same thing. I urge that rather than make the law more convoluted by adding things that are already there and repeating, we just have a flow of what was already provided within (l), which is generic. We are talking of a very clear-cut. When we say provide easy access to information to all Kenyans...

Hon. Chairman: Order! Is that one a Member, the one who has just come in? Let us confirm if that is a Member. Who is the Member facing the other side? That is definitely not Hon. (Ms.) Soipan Tuya. Well, now that is... I do not know. Let us proceed then.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Chairman, I believe the four issues that are being paraphrased are already provided within Clause 5. So, I urge that instead of us splitting hairs on which is a better version of the other, we go for the generic issues already contained in the Bill and only add what is not there. Those four are already there in different wordings. I want us to make progress on this, not just for purposes of who amended and who did not amend, but by just looking through the Bill and what is being provided. If it is the same but in different words, then we need to be clear that we need to amend somewhere else rather than adding what is already in €, which is: “Promote reading for knowledge”.

Let me just give an example. When you look at the Bill at Clause 5(e), it reads, “to promote reading for knowledge, information and enjoyment through stimulation of public interest in books and participation in campaigns for the eradication of illiteracy.” When you come to what Hon. Odhiambo-Mabona is saying, that is to delete (l) and then provide for (lb), “promote a reading, writing and publishing culture amongst Kenyans”, it is the same thing. Now we are adding it in (l), and it is already in (e). We are duplicating the same thing. You could do the same for all these things. So, I urge that we are adding no value through these extra amendments. They are already provided for.

Hon. Chairman: Okay, I will give Hon. (Prof.) Jacqueline Oduol the Floor

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Chairman. I am a Member of the Committee. As we looked at this in the manner Hon. Odhiambo-Mabona had indicated, we were aware that her aim as she clearly expressed, was to bring simplicity in terms

of taking the exact information that was there, but separating it into (a), (b), (c) and (d) for clarity.

I just wanted to say that from the perspective of the Committee, and this is a bit ironic, we felt that a lot of legal jargon and expression which is what we have here, tends to be presented in paragraph form.

Therefore, in as much as we agreed that Hon. Odhiambo-Mabona was not adding or changing anything, but was seeking to simplify, from our standpoint, we feel that the manner it is in, as a paragraph, is quite clear. So, from our perspective, we do not think it is adding anything. We feel that as jargon, the manner in which it was as a paragraph, was actually more suitable than this.

Hon. Chairman So, you are supporting Hon. Millie's proposal.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): I am not. I agree with her, but I do not support the amendment.

Hon. Chairman: Hon. Members, it is up to you to make a decision, unless Hon. Millie wants to make any decision. Do you want to make any move one way or the other?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, I am not going to drop my proposed amendment. If you listened to the Leader of the Majority Party clearly, this provision is already in other places. So, then, the logic is to drop all because we will be repetitive. I was seeking clarity, but I am not withdrawing. Let it be the fate of the House.

Hon. Chairman: If you are not withdrawing it, I will be very keen to hear the voice of Hon. Members. So, you better make it clear so that I do not have to struggle.

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

(Clause 5 as amended agreed to)

Clause 6

Hon. Chairman: The Chair has an amendment.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, the Bill be amended in Clause 6 –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause-

Composition of
the Board.

6. (1) The management of the Kenya National Library Service shall vest in the Board which shall consist of –

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for matters relating to libraries or a representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;

- (d) the Principal Secretary responsible for matters relating to education or a representative designated in writing;
- (e) the Principal Secretary responsible for matters relating to devolution or a representative designated in writing;
- (f) the Principal Secretary responsible for matters relating to information and telecommunications technology or a representative designated in writing;
- (g) two persons nominated by the Council of County Governors in accordance with section 7(2);
- (h) one person appointed by the cabinet secretary in accordance with section 7(2); and,
- (i) the Director-General who shall be the Chief Executive Officer of the Board.

b) by deleting the words “1(a) and (e)” appearing in subsection (2) and substituting therefor the words “1(a), (g) and (h)”.

The justification is that this is a Bill concerning county governments and there is need to include their representatives in the board. There is also need to reduce the number of board members from 10 to nine in line with Mwongozo. It also corrects a cross-referencing error.

Hon. Chairman: Hon. Members, let us be clear. If the amendment passes, the other two amendments will be dropped.

(Question of the amendment proposed)

Hon. Millie, do you want to say something to it?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman. I support the proposed amendment. I have noted that my amendment is not affected. I will still propose it. I support the proposed amendment by the Chair.

Hon. Chairman: You need to tell us something.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, one of the amendments is similar to mine.

Hon. Chairman: There is one which is going to remain.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes, there is one which will remain, but there is one similar to mine. So, I support. Thank you.

Hon. Chairman: Hon. Members, we have agreed that if Hon. Makau King’ola’s amendment is taken, one of Hon. Millie’s amendments will be dropped, but another one will survive the onslaught. I do not see interest from Members.

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

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

Sub-clause 2 has been dropped. I believe that is okay with Hon. Millie. Proceed then.

*(Proposed amendment by Hon.
(Ms.) Odhiambo Mabona dropped)*

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended—

(b) in sub-clause 3 by inserting the words “regional representation” immediately after the words “persons with disability”.

I am seeking to ensure that the Cabinet Secretary, when making appointments where it has been provided for, should take into consideration gender parity, inclusion of persons with disability, marginalised persons and the youth. But we have left out regional representation. So, I am only adding regional representation.

Thank you.

Hon. Chairman: That is very clear.

(Question of the amendment proposed)

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

Is Hon. Musimba not here? He is absent. His amendment is dropped.

(Proposed amendment by Hon. Patrick Musimba dropped)

Clause 6 as amended agreed to)

(Clause 7 agreed to)

Clause 8

Hon. Chairman: The Hon. Chair, Hon. King’ola has an amendment on this one.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, the Bill be amended in Clause 8 —

(a) by deleting the words “as a member” appearing in the opening paragraph and substituting therefor the words “member of the Board”;

(b) by deleting paragraph (g).

The amendment is to include the words, “member of the board” which are missing. Further, there is need to delete paragraph (g) as it has been provided for under paragraph (d). Thank you, Hon. Chairman.

(Question of the amendment proposed)

Hon. Chairman: Let us have Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Hon. Chairman, the description on the first page of this Bill, “a member” was defined as a member of the board. We do not need to do it because it will be a repetition. In definition, normally, we give definitions of all terms used.

Hon. Chairman: What do you want? It is not very clear. What do you want with the definition?

Hon. David ole Sankok (Nominated, JP): If the word “member” has been defined to mean a member of the board, then we do not have to repeat that.

Hon. Chairman: It is okay.

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

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

(Clause 8 as amended agreed to)

(Clauses 9, 10, 11, 12, 13, 14, 15 and 16 agreed to)

Clause 17

Hon. Chairman: Hon. King’ola.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, Clause 17 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph –

“(b) afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups”.

The reason is to ensure that the board considers the youth, persons with disabilities, minorities and marginalised groups when employing staff. That is in addition to gender parity and diversity of the people.

(Question of the amendment proposed)

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

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

(Clause 17 as amended agreed to)

(Clause 18 agreed to)

Clause 19

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman. I beg to move:

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new clause –

Protection from personal liability.

19. (1) No matter done by a member of the Kenya National Library Service or by any officer, member of staff, or agent of the Kenya National Library Service shall, if the matter or thing is done *bona fide* for the purpose of executing the functions, powers or duties of the Kenya National Library Service under this Act, render the member, officer, employee or agent or any person acting on the direction of the Kenya National Library Service personally liable in an action, claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Kenya National Library Service, shall, if the court holds that such act was done *bona fide*, be paid out of the funds of the Kenya National Library Service, unless such expenses are recovered by him or her in such suit or prosecution.

The reason is that it covers all instances where a person is acting on the instructions of the service and it is the standard way of drafting the clause.

(Question of the amendment proposed)

Hon. Chairman: Hon. Nyamai, do you want to say something on this?

Hon. (Ms.) Racheal Nyamai (Kitui South, JP): Thank you, Hon. Chairman. I just want to support Hon. Makau and point out that this has to do with the general drafting with regard to protection from personal liability from the people involved in the activities within the institution.

Thank you.

Hon. Chairman: Hon. Wanyonyi Wetangula, do you want to say something on this one?

Hon. Tim Wanyonyi (Westlands, ODM): Hon. Chairman, I support. I wanted to speak on the earlier one, but I support the proposed amendment as proposed by the Chairperson.

Hon. Chairman: Okay. What is it, Hon. Sankok? I can see you are protesting.

Hon. David ole Sankok (Nominated, JP): Yes, Hon. Chairman, because we are talking about protection from personal liability, the amendment that is being introduced here will protect many people. This is where corruption begins because not everybody will carry their own cross. The earlier one, people are not protected from carrying liabilities. If you are instructed to do something that is wrong, you should say: “No, I cannot do that”.

Hon. Chairman: So, basically, are you opposing?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Chairman, he has got it wrong. Can I explain?

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Chairman: Okay. Let us have Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Chairman, I support this amendment. Hon. Sankok has not got it clearly. This is in execution when you are doing the duty on behalf of the National Library Service. It is not at your personal level. So, you cannot be held personally responsible when you are executing your duty. Maybe these are different things.

So, I support this.

Hon. Chairman: Okay. Let us proceed and put the Question. Hon. Sankok, you have a right to vote in one way or the other.

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

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

(Clause 19 as amended agreed to)

(Clause 20 agreed to)

Clause 21

Hon. Patrick Makau (Mavoko, WDM - K): Hon. Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended in subclause (1) —

(a) by deleting the word “Parliament” appearing in paragraph (a) and substituting therefor the words “the National Assembly”;

(b) by deleting paragraph (f).

The reason is that Article 95(4)(a) and (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national Government and other national State organs. Thus, there is need to provide that it is the National Assembly and not Parliament that will allocate money to the service. Further, there is need to delete paragraph (f) as it has been provided for under paragraph (d).

(Question of the amendment proposed)

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

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

(Clause 21 as amended agreed to)

Clause 22

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 22 and substituting therefor the following new clause —

Investments. 22. The Kenya National Library Service may with the approval of the Cabinet Secretary and the Cabinet Secretary for the National Treasury invest any of the Kenya National Library Service’s funds not immediately required for the purposes of this Act, as it may determine.

The reason is that it covers all instances whereby the service will need to invest extra funds and it is the standard way of drafting the clause.

(Question of the amendment proposed)

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

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

(Clause 22 as amended agreed to)

Clause 23

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, Clause 23 of the Bill be amended in sub-clause (1) by deleting the words “for each financial year” and substituting therefor the words “at least three months before the commencement of each financial year”.

The justification is to allow adequate time for the Cabinet Secretary to factor in the financial requirements of the service into the national Budget.

(Question of the amendment proposed)

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

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

(Clause 23 as amended agreed to)

(Clause 24 agreed to)

Clause 25

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, the Bill be amended by deleting Clause 25 and substituting therefor the following new clause —

Accounts
and
Audit.

25. (1) The Kenya National Library Service shall cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities of the Kenya National Library Service.
- (2) Within the period of three months after the end of each financial year, the Kenya National Library Service shall submit to the Auditor-General, the accounts of the Kenya National Library Service in respect of that year together with —
- (a) a statement of income and expenditure during the year; and,
 - (b) a balance sheet of the Kenya National Library Service on the last day of that financial year.
- (3) The accounts of the Kenya National Library Service shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2015.

The reason is that there is need to provide how the accounts of the Board shall be prepared, audited and reported. This is in accordance with the provisions of the Public Audit Act, 2015.

(Question of the amendment proposed)

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

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

(Clause 25 as amended agreed to)

(Clauses 26, 27, 28, 29, 30, 31, 32 and 33 agreed)

Clause 34

Hon. Chairman: Hon. Makau, I believe you are moving a deletion on this one.

Hon. Patrick Makau (Mavoko, WDM-K): Yes, Hon. Chairman. I beg to move:

THAT, the Bill be amended by deleting Clause 34.

The reason is that the provision is unconstitutional as it purports to limit the right of a person to commence legal proceedings against the service. Article 22 of the Constitution guarantees the right of every person to institute court proceedings. The procedure for instituting court proceeding is provided for in the Civil Procedure Act Cap 2(1) and other relevant legislations. Thus, there is need to delete the same.

Hon. Chairman: Very well. Hon. Makau, what you are proposing is that that particular one be deleted.

(Question of the amendment proposed)

Hon. Millie, what is it?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, Clause 34 is just reinstating the Government Proceedings Act. So, it is not wrong because under the Government Proceedings Act, you cannot sue directly. You must give notice. You cannot sue the Government of Kenya directly. You must give notice before you sue by giving particulars and details.

So, I oppose because it is going against the Government Proceedings Act.

Hon. Chairman: Okay. The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Chairman, I totally agree with Hon. Millie Odhiambo on this one. I was surprised that the Committee wants to delete it. It is not limiting the right of people to sue, but it is determining the procedure of how the proceedings will take place. This is in consonance with the rest of the Government.

Now that the Committee has moved, it is not retrievable. Unless they can retrieve it, your reasoning may be right, but for the wrong reasons. Clause 34 is defining how proceedings against the National Library Service will take place. It is not stopping anyone from doing it. It is providing that an action shall not be commenced unless the complainant has served the Director-General with a written notice. It is not saying that nobody can serve. It is saying that you must serve the DG within a certain period and then you proceed, which is proper for all Government suits. So, we do not need to delete that. Otherwise, we will be exposing the NLS to all different people.

Hon. Chairman: Okay. Do you want to do anything because there are two options? You know you can allow the House to make the decision. I am really struggling to imagine that you can retrieve it now that you have already moved.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, you know we sometimes rely on the legal minds of the Committee. Since we are getting more information in the House, the Committee is not limited.

Hon. Chairman: The House can help you retrieve it. I have also looked at it very keenly. I am sure you are also looking at it. I am not saying anything one way or the other because all I need to do is to put it before the House. They can decide to help you on the position you have agreed on or allow you to delete it.

Hon. Members, I am sure you heard the arguments one way or the other.

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

Leader of the Majority Party, you have argued one way and you decided to vote the other way. At least, you have been sorted one way or the other. So, it is sorted. That one falls. We will go to the next ones. Before we go to those ones, let us take the specific Question, so that this one remains.

(Clause 34 agreed to)

What has happened, Hon. Members, is that you have allowed it to remain as it is.

Hon. (Dr.) Robert Pukose (Endebess, JP): You do not propose. You should put the Question that it be part of the Bill.

Hon. Chairman: I have put the Question. Maybe you are having a problem with the way I have put on the mask. You have a problem with your other sense.

Hon. (Dr.) Robert Pukose (Endebess, JP): No, Hon. Chairman, you proposed. You were supposed to put the Question.

Hon. Chairman: Order, Hon. (Dr.) Pukose. You know, one, there is no proposal that is voted on. You only vote on a Question that has been put. So, for those who know equity, it will treat as done that which ought to be done. Just for avoidance of doubt, I will put the Question again. This is about Clause 34. Just allow me, Hon. Members, to now put it in the proper manner. This is about Clause 34.

(Clause 34 agreed to)

Now, let us go to the next clauses.

(Clauses 35, 36 and 37 agreed to)

Clause 38

Hon. Chairman: Hon. Makau, you are, again, proposing a deletion on this one.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 38.

Hon. Chairman, this has been catered for under the new Part IVA of Clause 38. Clause 38 has not been drafted in conformity with Article 94(6) of the Constitution and Standing Order No.118, which provides that regulations must specify the limits of the authority, the nature and scope of the law which may be made, and the principles of the standards applicable to a law made under this authority. The provisions on delegated legislation should also form their own standalone part of the Bill as opposed to only being a clause.

Hon. Chairman: That is okay. So, Hon. Members, I am going to propose the Question. The first person I will give opportunity to speak is Hon. Millie Odhiambo because she is also proposing a similar thing. If this one is carried, Hon. Millie's amendment is rendered not of so much value because it will not have been carried, anyway.

(Question of the amendment proposed)

Let us have Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Chairman. I support the amendment. First, I had not seen what he was doing, but under the Constitution, we must be very clear about where we are putting delegated authority. This is the older way of providing before we had the current Constitution. So, I support the Committee. I drop mine even though it automatically falls.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

Hon. Chairman: Very well.

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

(Clause 38 deleted)

So, that one is deleted. It is automatic that the amendment by Hon. Millie has fallen. We did not have to pronounce anything on that one. It is deleted. So, there is nothing to amend or to be deleted again.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

(Clause 39 agreed to)

Clause 40

Hon. Chairman: On this one, we have the Chair. Proceed, Hon. Patrick King'ola Makau.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, Clause 40 of the Bill be amended –

- (a) by deleting sub-clause (5);
- (b) by deleting sub-clause (6); and,
- (c) by deleting sub-clause (7).

The justification is that sub-clause 3 has already transited all employees to the service. However, sub-clause 5 purports that the employees should sign new contracts although sub-clause 6 provides that the terms of the contract should not be disadvantageous to the employees. The employer still has a stronger bargaining position. Again, sub-clause 7 further provides that anyone who does not enter into the contract shall be deemed to have resigned without a right to severance pay, which does not favour the employee. Lastly, the terms of employment and termination are expressly enumerated in the Employment Act of 2007. There is thus no need to address the same under this Act.

(Question of the amendment proposed)

Hon. Chairman: Before we proceed, Hon. Millie Odhiambo, this is subject to the Communication. So, yours is dropped. We are not going to consider it at all. I want to see if there is a Member or two who want to say something. Hon. Iringo, your microphone has for some time been requesting to have you speak. Do you want to speak on this one?

Hon. Kubai Iringo (Igembe Central, JP): I support the Chair.

Hon. Chairman: Very good. Let us hear Hon. (Dr.) Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): As I support, probably it would have been better to have paragraph three and add “under the same conditions of employment” because number three just says “upon commencement of the work be decreed to be an employee of the NLS”. It would have been better if you said under the same terms of employment. The Member would probably like to add that provision. It would be neater.

Hon. Chairman: I do not think that can happen now. It cannot happen because it has to go through the process. So, since we do not have an amendment before the House, we probably will have nothing to do. Well, yours would be a suggestion for a future endeavour.

Hon. Pukose, you have the Floor.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Chairman, for allowing me to contribute. I think the amendments that have been made by the Chair are good because under the Employment and Labour Relations Act, it is always provided when you are transiting from one organisation to the other. So, I think those are good amendments.

I support.

Hon. David ole Sankok (Nominated, JP): Hon. Chairman, I have reservations.

Hon. Chairman: Okay. Take us to those reservations, Hon. Nominee 001.

Hon. David ole Sankok (Nominated, JP): Hon. Chairman, this is what brought down our county governments - such blanket transition. Sometimes we overprotect employees. The wage bill in county governments is quite huge because of such clauses. You are saying it is for future implementation, but in the first draft of the Bill before deleting Clauses 5, 6 and 7, it was protecting the institution. This provision protects workers more than the institution and the institution may have a bigger burden.

Hon. Chairman: I do not know whether you are correct. But in any case, Hon. Sankok, it pays to be keen and consider some of these clauses prior to a sitting. That is how you would be able to help the House to make necessary amendments, just like what Hon. Millie Odhiambo and Hon. Musimba have done. It is much better for us to act rather than to come and lament at the last minute. At this point in time, the question is whether we are going to adopt the amendment or not. There is no other amendment you are proposing to the House. We have also said it is for a future undertaking.

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

(Clause 40 as amended agreed to)

What is it again, Hon. Makau? You will still have your time once we are through with this part, probably at the Third Reading.

New Clause 19A

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 19—

Liability for damages.

19A. The provisions of section 19 shall not relieve the Kenya National Library Service of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(Question of the new clause proposed)

(New clause read the First Time)

Hon. Chairman: Hon. Makau, you need to move Second Reading of the new Clause 19A.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Chairman. I beg to move that the new clause be read a Second Time. This new clause provides for compensation in case a person suffers injury caused by the Service.

*(Question, that the new clause
be read a Second Time proposed)*

Hon. Chairman: I see Hon. Pukose would like to speak to this amendment, but it is fairly straightforward.

Hon. (Dr.) Robert Pukose (Endebess, JP): It is a straightforward amendment, Hon. Chairman. In the previous Clause 19, Hon. Sankok had proposed that somebody should be held responsible and compensation provided if one is injured while performing their duties. So, I support.

Hon. Chairman: Let us have Hon. Kubai Iringo.

Hon. Kubai Iringo (Igembe Central, JP): Hon. Chairman, I also rise to support the new clause. Whoever will be using the libraries will be taken care of legally in case of any incidentals. I support.

*(Question, that the new clause
be read a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause
be added to the Bill, put and agreed to)*

New Part IVA

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move:
THAT, the Bill be amended by inserting the following new part immediately after Clause 31—

PART IVA – PROVISIONS ON DELEGATED POWERS

Regulations.

31A. (1) The Cabinet Secretary may in consultation with the Kenya National Library Service, make regulations for the better carrying into effect the provisions of this Act.

(2) The Regulations made under subsection (1) shall include regulations prescribing the requisite forms and fees for use under this Act.

(3) For the purpose of Article 94(6) of the Constitution—

(a) the purpose and objective of the delegation of legislative power under this section is to enable the Cabinet Secretary to make rules to provide for the better carrying into effect the provisions of this Act;

(b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section;

Cap. 2.
No. 23 of 2013.

(c) the principles and standards applicable to the rules made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

Hon. Chairman: Let us have the Mover.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Chairman, I beg to move that the new Part IVA, incorporating new Clause 31A, be now read a Second Time. This is to conform to Article 94(6) of the Constitution and Standing Order 118, which provide that legislation must specify the limits of the authority, the nature and scope of the law which may be made and the principles and standards applicable to law made under the authority. The provision on delegated legislation should also form their standalone parts in a Bill as opposed to being a clause only.

(Question of the new part proposed)

(New part read the First Time)

*(Question, that the new part
be read a Second Time proposed)*

Hon. Chairman: Leader of the Majority Party, you have the Floor.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Chairman. I just want to say, for the record, that, indeed, this new Part IVA, which introduces a new Clause 31A, replaces Clause 38, which we deleted to make the Bill conform to the requirements of the Constitution and the new way of issuing regulations.

Hon. Chairman: That clarifies it even further. Hon. Ndindi Nyoro.

Hon. Kubai Iringo (Igembe Central, JP): On a point of order.

Hon. Chairman: What is your point of order, Hon. Iringo?

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Chairman. I seek your guidance. With the new clauses, the Chair is moving for Second Reading and I think he should have a Seconder so that the Question is proposed.

Hon. Chairman: No! Not at all. This is now the Committee. It is good you are keen, but not on this one. With this, we will proceed in the normal manner. Hon. Nyoro, kindly, have the Floor.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Chair. I support, especially in line with Article 94 of the Constitution. The kind of laws we make here are broad and it is necessary for the Cabinet Secretary to make more meticulous regulations to effect the law that we are making.

(Question, that the new part be read a Second Time, put and agreed to)

(The new part was read a Second Time)

(Question, that the new part be added to the Bill, put and agreed to)

First Schedule

Hon. Chairman: Hon. Chairperson, this is okay because we are not moving a Second Reading on this one. Move the amendment.

Hon. Patrick Makau (Mavoko, WDM-K): I beg to move:

THAT, the First Schedule to the Bill be amended —

- (a) in paragraph 1 by deleting the words “four months” appearing in subparagraph (2) and substituting therefor the words “three months”;
- (b) in paragraph 3(1) by deleting all the words appearing after the words “shall be” and substituting therefor the words “five members”;
- (c) in paragraph 6 by deleting the number “4” and substituting therefor the number “3”;
- (d) by deleting paragraph 8;
- (e) in paragraph 9 by inserting the words “or her” immediately after the word “his” wherever it appears.

The reason being that this is to be specific in months which may not pass before a meeting of the board is held. It is also to prescribe the quorum for a board meeting, correct typographical errors and delete repetitive provisions.

(Question of the amendment proposed)

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

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

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

(First Schedule as amended agreed to)

(Second Schedule agreed to)

(Third Schedule agreed to)

Clause 2

Hon. Chairman: Hon. Millie Odhiambo, you are not going to move Clause 2(c). I am trying to look at it whether it is consequential. In the meantime, you should be the one...

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes, there are parts of Clause 2(c) and part of it is not. They have made reference to international standards.

Hon. Chairman: Hon. Odhiambo, you will move Clause 2(a) and (b). This one is very clear in the Communication of the Speaker, which we accepted.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, it is not a matter of life and death.

Hon. Chairman: Hon. Millie, you also need to be courteous. If I were to read to you the...

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, if I explain myself, I am not challenging the decision.

Hon. Chairman: I do not want you to.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): I am indicating that if you actually look at the body of the Bill, they make reference to international standards book number, but it is not defined. However, I am saying that it is neither here nor there because it can fall off.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

Hon. Chairman: Actually, for it to be tidy, that particular bit that you wanted to amend, Clause 2(c) is dropped. So then, you should proceed and move Clause 2 and not necessarily having to specify (a) and (b). This is because we have dropped them.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Chairman, the Order Paper has disappeared.

Hon. Chairman: From where?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): From my screen. You know this is a touch screen. It disappears with things very easily.

(An Hon. Member spoke off-record)

No! It just disappeared suddenly.

Hon. Chairman: So, we will have the hard copy brought to you.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): No! I have found it. Thank you. However, it will be nice if we are moving to the hard copy because of the misbehaviour of technology.

I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) in the proposed definition of the term —

(i) “book” by inserting the words “in digital, audio or print form” immediately after the word “chart”;

(ii) “member” by inserting the words “in relation to the Board” immediately before the words “means a member”;

(b) by deleting the definition of the term “National Library Service” and substituting therefor the following definition—

“National Library Service” means a repository and access point for print, audio, audio-visual, braille and digital materials and documents in braille that serves as the preeminent repository of information for the country and as the official depository for printed works, a general public access library, and information and bibliographic Centre“.

Hon. Chairman, I seek your direction because it is not just that only, there is also print, which is not covered.

Hon. Chairman: Where is it? But that is in Clause 2(c). So, that is not a place we are going to now.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): That is okay. In Clause 2(a), my amendment seeks to acknowledge that “book” is not only in the usual form that we know, which is physical, but we also have books in digital, audio and print forms. So, I am adding to have digital, audio and print.

Secondly, for that Subsection 2, I am also defining “member” to mean a member in relation to the board, immediately after the words “member means” and the reason is within the body of the Bill, we also refer to “a member of the library”. So, when you define a member without saying who you are referring to, then you will be importing an audible member of the library to be a member of the board.

As for part (b), I am deleting the definition of the term “National Library Service” and substituting with the definition which means it is a repository and access point for print audio, audio visual, braille, digital materials and documents in braille that serve as a permanent or rather pre-eminent depository of information for the country. It is the official repository for printed works, a general public access library and information and media graphic centre.

As currently written, it seems to imply that all the things in the library must be in braille form while what is intended is that there should be material in braille form. I am seeking to maintain the access for persons with disability by having braille, but as one form of the material. This is so that everything is not in braille form because then, those who are differently abled like us from the ones who are disabled, will be disabled. Hon. Chairman, I hope you understand me.

(Question of the amendment proposed)

Hon. Chairman: Everybody seems to be happy with it. Can I put the Question?

(An Hon. Member spoke off-record)

Okay. Is that Hon. Owino? Kindly, have the Floor.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Chairman, I am not opposing it, but I just want a matter of consistency. In Clause 5, we deleted the words “book,” “serials” and all that and replaced it with “library resources” and gave “books,” “serials” and “music” as examples. Here, we are also introducing another term “digital audio”. So, could clarity be made, so that we are consistent? If we are using “music”, let it be “music” throughout. If it is digital or audio... We need consistency. The amendment is good.

Hon. Chairman: We do not do that. There is nothing like that, Hon. Owino. Hon. King’ola, I will give you the last chance.

Let us have Hon. Sankok. I know when braille is brought to the fore, you have to say something.

Hon. David ole Sankok (Nominated, JP): I normally oppose but I support this one because for a long time we have not considered people living with disability. With audio we shall ensure that persons who cannot see access any book in audio form. We have been having the visually impaired struggling to read. So, braille will come in handy. It is a very progressive one and is in line with the United Nations Convention on the Rights of Persons with Disability, and the East African Community, Article 120 (c)

Hon. Chairman: Okay, we can finish this.

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

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

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

(Clause 2 as amended agreed to)

(Long Title agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairman: Okay, let us now have the Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Chairman, I beg to move that the Committee does report to the House its consideration of the Kenya National Library Service Bill, No. 5 of 2020 and its approval thereof with amendments.

Hon. Chairman: I was saying if there is any secondment of course, it should come from Hon. Iringo, but not on this particular one. We might have to remember that.

(Question proposed)

(Question put and agreed to)

Hon. Members, we will be moving to the next Bill. There will be changes only in terms of gender and so you have to be very careful. I thank you for the far we have come.

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

[The Temporary Deputy Chairlady

(Hon. (Ms.) Jessica Mbalu) took the Chair]

THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order Members! Those who are walking out of the Chamber, please, do so with some decorum. Hon. Members, we will continue with the Committee of the whole House. We are dealing with the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020).

(Clauses 3 and 4 agreed to)

Clause 5

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have an amendment by the Chairperson. Please, move your amendment.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 5 of the Bill be amended in paragraph (f) by deleting the words "antimicrobial resistance" and substituting therefor the words "pathogen transmission and resistance".

This is because "resistance" does not portray the functions to be performed. The amendment is a clean-up.

I thank you, Hon. Temporary Deputy Chairlady.

(Question of the amendment proposed)

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

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

(Clause 5 as amended agreed to)

Clause 6

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, please, move your amendment.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 6 of the Bill be amended by-

(a) deleting sub clause (1) and substituting therefor the following new sub clause-

(1) The management of the Service shall vest in a board which shall consist of-

(a) a non-executive chairperson appointed in accordance with subsection (2);

(b) the Principal Secretary in the Ministry responsible for matters relating to health or their representative designated in writing;

(c) the Principal Secretary in the Ministry responsible for matters relating to finance or their representative designated in writing;

(d) the Attorney-General or their representative designated in writing;

(e) a representative of the private sector nominated by the Kenya Private Sector Alliance;

(f) a representative of the private based transfusing facilities;

(g) a representative of the faith-based transfusing facilities;

(h) a representative of the Council of Governors; and

(i) a representative of universities with knowledge and experience in haematology.

(b) delete sub clause (2) and substituting therefor the following new sub clause -

This clause deals with the management of the service which shall be vested in the board and shall consist of non-executive chairperson.

The second amendment is on adequate representation of all stakeholders in the blood transfusion service, including a representative of learning institutions within the specific health sector.

A further amendment on the same is to delete sub clause (2) and substitute therefor the following new sub clause:

(2) The chairperson shall be competitively recruited and appointed by the Cabinet Secretary from among persons who have:

(a) at least a postgraduate university degree in a health-related field recognized in Kenya;

(b) at least fifteen years' experience in matters relating to leadership and management in private or public sector; or

(c) a distinguished public, private or teaching sector record on matters relating to health.

The justification for the amendment is that it seeks to provide for specific qualifications for the person who will be appointed as chairperson. He or she ought to have the relevant qualifications in the health sector considering the specialised and sensitive nature of blood transfusion service.

I beg to move.

(Question of the amendment proposed)

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

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

(Clause 6 as amended agreed to)

(Clauses 7, 8 and 9 agreed to)

Clause 10

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have an amendment by the Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 10 (2) of the Bill be amended by deleting paragraph (d) and substituting therefor the following—

(d) levy fees for services rendered by the Service as provided under section 30.

The justification is that blood donation is voluntary and charging of fees ought not to arise from blood transfusion services offered by the board. The amendment seeks to avoid ambiguity in law that may occasion the trading in blood and related services.

I beg to move.

(Question of the amendment proposed)

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

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

(Clause 10 as amended agreed to)

Clause 11

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, please move your amendment.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 11 of the Bill be amended in sub clause (3) by—

(a) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) holds a degree in medical laboratory science or management from a recognized university;”

(b) deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) holds relevant qualifications in health systems management from a recognized university; and”.

In (c) we have a further amendment because of something that we missed out.

“(c) holds a master's degree in medical laboratory science or pathology and management from a recognised university;”

Instead of a degree we now have a master's degree in medical laboratory science or pathology and management from a recognised university. The justification is that noting the specialised nature of blood transfusion services, the amendment seeks to ensure the Chief Executive Officer (CEO) of the service shall be a person with relevant qualifications to effectively discharge their functions under this Act.

Thank you, Hon. Temporary Deputy Chairlady.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, it is important for us to give our opinions. Let me hear Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Chairlady. I was just listening to the Chair and wanted her to clean-up. This is because when you say a master's degree in medical laboratory science then we should have a master's degree in pathology because it is not the same thing, and management from a recognised university. I do not know whether it is a master's degree in management or just a course. It must be very clear that it is a management course from a recognised university because it can be from an institution like Kenya Institute of Management and other universities offering the same.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. That is why it is important to give our opinions. Hon. Chair, please can you clear that up.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I agree with Hon. Pukose's amendment. This is just a clean-up but the spirit is to have a master's degree in medical laboratory science or master's degree in pathology and management course from a recognised institution.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Let me have the Member for Kiharu.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Chairlady. I rise to oppose because as we make law, it is good for us to mind the semantics. This is because we may have a university offering a course in this name and another one offering exactly the same course in a different name with different units. The import of this is for us to make laws which are a bit flexible in this kind of a sector or discipline rather than being direct and meticulous in terms of wording.

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

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairlady. I believe the further amendment on the Floor and the explanation is very clear. For avoidance of doubt, my understanding of it is that the person holds at least a master's degree in either medical laboratory science, pathology and management from a recognised university. But at least a master's degree in medical laboratory science and management... I think we are confusing.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let the Leader of the Majority Party finish.

Hon. Amos Kimunya (Kipipiri, JP): So, to avoid confusion because in part (d) we are also prescribing "holds relevant qualifications in health systems management," we need to look at it in relation to the original Bill which was only prescribing holds a first degree in laboratory medicine. Now, this has been redefined to a master's degree in medical laboratory science or pathology. It is not stating a master's degree in health systems management from a recognised university. We need to be very clear. We might prescribe something this person must have, that is a master's degree in pathology and a master's degree in management. When it reads that the person must have at least a master's degree in medical laboratory science or pathology and management, it means having a master's degree in medical laboratory science and management at the same time. If we say so, we will lock out so many people because we are prescribing a law

almost to a specific person. We should talk of three disciplines, either in medical laboratory science or pathology or management but not medical laboratory science and management. To get that person is a unique situation and we should never prescribe a law for a unique situation. It should be aimed at giving many people opportunity. We drop “management” from part (c) and keep it in part (d) in health systems management. We cannot have a pathologist who also has a master’s degree in management. It is a very rare thing and we cannot prescribe it in law.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. That is why I am of the opinion that Chairs should get facts right before moving any further amendments or clarifications. Before I give the Chair to clarify, let me listen to the Member for Ndhiwa on the same. The Chair should be ready and consult to clarify how many disciplines we need to have to work well. So, you can clarify your proposed amendment for Members to make a decision.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairlady. I think the Leader of the Majority Party is right. What must be understood here is that the primary requirement for this person is a master’s degree in either medical laboratory science or pathology and also management. So, we can agree to either drop “management” up there and have it in the subsequent order.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Let me have Dr. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Chairlady. As Hon. Owino has said, the danger with ‘or’ is if we put it, then we will have somebody who has management only without medical laboratory science or pathology, which then would be totally off.

So, if we feel that that would be too much then the best would be to drop the whole idea of management and leave it at medical laboratory and pathology and then when we come to part (b) then management comes in.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. (Dr.) Eseli Simiyu.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Hon. Temporary Deputy Chairlady, I was going to agree with what the Leader of the Majority Party and Hon. (Dr.) Nyikal said, that the management bit we got there in the earlier clause (c) is dangerous. It should be dropped and then we retain the health systems management from a recognised institution because even the African Medical and Research Foundation (AMREF) trains people in health systems management not necessarily at degree level. So instead of saying from a university, you say from a recognised institution. That should cover that area.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The last one is Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Chairlady. I agree more with Hon. Nyikal. Let us drop this issue of management, but I wanted to introduce “holds a master’s degree in medical laboratory, pathology or haematology.” Then we drop the issue of management and we retain it in part (d). I think we are in agreement.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I can see the Members have advised the Chairperson. Can you now clarify your amendment so that Members can take a position?

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady. After consultations and hearing the Members, it will read:

“(c) holds a master’s degree in medical laboratory, science or pathology from a recognised university.”

“(d) holds a relevant qualification in health systems management from a recognized institution.”

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

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

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): With that, I order the clerks to clean up everything.

(Clause 11 as amended agreed to)

(Clause 12 agreed to)

Clause 13

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have an amendment by the Chairperson. Hon. Chairperson and Hon. Members, let us avoid Floor amendments.

Hon. T.J. Kajwang’ (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Chairlady.

Hon. David ole Sankok (Nominated, JP): *Kaa chini!*

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, you are too loud and the language you are using if I heard well “*kaa chini*” and you are addressing the Chair of the Departmental Committee on Health...

Hon. T.J. Kajwang’ (Ruaraka, ODM): Actually, that is misogyny directed at a woman of high standing as the Chair. That is a very serious altercation that should not come from an honourable Member.

Hon. Temporary Deputy Chairlady, my point of order relates to... First of all, I appreciate the good job the Chair is doing. I also noticed that the Chair came in the middle when we were just transiting from one Committee to the other. In a case in which a particular amendment has several subsets or if the Chair has had to change her mind on certain things guided by the Members, we still need to follow the Standing Orders. According to the Standing Orders, they would be further amendments. She would have to propose what is in the Order Paper and then prefer what is the further amendment, we deal with the amendment as proposed and then deal with the further amendment and then now resolve the amendment together. That would be neater and then we would be following the Standing Orders. I am just reminding the Chair. She is a seasoned debater but I am sure if I remind her, she will appreciate.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Kajwang’. She also moved it as a further amendment correcting the former amendment with the advice of the Members.

Hon. Members, it is good to move everything. Chairs, be ready. That is why I was saying we may not be able to encourage some amendments on the Floor especially when the procedure is not being followed. However, Hon. Kajwang', the Chair moved it and stated that she is further amending it.

We were on Clause 13. Chair, you were moving your proposed amendment.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady and thank you, Hon. Kajwang'. I actually moved and said I have a further amendment. That is noted.

I beg to move:

THAT, Clause 13 of the Bill be deleted.

This is a deletion of the position of a medical director which is not in tandem with the Health Act No. 21 of 2017 as it is not feasible. That is why we decided to amend it. The main objective of the Service is to avail to the Kenyan population adequate and safe blood and not creating a structure that may create unnecessary bottlenecks. Blood transfusion is a 24-hour function in patient care and is thus managed by health professionals within the health facilities and, therefore, cannot be undertaken by the proposed centrally placed office. Blood processing and storage are functions within the medical laboratory regime and the proposed position will be unnecessary charge to the Exchequer. So, we propose and I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Before I put the Question, let us have the Member for Tongaren.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Hon. Temporary Deputy Chairlady, I missed that meeting that proposed that otherwise, I would have advised against that because the end user of all these blood products is the patient and the intermediary there is the medical doctor. So, it is important that right from the beginning, this person be involved. Remember when you are talking about blood transfusion, you have to actually donate that blood first and many things can happen. So, this medical director there is purely for the medical purposes of serving the board. I would have advised against it if I had attended that meeting because in case you have a pathologist as the CEO, that would be understandable. A pathologist is also a medical doctor. He will be able to handle everything but, if you have a medical laboratory specialist, that is not a medical doctor. So, the Service will lack any input of the end users of the products.

So, I think there is a problem there but anyway we can amend it later once it is operational because definitely a need will arise for it, whether we like it or not. I am saying this out of experience. I have said in the House before and when I was seconding this Bill that I was privileged to study in a place where blood transfusion is a very highly specialised area and actually, they have these medical people within the service. The director is actually one of the medical people to ensure that the end user is not disadvantaged. So, I think it is something that we need to look at. I do not think it is a wise deletion.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you. It is a deletion of Clause 13 and if I may refer to the original Bill, Clause 13 says:

"There shall be a medical director for the Service who shall be appointed by the Board through an open, transparent and competitive recruitment process and whose terms and conditions of employment shall be determined by the Board." This is now what the Chair is

proposing to delete. I do not know whether the Chair is convinced by that bit. Before that, let me hear the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, for the comfort of Hon. (Dr.) Eseli Simiyu and others, when you come to Clause 15 you will find that the Board is actually being empowered to appoint such officers as they become necessary. So, deleting a specific clause does not mean that when that position becomes necessary, it will not be filled. It will be up to the Board to then fill it because the need has arisen. So, we are okay.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. (Dr.) Eseli Simiyu. Not Hon. (Dr.) Eseli, let me have the last one Hon. (Dr.) James Nyikal. Have you requested? Yes, Hon. (Dr.) Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Yeah. I actually take the position of Hon. (Dr.) Eseli Simiyu that it is not wise but we can accept it for now. However, when we come to regulations, we should make sure that there is a medical director. I know the fear is that if you establish this position by an Act of Parliament, you are going to have a clash between the Chief Executive Officer (CEO) and the medical director. That position is required. So, we can accept it now but it is something we will have to look at.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairlady, just a quick clarification before I put the Question.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady. Hon. (Dr.) Nyikal and the Leader of the Majority Party have put it well for the comfort of Hon. (Dr.) Eseli Simiyu. That is why I did a further amendment. It was to make sure that the CEO is actually a professional so that when it comes to appointment of any other person who might be needed within the Board, the CEO will act professionally. We made sure that the CEO will be a health professional.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Then I put the Question for Members to make a decision.

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

(Clause 13 deleted)

Clause 14

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairlady, move your amendment.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT Clause 14 of the Bill be deleted.

This is a follow-up of Clause 13 because Clause 14 was giving the functions of the medical director. So, the justification is as per Clause 13.

(Question of the amendment proposed)

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

(Clause 14 deleted)

(Clauses 15, 16, 17, 18, 19 20, and 21 agreed to)

Clause 22

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I move:

THAT, Clause 22 (2) of the Bill be amended in paragraph (e) by inserting the words "payment of compensation on claims resulting from adverse reaction after blood donation" immediately after the words "or equipment."

This amendment seeks to provide that the annual estimates shall include allocation for payment of compensation and claims resulting from adverse reaction after blood donation.

(Question of amendment proposed)

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

(Clause 22 as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, for record purposes and in terms of procedure, Hon. T.J. Kajwang' will agree with me that Clauses 13 and 14 have been deleted and therefore are not part of the Bill.

Very well, let us move on.

*(Clauses 23, 24, 25, 26, 27, 28, 29,
30, 31, 32, 33, and 34 agreed to)*

Clause 35

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I move:

THAT, Clause 35 of the Bill be amended by inserting the following new Subsection immediately after Subsection (3) –

"(4) A person who donates blood under this section shall be provided with a blood donor certificate as proof of having donated blood."

This amendment seeks to ensure that any person who participates in donating blood shall be issued with a certificate which shall be used to serve as evidence that he has donated blood.

I thank you.

(Question of amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Just one Member, Member for Kiharu.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Chairlady. I think there is a problem because this certificate will be used to give priority to people who have donated blood before. As you know, the people who donate blood do not actually need it, but the people who are not capable of donating blood are the ones who need to be donated to. Therefore, it is discriminatory especially to recipients of these products because they may not have a chance or the ability to give blood.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, do you want clarification from the Member for Ndhiwa?

Hon. Amos Kimunya (Kipipiri, JP): I think, Hon. Temporary Deputy Chairlady, this is a straightforward thing. Clause 35 that is being amended is basically talking of what will happen. It is stated that you cannot be below 18 years; you will be provided with information; somebody who has issues will be provided with counselling services and then the end result is that you will be provided with a certificate. It is a straightforward thing that came from the stakeholders. So, I do not see where the discrimination is coming from by giving somebody a certificate for having donated blood.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. John Kiarie, are you talking to the same Clause 35? Very well, let me have Member for Ndhiwa. Just a comment on this.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Deputy Chairlady, I support what the Leader of the Majority Party is saying. What this is trying to say in another way is motivation. If you are donating blood, you are recognised. Right now we have a problem, those who donate disappear because they are not recognised in a special way. That is what it is trying to do.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Hon. (Dr.) Robert Pukose, Member for Endebess, before I put the Question.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Chairlady. I was looking at this and saying this is a good amendment because it encourages people to donate blood. The certificate is a small document which indicates your blood group so that in case you are involved in an accident or when you need blood, people can look at your certificate and say, "This guy has been donating blood, let us donate to him". It is an encouragement.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Let me put the Question. Hon. Mohamed Mohamud.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, Hon. Temporary Deputy Chairlady. The principle of giving certificates is very important in the sense that we reward those who work hard to come and give support. Blood is life.

What Hon. Ndindi Nyoro said surely negates the principles. It negates the point that you will be rewarded for any hard work you do as simple as education where you get a certificate and those who did not study are not discriminated against. So it is the same thing. It negates the principles of reward.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): This is a straightforward amendment and this is a House of debate.

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

(Clause 35 as amended agreed to)

(Clauses 36 and 37 agreed to)

Clause 38

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson, move your proposed amendment. Hon. Members, let us listen to the import of the amendment so that we can debate from an informed point.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 38 of the Bill be amended in sub clause (2) by deleting the word "State" and substituting therefor the words "Kenya National Blood Transfusion Service."

The use of the word "State" is ambiguous and irrelevant with regard to blood transfusion in Kenya National Blood Transfusion Service. There is need for specificity as to the body that shall have the responsibility under Clause 38.

(Question of the amendment proposed)

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

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

(Clause 38 as amended agreed to)

(Clauses 39 and 40 agreed to)

Clause 41

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, your amendment to this.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 41 of the Bill be amended in sub clause (1) by deleting the words "under the instructions of a medical practitioner" and substituting therefor the words, "registered by the relevant regulatory authority".

The amendment seeks to enable the collection of blood and blood products by qualified health professional as long as they are registered by relevant regulatory authority. The Clause as it is limits collection of blood and blood products to medical practitioner.

(Question of the amendment proposed)

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

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

(Clause 41 as amended agreed to)

(Clause 42 agreed to)

Clause 43

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is an amendment.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 43 of the Bill be amended by inserting the following new subsection immediately after subsection (2) –

“(3) Subject to the provisions of Article 43(1)(a) and (2) of the Constitution, a person with a blood donor certificate issued under section 35(3) shall be given priority in the application of this section.”

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me hear from Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairlady, as a gender expert, sometimes, there are things which are not blatant and glaring, but can be discriminatory of women. I have shared in this House before, that when I was younger, every month I was admitted in the hospital for a very simple thing that other women go through which is called menses because of the excessive flow of blood. As much as I loved to donate blood, I have only been able to donate twice in my life because the doctors said that I cannot because of that condition.

Secondly, people who have sickle cell anaemia who actually need that blood cannot donate because of their condition. When you make this blanket provision then, without intending, you are discriminating against women with that condition and you are discriminating against people with sickle cell anaemia. I have a grandchild who has sickle cell anaemia and I know what it means.

I would like to encourage the Chairperson of the Committee, as the Mover of the amendments, if she can move a further amendment that then excludes that category. Otherwise, if you put that blanket amendment, you are actually going to affect very many people who need those essential services. If that is not done, I will be very resistant to support.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Leader of the Majority Party, do you want to confirm something? You can proceed.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairlady. I wish Hon. Millie is listening because, under Clause 43(2), it is provided that blood and blood products collected shall be used for the treatment of patients in accordance with good clinical

practice as provided for in the regulations. So, that already covers everyone who deserves blood and he or she will get it anyway. If it is put in the Constitution, nobody will deny it.

However, this amendment is basically recognising that a contributor should have priority over a non-contributor everything else being equal. So, during your healthy days, you will be encouraged to donate blood and when you need it the most, it will be there. What you find right now is that you continue donating blood, but on the day that you have an accident, you are told that they do not have blood yet it is available, and you have to look for alternatives. Some people then say: “Why should I donate blood when I will not get it?”

However, by putting it this way, people who have already donated blood and are registered and are seen as regular donors, will also have priority when they need it most. It will sensitise people to actually donate blood into the blood bank in expectation that at one point in future, they might need it. That is a very good thing to encourage and sensitise people on so that we do not have a situation where people are holding back and saying: “Why should I donate yet when I need it, it will be demanded that I bring relatives to donate blood?” It does not stop the person who deserves it, but due to some medical issues he or she cannot donate or may have not donated because he is compromised and all that, from accessing the blood.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me have the Member for North Horr.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Chairlady. I stand to support that amendment. It is a good one and it should be encouraged.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me have the Member for Taveta before I put the Question. I can see Members want to...

Hon. (Dr.) Naomi Shaban (Taveta, JP): Asante sana, Mhe. Naibu Mwenyekiti wa Muda. Ni muhimu sisi kujua kuwa sasa hivi watu wengi wanawekwa kwa kikundi kimoja, kuwa kila mtu akitaka damu ni lazima itafutwe kutoka kwa ndugu zake ama majirani na marafiki wakati mtu ambaye ana cheti cha kuonyesha hivi, atakuwa na afueni kuwa amekuwa akitoa damu. Akifika atapatiwa nafasi ya kupata damu bila ya kuulizwa maswali mengi. Mhe. Naibu Mwenyekiti wa Muda, watu wengine wanalipishwa pesa ili damu ipatiwe mgonjwa kwa sababu damu haipo. Hao wenye vyeti ni lazima wapendelewe kidogo. Kama damu ipo na wamekuwa wakitoa damu, ni vizuri. Kwa hivyo, nakubaliana na hilo.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Okay. With that developing reason, Hon. Chair, do you need to clarify something? Very fast.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, just to over-emphasise, people who donate blood do it for free. So, that certificate and being given that preference is very important. Again, I want to confirm to Hon. Millie that people who are suffering are given priority. If you look at what we have said in that amendment, we have said that subject to the provisions of Article 43(1)(a) and (2) of the Constitution, a person with a blood donor certificate issued under this Section 35(3) shall be given priority. But we have said this preferential treatment shall, however, be limited by the provision of Article 43(2) of the Constitution which provides for the right to emergency medical treatment. So, nobody will be denied the opportunity to be given blood when available.

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

(Clause 43 as amended agreed to)

(Clauses 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59 agreed to)

(First Schedule agreed to)

Second Schedule

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have an amendment to the Second Schedule. Maybe you can go through all the paragraphs of the Second Schedule.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Second Schedule to the Bill be amended—

(a) in paragraph 1 by—

(i) deleting the peremptory statement and substituting therefor the following new peremptory statement –

“A National Blood Centre shall be located within Level 5 and 6 hospital as provided in the Health Act and shall conduct the following services—”

(ii) deleting the words “and Level II” appearing in sub paragraph (i);

(b) in paragraph 2 by—

(i) deleting the peremptory statement and substituting therefor the following new peremptory statement –

“A Regional Blood Centre shall be located within a specific county and shall serve one or more counties and shall conduct the following services — ”

(ii) deleting the words “Level III” appearing in sub paragraph (h) and substituting therefor the following words “National Blood Center”;

(iii) deleting the words “Level I” appearing in sub paragraph (j) and substituting therefor the words “County Blood”

(c) in paragraph 3 by—

(i) deleting the peremptory statement and substituting therefor the following new peremptory statement –

“A County Blood Centre shall be a static or a mobile blood centre located within a specific county and may serve one or more counties and shall conduct the following services—”

(ii) deleting the words “Level III” appearing in sub paragraph (d) and substituting therefor the following words “National Blood Center”.

The amendments seek to invite clarity in the administrative structures of the levels of blood service in line with the provisions of the Health Act of 2017 on the classifications of hospitals.

(Question of the amendment proposed)

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

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

(Second Schedule as amended agreed to)

(Title agreed to)

Clause 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is an amendment by the Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 2 of the Bill be amended—

(a) by deleting the definition of the word “human blood products” and substituting therefor the following new definition—

“human blood products” has the meaning assigned to it under the Health Act;”

(b) by deleting the definition of the word “health care professional” and substituting therefor the following new definition—

“health care professional” has the meaning assigned to it under the Health Act;
and

(c) by deleting the definition of the word “informed consent” and substituting therefor the following new definition—

“informed consent” has the meaning assigned to it under the Health Act.”

The three amendments seek to align the definitions with those provided in the Health Act, 2017. I beg to move.

(Question of the amendment proposed)

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

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

(Clause 2 as amended agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are through with the Committee of the whole House on the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020). I therefore call upon the Mover to move reporting.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Kenya National Blood Transfusion Service Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are still in the Committee of the whole House. Now we will consider the Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019). We will move fast because it is a straightforward Bill.

Clause 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is amendment by Hon. Mwandime. Is he in the House? He had indicated he would not be in, so the amendment will be moved by the Chair of the Departmental Committee on Finance and National Planning.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, the Bill be amended in clause 2 by deleting the proposed new section 2 (2).

Hon. Temporary Deputy Chairlady, this amendment intends to delete new proposed Clause 2(2) which speaks to retracting the application of that particular Clause.

It was decided by the Committee that we might run into problems trying to apply the law retroactively from the year 2013. Article 116 of the Constitution states that an Act of Parliament that confers direct pecuniary interest on members of Parliament shall not come into force until the next general election.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

Clauses 4, 5, 6 and 7 agreed to)

Clause 8

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, kindly, move your amendments.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended –

- (a) in the proposed new section 7 by deleting sub-section (4) and substituting therefor the following sub-section (4) –

- (4) If after receiving gratuity under subsection (2) the Member elects to pay pension contributions under section 4, the Member may if he so desires—
- (a) repay all the gratuity paid to the member plus, interest at the rate of three per cent per month for a period of fifteen months, from the date he elects to be pensionable; and
 - (b) pay the contributions under section 4 for the entire period of non-contribution to match up with existing contributors.
 - (c) by deleting sub-section (8).

This speaks to a case where a Member was already paid gratuity but wants to come back into the pension scheme. So, it just provides that if you were paid gratuity and you want to come back to the pension scheme, you repay all the gratuity that you were paid within 15 months, then you pay contributions to the pensions so that you are at par with the other Members.

I beg to move.

(Question of the amendment proposed)

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

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

(Clause 8 as amended agreed to)

(Clauses 9 and 10 agreed to)

Clause 11

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, kindly, move your amendments.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in clause 11 (b) in the proposed paragraph (a) by deleting the word “that” appearing immediately after the word “less” and substituting therefor the word “than”.

It is essentially, a typographical error. It says “that” instead of “than”

(Question of the amendment proposed)

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

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

(Clause 11 as amended agreed to)

(Clauses 12 and 13 agreed to)

Clause 14

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, kindly, move your amendments.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in clause 14 –

(a) in paragraph (a) in the proposed new sub-section (1) by deleting paragraphs (g) and (h); and

(b) by deleting paragraph (e) and substituting therefor the following new paragraph-
(e) in sub-section (5) by –

(a) deleting the words “the National Assembly” and substituting therefor the word “Parliament”; and

(b) deleting the words “through the Treasury” appearing immediately after the words “by the Committee.

This is speaking to the management committee of pensions. The parts we are deleting in (g) and (h) are the Principal Secretary for the National Treasury and head of appointing unit of the National Treasury. This is a parliamentary matter. So, we are removing excessive involvement of the National Treasury in matters of Parliamentary Pension.

I beg to move.

(Question of the amendment proposed)

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

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

(Clauses 15, 16 and 17 agreed to)

New Clause 13A

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Mover, kindly, move your amendments.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 13-

Insertion of new
section 13A. in Cap.
196

13A. The principal Act is amended by inserting the following new sections immediately after section 18—

Administration of
the Act. 18A. (1) The Administration of this Act shall be by the Commission.

(2) The payment of pension, gratuity, refund of contributions and other allowances payable shall be provided for in the estimates of the Commission pursuant to Article 127 of the Constitution.

Post- retirement
medical scheme

18B. (1) The Commission may establish voluntary post-retirement medical scheme for Members of Parliament.

(2) Without prejudice to the generality of sub-section (1), the Scheme shall make provision to allow Members of Parliament to make voluntary contributions in respect of funding a post-retirement medical fund.

This clause domiciles the administration of pensions for Members of Parliament within the Parliamentary Service Commission. It also states that payment of pension and so on will be provided for in the estimates of the Commission so that it will be in control of pensions.

The other important introduction of this clause, just like we did with the Finance Act, is the creation of a voluntary post-retirement medical scheme for Members of Parliament. So, Members can contribute to a post-retirement medical fund and the money contributed can be used for that purpose.

I beg to move.

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause
be read a Second Time proposed)*

Hon. Members: Put the Question.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): What is the mood of the House? Some Members have just come in. Let me hear from Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, there is nothing called mob justice here. Here, we are representing individual constituencies.

First, I agree with the Chairperson of the Departmental Committee on Finance and National Planning that the pension and gratuity fund contribution and all those should be domiciled at the Commission.

Secondly, it also creates a voluntary establishment of post retirement contribution but let me go on record that the previous clauses where the National Treasury was left... Let me go on record as a ranking Member. In any pension arrangement, it is the National Treasury that deals with pensions. So, even if you want to domicile pensions at the Parliamentary Service Commission, the National Treasury is the custodian and leader of all pension schemes in our country and that is fundamental. So, I would ask the Chairperson of the Departmental Committee

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

on Finance and National Planning later on to recommit this clause. This Bill will go to the President for assent. There is no running out of time. We are meeting at 7.00 p.m. and we can continue.

(Loud consultations)

Hon. Chairlady, what is happening? You are the only Chairperson and there are people talking to me.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order! Hon. Duale, you are protected. You have made your contribution.

Let us have Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairlady. I do not know why he is worried because he has said he is committed to work until 7.00 p.m. and he has also indicated that he is a ranking Member. As a ranking Member, if you are dealing with an issue which is valid and credible, instead of asking the Chairperson to recommit, you know how to recommit. Please proceed and do it so that we can deal with it. Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Kaluma. We are on Clause 13A.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Deputy Chairlady. I have a problem with the second part of Clause 13A, the proposed New Clause 18 B. This one is not helping the situation we want helped.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We are on clause 13A. Do not go to 18 please.

Hon. Peter Kaluma (Homa Bay Town, ODM): I am on 13A which has 18A and B. So, I have no problem with 18A. In fact, I support it. However, this morning in the Committee on Implementation, we were dealing with pension arrangements for our State officers. For instance, the Retirement Benefits (Deputy President and Designated State Officers) Act has clear provisions for a medical cover for persons who have served.

We are pretending that with this provision they will be given medical cover yet we are saying that they will be contributing. I request the Chair to amend this provision so that we just make it exact that there will be medical cover for State officers who qualify for pension under this Act. If you see the medical cover for the officers I have talked about, it is for local and abroad. You are now pretending to Members that you are giving them medical cover when you are not.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me hear from the Leader of the Majority Party for one more minute before we report progress.

(Loud consultations)

Hon. Peter Kaluma (Homa Bay Town, ODM): There is nothing. You will be contributing.

Hon. Amos Kimunya (Kipipiri, JP): Thank you. Unfortunately, Hon. Kaluma has not brought that amendment. The Chair has brought an amendment that we first of all facilitate Members to participate through a voluntary contribution, which can be varied later. But let us, first of all back what we have then move to amendments later.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Members, you know the procedures of the House. If you want to amend, you know at what point to do it. Because of the interest of time, this House will run

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be
added to the Bill, put and agreed to)*

Hon. Members, in the interest of time, we are going to report progress on the Bill. Mover of the Bill, please report progress.

Hon. Andrew Mwadime (Mwatate, ODM): Hon. Temporary Deputy Chairlady, I beg to move that the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the word subject to recommittal of clauses

(Loud consultations)

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Chairlady.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No.57 of 2019) up to new Clause 17 and seek leave to sit again.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Leader of the Majority Party, we are on new Clause 13A. We must close the House in the interest of time. You can remove your recomittal. Leader of the Majority Party, we are reporting on new Clause 13A.

Hon. Members,

(Loud consultations)

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

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, you are here and you know the procedures of the House. Chair, we are moving to reporting progress. Can we get the voice of Hon. Kajwang' to get the final opinion before we close?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, this is something

(Hon. Peter Kaluma stood in his place)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kaluma, please resume your seat, Hon. Kajwang' is on the Floor.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady I appreciate that. I am looking at the clock and I am aware but this is something which affects us directly. If there is anything that we must be sober and look at, then it is something which affects us directly.

(Applause)

We will be wasting time here, as legislators, if we cannot prescribe things that help this Assembly and the Assembly to come.

I know that an issue has passed, but Members have the right to amend the reporting clause. So, we are waiting for the person to move the reporting and then we amend it subject to recommittal because we want to discuss this thing soberly. We do not want to be pushed over this issue.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Leader of the Majority Party, please, because of interest of time, you...

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, just for the comfort of the House, we have come to almost the end yet we have not completed consideration of all the matters. We still have one more clause. So, all we are doing is that we are adjourning the sitting. We just need to report the progress and seek leave to sit another time.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Carry on, Leader of the Majority Party. Let us close and adjourn the House.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, let me move it again. I hope Members are listening.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Please carry on because of the interest of time.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its considerations of the Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019 up to New Clause 13A and its approval thereof with amendments and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS AND THIRD READING

THE KENYA NATIONAL LIBRARY SERVICE BILL

Hon. Deputy Speaker: Order, Members! Let us have the Chairperson report to the House on the Kenya National Library Service Bill. I understand that we are completely short of time. So, once that has been done, we will be adjourning. Give the Chairperson the microphone.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K) Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020) and approved the same with amendments and sought leave to sit again.

Hon. Deputy Speaker: Very well. Let us have the Mover of the Bill to move for agreement with Report.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Deputy Speaker, I beg to move that this House doth agree with the Report of the Committee of the whole House on consideration of the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020).

I also request Hon. Duale to second the Motion.

Hon. Aden Duale (Garissa Township, JP): I second.

(Question proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Let us have the Mover to move the Third Reading, please, quickly.

Hon. Amos Kimunya (Kipipiri, JP): I beg to move that the Kenya National Library Bill (National Assembly Bill No. 5 of 2020) be now read a Third Time. I also request Hon. Pukose to second.

Hon. (Dr.) Robert Pukose (Endebess, JP): I second the Third Reading.

(Question proposed)

(Question put and agreed to)

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

Hon. Deputy Speaker: Okay. Hon. Members, let us get the Chairperson to move reporting then we will have the Mover to agree with the Report then we should be through. We have already overshot our time. Let us proceed very quickly. We can do quickly.

THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the Kenya National Blood Transfusion Bill (National Assembly Bill No. 5 of 2020)....

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, I actually think we could save some of these things for the next Sitting. Even if we are to do very quickly, you can just move that bit, because we are not going to be able to finish all, anyway. I mean. So let us have that one, please. Proceed, move reporting to the House.

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020) and its approval with amendments.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Nyikal to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. (Dr.) James Nyikal (Seme, ODM): I second.

Hon. Deputy Speaker: Very well. I will want to leave it at that. We cannot continue. It is not as elastic as a chewing gum. This is the National Assembly and we have to come back.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the time being 6.44 p.m., this House remains adjourned until 7 O'clock today, 6th July 2021.

The House rose at 6.44 p.m.