

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 16th February 2022**

The House met at 9.30 a.m.

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

Hon. Deputy Speaker: Order, Hon. Members. Obviously, as we approach both the primaries and the general election, we should be expecting more of this – that is to say we do not have the required numbers. I am not giving an excuse for any Member who is not here. I am making an honest observation that this is one of the lowest numbers that we have had in a long time. So, I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Order, Members. Now business will begin considering that Hon. Wangwe left to go and bring more Members. We were missing only one Member. Hon. Wangwe is walking in with one other Member. So, let us proceed with business.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: Hon. Members, under this Order, we will start with Questions. To set us off is the Member for Tiaty, Hon. Kamket.

*Question No.39/2022***MEASURES TO SUSTAIN SCHOOL FEEDING PROGRAMME IN TIATY**

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Deputy Speaker. I beg to ask the Cabinet Secretary for Education the following Question:

Considering the severe drought being experienced in Tiaty Constituency, which has forced families to migrate in search of water and pasture for livestock, what measures has the Ministry put in place to ensure that the school feeding programme in the constituency continues uninterrupted with a view to keeping learners in schools?

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I thank you.

Hon. Deputy Speaker: Thank you very much. The Question will be replied to before the Departmental Committee on Education and Research.

Next is the Member for Magarini, Hon. Kingi.

Question No.40/2022

DEVELOPMENT AND STAFFING OF TEACHER TRAINING COLLEGES IN MAGARINI

Hon. Michael Kingi (Magarini, ODM): Thank you, Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Education the following Question:

- (i) Could the Cabinet Secretary provide a status report regarding the financing of infrastructure development at Galana Teacher Training College and the stalled Waresa Technical College in Magarini Constituency?
- (ii) What measures has the Ministry put in place to develop the infrastructure at the Galana Teacher Training College and also ensure that Waresa Technical College is completed and operationalised?
- (iii) What steps is the Ministry taking to ensure deployment of adequate staff at the Galana Teacher Training College?

Thank you.

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Education and Research.

Next is Nominated Member, Hon. Godfrey Osotsi.

Question No.41/2022

QUALITY OF SERVICE REPORTS FOR
TELECOMMUNICATION OPERATORS

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for ICT, Innovation and Youth Affairs the following Question:

- (i) Could the Cabinet Secretary provide copies of the quarterly quality of service reports, if any, for all the licensed telecommunication operators in the country for the last three years?
- (ii) Could the Cabinet Secretary also provide a detailed report indicating all penalties, fines and other charges paid by licensed telecommunication operators for the said period, specifying the name of each operator, incidents, period when the incident took place, quality of service, warnings issued, third parties involved, if any, and amounts paid?
- (iii) Could the Cabinet Secretary further provide detailed technical reports of the critical terrestrial infrastructure *No.FBI 1 and No.FBI 2* for the last three years prepared on a quarterly basis pursuant to the provisions of the Kenya Information and Communications Act, 1998?
- (iv) What action has the Ministry taken against licensed telecommunication operators and/or associated contractors who violate the law by providing poor quality services?

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Communication, Information and Innovation.

(Hon. Opiyo Wandayi rose on his seat)

What is it, Hon. Wandayi?

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, we are doing fairly well on Questions. However, out of concern, I can see you referring them to relevant departmental committees to deal with them in the usual manner.

I would have wished that even as these Questions are referred to those committees, we have, at least, leadership representative of those committees, if not the Chairperson, the Vice-Chair or a Member taking notes and acknowledging that they have understood the Questions referred to them, for good order. I do not know what you have to say about that.

Hon. Deputy Speaker: I agree with you, Hon. Wandayi in terms of not only Chairs being present, but as many Members as possible. It is a better way to handle this matter. I, however, see the Majority Whip, Deputy Leader of the Minority Party and quite a number of leaders in the House. However, in terms of Questions, the Chairs will be picking this from the *Hansard*. There is no time that Chairs have said they did not process a Question because they were not present when it was asked. That cannot happen. Hon. Wandayi, I expect you to understand because you are a seasoned Members. At this point in time, it is not easy to have in the House many Members, including committee Chairs because they are also happy participants in elective politics. I am surprised this is coming from you yet you have been missing for a long time. I know you have been busy with committees. Your Committee is doing very well. You have been of a lot benefit to the counties. You have processed PSC Reports up to a point they are as recent as possible. However, when in those committees, the Membership have not been asking your whereabouts because they assumed that you must be dealing with important things at the Committee level. I am also assuming that these other Chairs are busy handling committee matters even as I agree with your concern. In any case, you can see some Chairs are already here. We have, in the House, serious committee Chairs, including the Chair of the Departmental Committee on Administration and National Security as well as a “newly-born” Chair in charge of I am not so sure which committee.

(Laughter)

I am sure I am going to learn more today. The Chair is in charge of the Departmental Committee on Communication, Information and Innovation. There are quite a number of Chairs here – some serious ones. You can imagine a newly elected Chair and she is already here. We also have Hon. Tong’i and other new kids on the block, including the Chairperson of the Departmental Committee on Justice and Legal Affairs – a very seasoned politician. We also have Hon. Nomineee 001, who wants to pretend to be a Chair but I am not so sure which chair he is seating on other than the chair he is on now. We also have some Chairs who have been in those seats before; I can see the Member for Kikuyu.

(Hon. (Dr.) Otiende Amollo rose on his seat)

What is it, Senior Council? Let me get another Member. I hope it is not on this one.

Hon. (Dr.) Otiendo Amollo (Rarieda, ODM): Hon. Deputy Speaker, it is not to contradict or question your able guidance, but to seek further guidance.

On the Question by Hon. Godfrey Osotsi, which is well put and referred to the relevant committee, I happen to know that some aspects of it are under discussion in the Public Accounts Committee (PAC) chaired by Hon. Wandayi. I was wondering in such circumstances, when you refer it to the relevant committee, at what point you get a nexus with the consideration and the report that will come from PAC, or is it possible that as you refer it, you ask the committee to also liaise with PAC so that there is consistency within the House?

Thank you.

Hon. Deputy Speaker: Hon. (Dr.) Otiende, I am struggling to see any contradiction between the relevant committee, which in this instance is the Departmental Committee on Communication, Information and Innovation whose Chair is in the House right now, and PAC. I do not remember the last time we referred any Question to PIC, PAC or the Special Funds Committee. Statutorily, they have a certain mandate that some things are referred to them naturally, like the Auditor's Report and so forth. In this particular one, the relevant departmental committee should be innovative enough. If there is any issue they want to pick from PAC, they can do so if they can. However, in terms of Questions, we only deal with the departmental committees. In this particular instance, we are okay. I, however, expect the new Chair to move with speed.

(An. Hon. Member spoke off-record)

Hon. Chair, I will proceed because she might be concentrating elsewhere.
The next Question is by Hon. Sossion.

Question No.42/2022

NON-PAYMENT OF PENSION TO MR.
JOHNSON KIPNG'ENO LANG'AT

Hon. Wilson Sossion (Nominated, ODM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for the National Treasury and Planning the following Question:

- (i) What is the status of payment of pension to Mr Johnstone Kipng'eno Lang'at of ID No.1774993 (Pension No.118125), a retired teacher who served under the Teachers Service Commission until the year 2000?
- (ii) When will Mr. Lang'at be paid his pension dues considering that he already provided all the necessary documentation for processing of the same?

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Finance and National Planning.

We now go to the next segment, which is on a request for Statement by Hon. Kamau Wamachukuru, Member for Kabete.

STATEMENT

SOCIO-ECONOMIC EMPOWERMENT OF MEN

Hon. James Wamacukuru (Kabete, JP): Thank you, Hon. Deputy Speaker. Pursuant to Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the

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Departmental Committee on Labour and Social Welfare regarding socio-economic empowerment of men.

Hon. Deputy Speaker, various Funds and programmes have been set up in the country to address the socio-economic empowerment of women, youth and persons with disability through expansion of access to finance to facilitation of initiatives and expansion of their enterprises. These initiatives include the Youth Enterprise Development Fund, the Women Enterprise Fund and the Uwezo Fund. The major aim of the said initiatives is to provide accessible and affordable credit to support them start and expand businesses. The said funds and programmes are aimed at enhancing the economic growth of these groups towards realisation of the Sustainable Development Goal (SDG) on eradication of extreme poverty and hunger and promotion of gender equality and empowerment of women.

Regrettably, there is apparent exclusion of men aged 35 years and above. This is despite the fact that entrepreneurship is widely recognised as the prime mover of economic development through transition of ideas into action. Persons in the 35-50 years bracket are key to the development of this country. Exclusion and neglect of men in this age bracket, which is the most productive group with numerous societal expectations and responsibilities, has resulted in inequities and vulnerabilities that have seen them left behind, therefore, undermining their potential as individuals.

It is against this background that I seek for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare. In the Statement, the Chairperson should address the following issues:

(i) Which programmes has the Government set up to address the socio-economic empowerment of men over the age of 35 years in the country?

(ii) What policies and social practices has the Government put in place to ensure that men are not discriminated, excluded and left behind in its socio-economic empowerment programme?

(iii) Could the Government consider establishing an entrepreneurship fund to provide accessible and affordable credit to support men to start or expand their business or undertake meaningful economic activities?

Hon. Deputy Speaker, that is why we are talking of the bottom-up economic model and pesa *mfukoni* in the *hustler* nation.

Thank you.

Hon. Deputy Speaker: Let me not get into that discussion. I wanted you to read out your Statement, which is referred to the Departmental Committee on Labour and Social Welfare.

POINT OF ORDER

PROCEDURE OF ANSWERING QUESTIONS

Hon. Robert Mbui (Kathiani, WDM-K): On a point of order, Hon. Deputy Speaker.

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

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. I want to seek your guidance on the issue of Questions and Statements. Sometime back, I raised a Question to the Ministry of Education about some arbitrary regulations which come through memos and circulars. Examples are the ones for exam centres being collapsed, and the use of school vehicles and school fields. The Question was referred to the Departmental Committee on Education and

Research. Unfortunately, statutory instruments are dealt with in the Committee on Delegated Legislation. Is it possible to refer the Questions that deal with regulations to that Committee because none of them end up there? The Cabinet Secretary addressed the concerns without addressing the matters that have clearly been spelt out in the Statutory Instruments Act. It states that any pronouncement by the Cabinet Secretary must be put in the Kenya Gazette and then brought to the House, so that the House can deliberate and see whether it will pass the regulations or not. Is it possible for you to assist, so that some of those Questions can go to the correct committee, which is versed with the way statutory instruments that are supposed to be processed so that we can address those matters on behalf of Kenyans?

Hon. Deputy Speaker: Hon. Mbui, what you have raised is extremely heavy because it requires some consultations. Questions are supposed to be answered by cabinet secretaries or principal secretaries in the specific ministries.

You have raised an issue which requires some thought including asking the Procedure and House Rules Committee to pick it up. Hon. (Dr.) Amollo Otiende also made that observation. There are some issues which can be in the Public Accounts Committee and they can come in and help. There has to be a way of getting a nexus between the relevant departmental committee and then borrow the expertise of some of the other committees. It is worth, but it is not possible now. However, it is something that needs to be explored.

Much as you have an issue which requires a number of other committees, we will stick to the committee that the Question was referred to. We might ask those committees to give some input into those particular Questions as they are being answered in future.

Hon. Martin Owino (Ndhiwa, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Owino? Are you asking the same thing?

Hon. Martin Owino (Ndhiwa, ODM): Yes, I have the same concern. Sometime ago, I asked a Question on a road under constructed. The communities made a lot of noise. I consulted with the Chair of the Departmental Committee on Transport, Public Works and Housing four times for him to talk to the Cabinet Secretary to come and answer that Question. Later on, I was given a written response to the Question without the Cabinet Secretary being summoned to come and present it. I cannot accept this because he could have called me to listen to the Question and then we agree or disagree.

I was surprised because I received a written response to the Question without a committee meeting taking place. I need your guidance because that is not how we conduct parliamentary business.

Hon. Deputy Speaker: Questions that require written responses are always indicated clearly. I believe your Question did not require a written response but the presence of the Cabinet Secretary. I direct that the Question be re-done. I wish the Chair of the Departmental Committee on Transport, Public Works and Housing is here. You were not satisfied with the written response. You did not expect it. You expected the Cabinet Secretary to appear before the Committee, answer the Question and then you seek clarifications from there. That needs to be done again.

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

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

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, thank you for giving me an opportunity. We have the Chairman of the Departmental Committee on Administration and National Security here, who is *Muthuri wa Muthigi*. That means that....

Hon. Deputy Speaker: There are two acceptable parliamentary languages which we know.

Hon. David ole Sankok (Nominated, JP): It means that traditionally he was given the leadership stuff as a Kikuyu elder. Only two people have them in this country; Hon. Mwathi and President Uhuru Kenyatta. Our Speaker was also given. I had asked a Question.

Hon. Kimani Ichung'wah (Kikuyu, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What do you want from Hon. Mwathi this morning? Those kinds of praises can only lead to somewhere. What is your point of order, Hon. Ichung'wah, though Hon. Sankok is also on a point of order?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I take offence when the good Nominee Member 001, who comes from Narok County and the Maa Community, purports to be an expert in Kikuyu traditions. What he said is not true. This is a House of records. It is only right that he corrects his statement that only two people, Hon. Uhuru Kenyatta and Hon. Mwathi, have *Muthigi*. The Chair of the Departmental Committee on Justice and Legal Affairs, who is seated behind him, is also an elder. He holds that title. I also hold the title. Many other Members of this House hold the title.

(Laughter)

It is only right that Hon. Sankok comments on those who hold the same stuff within the Maa Community because he knows them but not those in Kikuyuland.

Hon. Deputy Speaker: I said I have known Hon. Sankok for a long time. I am not so sure about what he is actually trying to get out of the Chair of the Departmental Committee on Administration and National Security. There must be something because it is not normal. Again, for him to say that he is an expert in the field the Member for Kikuyu has just indicated, I am not so sure. It is difficult for him not to have information. Looking at him, and I would not want to go beyond what I have said, he looks like he might be having some information. Let us hear from the Member for Kangema. I am not so sure you have the stuff yourself.

Hon. Clement Kigano (Kangema, JP): Member 001 happens to be a Kikuyu. You become a Kikuyu through your mother. His mother is Waithera. I do not know what Hon. Ichung'wah is talking about because he is a Kikuyu. All it means is that one is a leader. It is like the word "safari". It is really English but the usage will take currency in due course. So, *Muthigi* simply means an elder, which Hon. Kimani Ichung'wah is not. It means a respected elder. He is still young.

Hon. Deputy Speaker: How about you?

Hon. Clement Kigano (Kangema, JP): I am sure you are, Hon. Deputy Speaker.

Hon. Deputy Speaker: I am saying, you?

Hon. Clement Kigano (Kangema, JP): I can assure you that you are; you will be acceptable, but the Member for Kikuyu is not yet.

Hon. Deputy Speaker: So, by virtue of his age, he cannot be an elder. Is that what you are saying?

Hon. Clement Kigano (Kangema, JP): Not necessarily the age. There is also conduct. There are many other considerations like respectability, the way he carries himself.

Hon. Deputy Speaker: Is the fact that he is an Alumni of Alliance High School not considered?

Hon. Clement Kigano (Kangema, JP): No, it is not.

Hon. Deputy Speaker: Okay, we should leave it at that. We would not want to delve into the nitty-gritty of that matter.

Hon. Clement Kigano (Kangema, JP): It is not only him but even his mentor, Carey Francis, is not. He has to go and talk to the elders.

Hon. Deputy Speaker: Member for Kangema, we will leave it at that. From the description you have just given, there is a probability that the statement by Hon. Sankok is not factual because it means other than the two, which he had mentioned. There is a probability and it looks very likely that the third one can be seen even in this House, who is the Member for Kangema. Anyway, let us leave that for now. We can discuss that in other areas. Hon. Sankok, please, go to the point because I think you have made all the niceties that you could to praise your colleague. Say what you want.

Hon. David ole Sankok (Nominated, JP): I have said there are three of them, and there are stages. Even Hon. Kimani Ichung'wah has graduated and progressed from a butcher. You know he had a butchery in Kikuyu Township.

Hon. Deputy Speaker: Hon. Sankok, I can see there is a lot of maternal influence in your thinking but let us proceed to the main issue.

Hon. David ole Sankok (Nominated, JP): It is only Hon. Muturi who knows that my mother is a Kikuyu. My mother is a Maasai.

I asked a Question on the 15,000 acres purportedly owned by the Deputy President in Laikipia. The Question has never been answered. I started by praising Hon. Mwathi by saying that he is a *Muthuri wa Muthigi* who never lies. I do not know why they never answered this Question when the Cabinet Secretary for Interior and Co-ordination of National Government, Matiangi, came to this House and lied on the *Hansard* that William Ruto owns 15,000 acres of land in Laikipia. The Deputy President said that the land should be subdivided and be given to hustlers. Up to now, we do not know the status of that land.

Lastly, there is somebody by the name Hon. Kamau Wamacukuru. This guy said that men from the age of 35, from the Statement request that he just made, that they have been...

Hon. Deputy Speaker: Please, do not use that term "guy" on your colleague. Let us learn to appreciate each other's titles even though sometimes they may be temporary.

Hon. David ole Sankok (Nominated, JP): The Member for Kabete, Hon. Wamacukuru, sought a Statement on the status of men above the age of 35. We have the Youth Enterprise and Development Fund for men and women below 35. We have the Women Enterprise Fund and affirmative action targeting the same groups of people, but when it comes to men in age bracket of 35 years and above, to which I, Hon. Nyikal and you, Hon. Deputy Speaker, are, we are not targeted. We are an endangered category of the Kenyan society. We want to know what measures have been put in place so that we can also be targeted.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Order! Take your seat now. You cannot buttress a Statement by your colleague even if, for example, you want to raise the fact that because 35 and above are "endangered", they probably should be nomination to Parliament. I think we need to allow the processing of his Statement request. When the Cabinet Secretary appears before the Committee to respond to it, Hon. Sankok will have opportunity to participate in the discussion.

On the first one, I realise that there was something you were looking for. You were actually asking for an answer to your Question. So, just a quick one to the Chair: What is the status of that particular matter? Many times, there are good reasons. Is it possible that it is going to come soon so that the Nominee does not have to praise you very hard in the morning?

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Deputy Speaker. Hon. Sankok is not wrong. In terms of the hierarchy of leadership in the Kikuyu culture, I rank among the top. Let

there be no doubt that *Muthuri wa Muthigi* is just any other title. There are stages and I am three stages from the top.

On the Question, it was submitted to the Cabinet Secretary, but there was a pronouncement at the end of the last Session that those Questions had lapsed. If, indeed, he wants to raise that matter again, I am ready to respond.

Hon. Deputy Speaker: I will confirm whether the Question actually lapsed because we revised the Standing Orders in such a way that Questions spill into the next session.

Hon. Sankok, we will confirm that. Of course, it should have been answered quickly so that it does not lapse. That being the case, Hon. Sankok, you have raised the issue. It will be followed up. I think we can stop it there. That will be confirmed. I would want you to ask from the Clerk's Office, specifically the ones who deal with processing of Questions, so that we can see how you can sort out the matter. It is something that will be handled there. That should not be a problem. Hon. Sankok, the matter should be handled administratively for now. So, let us not open it up. We will confirm and then you should be getting information soon.

On the matter of labour, I would be happy for them to give us timelines. Now that we are getting to the tail-end of our term, we should know how things are going to be processed fast. Since I cannot see the Chair of the Departmental Committee on Labour and Social Welfare, we give them three weeks.

Next Order!

BILLS

First Readings

THE CHILDREN (NO.2) BILL

THE GERIATRIC BILL

THE TRAFFIC (AMENDMENT) BILL

(Orders for First Readings read – Read the First Time and referred to the relevant Departmental Committees)

Hon. Deputy Speaker: Hon. Members, before we go to the next Order, Hon. Benjamin Gathiru Mwangi, the Member for Embakasi Central, who was processing the Bill on Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019), has written requesting that the matter be deferred. Whereas we will accept that deferral, it is extremely unfair because Members should not do it just before we come to the House to process it. The net effect is that you will be losing out on a matter that could have been handled especially if a Member was ready in terms of the Private Members Bill. So, in future, should a Member want to have it deferred, they should be able to communicate early enough so that the Order Paper reflects the changes and if there is an opportunity, another Member is given the opportunity to process their Bills. In future, we should not be allowing Members to withdraw just an hour or two before the matter is transacted here.

So, this means we will only be handling the National Disaster Management Authority Bill and the Alcoholic Drinks (Amendment) Bill. There are a few amendments that have been approved

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and they will be circulated so that the Members can familiarise themselves as the first one is being dealt with. Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Christopher Omulele) took the Chair]*

THE NATIONAL DISASTER MANAGEMENT AUTHORITY (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order Hon. Members! We are in the Committee of the whole House. There is a little bit of housekeeping. We should be kicking off in the next few minutes. A little patience. We will proceed in a few minutes.

Hon. Members, we shall start with the National Disaster Management Authority (Amendment) Bill (National Assembly Bill No. 10 of 2019).

(Clause 3 agreed to)

Clause 4

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are proposed amendments by the Committee Chair.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman I beg to move: -

THAT, Clause 4 of the Bill be amended in subclause (2) by deleting the words “in other counties” and substituting therefor the words “across the regions in the country”.

This is to enable access to services in all parts of the country and not just a few counties.

(Question of the amendment proposed)

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I rise to support the Committee Chair on that amendment. The first bit of this law was selective across the country and the regions. Remember, counties are clumped into regions because of the new Constitution. This was segregative, therefore, unconstitutional. It has now been constitutionalised. I support.

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

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

(Clause 4 as amended agreed to)

Clause 5

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman I beg to move: -
THAT, Clause 5 of the Bill be amended—

(a) in the opening statement by deleting the words “in liaison with the county governments”;

(b) by inserting the following paragraphs immediately after paragraph (b)—

(ba) adopt a coordinated inter-agency and inter-ministerial approach in disaster prevention, preparedness, mitigation, response and recovery activities;

(bb) advise the national and county governments on disaster management measures;

(bc) promote linkages with key ministries, community service organisations, international organisations, county, sub-county and community based disaster management entities;

(bd) coordinate and collaborate with relevant agencies and institutions to facilitate capacity enhancement and research in disaster related issues;

(be) coordinate training and research and development in fire-fighting, search and rescue ambulance services;

The justification is that this is to provide for coordination of disaster management activities at national and county levels by the Authority.

Thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from Hon. Martin Owino, the Member for Ndhwa.

Hon. Martin Owino (Ndhwa, ODM): Thank you Hon. Temporary Deputy Chairman. I want to support the Chair and Committee on this one. This co-ordination will need wider thinking. There needs to be linkage with the lower people at the villages and first responders. These are areas where there is a problem and information needs to be given. I am talking about access roads, toll free numbers and energy. It is done as a service law. I would just love to have some details. I am not opposing but warning that the lower cadres are very vital in dissemination of information.

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

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

(Clause 5 as amended agreed to)

Clause 6

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are proposals to amend by the Chair.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended by inserting a new paragraph immediately after paragraph (g)—

“(h) engage services of such experts in respect of any of the functions in which the experts are considered to have special competence.”

This is to ensure that the powers of the Authority are placed in the same clause. It is meant to tidy up.

(Question of the amendment proposed)

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

(Clause 6 as amended agreed to)

(Clause 7 agreed to)

Clause 8

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is an amendment by the Chair.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 8 of the Bill be amended—

(a) in sub-clause (1) by —

(i) deleting the words “or their representative appointed in writing” wherever they occur;

(ii) deleting paragraph (h); and

(iii) deleting paragraph (k).

(b) in sub-clause (2) by deleting the words “Cabinet Secretary” and substituting therefor the word “President”;

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

(a) is a citizen of Kenya;

(b) holds a degree from a university recognised in Kenya; and

(c) has knowledge and experience in disaster and emergency management of not less than three years.”

(d) in sub clause (4) by deleting the words “or member of the Board under subsection (1) (k)”.

This basically is to align the provisions to *Mwongozo* Guidelines. The Board is peculiar in nature, therefore, there is need to include more members from the national government sector,

which number exceeds the number of persons provided for in the guidelines that guide the conduct of the Board's activities.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Hon. Dr. Makali, do you have something to say to this?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I support.

(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)

(Clause 9 agreed to)

Clause 10

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chair.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended by deleting the expression "and members appointed under Section 7(1)(k) shall hold office for a term of five years" and substituting therefor the words "shall hold office for a term of three years".

This is basically to align it to the *Mwongozo* Guidelines that the members hold office for a term of five years.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from the Hon. Member for Kikuyu, Hon. Kimani.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairman. I rise to support and, indeed, thank the Chair of the Committee for that. At the time we drafted this Bill, that was an oversight. It should have been in line with the *Mwongozo* Policy where we have two terms of three years each. It is good that the Chair and the Committee noted that and have rectified it.

I support.

(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)

(Clauses 11, 12 and 13 agreed to)

Clause 14

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Chair has proposals to amend.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended—

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

“(b) holds a degree from a university recognised in Kenya;”

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

“(c) has knowledge and experience in matters related to disaster management of not less than ten years.”

This is basically to open qualification to other relevant fields related to disaster management so that they are also able to apply.

Thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from the Hon. Tum, Member for Nandi.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Chairman, I support. We need other qualified men and women to apply. We do not need it to be closed.

I support.

(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 14 as amended agreed to)

(Clauses 15, 16, and 17 agreed to)

Clause 18

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chair, you propose to delete.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 18 of the Bill be deleted.

This is basically because the powers of the Authority are already provided for and performance of their duties is also provided for.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Hon. Kimani, Member for Kikuyu.

Hon. Kimani Ichung’wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairman. I support. I had seen that it was complete deletion, but it is not. He is re-ordering. He has taken Clause 18 and made it (h) of Clause 6. So, it is okay.

The Temporary Deputy Chairman (Hon. Christopher Omulele): For purposes of neatness, it is a deletion.

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

(Clause 18 deleted)

(Clause 19, 20, 21, 22, 23, 24 and 25 agreed to)

Clause 26

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairperson.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 26 of the Bill be amended in subclause (3) by deleting the words “on the advice of the Authority and”.

The justification is that the main function of a Cabinet Secretary (CS) is to develop policy, and as such, state agencies are part of stakeholders involved in the process.

(Question of the amendment proposed)

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

(Clause 26 as amended agreed to)

(Clause 27, 28, 29, 30, 31, 32, 33, 34 and 35 agreed to)

New Clause 21A

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Mover to move Second Reading of the New Clause.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clauses immediately after clause 21—

Electronic information system.

21A. (1) The Authority shall develop and maintain an electronic database containing—

- (a) particulars of —
 - (i) national and county organs involved in disaster management;
 - (ii) non-governmental organisations involved in disaster management;
 - (iii) disaster management experts;
 - (iv) private sector organisations with specialised equipment, skills or knowledge relevant to disaster management;
 - (v) private sector voluntary agencies involved in disaster management; and
 - (vi) foreign non-governmental organisations and international organisations involved in disaster management;
- (b) in coordination with the Kenya Bureau of Statistics, information concerning disaster including information on —
 - (i) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;
 - (i) risk factors underlying disasters and ways and means to reduce such risks;
 - (ii) disaggregated data on disaster loss and damage showing the type of disaster, type of impact and its gender, age geographical disaggregation dimensions;
 - (iii) recurring occurrences that result in loss, but which are not classified as disasters under this Act;
 - (iv) prevention and mitigation;
 - (v) early warning system;
 - (vi) areas and communities that are particularly vulnerable to disasters; and
 - (vii) traditional knowledge relating to disaster management;
- (c) the directory of role-players referred to in subsection(1)(a) and the names and particulars of the respective contact persons;
- (d) emergency preparedness, response and recovery resources and capacity in the national and county governments and in the non-government sectors, including the location and size of, and other relevant information relating to-
 - (i) police stations;
 - (ii) hospitals clinics and other health facilities;
 - (iii) emergency medical services;
 - (iv) public buildings and other facilities that maybe used as emergency shelters or hospitals in the event of a disaster;

- (v) fire-fighting services;
 - (vi) airports, airstrips, harbours, and railway stations; and
 - (vii) any other critical infrastructure including power stations, power distribution networks and water reservoirs,
- (e) emergency response resources and capacity in neighbouring states and relevant international relief agencies;
 - (f) emergency preparedness in the different spheres of government;
 - (g) each disaster classified by the Authority; and
 - (h) disaster management research and training facilities.
- (3) The Authority shall facilitate the accessibility of the database.
- (4) Notwithstanding subsection (3), the Authority—
- (a) shall—
 - (i) establish security safeguards to ensure that access to the information on the database does not violate the right of the subject of information to privacy;
 - (ii) on request by any person for information on the database, immediately redact or restrict access to the information; and
 - (b) may classify parts of the database as restricted areas and limit access to those parts to authorised persons.

Hon. Temporary Deputy Chairman, in this digital age, this clause will enable the authority to develop and maintain an electronic database that is to contain information for the use by the public and any other institution. That will make our work easier.

(Question of the new clause proposed)

(New clause read the First Time)

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

Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from the Hon. Maanzo, the Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Temporary Deputy Chairman, this seems to be a substantive amendment that seems to enrich Hon. Ichung'wah's amendment. The Chairperson of the Committee, Hon. Mwathi, has briefly explained that it is going to be electronic and you can see the inclusion of Non-Governmental Organisations (NGOs) involved in disaster management. I support this because when disaster of whatever nature strikes, be it earthquakes, tsunamis, hurricanes, fires or terrorist attacks like last time when we had to get experts from Israel... I believe that is covered here because of the help NGOs and experts offer in disaster management. There is a time we were to get experts from Israel to rescue our people. Their inclusion is important so that when we have such a situation then we will not be constrained by law while the disaster needs to be attended to immediately to save lives.

I support.

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Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Martin Owino, the Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairman. I also want to support the Chairperson on this one, especially part (d) which talks of emergency response capacity building across board. This is very timely. I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Makali, do you have something to say?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. As a member of this Committee, I also want to support this amendment because it addresses important aspects of disaster management. The first aspect is we need to have a data bank of all the bodies involved in disaster management. Secondly, the Kenya National Bureau of Statistics (KNBS) will also be providing disaggregated data relating to disaster matters.

This amendment is good and is going to improve the current situation where we have a lot of disorganisation when it comes to disaster management. 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 Clause 21B

Hon. Peter Mwathi (Limuru, JP): The Mover to move reading of New Clause 21B. Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Bill be amended by inserting the following new clauses immediately after clause 21—

- | | |
|-------------------------------|---------------------------|
| Disaster
management plans. | 21B. The Authority shall— |
|-------------------------------|---------------------------|
- (a) develop and regularly review a national disaster management plan and strategy for organs of state and other institutional role-players involved in disaster management;
 - (b) collaborate with the counties in coordinating the implementation of the policies, plans and strategies; and
 - (c) develop guidelines for the integration of the concept and principles of disaster management in national and county integrated development plans, protocols, programmes and initiatives; and
 - (d) mainstream gender issues in the plans and strategies.
- (2) The national disaster management plan and strategy shall include information on—
 - (a) measures to be taken for the prevention and response to disasters and the mitigation of their effects;

- (b) measures to be taken for preparedness and capacity building to effectively respond to any impending disaster;
 - (c) minimum requirements for the provision of shelter, food, drinking water, medical services and sanitation in relief camps;
 - (d) roles and responsibilities of different ministries, county governments, and relief agencies in respect of measures specified in paragraph(a), (b), and(c); and
 - (e) any other matter relevant to disaster management.
- (3) In developing and reviewing a disaster management plan under subsection (1), the Authority shall collaborate with departments, agencies and institutions involved in the implementation of the development plans and the leaders involved in the oversight of the implementation of the development plans.

This clause basically relates to development of disaster management plans. Once the authorities have these plans, it will enable them to have collaborative efforts within the counties and with other stakeholders which are essential in managing and preventing disasters in our country. I thank you.

(Question of the new clause proposed)

(New clause read the First Time)

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

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Temporary Deputy Chairman, this should be a policy and not plan. In the first place, this law should have been informed by a policy. It being a private Member's Bill by Hon. Ichung'wah, the Member for Kikuyu, he could also include the issue of policy or preparation in the event of a disaster. I mean something like a guideline that should be followed. I believe that to be the case and it should be part of legislation which could be delegated later on under this law. I would like to ask him to kindly clarify on how they would include the policy and any other plan which could amount to delegated legislation.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Tum, Member for Nandi.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Chairman, I support the development of plans. The national Government and the county governments have to be incorporated and there should be a planned way of dealing with disasters. Occasionally, disasters in the country have been dealt with haphazardly. No finances have been set aside but the county governments should have their finances under the national Government so that everything is done in a planned manner.

I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ichung'wah, Member for Kikuyu.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, I support this particular amendment. Listening to what Hon. Maanzo is saying, it is true that it could have been better if it was a policy. However, it is equally important that disaster management plans are

reviewed regularly because we run the risk of just having a policy in books. This is because if nobody between the State and many other organs that are involved in disaster management sits to regularly review the disaster management plans, then we will run the risk of having policies in books but are never implemented through plans. It is good that the Committee thought of this kind of amendment.

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 Clause 21C

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover!

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 21—

Classification of
disasters.

21C. (1) When a disastrous event occurs or threatens to occur, the Authority shall determine whether the event is a disaster under this Act, and immediately—

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
- (b) classify the disaster as a county or national disaster in accordance with subsections(4),(5)and(6);and
- (c) record the prescribed particulars concerning the disaster in the prescribed register.

(2) When assessing the magnitude and severity or potential magnitude and severity of a disaster, the Authority—

- (a) shall consider information and recommendations concerning the disaster received from a County Committee; and
- (b) may enlist the assistance of an independent assessor to evaluate the disaster on site.

(3) The Authority may reclassify a disaster classified under subsection (1) (b) at any time after consultation with the relevant County Committee if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.

(4) A disaster is a county disaster if—

- (a) it affects a single county; and
- (b) the county concerned is able to effectively manage it.

(5) a disaster is a national disaster if it affects—

- (a) more than one county; or
- (b) a single county which is unable to effectively manage it.
- (6) any disaster which does not fall under a disaster classified by the Authority, shall be deemed to be a county disaster.
- (7) Despite the classification of a disaster under this section designating primary responsibility for managing a disaster to a particular level of government, the two levels of government may assist each other in managing the disaster.

Hon. Temporary Deputy Chairman, this is basically dealing with classification of disasters. The aim of the clause is to provide for the entity that determines whether an event, disaster, situation or a class of event is to be treated as an emergency or a disaster. It also provides for the roles of both levels of Government in the event of a disaster and assisting victims of a disaster by providing relief, preventing or combating disruption or dealing with effects of disaster. It basically seeks to avoid duplicity in the two levels of Government so that they have concerted efforts.

((Question of the new clause proposed))

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. (Dr.) Makali.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I rise to support this amendment, that is New Clause 21C.

In my view, the most important part is on determining the magnitude and severity of the disaster. This is critical because we have at times seen the Government being accused of treating disaster in a kind of biased way. This is seen in cases where disasters occur in two regions and the way the Government reacts will differ from one region to the other. So, it is very good for the country when we have a clear form of determining the magnitude and severity of the disaster.

I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, this is a good amendment. For example, looking at the recent accident, the collapse of mines in Bondo, if we had an authority that would have assessed this disaster and classified whether it is a national or a county level disaster, then it would have been able to mobilise resources to cater for needs in that particular disaster. It is sad that a young man in Bondo stayed underneath and I do not even know whether the body was ever recovered. If we had such an authority at the time of the collapse of that mine, it would have been possible to determine that even though this event happened within a rural setting in Bondo, it is still a national disaster. Why? Because of the level of equipment, management and level of expertise that would have been required in that area. Perhaps, we could not have lost life in Bondo. Therefore, I want to support this because in future the Authority will be able to determine the magnitude of a disaster and whether it will need resources that may outstrip what is available locally. The authority will also be able mobilise resources nationally or from other experts and development partners.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. Hon. Martin Owino, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairman. This is well done and especially No. 7, which says that despite all the classifications, the two levels of Government can still assist each other. I think that is wonderful. 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 Clause 21D

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover, new clause 21D.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:
THAT, the Bill be amended by inserting the following new clause immediately after clause 21—

Declaration of a state of emergency due to disaster.	21D. In the event of a national disaster, the President may, pursuant to Article 58 of the Constitution, by notice in the Gazette, declare a state of emergency.
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This clause relates to declaration of a state of emergency under Article 58 of the Constitution. The President can declare a state of emergency pursuant to any disaster that may affect the country. This allows the country to focus on the disaster and put resources to alleviate the effects of such disasters.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the new clause proposed)

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): I think Hon. Ichung'wah or the Chair should clarify this one because Article 58 of the Constitution deals with quite a number of issues. This proposed amendment should probably have stated what qualifies to be a national disaster and to what magnitude. Maybe, it should be in several counties, an attack or war. Article 58 of the Constitution deals with quite a number things including a national disaster of a big magnitude. For it to be national, then it must cover quite a large part of the country hence the declaration by the President through a gazette notice. Probably, other activities would be stopped so the country can deal with saving lives. Maybe, they need to clarify this further.

Thank you.

(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 Clause 27A

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover to move new Clause 27A under new Part IVA

Hon. Peter Mwangi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new Part immediately after clause 27—

PART IVA— COUNTY DISASTER MANAGEMENT

Establishment of county disaster management committee.

27A. (1) There is established, for each county, a County Disaster Management Committee comprising—

- (a) the Chairperson appointed by the Governor;
- (b) the county executive committee member responsible for matters relating to disaster management, who shall be the secretary;
- (c) the county executive committee member responsible for matters relating to finance;
- (d) the county executive committee member responsible for matters relating to health;
- (e) the county executive committee member responsible for matters relating to information;
- (f) the county executive committee member responsible for matters relating to environment;
- (g) the County Commissioner; and
- (h) the County Police Commander;

(2) A member of a County Committee appointed under paragraph (a) of subsection (1) shall serve for a term of three years, renewable for one further term.

(3) The members of a County Committee shall serve on a part-time basis and shall be paid such allowances as may be determined by the county government in consultation with the Salaries and Remuneration Commission.

The entire Part IVA contains provisions and functions related to disaster management at the county level. It also establishes a Disaster Management Committee in each county to act as the focal point of the co-ordination of disaster risk management activities at the county level and liaise with the authorities. So, we are cascading these functions from the national Government to the county governments by putting in place Disaster Management Committees.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have done very well to give the overview. However, now we need to go clause by clause. You will move New Clause 27A so that we deal with it.

*New Part IVA
New Clause 27A*

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:
THAT, the Bill be amended by inserting the following new Part immediately after Clause 27—

PART IVA – COUNTY DISASTER MANAGEMENT

Establishment of county disaster management committee.

27A. (1) There is established, for each county, a County Disaster Management Committee comprising—

- (a) the Chairperson appointed by the Governor;
- (b) the county executive committee member responsible for matters relating to disaster management, who shall be the secretary;
- (c) the county executive committee member responsible for matters relating to finance;
- (d) the county executive committee member responsible for matters relating to health;
- (e) the county executive committee member responsible for matters relating to information;
- (f) the county executive committee member responsible for matters relating to environment;
- (g) the County Commissioner; and
- (h) the County Police Commander;

(2) A member of a County Committee appointed under paragraph (a) of subsection (1) shall serve for a term of three years, renewable for one further term.

(3) The members of a County Committee shall serve on a part time basis and shall be paid such allowances as may be determined by the county government, in consultation with the Salaries and Remuneration Commission.

It relates to the establishment of County Disaster Management Committees to deal with disasters at the county level.

(Question of the new clause proposed)

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Dr. Makali.

Hon. Makali Mulu (Kitui Central, WDM – K): Hon. Temporary Deputy Chairman, I support the New Clause 27A as it is very important. It discusses the County Disaster Management Committees in terms of membership and how long they will be serving - which is three years - and the terms of engagement because they will be part-time committee members.

This is very important because in the past, the reason why we have had challenges in managing disasters in this country is because there is no coordinating body. When we have such a

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committee, it is obvious that when something occurs, the Chair of the committee will convene a meeting immediately and come up with very clear strategies on how to address the matter.

This is right for our country. We are on the right track and I support the amendment.

*(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 Clause 27B

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have the Chair.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new Part immediately after Clause 27—

27B. (1) A County Committee shall—

(a) advise the county government on matters relating to disaster management;

(b) serve as the central agency in the implementation of disaster management activities in the respective county;

(c) establish and implement a county early warning and emergency communication strategy that is in line with the national early warning and emergency communication strategy;

(d) formulate the county disaster management plans and policy in line with the national plan and policy;

(e) promote civic education and public awareness, training and capacity building on disaster management in the county including in schools;

(f) make recommendations to the county government regarding all financial matters in relation to disaster management;

(g) promote an integrated and coordinated approach to disaster management in the county, with special emphasis on prevention, mitigation preparedness, response and recovery by other role-players involved in disaster management in the county;

(h) collaborate with the national government, relevant agencies and leaders involved in overseeing disaster management in the county, on matters relating to disaster management—

(i) act as a repository of, and conduit for, information concerning-

(i) damage and loss arising from disasters;

(ii) impending disasters; and

(iii) disaster management in the county;

(j) act as an advisory and consultative body on issues concerning disasters and disaster management in the county to—

(i) state organs;

(ii) the private sector and non- governmental organisations; and

Functions of
a County
Committee.

(iii) community based organisations, indigenous groups, communities and individuals;

(k) initiate and facilitate efforts to make funding available for disaster management in the county;

(l) promote research into the aspects of disaster management at the county; and

(m) devolve disaster management measures and structures to sub-county and village level.

(2) The county executive committee member responsible for disaster management within the county shall, within fourteen days of the preparation of a county disaster management plan, submit to the clerk of the county assembly, a copy of the disaster management plan for tabling before, and approval by the county assembly.

(3) The county executive committee member shall, once the county disaster management plan is approved, circulate, publish and publicise the plan, to the residents of the county, through such means as the county executive committee member may consider appropriate.

This clause relates to the functions of the County Committee which include advising the county government, formulating disaster management and also making recommendations on the plans to be put in place so that they are able to deal with a disaster at the county level.

(Question of the new clause proposed)

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairman. I rise to support the amendment. As the Chair has said, part of the functions of the Disaster Management Committee at the county level will be to establish and implement a county early warning and emergency communication strategy that is in line with the National Early Warning and Emergency Communication Strategy.

Many of the disasters that we have faced in Kenya - be they landslides in Elgeyo Marakwet or Murang'a, or the perpetual floods in Budalangi - are things that we could have avoided and prevented loss of lives and property, if there was an early warning system, both at the national and county levels. There should be an early warning mechanism that could warn people and the communication is effectively taken into the ground for people to move away from areas where they face a disaster or danger.

I pray that when this law comes into effect, our county governments will move with speed to ensure that there will no longer be loss of life or property because people were not warned in advance. This also includes manmade disasters. There are things that happen every now and then and we know they are bound to happen, but we end up doing nothing.

I am sure that with these committees, county governments will be able to advise their people. County governments, county assemblies and county executives will be able to prepare budgets for the same.

For instance, if landslides were to occur during the rainy season in Murang'a, there would be resources on the ground to deal with that disaster.

I support the amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Indeed, Hon. Ichung'wah, the most exciting thing about this proposal is that we will now have a reference point when these things happen. Hon Owino, Member for Ndhiwa!

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon Temporary Deputy Chairman. I am now very happy because what I was looking for is well taken care of here and I really support. It is important to devolve the national disaster management measures and structures to the sub-county and village levels. That one is well taken care of.

Thank you, Hon. Temporary Deputy Chairman. 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 Clause 27C

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover!

Hon Peter Mwathi (Limuru, JP): Hon Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Part immediately after Clause

27—

Powers of County
Committee.

27C. (1)A County Committee shall have all the powers necessary for the proper performance of its functions under this Act and, in particular, but without prejudice to the generality of the foregoing, the Committee shall have power to—

- (a) receive any grants, gifts, donations or endowments and to make legitimate disbursements therefrom;
- (b) delegate some of its powers to a public officer;
- (c) undertake any activity necessary for the execution of any of its functions; and
- (d) to enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

Hon. Temporary Deputy Chairman, New Clause 27C relates to the powers of a County Committee. When you create such a Committee, it is important that you give it powers to perform duties that fall under them. This provides that they can receive grants, gifts and donation towards addressing issues of disaster and also undertake any activities necessary for the execution of its function. We are, therefore, saying that once the Committee is in place, we should give it power to execute the mandate that they have been given.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the new clause proposed)

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Oku Kaunya, Member for Teso North.

Hon Oku Kaunya (Teso North, ANC): Thank you, Hon Temporary Deputy Chairman. I rise to support this New Clause 27C because the powers of the Committee will include being able to raise money. This is important because resources in disaster management are in most cases a big issue. The Committee will now have powers to access certain areas where water is required for purposes of a disaster management involving fire. I support this amendment because these powers are key to the success of disaster management.

Thank you, Hon Temporary Deputy Chairman.

(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 Clause 27D

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover.

Hon Peter Mwathi (Limuru, JP): Hon Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Part immediately after Clause

27—

Vacation of office.

27D. The office of a member of a County Committee shall become vacant if the member—

- (a) resigns by issuing notice in writing addressed to the County Executive;
- (b) is absent from three consecutive meetings of the County Committee without the permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) is convicted of an offence that constitutes a serious violation of Chapter Six of the Constitution;
- (e) is unable, by reason of mental or physical infirmity, to discharge his or her functions; or
- (f) dies.

Hon. Temporary Deputy Chairman, this relates to vacation of office by members of the County Committee that we have already created in the previous clauses. This specifically means that the moment we put a committee in place, we have to get mechanisms on how people get appointed and also how they vacate, especially when it comes to the conduct of business and when it relates to violations of Chapter Six of the Constitution in terms of integrity. This is basically to provide for how one can vacate office of that Committee.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the new clause proposed)

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon Jared, it seems that you do not have your card. Proceed.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Chairman, that clause is very important. We have seen cases where there are no succession plans and people are left wondering in limbo. This clause puts remedies towards the *lacuna* that commonly arises, in situations where people vacate offices and there is no historical background of the organisation. No one has the history and succession becomes quite a nightmare. So, I really support this clause by my friend, Hon. Mwathi.

Thank you.

(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 Clause 27E

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover to move new Clause 27E.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Part immediately after Clause

27—

Conduct of
business and
affairs of a County
Committee.

27E. The conduct of the business and affairs of County Committee shall be as provided in the Second Schedule, but subject thereto the Committee may regulate its own procedure.

This clause relates to the conduct of business and affairs of the Committee. It says that the Committee can regulate its own procedure and also follow the provisions of the schedule given in the Bill.

Thank you.

(Question of the new clause proposed)

(New clause read the First Time)

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

(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 Clause 27F

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover to move new Clause 27F.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Part immediately after Clause 27—

- Procedure during disaster events. 27F. (1) When a disastrous event occurs or threatens to occur in a county, a County Committee shall determine whether the event is a disaster under this Act, and where it so determines, the County Committee shall immediately and without delay —
- (a) initiate the implementation of the county disaster management plan and emergency procedure;
 - (b) initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster; and
 - (c) inform the Authority of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster.
- (2) When informing the Authority, in terms of subsection (1) (c), the County Committee may recommend the appropriate classification, of the disaster.

This clause relates to the procedure during disaster events and specifically, how a County Committee may determine whether the event is a disaster, how it shall initiate and implement the county disaster management plan in place.

Thank you.

(Question of the new clause proposed)

(New clause read the First Time)

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

(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 Clause 27G

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover to move new clause 27G.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Part immediately after Clause 27—

Annual
report to
County
Assembly.

27G. A County Committee shall prepare and submit its annual report to the county assembly on—

- (a) its activities during the year;
- (b) results of its monitoring of prevention and mitigation initiatives;
- (c) disasters that occurred during the year in the county together with information on—
 - (i) their classification, magnitude and severity;
 - (ii) the effects they had;
 - (iii) problems experienced in dealing with the disasters;
- (d) progress on the preparation and regular updating of disaster management plans and strategies in the county; and
- (e) an evaluation of the implementation of disaster management plans and strategies in the county.

This is in relation to the annual report to the county assembly. Its provisions are that a County Committee shall prepare and submit an annual report to the county assembly. We are ensuring these Committees are accountable and indicate the activities they held during the year. More importantly, to also give any mitigating activities they have undertaken to address the issues of disaster.

Thank you.

(Question of the new clause proposed)

(New clause was the First Time)

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

(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 Clause 27H

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover to move new Clause 27H.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new Part immediately after Clause 27—

County
Committee may
make
regulations

27H. A county executive committee member may, for the purposes of managing a disaster, and with the approval of the county assembly, make regulations for—

- (a) measures for disaster prevention, mitigation, preparedness, response and recovery;
- (b) collection and publication of data relating to disaster management
- (c) use of listed premises as shelters to manage a disaster;
- (d) activation of a disaster response plan; or
- (e) conducting public awareness and civic education on disaster management.

This is in relation to the County Committee making very important regulations together with the county assembly. They have to submit these to the county assembly, indicate which measures they have put in place to prevent disasters and mitigation measures, disaster preparedness and response and how they will make recoveries, among many other things that they are supposed to do. The amendment allows them to do those regulations in collaboration with the county assembly.

(Question of the new clause proposed)

(New clause read the First Time)

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

(Hon. William Chepkut walked into the Chamber)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I welcome my friend, Hon. William Chepkut, who has been laid down for quite some time. This particular Chair is happy to see you walking on your feet.

Welcome. Let us have Hon. Jared, Member for Nyando.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Chairman. I also welcome my brother, Hon. Chepkut. We thank God for healing him.

This clause anchors the Disaster Committee in law. It also gives the county assembly an opportunity to take an in-depth look at this issue, including what relates to disasters. Many things happen on a daily basis and not all of them would qualify to be a disaster. This gives them some

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latitude in determining what qualifies to be a disaster and the kind of regulations that will govern the work of committees together with the assemblies. The amendment also relates to the budget that they will be working on as a committee.

(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)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, you are also welcome

New Clause 27I

Let us have the Mover.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Temporary Deputy Chairman. I heard Hon. Millie say that we need to go to Division on that one, but she did not rise in her place so that we do so. Allow me to also appreciate Hon. Chepkut who is a Member of my Committee and who I can confirm is back to normal and working very actively in dealing with matters as he has always done like a five-star general.

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new Part immediately after Clause 27—

Fire disaster
management
system

27I. (1) Each county executive committee member shall be responsible for the development and implementation of a fire disaster management system and shall, for this purpose—

- (a) establish an effective fire management system for the prevention and management of fire disasters in the respective county;
- (b) ensure the provision of adequate personnel and equipment for the prevention and management of fire disasters in the county;
- (c) provide adequate information and carry out sensitisation programmes on the prevention and management of fire disasters;
- (d) put in place an effective mechanism for fire rescue services; and
- (e) do such other thing necessary for the effective implementation of a fire disaster management system.

(2) The county executive committee member shall, in the performance of the functions under subsection (1) —

- (a) adopt a multi-disciplinary and multi-sectoral approach in firefighting;
- (b) factor in climate variations into firefighting;
- (c) disseminate information on firefighting;
- (d) establish and encourage volunteer community firefighting initiatives;

and

(e) be guided by the national values and principles of governance as set out under Article 10 of the Constitution.

(3) With respect to any matter concerning fire management legislation enacted by a County Government in accordance with Section 12 of Part 2 of the Fourth Schedule to the Constitution, the county legislation shall apply.

This clause relates to the Fire Disaster Management System. It states that a county shall put in place a Fire Disaster Management System for purposes of dealing with disasters relating to fire, which have always been such a menace in this country. Therefore, we are giving various provisions on how that shall be done by the committee together with the county executive and the county assembly of each county.

(Question of the new clause proposed)

(New clause read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us start with Hon. Odhiambo Akoth, Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairman, I am not calling for Division. I support the provision. One of the things that I have seen they are doing is mainstreaming gender even in disaster preparedness and management. Unfortunately, I have come late. The only thing which I had a problem with is the composition of the main committee which is too Government-heavy, but we will have time ahead to probably amend it. I think giving the county this mandate is very important because of the prevalence of disaster especially with climate change and its effects.

I really do support that amendment. Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ichung'wah Kimani, Member for Kikuyu.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairman. I support this amendment because it is important for the County Executive Committee Member to be responsible in the development of fire management system in particular counties. Fire is one of the most prevalent disasters that we have in this country, be it in our slums in Nairobi or the frequent fires in Gikomba, which nobody knows the cause.

For instance, if the County Executive Member for Nairobi knows that there are frequent fires in Gikomba market, part of the management should be to ensure that there is a fire station that is within the proximity of Gikomba or any other places where it is susceptible to fires.

Hon. Temporary Deputy Chairman, last weekend on Sunday on my way to Baringo, I witnessed a very unfortunate incident between the counties of Kiambu and Nakuru along the Limuru-Mai Mahiu Road, actually in Chairman's constituency. Somebody was using a forklift to lift a Liquefied Petroleum Gas (LPG) gas tanker and you can imagine they were doing so without a provision for any fire management system. It is common sense that while lifting an oil tanker carrying flammable material like LPG, there is likely to be a fire. We should have a requirement

in law that provides that whoever is transporting such LPG gas and needs to lift it from one trailer onto another he should have a fire management system.

At that particular point, the forklift and a fire fighting engine that would put out LPG gas should have been there. It is only by God's grace that it was not probably on a busy evening like on Sundays when everybody is moving back to Nairobi. You can only imagine the kind of disaster that we would have had to deal with if there was a huge traffic jam along that road as usually is the case from Mai Mahiu going upwards to Mutarakwa in Limuru Constituency.

It is, therefore, important that we mandate our County Executive Members to ensure that there is a fire management strategy and policy in each and every county. They will also map out areas where fires are likely to occur and ensure that they commit resources through their county assemblies. With the kind of housing that is in our villages and slum areas, it is very easy to map out areas where fires are likely to occur more than anywhere else. While doing so, they should also ensure that there is accessibility so that fire engines and water hydrants are made available. With devolution, this will only be possible if the County Executive Members are held into account.

Hon. Temporary Deputy Chairman, with those remarks, I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon Ichung'wah, you will realise that common sense is not as common as it should be.

Hon Martin Owino, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Deputy Chairman, I really want to support this amendment because I think Hon Ichung'wah is right. The most frequent disasters are fire and Section (b) captures this very well that there should be provision of adequate personnel and equipment. This is not only for the management of disasters, but for prevention which sometimes are caused by illegal connections of power. If we can avail that, then we can invest in prevention, and of course, deter most of the fires. So, 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)*

(Schedule agreed to)

New Schedule

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover.

Hon. Peter Mwangi (Limuru, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Bill be amended by—

- (a) renaming the existing schedule as the First Schedule; and
- (b) inserting the following new schedule immediately after the First Schedule—

SECOND SCHEDULE s. 27E
PROVISIONS AS TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF A COUNTY COMMITTEE

- Meetings.
1. (1) The County Committee shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
 - (2) Notwithstanding the provisions of sub-paragraph (1) the Chairperson may, and upon requisition in writing by, at least, three members shall, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.
 - (3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the County Committee shall be given to every member of the County Committee.
 - (4) The quorum for the conduct of the business of the County Committee shall be one half of all the members.
 - (5) The chairperson shall preside at every meeting of the County Committee at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.
 - (6) Unless a unanimous decision is reached, a decision on any matter before the County Committee shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.
 - (7) Subject to subparagraph (4), no proceedings of the County Committee shall be invalid by reason only of a vacancy among the members thereof.
- Disclosure of interest by members.
- 2.(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the County Committee and is present at a meeting of the County Committee at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:
Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the County Committee may permit the member to participate in the deliberations subject to

- such restrictions as it may impose, but such member shall not have the right to vote on the matter in question.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (3) A member of the County Committee who contravenes subparagraph(1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.
- Execution of Instruments. 3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the County Committee by any person generally or specially authorised by the County Committee for that purpose.
- Minutes. 4. The County Committee shall cause minutes of all resolutions and proceedings of meetings of the Committee to be entered in books kept for that purpose.

The justification is, we are providing for the conduct of business of County Disaster Management Committees. Having established such Committees then it is only fair, right and procedural that we establish the procedure of conduct of business.

Thank you.

(Question of the new schedule proposed)

(New schedule read the First Time)

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from Hon. Okello, Member for Nyando.

Hon Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Deputy Chairman. I just want to add that we are giving what we call *modus operandi*, the systems of work when the Committee is set up. Otherwise, it would be of no purpose enacting a committee to undertake disaster management within our counties and not giving them the mandate and necessary tools to do so.

Therefore, I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Odhiambo Akoth, Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman. I also support for the same reasons that we need to give them mandate to work. I want to congratulate the Committee as well for the excellent amendments. I looked through them and the only thing I saw missing is the provision of linkages with the Victims Protection Act.

When we have disasters they create victimology especially, if it is man-made or man-initiated because disasters come in different forms. In these kinds of circumstances, I was hoping you would have addressed how to identify, if there are any victims of disasters. This is something that is missing. Perhaps because it is a bit late, we can think about it in the future, but otherwise the Committee did very, very good amendments.

Thank you.

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

(The new schedule was read a Second Time)

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

Clause 2

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chair.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Temporary Deputy Chairman.

I beg to move:

THAT, Clause 2 of the Bill be amended by inserting the following definitions in their proper alphabetical sequence—

“Disaster management” means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at—

- (a) preventing or reducing the risk of disasters;
- (b) mitigating the severity or consequences of disasters;
- (c) emergency preparedness;
- (d) a rapid and effective response to disasters; and
- (e) post-disaster recovery and rehabilitation;”

“County Committee” means the County Disaster Management Committee established under section 27A.

Basically, this is addressing the definition of the term ‘Disaster Management’ as used in the Bill, which needs to be properly defined. So, this is the proposed amendment in Clause 2.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Oyoo Onyango, Member for Muhoroni.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Chairman for honouring me. I wish to reinforce what the Chair has just said because many of the disaster committees especially, in my county are only seen when there are floods and their level of preparedness is very wanting. Even when they come, they lack tools of trade, meaning they only exist by name. I think this will go a long way in solving this kind of unpreparedness.

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

(Clause 2 as amended agreed to)

(Clause 1 agreed to)

(Title agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): That is the end. I will now call upon the Mover to move reporting.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the National Disaster Management Authority Bill (National Assembly Bill No.10 of 2019) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, you will see from the Order Paper that the Committee of the whole House on the Public Service Commission (Amendment) Bill was deferred.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL

(Consideration in Committee of the whole House deferred)

Let us now move to the Alcoholic Drinks Control (Amendment) Bill National Assembly Bill No.70 of 2019 by Hon. Silvanus Osoro.

THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we shall proceed with the Alcoholic Drinks Control (Amendment) Bill. There are no amendments by the Mover, but there are amendments proposed by the Committee, which we can handle here. Yes, Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon Temporary Deputy Chairman, we are all legislators and we come here for serious business. Ordinarily, I am never here at 9.00 a.m. I would be on top of a car somewhere but I had to be here. I would be working from the top of a car but now I had to come and work from this desk. The substantive Speaker has previously ruled that Private Members' Bills...

Thank you, Hon. Temporary Deputy Chairman. I wanted your attention because the substantive Speaker had previously communicated to the House that on Private Members' Bills, if the proposer or mover of the Bill are not available in the House, the rest of us have no business conducting business on their behalf.

It would only be fair because I am seated here to report to the House. Who will move the Motion for agreement with the report? The Chair may not be able to report on behalf of the Mover. I, therefore, move that we do drop that Bill. I can see that the Chair of the Committee is vehemently in support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, I agree that now that Hon. Silvanus Osoro is not in the House, in line with the directions of the Speaker that when such business is called out and the Member is not there, it should go to the bottom of

the pile of business that awaits as Members' Private Bills, this is exactly the fate that the business listed under the name of Silvanus Osoro will now attract.

Therefore, I direct that the business listed as Order No. 11(iii) the Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 70 of 2019) is hereby dropped and it goes to the bottom of the list of Bills awaiting consideration.

(Consideration in Committee of the whole House deferred)

*(The Temporary Deputy Chairman
consulted with the Clerks at-the-Table)*

Hon. Members, you will allow me to go back so that we can deal with reporting of the National Disaster Management Authority Bill.

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) in the Chair]*

REPORT

THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): We will consider reporting of the National Disaster Management Authority Bill. I call upon the Chairperson to move reporting.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Mover, Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Millie Odhiambo to second the motion for agreement with the Report of the Committee of the whole House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you. I second and congratulate Hon. Ichung'wah for a good job and also the Committee for an excellent job.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I direct that the next necessary steps in this particular proposal will be undertaken when the matter will be set down on the Order Paper for finalisation thereof.

I want to thank Hon. Ichung'wah for this wonderful Bill which he brought to this House. I think such proposals need to be made into law, so that they are useful to our country. The next necessary steps will be undertaken when the matter will be set down in the Order Paper.

(Putting of the Question deferred)

Hon. Ichung'wah you will have a minute to say something.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I think everybody understands the fate that has befallen the next stage.

Allow me to thank the Chair of the Committee and in absentia and posthumously thank the former Chair, the late Hon. Paul Koinange. This is because as you will realise, I drafted this Bill in 2019 and indeed the late Hon. Paul Koinange was instrumental in fast-tracking the processing of the Second Reading. We engaged with the Committee before his passing on and two weeks before he was hospitalised, I had raised the matter with him. That is why I want to posthumously thank him for his hand in being able to fast-track this very important Bill for our country.

I also thank the current Chair, Hon. Mwathi, my neighbour from Limuru, and all Members of the Committee for having fast-tracked the Third Reading stage.

The Leader of the Majority Party will now appreciate what was described by the substantive Speaker as a moment of the House going crazy when we shocked the House Business Committee by prioritising Private Members' Bills. Some of the Bills that were being held back without coming to the Floor of the House were very critical. I thank the House Business Committee because that moment of the House going crazy jolted them into action, and they have been able to also fast-track many of these Bills into coming before the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. I direct that we move on to the next Business.

BILLS

Second Reading

THE COMMUNITY HEALTH WORKERS BILL

(Hon. Martin Owino on 2.2.2022)

(Resumption on Debate interrupted on 9.2.2022- Morning Sitting)

Hon. Members, this Business had attracted the participation of 22 Members at the last break. Hon. Gogo Achieng was on the Floor and she had a balance of nine minutes. Is she in the House? She is not in the House. The chance goes to Hon. Oyoo Onyango, Member for Muhoroni.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for honouring me with this time. I want to express my feelings about the experiences I have had on the ground. Community health workers are very important, given that most health centres and hospitals are far away from where many people live. These people are supposed to be very well-prepared for the challenges that they go through every day in their working life. Now that the health function is devolved, we call upon the county mandarins, county chiefs, governors, and those chief officers who are concerned with this issue to take it up very seriously and make

sure that these staff are given the requisite training and tools of trade to enable them to go about their businesses properly.

In most cases, they lack tools of trade and medicine. Government hospitals are also lacking, more so since the start of devolution when hospitals were taken over by governors. You find that necessary medicines – even something as simple as common Panadol – are missing from hospitals. Each time these people go about their businesses, they have to prescribe drugs to poor people on the ground, who are supposed to go and buy them. After they have bought them, sometimes these people are moved to share them because they are also few.

We also want county governments to increase the number of community health workers so that they become available within a short distance of the localities where they are supposed to work. If done well and if county governments take it seriously, the Bill will go a long way in improving the healthcare of our people.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Kaunya Oku, Member for Teso North. It appears that Hon. Kaunya is not in the House. That would mean that Hon. Luyai Amisi, Member for Saboti, is next. As he contributes, the Mover should be preparing to reply.

Hon. Caleb Luyai (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. From the outset, I support it. Community health workers are integral professionals in our society, right from the local community level. They are in touch with the community and they understand the language, the environs and the people. They are also able to deal firsthand with health issues that arise. It is important that these very important professionals in our society are regulated and entrenched in our Government as professionals, recognised both at the national and county levels. We have had most of them working either as unpaid or volunteers, and some are getting small tokens or recognition, but the work they do goes beyond what we give them as a society. It is important that this becomes part of the appreciation to this very important group of professionals who have saved lives. They are always the first point of call whenever health problems arise around the community. So, I want to congratulate the Mover for coming up with this important Bill to recognise our very important health workers to be entrenched as professionals.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Mover to reply.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. In replying to all that has been said, I want to thank all the Members who contributed to this Bill. They have all contributed so positively, meaning that this is a reality in our healthcare delivery strata.

Level one is the first point of call, because that is where we have people who are overwhelmed by the situation; those who are ignored and are self-medicating because they are poor and they cannot even afford medicine. This is where health decisions are made. They are all in level one in a household. This is where we have people who are calling shots; the *grandmas*, *babas* and *mamas*. Level one is where we have health education, where they tell people what to do and what not to do. This is also where we have basic screening and encouraging people to move to hospitals.

Level one is where we can have a support system; a reminder that it is time to take your medication. This is also where we have disease prevention, advice, health education on nutrition and sanitation so that we can prevent diseases. All these happen at the household level, which is

recognised in our Public Health Policy. However, it is not being effected well because of what I am going to say as I proceed. This is where we have early disease detection. The reason why healthcare cost is so high is because we miss detecting diseases at the household level so that interventions can be swift and effective such that when we refer them, they are not under disabilities.

Hon. Temporary Deputy Speaker, level one is where even expectant mothers are encouraged to attend at least four clinics, and some are even escorted by community health workers to ensure that that is done. All these happens at this lower level. The health and support system – biomedical intervention – is not the answer for treatment. There is need to have a support system and, as I said earlier, the necessity for somebody who comes to check whether you have taken your medication and that you have taken a full dose.

In Rwanda, those who are taking Antiretroviral Drugs (ARVs) do not take medication on their own, but they are given by community health workers and as a result, drug resistance has really gone low. And this is because the drugs are taken on time and full doses are given. For instance, if we do not give first aid at that level, people will come to higher levels like two, three, four, or even tertiary levels in conditions that are dilapidating. So, this is the place where, if empowered, equipped and motivated as envisaged in the Bill, the response will be swift and many injuries will be deterred.

Hon. Temporary Deputy Speaker, allow me also to dismiss some notions that are coming around this Bill. One of them is that the county governments argue that it will be expensive to invest in community health workers. That is not true, in fact, it is the reverse. If we intervene early in disease identification and detection and do primary vaccinations, we will save a lot in the tertiary care because admissions and advance cases will not be there because we would have dealt with them at the lower level. There is also a notion that if we organise community health workers – because we are creating a council for them – they will be strong and they will have Collective Bargaining Agreements (CBAs). The right to associate and to picket is in the Constitution. In fact, we will reap more from an organised community health workers force than if they are disorganised. They can still do that in their present status. So, that is not true. If we organise them, they will have their rights and a communication system. They will be more useful to our healthcare delivery system than in their current status now.

That third one is on standards. The council so created will have training standards for community health workers. It will acknowledge, register and provide oversight over them. If we have that, we will have a team of motivated, empowered, regulated and acknowledged community health workers with the same standards across the country. That means that a community health worker in Ndhiwa will be similar to a community health worker in Mandera in terms of knowledge, equipment and remuneration. Right now, community health workers are paid differently using different commodities. Some are given bicycles, some Kshs.5,000, some Kshs.2,000, and some are not paid at all. That scares, yet this is an important workforce in the health care delivery system.

If we equip, motivate and reward these community health workers under a council that can organise them, then the gap in the human resource for health care will reduce. The advance cases that progress because of missed cases or mismanaged conditions and the referrals to our tertiary care system at level six will drastically reduce. The tertiary care system will be dealing with specialised cases, which is what they are supposed to do when the primary health care system is strong. I want to thank those who have contributed to this Bill. In the next stage, there will be some amendments. That will be good so that community health workers are identified, selected and trained. They will live and serve in the communities they live in.

I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Ndhiwa, you have done well. I direct that the next necessary steps in regard to that business to be undertaken when it will be set down on the Order Paper again. I direct that we move to the next business on the Order Paper.

BILLS

Second Readings

THE POVERTY ERADICATION AUTHORITY BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. John Waluke. He is not in the Chamber. So the Bill is dropped.

(Bill dropped)

I direct that we move to the next business.

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Patrick Wainaina, Member for Thika. He is not in the Chamber. I direct that that business is dropped and suffers the fate that the Speaker directed that such Bills will suffer.

(Bill dropped)

Next business.

THE SEXUAL OFFENCES (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gathoni Wamuchomba, Member for Kiambu. She is not in the House. That Bill suffers the same fate and it is dropped.

(Bill dropped)

Next business.

THE INSURANCE PROFESSIONALS REGISTRATION BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Benjamin Washiali. He is not in the House. That Bill is dropped.

(Bill dropped)

Next business.

THE HEALTH (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Alice Wahome, Member for Kandara. She is not in the House. That Bill is dropped and suffers the same fate and moves to the bottom of the pie.

(Bill dropped)

Next business.

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gideon Keter, Nominated Member. He is not in the House. This Bill also suffers the same fate and moves to the bottom of the pie.

(Bill dropped)

Next business.

THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Joshua Kimilu, Member for Kaiti. He is not in the House. The Bill suffers the same fate. The Bill is dropped.

(Bill dropped)

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): What is out of order, Hon. Odhiambo?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Following this trend, I want to urge the House Business Committee to study Members who are always in the House. I am here and I have two Bills, yet we are dropping Bills; I would have moved mine. From the way we are doing, we probably are going to run into headwinds. We will not have any business, yet there are Members who are serious to do business. Some of us know when to go into the tracks and when to be in the House. So, we should not give priority to the Members who are busy in the tracks to campaign, yet for us here, we are serious to transact business in the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Millie. That is noted. Next business.

THE BIRTH AND DEATH REGISTRATION (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Martha Wangari, Member for Gilgil. She is not in the House. The Bill is dropped.

(Bill dropped)

Next business.

THE PUBLIC PROCUREMENT AND
ASSET DISPOSAL (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Richard Tong’i. He is not in the House. The Bill is dropped.

(Bill dropped)

The Hon. Mohamed Sheikh, Member for Wajir South.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, Hon. Temporary Deputy Speaker. It would have been important for the House Business Committee to consider Bills that have been waiting to be brought to the Floor of the House for over a year now. Some of those Bills have just been left reluctantly, yet at this particular time, the sponsors of the Bills that are being read out are not in the House. Some of the Bills are just rotting on the shelves, being prepared to arrive on the Floor. So, there is a lethargy that is happening. We want to see our Bills. My Bill on Auditor-General is yet to come here, and it was Read the First Time in 2020. I have been chasing it and yet it has been slowed down. The Committee passed it and I do not see it here. So, some of these Bills need to be fast tracked.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Sheikh. That is noted. Next Order.

THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Danson Mwakuwona. He is not in the House. The Bill is dropped.

(Bill dropped)

Next business.

THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sakwa Bunyasi. This is a very diligent Member of this House. I know he has been very passionate about this particular matter. He has an opportunity now to move the Bill.

Hon. Sakwa Bunyasi (Nambale, ANC): Indeed, Hon. Temporary Deputy Speaker. I must say that despite all that passion and preparedness, it is a surprise that the Bill has come up for debate now, thanks to the unfortunate absence of Members whose Bills were ahead of mine. I had not even carried my notes. But I have the opportunity now; let me go ahead and move the Bill.

This Bill has been with us for quite a long time, but be that as it may, the intention of the Public Debt Management Authority Bill is to create an institutional framework that will manage

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the debt chain. That is from the time debt is created when there is a shortfall between revenue and expenditure, and you have to borrow to bridge the gap. To deal with the debt chain effectively, you have to first deal with the expenditure, because you have greater control over it than you have over revenue. To manage the expenditure, you have to choose carefully what enters into the expenditure basket. You must choose carefully among the projects that enter the pipeline at that time. Therefore, the Bill seeks to create an institutional framework where we shall formalise, once again as we used to do long ago, the criteria for admission of projects in our pipeline.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sakwa, go on record that you wish the Bill to be read a Second Time.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the Public Debt Management Authority Bill (National Assembly Bill No.36) of 2020 be read a Second Time.

I will now begin to highlight what is in the Bill. The Bill is quite comprehensive and we have taken a lot of time on it.

As I was saying, we are in a tight situation now with debt. And this debt is created over time when there is disparity between expenditures and revenues. Our debt has risen to a point where the proportion of debt to Gross Domestic Product (GDP) is nearly 100 per cent. We do not know what the latest figures are going to be. Officially, I am told that our total debt, both local and foreign, is Kshs.8.8 trillion. But that excludes pending bills, which are debts to be paid. It does not also include contingent liabilities. If you add those, we are probably above the ceiling of Ksh9 trillion. Even if you took the official figure of Kshs.8.8 trillion that the Treasury is using *vis-à-vis* the GDP of Ksh11 trillion, it is a bit more than 80 per cent. If you add pending bills and contingent liabilities, which are liabilities incurred by institutions that are para-government like parastatals and so on, the debt level exceeds GDP. What does that mean? There are some countries around the world whose debts exceed their GDP, but they are special ones. Countries like the United States of America have most of their debt designated in dollars. So their monetary policy can take care of their debt obligations by the way they expand the creation of the dollar. Debt service, for them, is even lighter because there is no aspect of their activities that is not taxed. Their revenue collection rates are better. The export component of the economy is significant. For example, the export component of Japan's economy exceeds the GDP; it is almost twice the GDP. Such countries are, therefore, able to service their debts in so many ways.

In Kenya, as of December, the figures were that for every Ksh100 collected in revenue, about Ksh74 goes into debt repayment. That does not include the broad definition of debt. Contingent liabilities can one day become real debt. Pending bills must be paid. Therefore, if you consider that about Kshs.90 of every Kshs.100 collected goes towards debt payment, what does that mean? We leave a very narrow window to finance all other expenses that we need to finance.

First, I want the House to appreciate how debt occurs. It occurs simply because of a shortfall in revenue versus expenditure. Revenues are mostly through taxation, although we can get grants and other forms of inflows that count towards revenue. But the principal source of revenue that we expect to finance development comes from taxation. There is a limit to how much you can tax. So, you cannot begin fiddling with revenue before you have looked at your expenditure. Therefore, apart from recurrent expenditure that comes from salaries and other operating expenditures, the development component of the expenditure depends on how you choose the projects that enter the pipeline. Something I have been concerned about is that if you begin talking about rationalising the debt chain, you are trying to block some projects. No, we are trying to ensure that there is a relationship between the kind of expenditure and the kind of

financing that you get for it. First and foremost, do not accept projects to come into the pipeline whose returns are low, if the rate of return is a relevant measure to use. It is not always about the economic and financial aspects that people worry about; it is also the social aspects. A project must also have some social benefit to the society over time, so that you put into the pipeline projects whose returns will exceed their costs. If it is a borrowed facility, their return should increase the cost of borrowing. If it is a facility with a certain social benefit, it should benefit people more than it would inconvenience them. It should ease their passage through life. For example, improved healthcare must improve, in one way or another, the death rate. So, you measure that by the extent to which the society is going to gain when life expectancy is increased, economic activity is enhanced and the returns, therefore, are higher. The Bill asks us to look at the debt chain right from the beginning.

You can also look alongside it the revenue side. How well is revenue collected? You will get a few surprises in this country. For example, in 2020, the year when COVID-19 hit us and when the country was most worried about the performance of the economy, it looks like the revenue collection was at its peak. It was better than it had been the year before, and it continues to perform better. It still surprises me how that happens. Be that as it may, it shows that we had been understating the revenue levels, and because of the pressure of a contracting economy, we were then forced to declare more of it. Or maybe something else happened in terms of efficiency of the tax authority to collect, not just relatively more than the year before, but absolutely higher than the year before. You can look at the revenue side and see how you can improve efficiency. But the most practical way in which governments do it – and this House is part of it – is when you raise taxes. Remember the debate we had last year when there was a tax rebellion; that the taxes were too high and the economy was not performing. There was a lot of pressure on households and life was becoming unlivable. I am glad that the Government did listen and began to look at it again. We looked at petroleum prices more recently. There are many other dimensions to it. Revenue has potential, but it also has its own limitations.

The truth of the matter is that over time, our expenditures have exceeded our revenues and we have had to borrow. This House has been part of the process every time. The reason is that when we pass the Budget with deficits, we rarely stop to look at the deficit as an issue. We raise it in our deliberations, it is pointed out, but we normally move on. The only time the country has focused on deficit is when external agencies like the International Monetary Fund (IMF) insist that we have to control the level of deficit over time. Otherwise, we have been somewhat relaxed about it. We pass the Budget and let the Finance Bill say what it has in terms of tax revenue. We however, know that they still will not raise sufficient revenues to cover the expenditure of the Budget, which has turned out to be big. The higher debt and payment you have to make, the greater the sacrifice you must make in financing essential services.

For example, we have health services and unemployment as big crisis at the moment. Therefore, the capacity of Government to provide support to the unemployed, to provide schemes that are going to be labour utilising in order to ease off burden that people have got; and the capacity of Government, for example in the COVID-19 days, to provide COVID-19 relief programmes that would largely offset the deleterious effects is limited because you do not have the resources. Each time, you wait for donors to give grants and so on and you put yourself on the *Fuliza* mode, which constricts how much you can do and spend. Indeed, you get to that level like ours where the country is essentially, on the *Fuliza* mode.

We have tried to work out this over time. We are suggesting that the planning part be incorporated fully in a chain that is of a higher value; the borrowing part be such that there is full

disclosure to this House which, under the law, is what it should do. It must not be partial but all aspects of it. Some loans have aspects that are Government to Government, while others have commercial components. I have learned that there are technical arguments which are being used on why the commercial bit is entirely not a matter for Government to worry about. But they are all obligations that are implicitly guaranteed and, therefore, become part of the sovereign responsibilities for making sure that the said obligations are made.

I assure this House that if you have purely commercial arrangement, for which those commercial entities have any public component and you do not pay, there are ways in which they can begin to constrict your ability to reach out to the international community to get any additional resources. They push it towards the cash and carry corner, which most Governments are uncomfortable being into. A nation therefore, is obliged to meet its external obligations; it does not matter the nature.

One of the components of the Bill is to say that there would be full disclosure to the House. I appeal to the House that in getting that full disclosure, careful scrutiny must be done. This is because once it passes, we cannot simply blame Government for borrowing. By law, we are gatekeepers, and we could do that. If we had done that, it is possible that some of the obligations would not have been incurred. But we do not get that full disclosure. So part of the proposals in the Bill is that there will be full disclosure before obligations are finally incurred.

There is a level to which Government must proceed to discuss and be sure there are facilities coming, have an idea of its boundaries, interest rates, repayment period and any other obligation that might be. On that bit, the Government and The National Treasury must be allowed to do. At the initial stages, the drafters can come to some understanding, but you must get Parliamentary approval before it is finally done. If you can come here after it is done, you cannot undo it. We, therefore, give authority back to the House that that be done and that presentation of the debt situation be done explicitly so that there is a focus on it, and not as a technical paper that is laid on the Table and we simply note it and move on, because it puts us in a bad place.

How do we do this? The Bill is proposing to set up an authority whose membership will come from senior levels of people who understand public finance. The proposal that was disputed a bit in the discussions was proposing that the Chairman be proposed by Parliament and appointed by the President.

How do we finance these new institutions? People are concerned about new situations at a time when they are trying to reduce the public wage bill and so on. We have looked at it carefully, and as it stands now, the way to pay the domestic debt for example, the way monies are raised to create and finance debt is through an intermediation by Central Bank of Kenya on an agency basis. This means that the Central Bank of Kenya issues pay for the market on behalf of The National Treasury. It is not part of the work of the Central Bank of Kenya, but it was the best agency to do so under the circumstances. They will charge 1.5 per cent of what they raised up to a maximum of Ksh3 billion. The costings by The National Treasury on what the authority will cost once it is in full swing, will be about Kshs1.5 billion a year. So, in effect, it will not exceed the current charge that has been put up for those activities by the CBK. In fact, there would be some net amount that The National Treasury would remain with which can then be spread around to finance additional activities. So, the cost of the authority is not a major consideration. What is also needed is to formalise the capacity in the debt office in The National Treasury to give them autonomy to analyse and keep accurate records on what the debt is. The debt figures come out differently depending on what purpose they are being brought out for. So, there is a problem there.

Secondly and more importantly, there is a very poor link between what the macro-economic divisions of The National Treasury do – those people who give us these long term projections and decide for us that the maximum you can do in debt, is pay in budget size approximately, Kshs3.6 trillion as we had last year, or the lower figure of Kshs3.3 trillion that we might have this year. This is not properly incorporated in the macro-economic framework. These decisions become administrative. What has happened is that the macro-economic framework has to be developed around that. That is why negotiations with institutions like IMF become quite stiff, because they do not have the kind of pressure that our domestic departments have in The National Treasury.

This authority will stand out a little bit and begin to advise the Government on what optimal level of debt it can carry. It is not going to stop borrowing; borrowing will always be there, but should be sustainable borrowing. This means that if you have a project that would take 10 to 15 years, for example, which happens in public sectors, before benefits can flow or for any other period that you have, you must borrow against it in a way that would be paid when the benefit streams flow. Because of the pressure particularly or our emphasis on infrastructure development which is capital intensive, and the need to get money in good time to do it, we sometimes have incurred debt and have had repayments over periods that do not relate to the benefit flow of the project. You now have to raise money from other sources increasingly to finance it in the expectation that, in the long run when benefits come on stream, they will pay. The optimum way of doing is that yes, we can incur debt, but the repayment must relate to the benefit stream of the project. If a 15-year project comes to full maturity, payments must begin to rise to the maximum levels when the benefit stream is already coming into the economy.

We have had challenges around the Eurobonds and so on. There is nothing wrong with borrowing money from Eurobond or any other source, for that matter. However, there are basic accounting challenges that we had. We had doubts on how much money had been incurred and processed in accordance with the Public Finance Management Act, which requires that all funds first come to the country, go into the Consolidated Fund, and from there you service this debt. You cannot service it from abroad and that has management and transparency issues on some of our loans. Apparently, some have not even been resolved. We want to clean up that and make sure it conforms to the law fully so that we do not have any of the doubts we talked about.

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

*[The Temporary Deputy Speaker
(Hon. (Christopher Omulele) took the Chair]*

Furthermore, we get to a point where we have an agency of Government that is semi-autonomous, but the way it operates on a day to day basis, it is able to make judgments, conclusions and analysis that are not going to be edited, managed or approved by the Cabinet Secretary, National Treasury. He will simply receive the recommendations, for example, on what should be the maximum debt.

Hon. Temporary Deputy Speaker, the economy can only do so much. That judgement can only be done after an independent person looks at the projected performance of the economy and then say that the size of the budgets that we can have in the medium-term or in the next three years should not exceed a certain level. I know we get the medium-term debt strategy. If you ask Members in this House, they do not know that it is there except those who sit in the Budget and

Appropriations Committee who glance at it. It is attached in the budget. However, it is not the focus of discussion. You find immediately that the size of the budget that you are looking at has exceeded the Budget Policy Statement (BPS) ceiling that had been proposed. You are told that it is just a BPS which can be adjusted. This can be done. However, it is not simply to make it look like it is justifying the budget size.

If you look at the medium-term framework, you find that the budget numbers do not relate to what was expected. The mechanisms that we have set up to manage debt are then easily ignored almost immediately. We are trying to establish the authoritative process where these mechanisms are respected. A good economy is the best gift you can give to the weak in the society. Inflation is managed and resources go to where they are intended, for example, to the poor and marginalised regions. They are released in accordance with what is supposed to be done. Health services work. Water supply is done which means that the resources that we earn go to priority areas. We need roads. We must have them. However, we need to decide on the major infrastructure, where to set it up and the kind of benefits it will have. Above all, we should ensure that debt repayment from those kinds of investments is met by the benefits that are projected. These benefits can be calculated. If we do not do that, then we run into the kind of problems that we have now.

This Bill says that we should first account for our debt properly. Let us rationalise what debt we get and when on the basis of the benefits that can accrue to the investment we are doing. I went to the Departmental Committee on Finance and National Planning one time and a colleague asked me whether I wanted to pass this Bill so that Kshs63 billion dam project that is in his area would not be incurred. On the contrary, it means looking at the Kshs63 billion investment that is proposed which is a very major one. It would have an intergenerational impact now and in future. When you want to borrow funds, you must look for those that are long-term, so that as that project matures and it is paid for, the economy gets the benefits for which it was set up. You cannot close your eyes and say that this is our turn to get the project. Therefore, we shall get it, but it is not linked to the benefits that we shall get. You need to get a good feasibility study to not only establish the cost and benefits, but also to look at the social consequences. When these kinds of parameters are required, applied and they meet the middle threshold, those projects can enter into the pipeline. There is nothing very technical about that.

We were promised each budget cycle because the Cabinet Secretary for the National Treasury is under pressure to make sure that it passes. He promised that he would re-negotiate the debt. When they moved the borrowing ceiling from Kshs7.2 trillion to Kshs9 trillion, the argument was that the additional funds would provide the headroom for the National Treasury to negotiate with donors on debt rationalisation. Some of that has been done, but it is not adequate. We need to get to a point where our long-term debt is as low cost as we can get it on the market. There are debts that are very high and commercial. We must find ways in which we can dilute that amount by getting cheaper debts on the market, so that the average cost of borrowing is much lower and consistent with the level of our economy which is still struggling.

We are no longer among the least poor countries. You remember our economy was rebased. It was calculated on a different basis. We are a middle-income country or in the lower spectrum of middle-income countries. So, we do not get all the benefits on the market that go to the ultra-poor countries. Lowering our cost of debt, therefore, becomes one way in which we ease off the burden of taxation on our people. You get scary figures that for every Kenyan, including a child who is born now, the debt is about Kshs138,000. Maybe, it is even Kshs140,000. For people whose average income is merely US\$1,000 a year, that averages out the billionaires against those who have nothing. Those are averages which do not tell us very much. They show that the obligations

that we impose on ourselves and all the people affect the ultra-poor, but not the rich. The burden that we place on the society is very heavy. We want to ease off that, so that part of that debt is moved into future generations. They will also benefit from the good projects that we will agree to as we invest.

There are many technical details in it. We have considered taking all the provisions in the Public Finance Management (PFM) Act and expanded them. The PFM Act has three major paragraphs. We have a stand-alone Bill that will not take away all the aspects pertaining to debt that we incur and debt management. It will still make reference to provisions in the PFM Act, in terms of the need for good principles. However, this Bill will lay out in much greater detail what these principles, processes and reporting mechanisms should be. We want this mechanism to be reported in a way that the House can appreciate fully through explanation and clear documentation. If this happens, the *mwananchi* will also follow. People follow our discussions more than ever before. We must be conscious of what we get into and what it implies for them. If we do not do that, it comes out as a surprise and then we get the low level of resistance of the type that we get.

Hon. Temporary Deputy Speaker, I want to conclude my presentation. My prayer to the House is that they have a chance to look at this Bill again. It has been a while. Despite the fact that it has been on the Order paper, I do not think Members had a chance to look through it. When it comes up for debate, I urge the Members to think about the implications of releasing the amount of debt to enable this economy to invest in areas that have short-term yields and provide money in people's pockets, in addition to the physical infrastructure that we are doing. Despite the beauty of the infrastructure that we are doing, the frustration of Kenyans is that it does not lead to incomes for them neither now nor in the short-term. However, they will benefit in the long-term. Nairobi City shall function in a better way. The country will function in a better way because of the highways that are being built in different parts. Remember that people live today and they cannot take their children to school.

It reminds me of what happened in a school called Letimong in Teso South Constituency in Busia County. A nursery child who was six or seven years old was sent home to bring a Kshs 100. While he was crossing the road from the school, which is along the road, he was knocked to death. We are supposed to have free education. Why should such a kid be sent home? Part of the reason the money is being charged to the children is that there are deficits which schools consider legitimate, but the Government cannot meet. The major reason is that it is being squeezed increasingly because of debt service. This is the time to not only be impressed by the big infrastructure projects, but also to ask about the ability of this economy to get jobs and income today. What is the distribution of those opportunities across the country and different demographic groups of the people? That is how you manage an economy. It is a delicate balance. You cannot say that you cannot do infrastructure. You must do infrastructure because you will be caught flat footed tomorrow. That balance is extremely important. This Public Debt Management Authority will be one way which we will do that.

Finally, I urge the House that as we look at debt, we should know that it has three components. One component is the external debt, which is derived from borrowing. That is why we sometimes look at bilateral relations with countries like China and others and say they are the enemy or the culprit. That is not the culprit. We are the culprits ourselves. We have to look at it. We can manage it from our end. We can do it better from our end. The amount of debt we incur out there is important. It can be analysed by way of what risks it produces.

As I conclude, there is another component which is the amount we borrow domestically. We raise this money in the domestic market. If you borrow too much, the private sector has no

money. That also must be managed. The third one are pending bills. We do not pay our bills because this is the big brother. You can refuse to pay and it will take a while before anybody can take you to court. That is also debt and it is very huge, indeed. In fact, this domestic part or pending...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sakwa Bunyasi, I will allow you two minutes to wind up.

Hon. Sakwa Bunyasi (Nambale, ANC): The amount that we are incurring domestically and refusing to pay and ignoring stubbornly is running into trillions. It is probably Kshs1.8 trillion. I do not have the latest figure. If we add that alone to the official figure of the amount of public debt we have, which they are saying is Kshs200 billion below the Kshs9 trillion, we are already beyond Kshs11 trillion and beyond the GDP figures that we have and we just do not include it in our numbers. When you say it is Kshs8.8 trillion, they do not include the pending bills, which are really domestic debt that we have forcefully borrowed by not paying.

So, here is a chance for us to help the Government to streamline and clean up so that we, as Parliament, are part of it. Remember we, as Parliament, have been part of the problem because we have approved without clear focus of those deficits partly because the projects that benefit us in our regions or not or for any other reason are included. However, it is time for us to say how much we can manage. It is the same problem we have with the private household debt in this country. That is not the subject of this discussion, but soon or later, somebody should come up with the way we can control that. What happens when you are unable to borrow or have *fulizad* on 10 lines or borrowed from every relative and then you have a sick person or a child who in school? Where are you going to get it from? You sell land or your assets and you become poorer over time. That is the same thing. The Government can mortgage these assets or its freedom as a sovereign nation because it must comply and it must then be very obedient to the providers. If you are not, they can squeeze the tap. There are real costs involved in this and I really think this Public Debt Management Authority Bill is one opportunity for this nation to redeem itself for us to urge the Government with the powers we have to look at it once more. Thank you very much, Hon. Temporary Deputy Speaker. I beg to move.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Bunyasi, who is seconding? Hon. Dawood.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to second this Bill by Hon. Sakwa Bunyasi, our next governor for Busia. The Public Debt Management Authority Bill, which Hon. Sakwa has brought, will bring in a very important Authority. As has been alluded by the Member, this country suffers from a debt crisis. Many times, we have been told that our debt has not reached the limit.

Hon. Temporary Deputy Speaker, in the last term of Parliament, I do not remember if you were in the Departmental Committee on Finance and National Parliament from the start, that is, 2013, but I remember Hon. Sakwa in that Committee, the debt in 2013 was at Kshs1.8 trillion. At that time, the Treasury brought a request to increase the debt by Kshs600 billion to make it Kshs2.4 trillion. Unfortunately, during that time, the Committee, in its wisdom, agreed to increase the debt by an extra Kshs1.2 trillion instead of the Kshs600 that was to be increased on the debt. That pushed up our debt ceiling to about Kshs3 trillion. Along the way, as time went on, the Treasury thought it was not the right way to go about it and the debt started increasing. Then they said we need to peg it to the GDP. I think that was the biggest mistake we did because as soon as we started to peg our debt to the GDP, the GDP was rebased and our GDP figure was taken to Kshs9 trillion.

We were then told that if it is Kshs9 trillion, then we can even go to a debt of up to 50 per cent of the GDP.

I believe it was in 2020 when we were asked to increase the debt ceiling to Kshs9 trillion. At that time when we were told that, the debt was less. I was in that Committee and I believe even you, Hon. Temporary Deputy Chairman, was in that Committee. Many Members did not agree with that increase in debt. Even at that time, we put the CS for the National Treasury on the spot to give us the true level of debt and he told us we were at Kshs7 trillion and we will reach the Kshs9 trillion figure in 2023 or 2024. I am afraid right now as we are speaking, if all the debt is brought on board, we have exceeded Kshs9 trillion which has been passed by this Parliament. Hon. Sakwa has proposed a deletion of Section 58 of the Central Bank Act which says that the CS would approve any external borrowing by the county governments. I want him to think about it and maybe in the Committee of the whole House, we do some changes to his Bill. I think it is number 44 in his Bill where he has proposed that county governments should be allowed to borrow and there would be securities by the county governments. However, I do not know what securities county governments will give if they borrow yet they have not even paid pending bills.

We need to have this Authority and all borrowing should be done through it so that we do not over borrow because we say that we have not reached the ceiling and countries like Japan have 300 per cent in deficit including other countries like the UK and USA. It is true, but they have a way of getting the revenues and the revenue streams are good. However, we are not borrowing at the same interest rate as them because they borrow at an interest rate of 1 or 0.5 per cent and a maximum of 2 per cent. However, Kenya borrows at the rate of 10 to 12 per cent. If you go to the National Treasury bonds, they have a face value of 12 to 13 per cent. So, in the absence of this Authority, the borrowing is going to go haywire and we need to borrow. Like Hon. Sakwa has said, we need to borrow for productive sectors of the economy. His Excellency the President, about three or four years back, said that Kshs2 billion is stolen every day in this country. We need to ensure that the money we borrow is not stolen. That is the main part because if we are going to borrow money for it to be stolen, then, there will be no point in borrowing.

Let us put it to productive sectors of our economy, so that once that economy builds up, we will have money, people will pay taxes and we can build our economy. The result is that we will not keep on borrowing yet we do not know how we are going to pay off. Very soon, we are going to debate this in the next budget. The Kshs1 trillion is going to pay debts and interests. Interest payments is so much that we cannot afford to do any development. So, we need to have a structured way of paying off our debts and how we are going to borrow. Once we have this Authority, the Cabinet Secretary will stick to this Authority and bring any new debts on the Exchequer for approval by Parliament. It will not just be for cosmetic purposes that the Policy Statement is brought and changes are made to the debt ceilings.

I want to congratulate Hon. Sakwa. I do not know if we will have time to finish it. I hope His Excellency the President Uhuru Kenyatta will sign this into law and establish this Authority within the short time which is remaining. I hope we can get it. However, we should stop over borrowing. This country cannot afford all the debts we have at the moment. The current debts need to be spaced out to a repayment period of about 50 years, so that at least, we will have money for development.

Thank you, Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): The first Member to have a go at this will be Hon. Luyai Amisi, Member for Saboti.

Hon. Caleb Amisi (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. I do agree with Hon. Sakwa that our debt in this country needs to be managed. We have borrowed so much that it needs to be aligned to the overall economic growth.

However, I am reluctant to support the Bill because from the memorandum of objects, the principle object of the Bill is to establish a Public Debt Management Authority as an independent body to manage public debt in the country at both levels of Government. There exists public debt management. We are making another body with the word independence. Independence in this country just exists on paper. It does not result to value addition to our problems. Just by making a body independent, even Parliament is independent, but in reality, it does not perform its duty independently. The country's debt is rising at an alarming level. We all agree with that. We are just transferring the functions of the public debt management office to an Authority. Authorities in this country have become hard to be implemented and carry out the functions independently. We have passed Bills to establish several authorities before. Later on, we repealed and abolished the same bodies because their functioning becomes their difficulty. It is not an Authority that is going to lower our debts. It is not an authority that is going to manage our debts, but it is the prudence of the Government and the change in the habits and the culture of the country in terms of graft and corruption. It is not bad to borrow, but what do we do with the money that we have borrowed? That is the question and it cannot be solved by an Authority. The Government should apply prudence in utilisation of resources. That question of corruption and graft cannot be solved by simply establishing an Authority.

The functions of this Authority are basically the functions of the National Treasury, the Cabinet Secretary in charge of the National Treasury, combined with the functions of the Central Bank of Kenya. Seconding of the CS in charge of the Treasury and the Central Bank Governor to this Authority is simply transferring functions from one body to another. Are we going to solve our debt crisis by establishing an Authority? That is the million-dollar question. We are not going to solve debt crisis through this, but we are only going to solve it by looking at how prudently we utilise our resources. In fact, we needed to enhance the already existing public debt management office. We need to look at the laws, the Acts that guide it, the loopholes and the lacuna that exists. That is where we need to fix the problem. If it is a matter of corruption, you are transferring the same corrupt officials to that Authority. It is not going to function out of the blues, but it is the same officers, the same office transferring to a body that you are calling an Authority. We will also be allowing county government to start borrowing. Are you trying to solve by limiting the borrowing culture? You are still transferring and devolving the borrowing culture to the county level, giving more leeway to county governments to borrow. Something that you are trying to solve, you are still devolving it to the county level. Do the counties have the capacity, the security or even the collateral upon which they can get external loans? The establishment of the county levels are still at a tender age. The workings, and the environment of counties are still at the tender age. Are they mature enough to start making agreements, be it external or internal? As good as the intention of Hon. Sakwa is, I do not believe the establishment of an Authority is the cure to our debt crisis.

I, therefore, oppose.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oduol Adhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I would like to support the Public Debt Management Authority Bill

and, indeed, thank Hon. Bunyasi for providing what we can see as timely and necessary intervention.

By listening to Hon. Bunyasi and looking at the core concerns that are addressed, one thing that comes to my mind is the manner in which we have failed to translate very good intentions and policies into desired results. There is the absence of a framework that would deal with a particular issue that ails us. I know Hon. Amisi had indicated that there is no need of having an Authority replacing the public debt management office. Would this be a way to solve the problem? From my perspective, the key issue that we lack is the clear framework on institutions that enables us to deal with a matter of concern.

Looking at the proposed Bill, let us examine the key challenge that we have, that is, debt management. Whereas we have a public debt management office, we do not provide room for full disclosure that would allow the legislature to rise to the occasion and do the kind of work that is called for. We are at a point in time in our country where we must acknowledge that despite having offices that exist, including key offices like those of the Cabinet Secretary for the National Treasury, we still have a very key problem at hand. It is clear that the current arrangement in terms of providing the necessary checks and balances as we look at the expenditure, the revenue that we seek to get through taxation clearly impact on the life of those we represent. As we seek to look for regulations, we can provide a way that would help the people we represent all over Kenya who continually seem to be ones that bear the burden every time we look at their revenue through taxation, not taking by the horns where the problem lies.

I agree that as much we could question the performance of authorities in the past and see that sometimes the authorities have not performed as expected, when we see the manner in which the very institutions that are charged and individuals that have responsibility express a sense of helplessness as we continue to look at the way debt management is not handled.

The very institutions such as ourselves, Parliament and individuals, that are clearly assigned this responsibility seem unable to make progress. I would like to see the only course and what we would need to do because we have the role of representation. We also, every time, look at the problems that our people face and do what we are expected to examine the arrangement, examine the framework and examine absence of framework therein and deal with it.

I support this Bill from the perspective where in my understanding, based on how the current situation obtains where we do not have a clear framework that would in a way contain, guide and hold to account the borrowing that is done by the National Treasury. It is clear that this borrowing is only international, but also domestic. We are very clear that we are all helpless when we look at the pending bills. As a matter of fact, my experience in committee meetings, every time we look to address the budget, it appears there is a sense in which the Executive, ministries, departments and agencies that come as well as the committee Members have come to look at the situation of pending bills as one in which not much can be done.

I support this Bill. There is really need for us to have a clear hold on debt. We must borrow, but there must be full disclosure of the borrowing. We want to ensure that there is a clear indication of the benefits of what we borrow. We want to also go back to the point where we make institutions work and where we ensure that frameworks that enable institutions to hold onto the need of the people can indeed get desired results. Looking at this Bill and in particular at the situation we are in; looking at the relationship between expenditure and returns and looking at the helplessness that comes from the very institutions of the arms of the Government; the Legislature, that should stand to hold to account and ensure that we do not have runaway borrowing, I would want to see that we

are able, to the extent we can, and if there are amendments, we bring them. This is a timely Bill addressing a very key concern. Therefore, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, considering the kind of outcry we face out there often in regard to public debt and the role of Parliament in it, this is one of those interventions by Hon. Bunyasi that would have attracted a lot of attention and debate from Members in this House. This is the kind of Bill that is in this House and I would have been happy if the House were full and there was agitation on this Floor to wrestle on this one. But I am worried because this is the real core of this House; budgeting and holding the purse, as it were, in this country. This is the core and Hon. Bunyasi has given this House an opportunity.

Hon. Odhiambo, the Member for Suba North, prepare. You will have to prepare. We must debate this on a serious note even as I give Hon. Muli Fabian, Member for Kangundo, an opportunity. This is not one I would like to end at this point. Members must seriously take this one and debate.

Hon. Fabian, proceed.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): There is nothing out of order, Wanyonyi. Let Hon. Fabian proceed.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice to this important Bill.

As you know, where we come, it is true the Constitution has given us room to examine authorities but we cannot run away when we get a good Authority. We have many authorities which are not working, which are not established and not enacted by the Government. This House is mandated under Article 95 to legislate and make laws which are better for this country. Public debt in this country is a room that was given by Vision 2030 because our budget has a lot of deficits. That is why we ended up following the United Nations Charters on borrowing foreign or domestic.

I would also like to thank Hon. Sakwa for coming with this Bill. It is high time we manage our debts. Whatever system will be used to manage our debt is very important. That is why I rise to support the establishment of this Authority and support the Bill.

It is true that second world countries have grown to where they are because of borrowing. If we borrow sustainably and with good policy, our country will grow. But in this country, we do not know when we borrow, we do not know how we borrow and we do not know the constraining factors which made our country go for borrowing. So, having an Authority which we can ask, for example, if it is true that Kenya borrowed Kshs8 billion and what factors were considered. What were the reasons for borrowing the money? This is why we need an Authority where we can go ask. It is true many countries borrow, but do we just borrow without reasons? So, if we let only the National Treasury and Planning to be in charge, not many people can access it and understand the Authority dealing with it. But when we establish an independent Authority sitting somewhere, anybody can go there and enquire the amount that was borrowed, and the reason the money was borrowed.

We have the Big 4 Agenda for the country. We need to know how much money we borrowed for the buildings and how it was used. Given the suspense that we have from the ministry, we do not know how they borrow, when they borrow and how much money they got. It

is not only the foreign borrowing in this country that is funny, but even domestic borrowing is also funny. The public shareholding companies...

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Fabian, hold your horses. Hon. Wanyonyi, Member for Kwanza, what is out of order?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Given the importance of this particular debate, am I in order to ask you, as the chairing Speaker, to give us time to debate it today? It is an important Bill that we should discuss today. I can assure you that if we have more than 50 Members here, you will see what they can suggest on this Bill. I suggest, if you will allow, that we have this Bill prioritised for debate this afternoon, so that we can discuss it.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wanyonyi, I align myself with your concern. From where I seat, if this House were to debate this Bill and get to its root and understand what Hon. Bunyasi desires us to understand, we would have served Kenyans in this House. So, I agree with you. If it was entirely up to me, I would prioritise it. I will definitely put in my effort where possible so that this Bill receives the attention it deserves.

Having said that, Hon. Fabian, you were on your feet when Hon. Wanyonyi interrupted for a good course. However, we have been caught up by time. You will have a balance of eight minutes when this debate resumes. The balance of time for consideration of this Bill will be two hours, thirty minutes. Hon. Members, wherever you are, prepare by looking at the Bill so that you can debate it adequately from a point of information. That is our purpose here.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.