



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 124**

## THE HANSARD

Thursday, 7<sup>th</sup> December 2023

The House met at 2.30 p.m.

*[Hon. Deputy Speaker (Hon. Gladys Boss) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** I direct that the Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

I direct that the Bell be stopped. We can begin.

### COMMUNICATIONS FROM THE CHAIR

**Hon. Deputy Speaker:** Hon. Members, I have two Communications. So, we will go back to Order No.2.

#### CONSIDERATION OF THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL

The National Government Administration Laws (Amendment) Bill (National Assembly Bill No.73 of 2023) was read a First Time yesterday, Wednesday, 6<sup>th</sup> December 2023, during the Morning Sitting. Members will note that this is an omnibus Bill which seeks to amend the following four statutes –

1. The Assumption of Office of the President Act, 2012.
2. The National Security Council Act, 2012.
3. The Office of the Attorney-General Act, 2012.
4. The National Government Co-ordination Act, 2013.

I note that determining the appropriate committee of the House to which the Bill should be referred requires a careful examination of the purpose that it seeks to accomplish. From a reading of the memorandum, objects and reasons of the Bill, the proposals in the Bill seek to –

1. Include the Secretary to the National Security Council and the Principal Secretary responsible for Defence as members of the Assumption of Office of the President Committee and increase the nominees of the President-elect within the Committee from three to six members.
2. Introduce a National Security Advisor as the Secretary to the National Security Council and establishing a National Security Council Committee;
3. Replace the Attorney-General as the custodian of the public seal with the Head of Public Service.
4. Establish and delineate the functions of the Head of the Public Service and the offices of the Chief Administrative Secretary.

Hon. Members, a majority of the amendments in the Bill relate to the administration of Government. However, the changes that the Bill ultimately seeks to achieve relate to significant

constitutional and legal matters. In seeking to alter the role of governmental bodies and officials, the Bill affects the independence of the bodies and existing checks and balances within the Government. Any change proposed to the functions of entities such as the Assumption of Office of President Committee, the National Security Council, and the Office of the Auditor-General may infringe upon their constitutional and statutory mandates.

You are aware of the ongoing litigation on the constitutionality of the office of the Chief Administrative Secretaries (CAS). Whereas Parliament may consider a proposal to establish the position of CAS, knowledge of the pending court matter must inform any such consideration.

In my considered view, it is imperative for the committee of the House charged with overseeing constitutional affairs to thoroughly scrutinise the proposed amendments in the Bill and ensure they are in consonance with the Constitution and written law.

In this regard and pursuant to the provisions of Standing Order 127(1) I, therefore, refer the National Government Administration Laws (Amendment) Bill, 2023 to the Departmental Committee on Justice and Legal Affairs. The Committee is encouraged to facilitate public participation on the Bill in the usual manner during the recess period that is about to commence.

Where necessary, the Committee may sit jointly with the Departmental Committee on Administration and Internal Affairs to address specific matters in the Bill that require the input of their counterpart Committee. In its consideration of the Bill, the Departmental Committee on Justice and Legal Affairs should lend particular weight to the underlying legal issues in the proposals made by the Bill.

The House is accordingly guided. Thank you.

Hon. Members, before I go to the next Communication, I will give an opportunity to those who are upstanding to sit. Take the nearest seats.

#### SUSPENSION OF COMMITTEE SITTINGS DURING LONG RECESS

**Hon. Deputy Speaker:** Hon. Members, as notified in today's Order Paper, at the rise of this Sitting, the House is scheduled to proceed on its long recess from tomorrow, Friday, 8<sup>th</sup> December 2023, to Monday, 12<sup>th</sup> February 2024, in accordance with the approved Calendar of the House for the Second Session. This marks the conclusion of regular sittings of the Second Session of the 13<sup>th</sup> Parliament and the beginning of a well-deserved break.

During this Session, the House transacted various businesses, including consideration and approval of public finance related Motions, and consideration and passage of Bills. Some of them culminated in landmark legislations with far-reaching implications in the education, health, housing, labour and social welfare, among others, and effectively turning the economy around. The House also considered treaties, sessional papers, approval of appointments to state offices and undertook various inquiries.

The House also undertook its oversight role through Questions to Cabinet Secretaries, which continue to elicit great interest, not just in the House, but also from the general public. A more comprehensive report on the activities of the House will be made available in due course.

As an established practice and further recalling the resolution of the House on the Calendar for Regular Sittings on 15<sup>th</sup> February 2023, Committee Sittings will stand suspended from 18<sup>th</sup> December 2023 to 28<sup>th</sup> January 2024. In this regard, all Committees are required to suspend their sittings on the stated dates to allow Members to attend to their constituency duties and parliamentary staff to take their annual leave. Any Committee activities that may need to be conducted during the said period ought to obtain express permission from my Office, upon written request.

To safeguard business with statutory timelines from lapsing, the counting of days for such business shall cease and resume when the House returns for the Third Session on 13<sup>th</sup> February 2024. I hasten to remind Members that should need arise for the House to transact any urgent business, the House will be recalled pursuant to Standing Order 29.

I wish to thank the Leadership of the House, Members and staff for the diligence and commitment exhibited, which enabled the House to transact business, both in plenary and in Committees throughout the Session. Specifically, I wish to commend Members for their active participation which has seen the consideration and conclusion of key priority business by the House.

In conclusion, as you proceed to spend valuable time with your families and constituents during the long holiday season, I take this early opportunity to wish you all a happy festive season and a prosperous New Year, 2024.

Thank you.

*(Applause)*

## PETITION

### GAZETTEMENT OF KAYA FORESTS AS FOREST AREAS UNDER THE FOREST CONSERVATION MANAGEMENT ACT, 2016

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, I rise to present a public Petition regarding the gazettement of Kaya forests as forest areas under the Forest Conservation and Management Act of 2016.

I, the undersigned, on behalf of the residents of Kilifi North Constituency, draw the attention of the House to the following:

THAT, the Mijikenda community occupy separate forest sites spread over 200 kilometres mostly on low hills, ranging in size from 30 to 300 hectares along the coastal counties of Kwale, Mombasa and Kilifi containing the remains of more than 30 fortified villages known as Kayas;

THAT, Kayas were created during the 16<sup>th</sup> century but abandoned in the 1940s and are now regarded as abodes of ancestors which are respected as sacred sites maintained by the council of elders; inscribed as bearing unique testimony to a cultural tradition and for its direct link to a living tradition;

THAT, forests around Kayas have been nurtured by the Mijikenda community to protect the sacred graves and groves and are now almost the only remains of the once extensive coastal lowland forest;

THAT, Kayas provide focal points for Mijikenda religious beliefs and practices and are regarded as their ancestral homes. As such, they have metonymic significance to the Mijikenda and are a fundamental source of their sense of well-being in the world and of a place within the cultural landscape of contemporary Kenya; seen as a defining characteristic of Mijikenda identity;

THAT, since their abandonment as preferred places of settlement, Kayas have been transferred from the domestic aspect of the Mijikenda landscape to its spiritual sphere. As part of this process, certain restrictions were placed on access and the utilisation of natural forest resources;

THAT, as a direct consequence of the above, the biodiversity of Kayas and forests surrounding them had been sustained. However, Kayas are under threat both externally and from within Mijikenda society through the decline of traditional

knowledge and respect for practices. The integrity of Kayas relates to the intactness of their forest surroundings which have currently been compromised;

THAT, most Kayas have been under gazettelement of the National Museums of Kenya which emphasises on conservation and protection of heritage and cultural values but not conservation of the forest. Therefore, this explains the increase in degradation of forest resources and biodiversity;

THAT, the matter presented in this Petition is not pending before any tribunal, court of law or independent body.

Therefore, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Recommend to the relevant Ministry or State Government Department to identify Kaya forests areas along the coastal counties of Kwale, Mombasa and Kilifi for conservation purposes.
2. Recommend that Kaya forests be gazetted as forest areas under the Forest Conservation and Management Act, 2016.
3. Recommend that during gazettelement, management respects the needs of individual Kayas and to integrate the conservation of natural and cultural resources and traditional and non-traditional management practices.
4. Makes any other recommendation or actions it deems fit in addressing the plight of the Petitioners.

And your Petitioners will ever pray.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, before we go to the next Order, I want to bring to the attention of Members that there is now in circulation a Supplementary Order Paper, which has been approved by the Speaker.

Are there Members who want to comment on the Petition? I can see the Member for Malindi. You pulled out your card. Hon. Amina Mnyazi, do you want to comment on this?

**Hon. Amina Mnyazi** (Malindi, ODM): Asante sana, Mhe. Naibu Spika, kwa kunipatia nafasi hii ili niweze kuzungumzia uhifadhi wa Kaya yetu kama Wamijikenda.

Kwanza, ninamshukuru Mhe. Owen Baya, ambaye ni jirani yangu kule Kilifi North, kwa Ombi hili ambalo amewasilisha Bungeni. Ninamuunga mkono ili tuweze kuhifadhi makao yetu kama Wamijikenda. Huo ni tamaduni yetu Wamijikenda. Ni lazima tuhifadhi sehemu kama hizo ili ziwe funzo kwetu na kwa vizazi vijavyo.

Tuko na mila na tamaduni zetu kama Wamajikenda. Tukiziondoa, hatutakuwa na jambo lolote la kujivunia. Kwa hivyo, ninasimama kuliunga mkono Ombi hili. Ni lazima tuhifadhi Makaya na *culture* yetu kama Wamijikenda ili tuweze kusaidia vizazi vinavyokuja.

**Hon. Deputy Speaker:** Member for Nyaribari Masaba, Hon. Manduku. Hon. Members, if you are interested in... Hon. Kahindi Katana, Member for Kaloleni.

**Hon. Paul Katana** (Kaloleni, ODM): Asante, Mhe. Naibu Spika, kwa kunipatia nafasi hii. Kwanza, ninamshukuru ndugu yangu, Mhe. Owen Baya, kwa kuleta *Petition* hii katika Bunge letu.

Kaya ni sehemu moja ya desturi za Wamijikenda. Kaya ni sehemu ya msitu ambapo sisi Wamijikenda tunaenda kuomba kwa ajili ya mvua, afya njema, chakula, na amani katika taifa letu. Tunapaswa kuhifadhi misitu ya Kaya bila kuiharibu. Juzi kulikuwa na zoezi la kupanda miti nchini. Kaya hizi ni misitu mikubwa na inaweza kuhifadhiwa na kuongezwa. Ningependa tuzingatia unyakuliwaji wa baaadhi ya Kaya zetu. Manyumba ya kifahari yanajengwa huko, haswa sehemu za Kwale na Kilifi. Mambo kama haya yanaathiri utamaduni wetu kama Wamijikenda.

Kwa hivyo, ninaunga mkono Ombi hili. Tuendeleo kulinda misitu yetu. Pia, inapaswa itambulike na kuwekwa katika sheria kuwa ni hatia kuharibu misitu ya Kaya.

**Hon. Deputy Speaker:** We can move to the next Order.

### PAPERS

**Hon. Deputy Speaker:** Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. As I lay these Papers today, which are the last ones for this Session, I wish to thank all Members for their co-operation and wish them Merry Christmas and Happy New Year. Enjoy your recess. For those going to Rwanda like my friend, Hon. Opiyo Wandayi, please enjoy the beautiful things in Rwanda.

*(Laughter)*

Hon. Deputy Speaker, I beg to lay the following Papers ....

**Hon. Opiyo Wandayi** (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Wandayi? You should not have woken him.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Deputy Speaker, Hon. Baya is my friend, but it is wrong for him to insinuate that I am going to Rwanda for whatever reason. The public out there might misunderstand him.

**Hon. Owen Baya** (Kilifi North, UDA): I apologise unreservedly. Hon. Wandayi is not going to Rwanda.

Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. The Annual Report of the National Police Service Commission for the Financial Year 2022/2023.
2. The Annual Report of the Ethics and Anti-Corruption Commission for the Financial Year 2021/2022.
3. Reports of the Auditor-General and Financial Statements for Busia Port Victoria Household Sanitation Project Grant/Credit No. 02HS/LVWWD/Busia /054 – Busia Water and Sewerage Services Company Limited for the year ended 30<sup>th</sup> June 2021 and 2022 and the certificates therein.
4. Reports of the Auditor-General and Financial Statements on Increased Enjoyment of Human Rights and Fundamental Freedoms By All in Kenya Project Number: KEN 2062, KEN 19-0011, KNCHR – Kenya National Commission on Human Rights for the year ended 30<sup>th</sup> June 2022.
5. Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2023 and the certificates therein in respect of:
  - (a) Kenya Towns Sustainable Water Supply and Sanitation Programme CR. No. P-KE E00-011 (AFDB Loan No. 2000200000501) – Central Rift Valley Works Development Agency;
  - (b) Affordable Housing Finance Project (IDA Credit No. 8958-KE) – The National Treasury;
  - (c) Africa Centre of Excellence (ACE II) in Phytochemicals, Textiles and Renewable Energy (PTRE) Project (IDA Credit No.5798-KE) – Moi University;
  - (d) Power Transmission System Improvement Project Credit Number 2100150023652 – Kenya Electricity Transmission Company Limited;
  - (e) Multi-National Rural Livelihoods’ Adaptation to Climate Change in the Horn of Africa (ADB/ADF Grant No.5550155001201) - State Department for Crop Development;

- (f) Olkaria-Lessos-Kisumu Transmission Lines Construction Project (JICA Loan No. KE-P28) – Kenya Electricity Transmission Company Limited;
- (g) NEMA-GCF Readiness and Preparatory support: “NEMA capacity strengthening programme towards accessing Climate Finance from Green Climate Fund – Credit Number KEN – RS 003;
- (h) Vijana Vuka na Afya Youth Programme (Grant No.201367465) –State Department for Youth Affairs;
- (i) Upgrading of Gilgil Machinery Road Project – Kenya Rural Roads Authority;
- (j) Upgrading of Kibwezi-Mutomo-Kitui Road Project – Kenya National Highways Authority;
- (k) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA CR-5638) – Information and Communication Technology Authority;
- (l) Ethiopia - Kenya Electricity Highway Project (ADB Loan No. 2000200003502 – ID No: P-ZI-FAO-162) – Kenya Electricity Transmission Company Limited.
- (m) Kapchorwa–Suam–Kitale and Eldoret Bypass Roads Project (Kenya ID No. P-ZI-DBO-183–Kenya National Highways Authority;
- (n) Horn of Africa Gateway Development Project (IDA – P161305 Credit No.6768 KE) – Information and Communication Technology Authority;
- (o) Sirare Corridor Accessibility and Road Safety Improvement Project: Isebania-Kisii-Ahero (AI) Road Rehabilitation – Kenya National Highways Authority;
- (p) Support to Roads Sector Policy: 10th EDF Rural Roads Rehabilitation Project in Kenya (Agreement No. KE/FED/023/-571) – Kenya Rural Roads Authority;
- (q) Improvement of Drinking Water and Sanitation Systems in Mombasa: Mwache Project (AFD Credit Facility No. CKE 1103 01 C) – Coast Water Works Development Agency;
- (r) Nambale–Mjini–Mayenje Water Project Grant /Credit Number 08W/Busia/Busia /97;
- (s) State Department for Economic Planning;
- (t) Public Debt Management Support Project – ADB Grant Agreement No. 5500155013708 – The National Treasury;
- (u) Youth Empowerment Programme Grant/Credit No. B4210 – State Department for Youth Affairs;
- (v) Secondary Education Quality Improvement Project (IDA Credit No. 6138-KE) – Teachers Service Commission;
- (w) Independent Policing Oversight Authority;
- (x) National Humanitarian Fund;
- (y) SC Reporting Tool Kit Project;
- (z) Technical Assistance to Enhance the Capacity of the President’s Delivery Unit (ADB Grant No. 5500155012902) project – State Department for Internal Security and National Administration;
- (aa) Horn of Africa Gateway Development Project (IDA Credit No.6768) – Kenya Revenue Authority;

- (bb) Horn of Africa Gateway Development Project (IDA Credit No. 6768 KE) – National Transport and Safety Authority;
- (cc) Multi-National Kenyan Section of Interconnection Project of Electricity Grids of Nile Equatorial Lakes Countries (ADF Loan No. 2100150022643) – Kenya Electricity Transmission Company Limited;
- (dd) Kenya Livestock Commercialisation Project Loan Number 2000003565 and 2000003566 – State Department for Livestock Development;
- (ee) Eastern Africa Regional Transport, Trade and Development Facilitation Project CR No. 5638 – KE IDA – Kenya Revenue Authority;
- (ff) National Treasury Capacity Strengthening Project (Grant No. 5500155013902 ID No. P-KE-K00-011) – The National Treasury;
- (gg) Supporting Access to Finance and Enterprise Recovery Project (IDA No. 7018 – KE) – The National Treasury;
- (hh) Micro-Finance Sector Support Credit Project (Credit No. CKE 3004 01E and CKE 6010 01E) – The National Treasury;
- (ii) Multi-National Drought Resilience and Sustainable Livelihoods Programme in the Horn of Africa (ADF Loan No. 2100150028345) – State Department for Crop Development;
- (jj) Kenya Electricity Expansion Project (OFID CR. NO. 1487P) – Rural Electrification and Renewable Energy Corporation;
- (kk) Arusha–Namanga–Athi River Road Development Project No. P-ZI-DBO-040 – Kenya National Highways Authority;
- (ll) Improvement of Rural Roads and Market Infrastructure in Western Kenya Project Credit No. BMZ 2007-65 123 (KFW) – Kenya Rural Roads Authority;
- (mm) Financing Locally-Led Climate Action Program Credit No. IDA 6980; TF B6810-KE (P173065); Credit No. IDA 6980-KE; Grant Agreement No. TF0B6810; Loan Agreement BMZ – No. 2016 65 108/2018 65 138 – The National Treasury;
- (nn) Kenya Towns Sustainable Water Supply and Sanitation Programme (Loan No. 2000200000501) – Tana Water Works Development Agency;
- (oo) Build Resilience for Food and Nutrition Security in the Horn of Africa (BREFONS) Credit Number: 2100150042746 – State Department for Crop Development;
- (pp) Kenya Climate Smart Agriculture Project (IDA Credit No. 5945-KE) – State Department for Crop Development and Agricultural Research; and
- (qq) Aquaculture Business Development Programme (IFAD Loan NO.2000002052 and 2000002614) – State Department for Fisheries, Aquaculture and the Blue Economy.

Thank you, Hon. Deputy Speaker, I beg to lay. These are the longest Papers I have ever laid.

**Hon. Deputy Speaker:** You can now catch your breath. I now know why the Leader of the Majority Party asked you to do it. Next is the Chairman, Public Petitions Committee. Do you have a Paper to lay?

*(A Member spoke off the record)*



Okay, we will move to the one who is ready. The next one is the Chairman of the Departmental Committee on Labour, Hon. Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Labour on:

1. Its consideration of the Employment (Amendment) Bill (Senate Bill No.11 of 2022).
2. Its attendance of the 19<sup>th</sup> Regional Seminar for Labour-Based Practitioners in Kigali, Rwanda from 15<sup>th</sup> to 19<sup>th</sup> May 2023.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Vice-Chairman, Special Funds Accounts Committee.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

1. Fifth Report of the Special Funds Accounts Committee on its examination of the Reports of the Auditor-General on the financial statements for the Commodities Fund for Financial Years 2018/2019, 2019/2020, 2020/2021 and 2021/2022.
2. Sixth Report of the Special Funds Accounts Committee on its examination of the Report of the Auditor-General on the Financial Statements of the Stores and Services Fund for the Financial Years 2020/2021 and 2021/2022 and the Occupational Safety and Health Fund for the Financial Years 2020/2021 and 2021/2022.
3. Seventh Report of the Special Funds Accounts Committee on its examination of the Reports of the Auditor-General on the Financial Statements for the Land Settlement Fund for the Financial Years 2020/2021 and 2021/2022; and
4. Eighth Report of the Special Funds Accounts Committee on its examination of the Report of the Auditor-General on the Financial Statements for the Street Families' Rehabilitation Trust Fund for the Financial Years 2017/2018 to 2021/2022.

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon. Deputy Speaker:** Hon. Richard Yegon representing the Departmental Committee on Sports and Culture.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Sports and Culture on its Benchmarking Visit and Attendance to the 2023 World Athletics Championship in Budapest, Hungary, from 19<sup>th</sup> to 27<sup>th</sup> August 2023.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. The Chairperson of the Departmental Committee on Agriculture and Livestock. I cannot see Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, DP): Hon. Deputy Speaker, I am here.

**Hon. Deputy Speaker:** Okay. I can see you.

**Hon. (Dr) John K. Mutunga** (Tigania West, DP): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Agriculture and Livestock on:

1. Its consideration of the Crop (Amendment) Bill (National Assembly Bill No.8 of 2023);
2. The Coffee and Tea Cupping Sessions held in Berlin, Germany from 12<sup>th</sup> to 19<sup>th</sup> September 2023; and

3. The Summit held in Cape Town, South Africa from 22<sup>nd</sup> to 28<sup>th</sup> October 2023.

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon. Deputy Speaker:** Thank you. Next is the Vice-Chairperson of the Departmental Committee on Environment, Forestry and Mining.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you. Hon. Deputy Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022).

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon. Deputy Speaker:** Thank you. The Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

**Hon. Nelson Koech** (Belgut, UDA): Thank you, Hon. Deputy Speaker, I am here. I beg to lay the following two Papers on the Table:

Report of Departmental Committee on Defence, Intelligence and Foreign Relations on the Inspection Visit to Kenyan Embassies in the Republic of Rwanda and the Democratic Republic of Congo conducted from 18<sup>th</sup> to 25<sup>th</sup> May 2023.

Hon. Deputy Speaker, I have a second Paper to lay on the Table:

Reports of the Joint Delegation from the Departmental Committee on Defence, Intelligence & Foreign Relations and Select Committees on Diaspora Affairs and Migrant Workers and Delegated Legislation on their Participation in the One Voice Consortium (OVC) Trade and Investment Expo in Washington DC, USA from 2<sup>nd</sup> to 11<sup>th</sup> May 2023.

Thank you. Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I think there is a second report. Has he tabled both? Okay. Let us proceed. Next is the Vice-Chairperson of the Procedure and House Rules Committee. Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Reports of the Procedure and House Rules Committee on its consideration of:

1. The Petitions to Parliament (Procedure) (Amendment) Bill (National Assembly Bill No.51 of 2022);
2. The Political Parties (Amendment) Bill (National Assembly Bill No.35 of 2022); and
3. The Public Finance Management (Amendment) Bill (National Assembly Bill No.38 of 2022).

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon. Deputy Speaker:** Thank you. The Chairperson of the Public Petitions Committee, are you ready? If not, let us move to the Leader of the Majority Party. He is supposed to be the last one.

*(Hon. Peter Kaluma spoke off the record)*

You have another one? Okay, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table:

Report of the 63<sup>rd</sup> Session of the OACPS Parliamentary Assembly and the 43<sup>rd</sup> Session of the ACP-EU Joint Parliamentary Assembly meetings held in Brussels, Belgium, from 19<sup>th</sup> to 28<sup>th</sup> June 2023.

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon. Deputy Speaker:** Hon. John Paul Mwirigi you have a Report on the Commonwealth Parliamentary Association (CPA).

**Hon. John Paul Mwirigi** (Igembe South, UDA): Thank you Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the 66<sup>th</sup> Commonwealth Parliamentary Conference (CPA) held in Accra, Ghana from 30<sup>th</sup> September to 6<sup>th</sup> October 2023.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Is there any other Paper? Let us have the Leader of the Majority Party to lay the Report on the National Dialogue Committee.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Allow me to lay the following Paper on the Table:

The Report of the National Dialogue Committee.

It is a very voluminous document and I urge Members to use the recess to go through it, read, understand and comment on issues therein. Be ready to debate it in the next Session.

**Hon. Peter Masara** (Suna West, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I think we can move to the next order. The Leader of the Majority Party forgot to say that I have read it page by page from the first to the last page. It is too big. Yes, what is your point of order?

**Hon. Peter Masara** (Suna West, ODM): Thank you, Hon. Deputy Speaker. Sometimes back in this august House, you ordered the Leader of the Majority Party to withdraw a statement he had made against me which was in the public domain. It is over four months and he has been very quiet yet my name is being tarnished. I get some bad feelings when I see him carrying very big papers but he cannot write a page to apologise to the people of Suna West.

Hon. Deputy Speaker, the people of Suna West were wise to elect me and they gave me 28,000 votes on a day like this. Therefore, I am wondering how Hon. Ichung'wah, who is the current Leader of Majority... We have seen many leaders of the majority party come and go but what is important is that my name will remain Peter Francis Masara, a second-time Member of Parliament for Suna West Constituency and the last Mayor of Migori. That is for purposes of record.

I am kindly requesting you, Hon. Deputy Speaker, to tell the Leader of the Majority Party to apologise to the people of Suna West, and not me. I do not mind. You know that we border Tanzania where we have the Suba people and all other communities. They are waiting for the Leader of Majority Party to either substantiate and bring documents or withdraw his statement so that things can move on well.

Thank you.

**Hon. Deputy Speaker:** Hon. Member for Suna West, I think if I recall very clearly, that matter was resolved here on the Floor of the House. I recall that. I think since then I have not seen you in the House which means he might have made an apology and you were not here. Welcome back. Let us proceed.

*(Hon. Peter Masara spoke off the record)*

Okay, Hon. Masara, I will let you have your day today. Knock yourself out.

**Hon. Peter Masara** (Suna West, ODM): You may be right, because I am black and maybe you are not able to see me always but I am one Member who is always here. I was here yesterday and even congratulated the person who does your fashion. You match everything and maybe that is why you forget. I have always been here and if you check *The Hansard*, you will see that I do not miss plenary or committee sittings. Because of that, you may be forced to withdraw the statement that you have never seen me.

Thank you.

(Laughter)

**Hon. Deputy Speaker:** As your Christmas present, I have let you have your day today. That is your Christmas present. You have done it and I think the people of Suna West have heard you loud and clear, Hon. Masara. Now, we can move on.

Maybe the Leader of the Majority Party wants to apologise again.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Deputy Speaker, it is indeed true what you have indicated that the matter was settled on the Floor. Besides that, I have spoken to Hon. Masara on that particular issue. There are many things that the substantive Speaker has called the candour and banter of debates. Many Kenyans take things that we say on the Floor — at times in jest and at times for introducing some humour on the Floor of Parliament — out of context. I must use this opportunity because I have, indeed, profusely apologised to Hon. Masara. If there are any of his political opponents in Suna West who took advantage of what was said here to try and portray the image that is not of Hon. Masara, they should know that he is a very extremely dignified Member of Parliament. Extremely dignified! Hon. Masara is not the kind of Member of Parliament you will hear yelling. I know Hon. Masara sits somewhere across and it is only that today he has moved closer to the Front Bench so that he can be seen. He wanted to move closer to power and I see Hon. Ruth Odinga has also moved closer to power. On a serious note, ignoring what is being said, that Hon. Ruth Odinga is “the power”, I do not know the power she holds.

I was saying Hon. Masara, unlike a few other Members who treat this House with a lot of indignity, shouting from their places and using epithets on the Floor of the House against other Members, is a very dignified Member. For the record, I want to repeat although I had said it before, for those who cut and record clips from Parliament to take around social groups, be it in Suna West or anywhere else, they can now cut this bit where I say that Hon. Masara, Member for Suna West, is of sound mind and nothing he does insinuates that he is of unsound mind. In fact, when Hon. Masara paid me a courtesy call in my office, he showed me what people were saying in WhatsApp groups in Migori County. Therefore, to the people of Migori and the people of Suna West, Hon. Masara is a dignified Member of Parliament who takes his work very seriously.

Hon. Deputy Speaker, you know, he took advantage of the chance you gave him to even demand that you must apologise and withdraw what you had said. I can also set the record straight that indeed, this morning when the Quorum Bell was ringing, I took liberty to walk to the tea place, and I found Hon. Masara had just been served his cup of tea together with Hon. Lillian Gogo. I do not whip for the Minority Party, but respectfully, I asked Hon. Masara to abandon his cup of tea and come to the Chamber to give us quorum. Hon. Masara and Hon. Lillian Gogo rose in their places, left their tea at the Members canteen and joined us to make sure that we had quorum to transact business. That is the kind of responsible leader that the Hon. Masara is.

I take this opportunity for the second time to apologise to Hon. Masara, the great people of Suna West and Migori County, and assure them that they voted in a Member of Parliament. No wonder they voted him for a second time. Hon. Masara served his constituency as a Member of County Assembly (MCA) before he joined Parliament and they elected him as Mayor of Migori after Hon. Junet Mohamed, I think. They re-elected him in the last elections because of the work he has done and I know he is a very diligent Member of the Budget and Appropriations Committee. I have engaged him on matters touching the Budget and Appropriations Committee. Therefore, Hon. Masara, serve your people with the dignity that you continue to serve them with and the people of Kenya.

Thank you.

(Applause)

**Hon. Opiyo Wandayi** (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Wandayi?

**Hon. Opiyo Wandayi** (Ugunja, ODM) I just wanted to comment on the Report that has just been tabled by the Leader of the Majority Party on the National Dialogue Committee Report. I recall that I was a member of that Committee. Actually, I was the deputy delegation leader. Our leader of delegation was His Excellency Dr Stephen Kalonzo Musyoka. The reason I want to make a comment on this Report is that since its release about a week or so ago, a lot has been said out there from various quarters. I think with the tabling of this Report officially now, the country has got a chance to go through this Report, understand it, internalise it and be able to speak from a point of information.

This Report, without really debating it, because I cannot do that now, is such an important Report that we cannot afford to have people, especially leaders, commenting on it without having read it. It is irresponsible for a leader of whatever shade to comment on a report as important as the National Dialogue Committee Report without having read it. So, by tabling this Report, I think now the House has given Kenyans an opportunity to read it with a toothcomb and understand what is in it because it has got very far-reaching recommendations.

More importantly, I was discussing with the Leader of the Majority Party a while back that the nature of the recommendations in this Report are such that it may require fast tracking. What I mean is that it might require this House to dispense with the Report in the normal way as quickly as possible to give room for the processing of the attendant instruments that come with it. Without really anticipating anything, I suppose the Leader of the Majority Party might be considering petitioning you, Hon. Deputy Speaker, for us to come back here before the long recess ends to deal with this matter.

Thank you.

**Hon. Deputy Speaker:** Thank you. Next order.

I am informed there is a Report to be tabled. Chairperson for Committee on Public Petitions, proceed.

**Hon. Nimrod Mbai** (Kitui East, UDA): Thank you, Hon. Deputy Speaker. I am sorry for the delays that have been caused by my officers.

Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report on the Public Petitions Committee on its consideration of Public Petition No.01 of 2023 by Ms. Joyce Cheronu regarding the poor implementation of the EduAfya Medical Scheme in public secondary schools.

Thank you. I beg to lay.

**Hon. Deputy Speaker:** We do not have any more petitions. No more reports?

Next Order.

## NOTICES OF MOTION

### ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR THE COMMODITIES FUND FOR FINANCIAL YEARS 2018/2019 TO 2021/2022

**Hon. Deputy Speaker:** Chairperson, Special Funds Accounts Committee, give your Notice of Motion.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the 5<sup>th</sup> Report of the Special Funds Accounts Committee on its consideration on the Report of the Auditor-General on the

financial statement for the Commodities Fund for the year 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

ADOPTION OF THE 6<sup>TH</sup> REPORT OF THE  
SPECIAL FUNDS ACCOUNTS COMMITTEE

THAT, this House adopts the 6<sup>th</sup> Report of the Specialized Funds Accounts Committee on its consideration on the Report of the Auditor-General on the financial statement for the Stores and Services Fund for the years 2020/2021 and 2021/2022, and the Occupational Safety Health Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

ADOPTION OF THE 8<sup>TH</sup> REPORT OF THE  
SPECIAL FUNDS ACCOUNTS COMMITTEE

THAT, this House adopts the 8<sup>th</sup> Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the financial statements for the Streets Family Rehabilitation Trust Fund for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

I beg to move. It is the Vice-Chair, not the Chairperson. Thank you.

**Hon. Deputy Speaker:** Next is the Chairperson, Petitions Committee. He is not ready.

Let us have Hon. Kimani Ichung'wah's Notice of Motion for the National Dialogue Committee Report.

ADOPTION OF REPORT OF THE NATIONAL DIALOGUE COMMITTEE

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the National Dialogue Committee, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

Hon. Deputy Speaker, aware that we are proceeding on recess, I know that the notice may suffer some fate, but it is good for the records that it is there. In case, as the Hon. Leader of the Minority Party has said, we reconvene before the end of the year, then we can go ahead and consider that Report.

**Hon. Deputy Speaker:** Thank you. I think that was about it.  
Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

#### ADMINISTRATION AND MANAGEMENT OF NSSF

**Hon. Deputy Speaker:** I can see you have a point of order, Hon. Kuria Kimani? You have a statement.

Hon. Kuria Kimani, let us have the responses first, and then we will come back to you. So, I think we will get the response from the Chairperson, Departmental Committee on Social Protection, Hon. Alice Ng'ang'a.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Deputy Speaker. Hon. Kahangara Mburu requested a statement regarding the administration and management of the National Social Security Fund (NSSF) on the Floor of the House on 22<sup>nd</sup> November 2023.

I hereby respond and state that the Committee on Social Protection wrote to the Fund's Chief Executive Officer on 24<sup>th</sup> November 2023 requesting the information sought by the Hon. Member. The Fund responded in a letter addressed to the Committee on Social Protection on 1<sup>st</sup> December 2023, on the measures that have been put in place by the Board of Trustees of NSSF to ensure effective management of the Fund. The NSSF stated as follows:

1. That the Board is established under Sections 5 to 14 of the NSSF Act of 2023, which has clear provisions on the composition of the board, its responsibilities, powers, issues of conflict of interest and committees of the Board.
2. That the Board is strictly in compliance with the provision of the Act, specifically Sections 50, 51, 52 and 71.
3. That the Board has in place robust governance structures with the following independent committees: The Social Security Committee, which deals with finance and investments; the Human Resource Committee, which entails legal and strategy; and the Audit and Risk Committee.

Regarding Question No 2: Mechanisms that the Board has put in place to ensure public participation and involvement of stakeholders in the decision-making process, the NSSF stated as follows:

1. That the NSSF Board is tripartite, comprising two representatives of employers' organization and two representatives of worker's organization; the Principal Secretary National Treasury, the Principal Secretary of the Ministry of Labour and Social Protection, an independent chairperson, and two other independent members who represent the public interest.
2. That the NSSF holds an annual general meeting where key stakeholders, including the Government, employers and workers are usually present. The next AGM will be held this month.
3. That the NSSF has an online and e-service platform where the Fund engages with its stakeholders.
4. That the NSSF has eight regional offices, 59 NSSF branches and a presence in 52 Huduma Centres across the country.

Regarding Question No.3: Administrative structure that the Board of Trustees has put in place to guarantee no conflict of interest in the management of the said Fund, the NSSF stated as follows:

1. That the Board is responsible for appointing the Managing Trustee of the Fund as provided under section 15 of the NSSF Act 2013.
2. That there are six divisions, each headed by a general manager, and 19 departments, each headed by a manager.

Regarding Question No.4: The current financial statement and economic viability of the Fund. Funds investment in a fixed asset, including building and land. The NSSF stated as follows:

1. That the allowable exposure to real estate is 30 per cent per the Retirement Benefit Act. The Fund currently has a fund real estate exposure of 13 percent, meaning that it is underweight on the property.

2. That the Fund has prime office properties in Nairobi and Mombasa, which earn it rental income.
3. That the un-developed portfolio includes prime plots in Nairobi, Mombasa, Kisumu, and Machakos County. The un-developed properties earn the Fund returns in the form of value appreciation.
4. The Fund also provides residential property, which it sells on a tenant-purchase scheme and earns interest incomes.

Hon. Temporary Speaker, this is the response from the National Social Security Fund (NSSF), unless the Member for Lari, Hon. Mburu Kahangara, has a follow-up question. Is he satisfied with the response or not? I would like to hear from him because he is present today.

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairperson. Hon. Mburu Kahangara, you have the Floor.

**Hon. Kahangara Mburu** (Lari, UDA): Thank you, Hon. Temporary Speaker. I thank the Chairperson of the Committee on Social Protection for that response. However, I am not satisfied with the response for the following reasons. First, Members of this House are tasked with representation. The people we represent include retired Kenyans. Those Kenyans can only enjoy their retirement if the NSSF invests their money and ensures timely remittance of their dues at the end of every month. Year-in and year-out, those Kenyans are seen travelling from upcountry to Nairobi to follow up on their pension. The NSSF is bogged down in corruption. Every other day, we see headlines about scandals within the NSSF. At some point, COTU sought reforms in the NSSF management to ensure the safety and security of the Kenyan retirees.

Question No.3 was about the administrative structures that the Board of Trustees has put in place to guarantee that there is no conflict of interest in the management of the Fund. A while ago, the management sought advice on its management structure from the Public Service Commission (PSC). The Public Service Commission advised them to have seven divisions. However, the NSSF Board still decided to merge some of the divisions in a board meeting. This raises a lot of eyebrows because they merged the finance and investments division. We are all aware that the finance division is supposed to review, approve and audit the statements from the management, the books of accounts and the records. The investment division is supposed to review investment proposals and make recommendations. We cannot have those two departments together. This is equivalent to one person spending money and, at the same time, overseeing its spending.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Kahangara, it is fully understood that the answer is from the NSSF. The Chairperson has presented the answer as it was presented to her. You should be specific on what you are unsatisfied with so that it is easier to seek clarification or further responses as opposed to debating on what they are supposed to do.

**Hon. Kahangara Mburu** (Lari, UDA): Thank you. I am properly guided. I am unsatisfied with the response to question No.3 on the administrative structures. This is about conflict of interest. Why did they decide to merge the Finance and Investment divisions? My prayer is that the Chairperson and the Committee on Social Protection should interrogate further. Instead of getting the answer from NSSF, this time round, we should get answers from the Committee after their investigation. We need proper answers to the questions I have asked.

I thank you.



**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, Hon. Alice Ng'ang'a, would you like to comment on that?

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you very much, Hon. Temporary Speaker. What the Member is requesting is weighty. Because he is not satisfied with the response, I request you direct us on what to do. Should we meet the entire Board as a Committee so that those weighty issues can be addressed and the Committee reports back to this House in the presence of the Member?

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. I would have guided you to engage with this matter as a Committee, but since you indicated that you would like to answer here, that is acceded to.

*(Hon. Kahangara Mburu spoke off the record)*

Hon. Kahangara, would you like to make another comment? We want to move to the next statement. You have a minute.

**Hon. Kahangara Mburu** (Lari, UDA): Thank you, Hon. Temporary Speaker. The Chairperson has requested that the Committee meets the NSSF Board. I would love to be present in that meeting to seek more answers before the report gets to the House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, let us take that direction. You should meet the NSSF Board in the presence of Hon. Kahangara so that this matter can be deliberated in his presence, not only for his benefit, but for that of the Committee and the House.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): I am well guided, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Next is a response to the statement on the status and development of own farm roads in the Mwea Irrigation Scheme. Is Hon. Kangogo Bowen in the House? Hon. Deputy Leader of the Majority Party, you may proceed.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, Hon. Kangogo had to dash out for an urgent matter. Because Hon. Mary is not in, he requested that I table the response so that it can be handed to her by the Table Office.

*(Hon. Owen Baya laid the Statement Response on the Table)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Deputy Leader of the Majority Party. Hon. Mary Maingi will follow up on that. The response has been properly tabled.

Next is Hon. George Kariuki, the Chairperson of the Departmental Committee on Transport and Infrastructure, who will answer Hon. Kazungu's Question.

#### DEATH OF THREE CASUAL WORKERS IN MOMBASA COUNTY

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Temporary Speaker. On Thursday, 30<sup>th</sup> November 2023, the Member for Ganze, Hon. Kazungu Tungule, requested a statement from the Departmental Committee on Transport and Infrastructure regarding the tragic death of three casual workers in Mombasa County.

To give a background on the matter, on Friday, 24<sup>th</sup> November 2023, seven casual workers were unclogging a manhole at Makupa Roundabout when they got stuck inside the main drainage system. Unfortunately, three of the workers drowned and died. Those are Mr...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Order, Hon. George Kariuki! Is Hon. Kazungu in the House? Now that he is not in the House, I order that the Statement be tabled. He will pick the answer from the Table Office.

*(Hon. George Kariuki laid the Statement Response on the Table)*

Thank you very much, Hon. Chairman. The next Statement is on the disappearance of persons in Garissa by Hon. Dido Raso. Hon. Barrow Dekow, are you in the House?

**Hon. Ali Raso** (Saku, UDA): He is not here.

#### DISAPPEARANCE OF PERSONS IN GARISSA

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Dido Raso. You are ready to present the response to this Statement. However, Hon. Barrow Dekow, Member for Garissa Township, is not in the House. In that case, I order that you table the response and he will pick it from the Table Office.

You have another Statement to respond to. You may proceed.

#### RAMPANT THEFT OF COFFEE IN RUNYENJES CONSTITUENCY

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I wish to respond to the statement regarding the rampant theft of coffee in Runyenjes Constituency.

The Member for Runyenjes, Hon. Muchangi Karemba, sought a statement regarding the rampant theft of coffee in his constituency. He particularly sought to be informed on the measures that have been put in place by the Ministry of Interior and National Administration to enhance security within the constituency and in coffee-growing areas. He also sought to be informed on the measures that the Ministry is taking to ensure the perpetrators are arrested and prosecuted without any further delay.

I wish to state that several cases of coffee theft incidents have been reported in Embu County in the recent past. Some of the factors that contribute to the incidents include:

1. The coffee factories and societies continue to hire old and unproductive watchmen, mostly aged above 70 years. Due to their vulnerability, they are not in a position to resist the armed thugs. In most cases, they normally find the watchmen asleep, tie their feet and hands with ropes, steal the coffee berries, and disappear without an alarm being raised. The theft is only noted in the subsequent day after the day shift watchmen report for duty.
2. Some of the coffee factories and societies argue that they cannot afford to invest in proper fencing, lighting and Closed-Circuit Television (CCTV) camera systems for their premises.
3. Lack of investment in security management by the factories and societies.
4. Failure to heed and implement security advice given to management by security agencies.

The Government, through the Ministry of Interior and National Administration, has put in place the following measures to safeguard the security of coffee cherries in 55 coffee factories in Embu County:

1. Deployed armed police escort in the factories' management based on the quantity of coffee being held in the store and coffee on transfer to markets. The majority of the coffee factories have complied, save for a few ones in Runyenjes Constituency, which continue to hold substantial quantities of coffee in their stores before marketing without notifying the County Security Intelligence

Committee. Hence, the three reported cases of coffee theft at the New Ena Coffee Society.

2. The County Security Intelligence Committee held numerous meetings with the concerned management of coffee factories and societies. It advised them on the security measures that they can deploy.
3. They have enhanced investigations, which have resulted in the arrest and prosecution of some of the suspects. Investigations reveal that, more often than not, the thugs collaborate with rogue members of the management of the factories and societies. Three officials of the societies and factories have been arrested for abetting the thefts, and the case is pending before the Embu Court. Two other suspects were arrested. However, the Office of the Director of Public Prosecutions declined to register charges against them on the basis that they are too old - Case No. 412/155/2023.

I beg to submit, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai: Thank you very much, Hon. Dido Raso. Hon. Muchangi Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. While I appreciate the response from the Cabinet Secretary and Hon. Chairman, I have made several observations on it.

Hon. Chairman has clearly indicated that there is a case in which the Office of the DPP has declined to charge based on the age of the suspects. He has not indicated the case registration number of the three officials who were arrested and whose cases are pending before the Embu Court. This matter has a lot of interest from the members of the public, especially in my constituency, where the theft of coffee has been very rampant. I ask that the Hon. Chairman to give more details on the three officials. There is no harm in disclosing who they are and the case registration number for the matter that is pending before the Embu Court.

Secondly, the request that we had made to the Cabinet Secretary for Interior and National Administration was that he deploys police officers through the county security team to guard the coffee that is in the stores. In response, he has clearly indicated that the armed police officers just escort the coffee. However, he is not clear about the factories and societies that have been provided with security.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Karemba, seek direct clarifications.

**Hon. Muchangi Karemba** (Runyenjes, UDA): All right. I seek clarification on the number of societies or factories in my constituency that have been provided with security to guard the stores. I request clarification on those two items: The case number and the factories and societies that have been provided with security within my constituency. That is not clear, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chairman, by any chance, do you have that in your response?

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. We do not have that information in the Report by the Cabinet Secretary. There are 57 coffee factories in Embu.

One of the glaring issues is the employment of the watchmen, many of whom the District Security Intelligence Committee identified as old. Secondly, it is on the fencing of those factories. It is apparent that they are saying they do not have funds to safeguard or secure their facilities.

Thirdly, Hon. Karemba is asking for those facilities to be guarded by security guards. It then means the factories must be prepared to pay a stipend to those individuals who will guard them. I do not want to appear to have all the answers. However, we will have a

conversation with Hon. Karemba. We will then escalate it to the Cabinet Secretary so that he can assist the factory owners and farmers.

Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker, before I sit down, other Members have sought statements from the Departmental Committee on Administration and Internal Affairs. Hon. David Kiplagat has sought a statement regarding the gruesome killing of Ms Rachael Nyambura in Matunda Town. Hon. Ali Wario also sought a statement regarding the disappearance of...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, that is not part of the information that you are supposed to give today. You can leave it at that.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. I am well guided.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Raso, I heard you make an effort to respond to the matters that Hon. Karemba has raised. I guide you to engage with him further in the presence of the Cabinet Secretary. Hon. Karemba, would you like to add to that in one minute?

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Temporary Speaker, that is how matters to do with coffee are cosmetically dealt with locally. We are given theoretical answers, but nothing practical happens. I sought clarification on the number of factories and societies that have been provided with security within Runyenjes Constituency. I will be glad if the Cabinet Secretary answers that question through the Committee.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You sought clarification on three matters. My guidance is that you interact with the Committee directly in the presence of the Cabinet Secretary so that you can get better answers.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Temporary Speaker, I will avail myself without fail whenever they indicate that they are available to listen to my concerns.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Let us move on. Some Members are seeking statements.

#### REQUEST FOR STATEMENTS

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Timothy Toroitich.

#### DELAYED PAYMENT OF PENSION AND DEATH GRATUITY TO TEACHERS

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a statement from the Chairperson of the Departmental Committee on Finance and National Planning on the delayed payment of pension and death gratuity to teachers.

In the recent past, there have been reported prolonged delays in the disbursement of pension payments to retired teachers, causing undue financial strain on those critical personnel who dedicated their lives to shaping the future of our nation. This situation is not only disheartening, but also undermines the value we place on the contributions of our educators to the development of our society.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

Could the Chairperson:

1. Provide detailed information on the number of teachers who have so far retired and/or died, but have not received their pensions and death gratuities, respectively.

2. Explain specific reasons that are causing the delay in timely disbursement of pension payments to retired teachers and death gratuities to families of deceased teachers?
3. Provide detailed measures on the legal and administrative steps that should be undertaken to expedite the processing and release of pension payments and death gratuities to ensure that teachers receive their dues promptly.
4. State whether the Ministry has established a communication protocol to keep affected individuals informed about the status of their pension payments and death gratuities, ensuring transparency to reduce anxiety among the beneficiaries.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Chairperson of the Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker. I thank the Member for raising this request for a statement. Considering that we have up to 18<sup>th</sup> December 2023 to handle Committee business, we will endeavour to handle this matter before we break for the Christmas holidays. We will have the Secretary of Pensions, Mr Alfred Kagika, and the Principal Secretary appear before the Committee and invite the Member to ask them those questions directly.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next is Hon. Amina Mnyazi, Member for Malindi Constituency.

#### WORKING CONDITIONS FOR JUNIOR SECONDARY SCHOOL INTERN TEACHERS

**Hon. Amina Mnyazi** (Malindi, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education regarding the terms of service for teachers working as interns in junior secondary schools.

Concerns and grievances have been reported by teachers working as interns in junior secondary schools across the country, regarding the terms of service offered by the Government. For instance, it is reported that interns are currently being paid a stipend of Ksh17,000. In the current economic situation, this is a blatant under-payment to persons expected to actualise the new education system, which risks derailing the full implementation of the Competency Based Curriculum (CBC). This has far-reaching effects, causing emotional, psychological and financial strain on the teachers. Additionally, confirmation of the interns to permanent and pensionable terms of service needs to be expedited to ensure job security and stability of those critical personnel.

It is also noted that there are currently no clerks and accountants engaged for junior secondary schools. This has created a loophole in the management and accountability of funds, resulting in deficiencies in procuring essential teaching and learning resources. The current staffing inadequacies, coupled with lack of essential learning resources, hinder effective teaching and implementation of the CBC.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Education on the following:

1. Could the Chairperson provide clarification on the timelines and process of addressing the concerns raised regarding the terms of service of intern teachers, considering that the Government is in the process of extending the contract terms of junior secondary school intern teachers for an extra year, instead of engaging them on permanent and pensionable terms?



2. What measures are being considered to address staffing inadequacies and resource deficiencies in schools to facilitate effective teaching in CBC?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Amina. Chairperson of the Departmental Committee on Education, Hon. Julius Melly. Vice-Chairperson.

**Hon. Malulu Injendi** (Malava, ANC): Hon. Temporary Speaker, committees have up to 18<sup>th</sup> December 2023 to hold sittings. This falls outside the number of days that we are supposed to give the Cabinet Secretary to respond. Therefore, we will give our response during the next Session commencing in February 2024.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You will respond in the next Session. Thank you very much. Hon. Amina Mnyazi, you have another request for statement. Please proceed.

#### DISAPPEARANCE OF FOUR FISHERMEN IN WATAMU IN MALINDI

**Hon. Amina Mnyazi** (Malindi, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the disappearance of four fishermen at Watamu, Ngomeni Waters in Malindi.

On Thursday, 30<sup>th</sup> November 2023, at around 3.30 p.m., four fishermen, namely, Captain Baraka, Mr Fahadi Adli, Mr Brayan and M. Baya, set sail on a boat expedition from Malindi Fisheries. The boat, which had been hired for 24 hours, was scheduled to return on Friday. Unfortunately, the fishermen failed to return as planned, and the boat owner reported the incident to Ngomeni Police Station on Saturday. Subsequently, the Chairperson of the Shella Beach Management Unit (BMU) was informed, and local fishermen initiated a search which yielded no success. This was also reported to the police on 6<sup>th</sup> December, 2023. Unfortunately, the four men have not been found to date.

This unfortunate incident raises serious questions regarding the inadequacy of search and rescue operations, both in terms of human resources and equipment. The apparent lack of an effective response system for marine incidents and accidents in Malindi is a matter of concern. This situation becomes even more alarming when juxtaposed with a recent ordeal in Tana River, where a boat went missing after being deployed for food distribution. In that case, the Government acted swiftly to ensure safety for all on board, highlighting a glaring disparity in response time between incidents.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. What are the immediate measures the Government is taking to expedite the search for the four men who have been missing to provide closure to the families?
2. Explain why there is a seeming absence of effective response systems for marine incidents in Malindi.
3. State what measures are in place to ensure the availability of sufficient human resources and equipment for search and rescue operations in maritime incidents.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Amina. Chairperson of the Departmental Committee on Administration and Internal Affairs, can we get an indication of when this statement can be responded to? The Chairman is not in the House. I think he has stepped out.

Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, the Chairperson is not present and, as I had said, I will never hold brief for any Chairperson, especially the one who irresponsibly refuses to come to the House. I want to advise members of the Departmental Committee on Administration and Internal Affairs to deal with their Chairperson or Vice-Chairpersons who are not in the House. I am forced to take responsibility for matters that I cannot handle. Hon. Tongoyo has a penchant for walking into the Chamber at 4:00 p.m., and walking out at 4:05 p.m. Allow Hon. Kaluma, who is an able member of the Committee, to indicate when they can respond to the request for statement.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Kaluma or any other member of that Committee, do you want to take the responsibility of giving us an indication as to when the statement can be brought?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. I am the oldest member of the Committee on Administration and Internal Security, which I have served since I came to Parliament in 2013. Against the fear of the Leader of the Majority Party, I want to confirm that we have a very committed Chairperson. He was here in the morning. He contributed to Regulations concerning terrorism, but left for some security matters. The Leader of the Majority Party knows the vagaries of the security sector. As you recall, the Vice-Chairperson was also here and just tabled a statement. He stepped out for a call regarding those security issues. This request for a statement, by the great Hon. Amina Mnyazi, requires urgent attention by Parliament. I will convey it to the Committee.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Kaluma, we want an indication as to when Hon. Amina Mnyazi can get a response to the request. That should take a minute.

*(Laughter)*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, I have just indicated that the Committee will prioritise this particular statement due to its urgency.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): By when?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I have a problem with our calendar and other obligations. I do not know whether Hon. Amina Mnyazi and the House could indulge us to have a response for this statement in the new session. We have a way of engaging the security sector to begin action on this.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Based on the fact that Hon. Kaluma has not given us a definite time, I order that the response to this request be given in the first week of the next session.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I will communicate that to the Committee.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I can now relay that directive to the Chairperson of that Committee. I want to restate that Chairpersons of Committees must be in the House. The Liaison Committee, chaired by the Deputy Speaker, has made it clear that until Order No.7 on Questions and Statements is done, all Chairpersons and their Vice-Chairpersons should be in the House. I know the Vice-Chairperson of the Committee, Hon. Dido Raso, is an extremely diligent Member who is always in the House. When I do not see him, he must be engaged elsewhere. For the record and for the benefit of members of that Committee, I want to repeat that the Chairperson of this Committee is never in the House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next is Hon. Naomi Waqo, whose request for a statement is directed to the Departmental Committee on Health.

DETECTION OF INVASIVE MOSQUITO  
SPECIES IN MARSABIT COUNTY

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I rise to request a statement from the Chairperson of the Departmental Committee on Health regarding the recent detection of an invasive mosquito species in Marsabit County.

In the recent past, an invasive mosquito species, *Anopheles Stephensi*, was detected in Marsabit County, raising public health concerns within the community. That mosquito species, which is said to originate from the Middle East and South Asia, poses a grave threat to communities, as it is known to transmit the two most dangerous malaria parasites, *Plasmodium Falciparum* and *Plasmodium Vivax*. The alarming ability of the species to expand its range is of notable concern to researchers, with the species having been reported in Djibouti, Ethiopia, Sudan, Somalia and Nigeria. The potential consequences of an increased malaria burden pose a serious threat to the hard-fought gains made in the fight against malaria.

It is against this background that I request a statement from the Chairperson of the Departmental Committee on Health on the following:

1. Could the Chairperson provide the current status of malaria cases in Marsabit County, stating how many cases have been reported since the detection of the species?
2. What specific initiatives has the Government put in place to curb the spread of *Anopheles Stephensi* in Marsabit County and prevent its further spread to other parts of the country?
3. Are there any plans for mass testing for *Plasmodium falciparum* and *Plasmodium vivax*, considering the heightened risks posed by *Anopheles Stephensi* in Marsabit County?
4. What measures are being implemented to sensitise local communities in Marsabit County and raise awareness on preventive measures against the invasive mosquito species?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, very much, Hon. Naomi Waqo. Is the Chairperson of the Departmental Committee on Health present? The Vice-Chairperson can step in for the Chairperson. Leader of the Majority Party, I am forced to come back to you, in the absence of the Chairperson and Vice-Chairperson.

**Hon. Kimani Ichung'wah** (Kikuyu UDA): Thank you, Hon. Temporary Speaker. Now that Hon. Robert Pukose is away and he had given notice, let me commit myself to take it up with him within the first two weeks after we resume.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Next is Hon. Teresia Wanjiru. Is the Nominated Member in the House? You may Proceed.

ATTACKS BY MARAUDING HYENAS IN  
WITEITHIE WARD OF JUJA CONSTITUENCY

**Hon. Wanjiru Mwangi** (Nominated, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding attacks on humans by marauding hyenas in Witeithie Ward in Juja Constituency.



Hon. Temporary Speaker, in the recent past, runaway hyenas have been causing mayhem to the residents of Juja Constituency and its environs. In a span of a few months, hyenas have attacked several people and caused deaths of more than eight people. On Saturday, 18<sup>th</sup> November 2023, a young boy named Emmanuel Kamande of Birth Certificate Entry No.0361306229, lost his life following an attack by hyenas while innocently playing outdoors in Nyacaba Area. On Saturday, 2<sup>nd</sup> December 2023, at around 6.00 a.m., Miss Joyce Wambui Ngombi of ID No.36006245 was mauled to death by hyenas on her way to work.

Hon. Temporary Deputy Speaker, these distressing occurrences have instilled fear and apprehension in the residents of Juja. Hyena attacks have also hindered the once untroubled outdoor activities by children and severely restricted residents' daily activities at night and in the early morning hours due to safety concerns. The hyenas are believed to be hibernating in abandoned quarries in Ndarugo area in Juja. They attack residents and retreat to hide there. Of concern is that no measures have been instituted so far to ensure the safety of residents and prevent further tragic incidents occasioned by the marauding hyenas.

Hon. Temporary Speaker, it is on this background that I seek a Statement from the Chairperson of the Departmental Committee on the following:

1. The circumstances under which the runaway hyenas have been roaming within Juja and Ruiru areas without the intervention of the Kenya Wildlife Services (KWS).
2. The steps that the Ministry is taking to round up the stray hyenas within Juja and Ruiru and contain them in appropriate game reserves and parks.
3. The measures the Ministry has taken to compensate the victims of these attacks - those who sustained injuries and the families of those who lost their loved ones due to attacks by the hyenas.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Teresia Wanjiru. Is the Chairperson or Vice-Chairperson of the Departmental Committee on Tourism and Wildlife in the House? Leader of Majority Party, I am forced to come back to you. Please tell us when these responses can be given.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. This request for Statement is for Hon. Kareke Mbiuki and the Vice-Chairperson is also missing as usual. I will relay it to them, so that they can respond within the first two weeks after recess.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Leader of the Majority Party. In the first two weeks, you will get a response.

Hon. Onesmus Ngogoyo, Member for Kajiado North Constituency, you may proceed.

#### STATUS OF LAUNCHED ROADS AND PROJECTS IN KAJIADO NORTH CONSTITUENCY

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the status of launched roads and projects in Kajiado North Constituency.

Hon. Temporary Speaker, on 23<sup>rd</sup> April 2023, His Excellency the President launched road projects which traverse within Kajiado North and Kajiado West constituencies, that had stalled during the previous regime, for upgrading to bitumen standards. The projects include:

1. Ongata Rongai-Gataka-Ebulbul Road.
2. Cooperative College-Karen-Matasia-Nkoroi Road.
3. Ongata Rongai-Nazarene University-Rimpa Road.

4. Junction (C58) on Mbagathi Road-Lewis Academy-Kahara-Upper Matasia Market Road.

The upgrade of these roads has encountered delays occasioning great inconvenience to the residents. Further, concerns have been raised regarding the deterioration of the roads, resulting in disruption of movement in the area.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following—

1. What is the status of upgrading to bitumen standard of the above-mentioned roads?
2. What is the expected completion date of the roads, considering that most sections of these roads are now impassable due to the rains?
3. What measures is the Ministry of Roads and Transport taking to ensure that the contractor is paid for the 40 per cent portion of the roads that are complete?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Onesmus. Chairperson of Departmental Committee on Transport and Infrastructure. I had seen him in the House. Is the Vice-Chairperson present? In the absence of the Chairperson and the Vice-Chairperson, let us have the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu UDA): Hon. Temporary Speaker, I will continue to step in for my good Chairpersons, but Hon. G.K. was here. I do not know when he stepped out? As I have said for the other requests for statements, he will get a response within the first two weeks after we resume.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Mark Mwenje, Member for Embakasi West.

#### INSECURITY IN KARIOBANGI SOUTH WARD OF EMBAKASI WEST CONSTITUENCY

**Hon. Mark Mwenje** (Embakasi West, JP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the ongoing insecurity at City Carton, Kariobangi South Ward in Embakasi West Constituency.

Hon. Temporary Speaker, there has been ongoing conflict related to occupation and settlement of residents in City Carton area. On Sunday, 3<sup>rd</sup> December 2023, there was an uproar that resulted in injuries and destruction of properties. The conflict has raised concern and anxiety amongst the residents, which risks escalating the conflict between communities. The area is public land that has faced various irregular allocation attempts and acquisition.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following—

1. What measures are being put in place by the Ministry of Interior and National Administration to enhance security within the Constituency and specifically in the City Carton area?
2. What measures is the Ministry of Interior and National Coordination taking to ensure the perpetrators are arrested and prosecuted without delay?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mark Mwenje. The Chairperson of the Departmental Committee on Administration and Internal Security is not in the House, and the Vice-Chairperson has just stepped out.

Hon. Peter Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, your earlier direction in regard to the matters previously presented apply. As we wait to report as a Committee in the first week upon our return, I have taken note of what Hon. Mark Mwenje has stated. We will convey this information to the relevant Government agencies for necessary action and interventions, awaiting our report.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, very much, Hon. Kaluma. Hon. Shakeel Shabbir, Member for Kisumu East. He is not in the House. We proceed to the next one. The Chairperson of the Departmental Committee on Finance and National Planning.

## STATEMENTS

### STABILISATION OF FUEL PRICES AND EXPENDITURES ON FUEL SUBSIDY

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, I would like to make a Statement regarding the stabilisation of fuel prices and the expenditures on fuel subsidy and fuel stabilisation.

In April 2021, the Government of Kenya introduced a pump price stabilisation mechanism to cushion consumers from the high pump prices following escalation of global prices post COVID-19 recovery.

This was exacerbated by adverse geo-political situations at the time brought about by the Russia-Ukraine War, which affected the local market in as far as the supply and cost of petroleum products was concerned. The Government's pump price stabilisation mechanism was implemented in the pump pricing cycle starting from 15<sup>th</sup> April 2021, resulting in the emergence of the fuel price subsidies.

Between 15<sup>th</sup> April 2021 and 14<sup>th</sup> May 2023, the Government utilised funds from both the Petroleum Development Fund and the Exchequer to pay the subsidy amounts. There were witnessed delays in remitting of the subsidy payments to the oil marketing companies, leading to cashflow constraints and payment arrears, which in turn had a negative effect in the security and supply of the petroleum products.

On assumption of office by this administration on September 2022, the subsidy on super petrol was eliminated, while subsidies on diesel and kerosene were progressively reduced.

The Petroleum Development Fund is established under the Petroleum Development Fund Act of 1999 and revised in 2006. This law was enacted to provide the establishment of a petroleum levy to feed into the Fund. The Act provides that there shall be paid out from the funds such money as is necessary for the development of the common users facility for the distribution or testing of oil products and for matters relating to oil industry as the Cabinet Secretary may direct, provided that the funds are not used for purposes of competition with the private sector.

Pursuant to the provisions of the Act, the administrator of the Fund is the Principal Secretary of the National Treasury or any person appointed by him in writing for that purpose. The Act further stipulates that the expenditure from the Fund shall be unlimited to the annual budget, which shall be submitted to the National Treasury for approval before the beginning of the financial year to which the budget relates. In the event that budgetary resources in the Fund are not sufficient to finance the stabilisation of prices, the National Treasury shall submit a supplementary budget to regularise any payment for fuel subsidies over and above the budgetary resources for the fund.

During the period, the total funding for fuel subsidies and stabilisation amounted to Ksh169,897,737,529.90 broken down as follows:

1. For Financial Year 2020/21, money withdrawn from the Petroleum Development Levy was Ksh1.6 billion and zero shillings from the Exchequer.
2. For the Financial Year 2021/22, a total of Ksh22,112,877,759.25 was withdrawn from the Petroleum Development Levy, while Ksh56,039,440,896.15 was withdrawn from the Exchequer.
3. For the Financial Year 2022/23, Ksh20,360,000,000 was paid from the Petroleum Development Levy and Ksh42,715,003,623.70 was withdrawn from the Exchequer.
4. For the Financial Year 2023/24, a total of Ksh27,070,415,260.80 was withdrawn from the Petroleum Development Levy and zero shillings from the Exchequer.

Consequently, for the Financial Years 2020/21, 2021/22, 2022/23 and 2023/24, the withdrawals from the Petroleum Development Levy are Ksh71,143,293,020.05, whereas Ksh98,754,404,509.85 was withdrawn from the Exchequer for payment of subsidies. The details of the entities that were paid the subsidies from the Exchequer and the Petroleum Development Fund are contained in Appendix 1 in the Statement, which I am going to table.

This, therefore, means that as at 2<sup>nd</sup> June 2023, there was an outstanding balance of Ksh45.8 billion that was supposed to be paid for subsidies incurred in the Financial Years 2021/22 and 2022/23.

Consequently, the National Treasury decided to securitise the Ksh45.8 billion by issuing a Treasury Bond. This Statement bears the informational truth about the use of fuel subsidy vis-a-vis the fuel subsidisation fund.

The fuel subsidisation funds were being drawn from the Petroleum Development Fund as stipulated in the Petroleum Development Fund Act, as revised in 2006, whereas the subsidies were being made from the Exchequer. This led to a total outstanding bill of Ksh45.8 billion, which the National Treasury has already cured by issuing a Treasury Bond to that effect.

Hon. Temporary Speaker, I beg to lay the Statement. Hopefully, this clears the air on whether the Government of Kenya is embarking on subsidies. What the Government of Kenya is doing is price stabilisation using the funds that Kenyans pay into the Petroleum Development Fund whenever they buy petrol.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much. Leader of Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, let me, first, thank the Members of the Departmental Committee on Finance and National Planning for being very diligent in their work. I also thank the Chairman for the Statement he has given.

We have seen a lot of misinformation in the media. I saw a Member of Parliament from the other House - of course, this House has very well-seasoned Members who are very diligent in their work - appear at a press conference. He did not make the remarks in the Senate. I would not want to discuss senators with their work in the Senate. The Member appeared at a press conference and said things he has no information on. I hope that Senator will take time to interrogate the Statement that has just been tabled, and the work done by our Departmental Committee on Finance and National Planning. This will enable him to see the facts of what he claimed in the media. There was the matter of the Ksh17 billion oil that belonged to a certain lady. The particular Senator claimed that the money had been drawn from the Exchequer without approval. That particular Senator represents a parliamentary coalition that has made it its business to misinform the country. I am happy that the Chairman of the Departmental Committee of Finance and National Planning has set the record straight - that, matters to do with fuel subsidy are totally different from the issue of fuel stabilisation.

The Kenya Kwanza Government said it shall not engage in subsidising fuel because the cost of subsidising fuel was unbearable for this country's economy. Members will see from the Statement delivered by the Chairman that close to Ksh100 billion was spent in a period of about three months. It tells you that on average, we were incurring a bill of Kshs1 billion daily to subsidise fuel.

We have just tabled the National Dialogue Committee Report. Part of our points of divergence between us and our colleagues in Azimio was on the question of subsidising fuel. We made it clear that subsidising fuel is not tenable in an economy like ours. The cost is unbearable. Some of the problems we are talking about today regarding our economy emanated from those careless subsidies that we got into in the last two or three months before the general elections. They intended to hoodwink Kenyans that we had made fuel cheaper when the basics of what we should do to make fuel cheaper remained the same. However, it comes with a cost to the taxpayer. That is the cost taxpayers are paying today. That is the tax Kenyans are paying today. That is the burden we bear today. Six months after the beginning of the financial year, we do not have a shilling disbursed to the National Government Constituencies Development Fund (NG-CDF). It is not enough for Members of Parliament to say that there is no Parliament without the NG-CDF. We have a duty and responsibility to ensure that the macroeconomic policies that are pursued by the Government are right, sustainable and can last a lifetime, and not just during an election period.

You saw policies in the last regime that were supposed to last two or three months to cure a problem of an election because people wanted to sell an agenda and a candidate who could not be sold. I thank Kenyans that they read through the lies. The pain they bear today out of those things is what the Chairperson of the Departmental Committee on Finance and National Planning has tabled today.

Hon. Temporary Speaker, I want to speak to Senator Omtatah. It is one thing to be a public litigant in the courts and another thing to be a legislator and a leader. I plead to Senator Omtatah and all of us to become leaders. When we make public pronouncements, let them be based on actual empirical data that is factual, and not just make statements out there to create political narratives and insinuations against personalities who are serving in the Executive. I heard him say that Ksh17 billion was drawn from the Consolidated Fund by Cabinet Secretary Davis Chirchir and Kipchumba Murkomen. We must carry the institution of Parliament with the dignity it deserves. Many of us say things in Parliament thinking that we have immunity from prosecution when we defame or slander people's names. We have to carry ourselves with a lot of dignity and be careful about what we say about other people and the conduct of their offices.

The Statement from the Departmental Committee on Finance and National Planning is a public record. I ask our media houses to access this public record so that even as they perpetuate the things that are said to push political narratives, they may not find it in their space to invite the Member for Molo to set the record straight. There is, at least, a public record they can refer to. Those who can read reports and interpret them will do so.

I support the Statement and truly hope that all Kenyans have the facts as they have been laid. Kenyans now know that the Ksh17 billion that was paid from the Ex-chequer was payments for fuel subsidy incurred under the previous Government. In the last supplementary budget that we passed in this House three weeks ago, we provided another Ksh4 billion. It is not subsidy incurred by this Government.

Hon. Temporary Speaker, when we say out there that we are carrying a burden from the previous regime, some people tell us not to point fingers at others. We are not pointing fingers at others. We are stating facts as they are. They have put our country and economy into a very deep hole. We are now cleaning up their mess. They should give us peace and space to clean up their mess without shouting and making a lot of noise. Please, give us space.

(Applause)

Yesterday, I heard somebody telling us to put Ksh6 billion into the Political Parties Fund at a time when Kenyans are marooned by floods. All that the Azimio Coalition can do is to ask for money to hold rallies and hold political party caucuses. I support what this House did - removing money from the Political Parties Fund and taking it to the people of northern Kenya, who are living without food and medicines after being cut out by floods. It is the height of irresponsibility by part of the leadership of this country to ask for money to buy bread, tea and *mandazis* at some place in Lavington or Capital Hill at the expense of Kenyans yet when they speak at funerals, they tell us that the cost of living is high. How do you bring down the cost of living by putting money in the Political Parties Fund to fund your political activities? We need to be honest with each other. We need to look at each other in the eye, just like I am looking at Hon. (Dr) Nyikal, and tell each other the truth. We are not helping this country by playing politics with the dire situation of our economy.

We are not bold enough to tell Kenyans that the cost of living is where it is largely because of missteps of the last regime that we were cheering on. We had what was infamously called the handshake. God forbid that handshake will ever set foot in this country again. You remember we had a mongrel of a system of Government that was called handshake where there was no Government; there was no opposition. I am glad we transformed ourselves. We were even referred to in derogatory terms like *tangatanga*, but we transformed ourselves into an opposition that kept them on their toes. Even as we did so, they still had the guts to steal Ksh6 billion two days before the general election, and here they are today speaking against us.

Let me leave it there.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): The next Statement is by the Chairperson of the Committee on Delegated Legislation.

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Speaker, before I read what I am delegated to do, it is important to comment on the Statement made by Hon. Kimani Kuria, the Chairperson for the Departmental Committee on Finance and National Planning. It is extremely important to understand what is happening in the country, and the deliberate efforts the Government is making to ensure that we stabilise this country's economy. I am referring to what Hon. Ichung'wah has said about the Political Parties Fund, which is largely overfunded. For what reason? We have no idea. Especially, at times like this, we have to swing into action. We have a myriad of problems in the country, including the catastrophe occasioned by *El Nino* weather phenomenon, and here we are with the Political Parties Fund having Ksh1.4 billion. The Departmental Committee on Finance and National Planning, the Budget and Appropriations Committee, and the House did a wonderful thing to reallocate that money to more needy areas. That is the way to go. There is no other way.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Murugara, you have sufficiently commented on the Statement by the Chairman of the Departmental Committee on Finance and National Planning. Please, go to the subject matter of the Committee on Delegated Legislation.

STATUS OF STATUTORY INSTRUMENTS PENDING BEFORE  
THE COMMITTEE ON DELEGATED LEGISLATION

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Speaker, I am making the Statement on behalf of Hon. Chepkonga Kiprono Samuel, who is the Chairperson of the Committee on Delegated Legislation. The Statement is about status of Statutory Instruments before the Committee on Delegated Legislation, pursuant to Standing Order No.44(2)(d) and Standing Order No.5(2)(a).

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Hon. Temporary Speaker, the Committee has received a total of 18 statutory instruments since 1<sup>st</sup> October 2023. It has considered and concluded 10 of them, which were approved pursuant to Standing Order 210(4)(a). Reports on three statutory instruments have been tabled in the House for their approval, pursuant to the enabling statutes. However, there are five pending ones before the Committee for its consideration. A detailed list of the statutory instruments that the Committee has considered is attached here for the House to note. I will table the list.

I wish to appreciate the Office of the Speaker and the Office of the Clerk of the National Assembly for the facilitation that the Committee on Delegated Legislation has been accorded, which has enabled it to consider the statutory instruments within the timelines provided in the Statutory Instruments Act, 2013. I would also like to appreciate the Committee Members for their diligence and timely consideration of the business before the Committee.

I take this opportunity to wish all the Members well as the House proceeds on a well-deserved recess.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Murugara for presenting the Statement on behalf of the Chairperson of the Committee on Delegated Legislation.

Leader of the Majority Party.

*(Hon. Ruku GK spoke off the record)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): The Statement will not be debated. It is the opportunity for the Leader of the Majority Party.

You may proceed.

#### BUSINESS FOR THE WEEK OF 12<sup>TH</sup> TO 16<sup>TH</sup> FEBRUARY 2024

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Hon. Ruku is a very diligent Member. That is why he was eager to comment on the Statement from the Committee on Delegated Legislation. I am making the usual Thursday Statement.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give a Statement on behalf of the House Business Committee (HBC), which met on Tuesday, 5<sup>th</sup> December 2023 to prioritise the business for consideration during the week.

As Members are aware, the House is scheduled to proceed for the long recess at the rise of the House today. Going by our calendar of regular sittings, Members will have opportunity to go back to their constituencies and counties to recharge and reconnect with their families and constituents over the Christmas recess.

I wish to take this opportunity to thank the leadership of the House from across the aisle and all Members for their active participation during the Second Session of the 13<sup>th</sup> Parliament, that has seen the conclusion of various priority items of business. The House sat longer on some days and had additional sittings to conclude all its business, notably the Thursday Morning Sittings and at times sitting beyond our normal sitting times.

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]*

*[The Temporary Speaker (Hon. Farah Maalim) took the Chair]*

For the information of Members, the House held 123 regular sittings and one joint sitting during this Session. Additionally, the House passed 16 Bills and considered 71 Bills at

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various stages. I wish to commend the chairpersons of committees for their active participation during the Session that saw conclusion of a number of committee reports, including those on the vetting of various public officers such as the Chairperson of the Ethics and Anti-Corruption Commission (EACC), the Director-General of the National Intelligence Service (NIS), High Commissioners, Ambassadors and Permanent Representatives, amongst several others.

Several key issues were concluded during the year. Among them was the passage of the progressive Universal Health Coverage (UHC) laws, which are set to transform or change healthcare in Kenya and ensure that every Kenyan has access to affordable and quality healthcare. As we recollect and appreciate what has been achieved, I would like to remind all Hon. Members that we still have a significant number of legislative proposals - Bills and statutory instruments - that will certainly need our keen attention when the House resumes its sittings on Tuesday, 13<sup>th</sup> February 2024, God willing.

I also wish to take this opportunity to inform Hon. Members that the House may be recalled for a special sitting, pursuant to the provisions of Standing Order 29(1) to consider important pending business and any other urgent business that may arise in the interim.

Hon. Temporary Speaker, on behalf of the HBC, the people of Kikuyu Constituency, whom I represent here; and on behalf of my family, I take this opportunity to wish all the Members, including you, their families and constituents a happy festive season. I wish you all a Merry Christmas and Happy New Year 2024.

I lay the Statement on the Table of the House.

*[The Temporary Speaker (Hon. Farah Maalim) left the Chair]*

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) resumed the Chair]*

Hon. Temporary Speaker, I have another Statement. I beg your indulgence because the Statement touches on very sensitive issues that may need the attention of every Member of Parliament. I beg to present it when we resume after the recess.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next Order.

## MOTION

### APPROVAL OF THE PREVENTION OF TERRORISM REGULATIONS, 2023

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023, laid on the Table of the House on Tuesday, 5<sup>th</sup> December 2023, and pursuant to the provisions of Section 36A(2) of the Prevention of Terrorism Act, 2012, approves the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 published as Legal Notice No.152 of 2023.

*(Moved by Hon. Samwel Chepkonga on 7.12.2023 - Morning Sitting)*

*(Resumption of debate interrupted on 7.12.2023 - Morning Sitting)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Nobody had remaining minutes on this Motion. I call upon Hon. (Capt) Ruweida. Sergeant-at-Arms, please, trace her somewhere at the back.

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**Hon. Ruweida Mohamed** (Lamu East, JP): Asante, Mhe. Spika wa Muda, kwa kunipatia nafasi ili nichangie Hoja hii.

Suala la ugaidi lina utata sana. Halina dini wala kabila. Nimetoka Lamu, ambayo imekuwa katika vyombo vya habari mara nyingi kwa sababu ya mambo ya ugaidi. Wengine wamekuwa kwa vyombo vya habari kwa sababu ya utaalumu fulani, lakini sisi saa zote tukitajwa kwa habari ni kwa sababu ya mambo ya ugaidi. Eneo Bunge langu linaathirika sana na mambo ya ugaidi. Suala hili likizungumzwa, tunazungumza kutoka ndani mwa roho zetu kwa sababu ni mambo ambayo tunajua yanatuathiri. Kuna mtu mmoja ambaye ameuawa leo. Ninatoa pole zangu, kisha niendeleo kuchangia Hoja hii.

Katika eneo Bunge langu, Lamu Mashariki, tumeathirika kiuchumi. Watu wanaoishi katika Wadi za Basuba na Kiunga wanaathirika sana kwa upande wa kupeleka chakula. Saa hii kuna mafuriko ambayo yamesababisha shida ingine. Usafiri ni shida kwa sababu ya magaidi. Wanaweka *Improvised Explosive Devices (IEDs)* kwenye barabara. Mtu akitoka Wadi ya Hindi kwenda Basuba hadi Kiunga, ni lazima atumie pikipiki kwa sababu barabara haitumiki saa hii. Hii imesababishwa na masuala ya ugaidi. Barabara iko lakini haitumiki kabisa.

Ninashukuru Serikali kwa sababu imeamua kuweka lami hiyo barabara. Saa hii haitumiki. Njia ya usafiri inayotumika ni pikipiki. Unalipa Ksh7,500 kubeba vifungu viwili vya unga ndio ufike sehemu hiyo. Eneo hilo lote la Basuba na Kiunga limeathirika kwa sababu maendeleo hayafanyiki. Ukitaka kupeleka mradi kule, unaambiwa haufanyiki kwa sababu ya utovu wa usalama. Yote yanatajwa kwa sababu ya mambo ya ugaidi.

Tumeteseka sana. Ninataka nizungumzie suala hili leo. Nina hofu ya kuunga au kukataa Hoja hii leo. Ikiwa ni suala la ugaidi, ni lazima nisome na nielewe. Mambo ambayo yanafanyika kule Lamu yanaleta utata na hatuyaelewi. Kuna watu ambao hutumia matukio ya ugaidi kufanya uhalifu wa wenyewe kwa wenyewe kisha uhalifu huo ukahesabika kama ugaidi. Hofu yangu kubwa ni kwamba watu wengine watatumia sheria kugandamiza jamii zingine ili ziiitwe magaidi.

Kuna utata kule Lamu. Kuna watu ambao wameuwawa kwa sababu ya biashara, au kutopendwa na ikasemekana kuwa huo ni ugaidi. Haya mambo yanafanyika na tunajua watu ambao wameuwawa na ikasemekana kuwa wao ni magaidi ilhali si magaidi. Huwa inapatikana kuwa kuna mtu ambaye anataka shamba lake au anashindana naye kwa sababu ya mafuta na mambo mengine.

Jambo hilo linatuogopesha. Lisije likatumika. Kwa mfano, ninasikitishwa sana na yale yanatendeka kule Lamu. Ndugu zetu waliokuja Lamu ni wenzetu, Kenya ni moja. Jamii hiyo imekuwa Lamu tangu tuwe wachanga na imekaa na wazee wetu vizuri bila chuki. Siasa zinapoanza, watu huuwawa. Wanapouwawa, hofu inaingia katika jamii. Unapowambia waende kwa mashamba, wanasema wanaogopa kwa sababu wataonekana kule na kuitwa magaidi. Vijana hawajakuwa wakienda shambani; wanaenda baharini peke yake.

Jamii zingine zimehamia katika eneo hilo na kuendelea kuwa wengi hadi wakawa na kiburi na kusema kuwa watachukua viti vyote katika uchaguzi. Ninataka Serikali ichunguze suala la magaidi kwa sababu kuna mambo ambayo yamefanyika na watu wanajificha kwenye ugaidi. Kwa mfano, ningependa kuzungumzia jambo ambalo Wakenya hawalijui. Ningependa kulieleza hapa ili walijue. Kuna kanisa iliyochoywa, jambo ambalo lilileta vita kati ya Wakristo na Waislamu. Kuna watu ambao wanafaidika wanapowagombanisha Wabajuni au wakaazi wa Lamu na jamii zingine. Wanataka kuzidisha ugomvi wa kidini ili mtu ajinufaishe kisiasa.

Sisi watu wa Lamu tunapendana, na wale wanaoishi Lamu watakwambia hivyo. Kanisa lilipochomwa, uchunguzi ulifanywa na kubainika kuwa aliyelichoma ni Murithi Robert. Tukio hilo lilirekodiwa kwenye *Occurrence Book (OB) Number 371/170/23*. Mtu huyo alishikwa, akafunguliwa mashtaka na kufungwa miaka minane gerezani. Mbona mtu achome kanisa? Ili Wakristo waone kuwa Waislamu wamechoma kanisa, waende kuchoma msikiti ndio vita

vianze, na Lamu iwe na mgawanyiko kati ya Waislamu na Wakristo. Mungu alitusaidia. Yule aliyechoma kanisa akashikwa. Kanisa mbili zilichomwa wakati mmoja.

Ninataka niwaelezee wenzangu jinsi mambo ya Lamu yanavyoendelea. Waziri Kindiki ni mchapa kazi na anajua kazi yake. Achunguze maneno yangu na kuangalia mambo ya Lamu. Kuna shida zaidi kule Lamu. Tulipokuwa wachanga, kulikuwa na Shifta War. Tulikuwa tunajua kuwa ni lazima tunyamaze tunapopita mahali fulani. Hatungeweza kuzungumza tukiwa kwenye basi. Sehemu hizo ndiko watu wanakoishi wakati huu, na *Al Shabaab* wanapatikana huko.

Ninajua kuwa Serikali ina uwezo wa kuchunguza na kufuatilia mambo haya. Wakati wa Shifta War, Wabajuni walioishi barani walifukuzwa wakiambiwa kuna vita. Ugaidi umebadilisha jina kule Lamu lakini mambo haya yapo na yamekuwa yakituathiri. Ni lazima tuhakikishe kwamba wanaotunga sheria hawazitumii kuwagandamiza watu wengine. Hatutaki Mkenya yeyote aumie. Tunataka aishi popote bora watu waheshimiane na wasitumie ugaidi. Wakati watu wanauana wenyewe kwa wenyewe, wasiseme ni ugaidi.

Mwanzo, jambo hilo linawapatia *popularity* na wao hutaka kujulikana kwa *media*. Wahalifu wote kutoka Kiambu na kaunti nyingine wanaenda kujificha huko. Kuna mmoja alishikwa kule Salama, Lamu baada ya kujificha kwa miaka minane. Alikuwa *most wanted criminal* huku na akakimbilia kule Lamu. *The Directorate of Criminal Investigations (DCI)* imeshika mtu kule, lakini isiwe ni magaidi tu. Kuna wahalifu wanaokimbia viziwani na kwenda Kisauni kwa sababu kuna Wabajuni wengine ambao wamejificha kule. Kuna wahalifu wanaojificha kule Salama, Wida na kwingineko.

Ninaomba Serikali iingilie kati na kushughulikia jambo hili kwa kina na kutumia nguvu zote kulitatua. Limetuathiri zaidi na ninataka likome.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): *Ahsante sana*, Captain Ruweida.

Next is Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations. I listened to my sister from Lamu, and looking at our country, I realise that we have a serious issue that we need to deal with, especially with our youth who are being radicalised into terrorism.

I appreciate that our Constitution and the laws that we have passed in this country are very clear and can guide us. We are preparing Regulations to operationalise the Prevention of Terrorism Act. We have the Prevention of Terrorism Act, 2012, the Prevention of Organised Crimes Act, 2010, and the Proceeds of Crime and Anti-Money Laundering Act, 2009. People launder money in many ways in this country. They engage in *wash wash* and the black market but there is a new system today. I wish the Kenya Revenue Authority (KRA) could look into it. You enter into a place to buy something and you are told that you cannot pay by card. You can only pay by M-Pesa and you must withdraw money. You ask them why you cannot use a Till Number, or a Paybill number or a card. When the value of your shopping amounts to Ksh100,000, the cashier refuses to let you pay with a card. They have changed the system. They say that you can pay by card, but you are supposed to pay for the charges. I urge the KRA to look around for shops doing this because they are many.

When we started following up money laundering schemes that were being run through M-Pesa, people slowly reverted to another system of money laundering. If we want to cure money laundering, we must look at small businesses. You may wonder why one has a business yet nothing comes out of it. Many people have opened such businesses. You will only see the front end of the business, but the back is critical. I am from Dagoretti North Constituency. In Dagoretti North, there is one side where Kenyans live very humbly and another side where foreigners have flooded. They do different kinds of businesses. You can see some trucks

coming in at night, but their gates will never open during daytime. Even if you go there with whom, they cannot open the gate. There are funny businesses happening. If you look at the laws and regulations we are putting in place, we must ask ourselves if we, as a country, can just monitor. There is a backroom that we have where you can see everything happening in Nairobi. We have the best security surveillance and you can monitor anything happening at any given time. A good example is when we lost a young accountant at the Nairobi Hospital. You could monitor every step that the young man took. It means you can see everything that happens within Nairobi. I want us to support the Committee on Delegated Legislation on these Regulations.

Regulation 9 says that the Committee shall compile a domestic list comprising specified entities under Section 3 of the Act. If you look at the things they have listed down, including the name, any alias of the title of the entity, the place and date of birth, origin, passport or identity card numbers, gender, and physical and postal addresses, I align with that.

When I was the Speaker of the County Assembly of Nairobi, we had a very rigorous process with the Ministry of Housing. We did and finalised the address of every Kenyan. It was a World Bank programme, which would have helped us to understand when there are new people coming in. In the same way, when you enter the United States of America, there is no way you can just fizzle out from there. They will know you have entered.

Members are going to Rwanda today and the Government of Rwanda will know how many people have come in and where they are. It cannot be that in Kenya when you enter our airport, you can decide to live another life, call yourself by another name and survive. That is why we are talking about terrorism and all these other things. These are the people who come in and start some funny businesses and we find ourselves in a crisis and crying.

Another section I want us to look at is on financial institutions. As we agree to open our country for business, it is important to always balance because we cannot allow our country to be a dumping place. I appreciate the regulations that we are putting in place. In 60 days, we will receive information and many other things. These regulations come in to assist in many challenges that we face, especially on obligation of financial institutions and getting to know who a person is. I said in the morning that we have passed a few very key Bills in this House. We are putting together regulations to ensure that there are restrictions when someone is doing something wrong. If we are not careful, we can vilify young people if we do not go through a very rigorous process. Sometimes we put our young people into this due to the challenges they face. They find themselves in court wondering why they are there.

As I finalise, the most important thing that we must thank God for as we close the year is that we have seen a lot of challenges in the security sector. We appreciate the things our Cabinet Secretary for Interior and National Administration, Prof Kithure Kindiki, and the Principal Secretary for State Department for Internal Security and National Administration, Dr Raymond Omollo, have done. Unfortunately, we cannot fail to talk about bandits. We can talk about bandits because these are our people - they are young men we know. We can deal with them if we want, but it is as if there is a team that we call terrorists. We have decided to safeguard the team.

As we talk about everything and appreciate, let us...

**Hon. John Kiarie** (Dagoretti South, UDA): On a point of order.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I am sorry, Hon. Beatrice Elachi. What is your point of order, Hon. John Waweru?

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I normally restrain myself when the Member for Dagoretti North is on the Floor. I know that she is an extremely passionate legislator, a great leader and of course a very good neighbour. There is nothing out of order in what she is presenting.

I rise on a point of procedure. I request that after she concludes, we call upon the Mover to reply. Listening to the trajectory that the debate is taking, and knowing what is needed, especially this being the last day of business in this House, you can apply your discretion to call the Mover to reply on time to conclude this business and expend with it in good time.

Thank you very much.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Kiarie. Hon. Elachi will conclude and then I will find out whether that is the mood of the House.

### QUORUM

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

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Nyikal?

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, we are discussing a very important issue, but looking at the numbers in the House, we do not have quorum.

*(The Temporary Speaker consulted with the leading Clerk-at-the-Table)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I have confirmed that we do not have the requisite numbers in the House. I order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

**The Temporary Speaker** (Hon. Rachael Nyamai): Hon. Members, I order that the Quorum Bell be stopped. Clearly, the House is unable to quorate. In the circumstances, we cannot continue to transact business.

Hon. Members, from the Speaker's Chair, I would like to thank you very much for your dedication in transacting all the business that has been brought to this august House during the Second Session, which is ending today. I would like to thank you very much for making debate interesting as you represented your constituents. Let me take this opportunity to wish you a Merry Christmas and a Happy 2024.

*(Applause)*

### ADJOURNMENT

**The Temporary Speaker** (Hon. Rachael Nyamai): Hon. Members, there being no quorum, the House stands adjourned until Tuesday, 13<sup>th</sup> February 2024 at 2.30 p.m.

The House rose at 5.29 p.m.

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