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(The House met at 2.30 p.m.)

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. Order. We now have Quorum to transact business. Clerk-at-the-Table, proceed.

PAPERS

Hon. Speaker: Leader of the Majority Party, proceed.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I have seen my friend, Hon. (Eng) Oscar Sudi. I have missed him.

Hon. Speaker: He is not here as your friend, but as a Member of Parliament.

Hon. Owen Baya (Kilifi North, UDA): I am only acknowledging that I have seen him.

Hon. Speaker: Go ahead.

Hon. Owen Baya (Kilifi North, UDA): I beg to lay the following Papers on the Table:

1. Bilateral Air Services Agreements (BASAs) between the Government of the Republic of Kenya and Cabo Verde, Oman, Algeria, Brazil, Zimbabwe, Luxembourg, the Government of the Federal Republic of Somalia, Iceland, Dominican Republic, Russian Federation, Guinea, United Kingdom, South Korea, Morocco, Poland, Haiti, and Swaziland and the Explanatory Memoranda from the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs.
2. The 23rd Biannual Report on the status of alcohol and drug abuse control in Kenya for the period of July to December 2025 from the Ministry of Interior and National Administration.
3. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024, 30th June 2025 and the certificates therein in respect of the following:
 - (a) F.G.C.K Kisima Secondary School – Meru.
 - (b) Kabarnet Boys High School.
 - (c) Kajuki Secondary School.
 - (d) Kipini Secondary School.
 - (e) Myanga Secondary School.
 - (f) Nthimbiri Secondary School.
 - (g) Our Lady of Mercy Ngarariga Girls Secondary School.
 - (h) St. Catherine Nthagaiya Girls Secondary School.

- (i) St. Mary's Girls Secondary School – Nakuru.
- (j) Wang'apala Secondary School.

Hon. Speaker: Thank you, Hon. Owen. Chairperson, Departmental Committee on Labour.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on its consideration of the County Assembly Services (Amendment) Bill (Senate Bill No.34 of 2023).

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, in the Speaker's Gallery, I want to acknowledge Allamano Primary School, Igembe Central Constituency, Meru County; Sapphire Junior School, Kisumu Central Constituency, Kisumu County; and Muruguru High School, Nyeri Town Constituency, Nyeri County. On my behalf and that of the House, we welcome the students, their teachers and those accompanying them to the House of Parliament. Thank you.

Hon. Mumina Bonaya, Go ahead.

REQUESTS FOR STATEMENTS

INSECURITY IN ISIOLO COUNTY

Hon. Mumina Bonaya (Isiolo County, JP): Thank you Hon. 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 Administration and Internal Security regarding the rising cases of insecurity in Isiolo County.

On the night of 23rd July 2026, Mohamed Ture Demo, a form three student at Isiolo High School, was allegedly fatally shot by a police officer while walking home from school. The incident occurred only a few metres from the Isiolo County Police Headquarters. It is alleged that following the shooting, the officer removed the deceased's school shirt in an apparent attempt to conceal the circumstances surrounding the killing. The matter was reported at Isiolo Police Station and recorded under OBNo.24/24/07/2026. The alleged killing of a student in close proximity to the Isiolo County Police Station has further undermined public confidence in the ability of the security agencies to protect lives and maintain law and order.

In a separate incident, Ms. Angelica Kananu Lichira of ID No.124xxx91, a trader at Isiolo Market, was fatally shot by unknown assailants on Monday, 20th July 2026 while travelling home on a motorcycle. Her brother, who was riding the motorcycle, sustained gunshot injuries and is receiving treatment in hospital. The incident was also reported at Isiolo County Police Station under OB No.64/20/07/2026. These tragic incidents have heightened public concern over the worsening security situation in Isiolo County, marked by a rise in violent crime, killings and armed robberies. They underscore the urgent need for enhanced security measures, prompt and impartial investigations and greater accountability to restore public confidence in the National Police Service and ensure justice for the victims.

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. Status report on the progress of investigations into the death of Mohamed Ture Demo, a form three student of Isiolo High School and Ms. Angelica Kananu Lichira both reported at Isiolo Police Station under

OBNo.24/24/07/2026 and OBNo.64/20/07/2026 respectively, including reports from review of CCTV cameras at the crime scene.

2. Measures put in place by the Ministry of Interior and National Administration to ensure impartiality and guarantee public confidence in the justice system in cases where police officers are implicated as suspects.
3. Any internal disciplinary mechanisms taken against the police officer who allegedly killed the form three student, pending prosecution.
4. Plans being put in place by the Ministry to compensate the families of the deceased persons.
5. Steps being taken to address the insecurity situation witnessed in Isiolo County in the recent past.

Hon. Speaker: Thank you, Hon. Mumina. Where is the Chairperson of the Departmental Committee on Administration and Internal Security? Hon. Ng'elechei, are you a Member of the Committee? Is two weeks sufficient?

Hon. Caroline Ng'elechei (Elgeyo Marakwet, Independent): Yes, Hon. Speaker. That is in order.

Hon. Speaker: Thank you. Hon. Machua Waithaka.

STATUS OF CONSTRUCTION OF MARKETS
AND STUDENT HOSTELS IN KIAMBU CONSTITUENCY

Hon. John Waithaka (Kiambu, UDA): Thank you, Hon. Speaker.

Pursuant to provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works regarding the status of construction of Ting'ang'a market, Kang'ang'i market and students' hostels at Kiambu National Polytechnic.

The national Government commenced the construction of Ting'ang'a and Kang'ang'i markets in February 2024 and October 2025 respectively. The objective was providing modern trading facilities, improving the business environment and creating employment opportunities for traders within Kiambu Constituency. Additionally, the Government initiated the construction of students' hostels at Kiambu National Polytechnic to increase accommodation capacity and improve the learning environment for students.

The projects were expected to play a critical role in stimulating local economic growth, improving livelihoods and enhancing access to essential public infrastructure. However, construction has slowed considerably despite the substantial public investment made. In some incidents, it appeared to have stalled altogether. This has raised concern among traders, students and residents in Kiambu Constituency who expected to benefit from timely completion and operationalisation of the facilities.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning, and Public Works on the following:

1. The current implementation status of the construction of Ting'ang'a Market, Kang'ang'i Market and the student hostels at Kiambu National Polytechnic, including:
 - (a) The expected timelines to complete each project.
 - (b) Total approved project costs for each project and the amount of funds released to date, including the funds paid to contractors.
 - (c) The reasons for the delay in completing the project.
2. The measures the Ministry has put in place to ensure an expeditious completion of the project within the specific timelines.

Hon. Speaker: The Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works. Is it Hon. Rindikiri?

Hon. Mugambi Rindikiri (Buuri, UDA): I commit to submit a report within the next two weeks.

Hon. Speaker: Two weeks, thank you. Hon. Mejjadonk.

OWNERSHIP AND USE OF PLOT NO. B1/179
IN KAYOLE, EMBAKASI CENTRAL

Hon. Mejjadonk Gathiru (Embakasi Central, UDA): Thank you. Pursuant to provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the ownership status and intended use of land Plot No.B1/179 situated in Kayole, Embakasi Central Constituency. The land Plot No.B1/179 has been occupied and utilised by the Administration Police as a public security installation serving the residents of Embakasi Central Constituency for over three decades. In view of the rapid population growth and increasing demand for security services within the constituency, the National Government Constituencies Development Fund (NG-CDF) approved funding to construct a modern police station on the parcel of land to strengthen security coordination, enhance policing and improve public safety.

Despite the long-standing occupation and public use of the land, its ownership has remained the subject of a protracted legal dispute. On 15th May 2026, the court struck out the suit on the ground that the doctrine of exhaustion of alternative dispute resolution mechanisms had not been complied with. This left unresolved concerns regarding the ownership, status and intended use of the parcel thereby creating uncertainty over implementation of the proposed police station project.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. The ownership, legal status and intended use of land Plot No. B1/179 situated in Kayole of Embakasi Central Constituency.
2. Indicate the actions being taken to resolve the dispute in accordance with applicable law including steps being taken to exhaust dispute resolution mechanisms provided in law.
3. A report on the measures being taken by the Government to comply with the Court ruling of Milimani Chief Magistrate's Case No. MCELC/E1103/2025.
4. Clarify whether the Government has approved any change of the intended use of Plot No.B1/179. If so, provide the legal, administrative and policy basis for that decision.
5. Measures being put in place to preserve the plot for its intended public use and steps being taken to facilitate implementation of the NG-CDF project upon conclusion of dispute resolution.

Hon. Speaker: Chairperson of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker...

Hon. Speaker: Sorry, it was not yours. It is for the Departmental Committee on Lands. Who is the Chairperson of the Departmental Committee on Lands? Hon. Nyamoko or any Member of the Committee? Hon. Josess, are you a Member? Advise your Chairperson so that he can bring a response in two weeks.

Hon. Josess Lelmengit (Emgwen, UDA): Thank you, Hon. Speaker. I will.

Hon. Speaker: Responses to Requests of Statements is next. Is Hon. Dick Maungu in the House? Yes. Hon. Tongoyo, are you ready for Hon. Dick Maungu.

Hon. Gabriel Tongoyo (Narok West, UDA): I am. It is a long one. I will try to compress.

STATEMENT

INSECURITY IN LUANDA CONSTITUENCY

Hon. Gabriel Tongoyo (Narok West, UDA): This is a response to the Request of Statement sought by the said Member concerning rising cases of insecurity in Luanda Constituency. In particular, he wanted to know:

1. The assessment of the insecurity situation recorded in Luanda Constituency in the recent past.
2. The status of investigations into the murder of Mr Brian Amatea, including the plans to compensate his family.
3. Measures being taken to ensure perpetrators are arrested and prosecuted.

I respond as follows:

Luanda sub-county experienced isolated security challenges towards the end of 2025 and the beginning of 2026. The area recorded instances of violent and property-related crimes during this period. The crimes include murders, attacks targeting bodaboda operators, motorcycle thefts, and shop breakings. The National Police Service documented five murder cases during the said period. Of the cases:

1. One resulted in conviction and sentencing of the suspect. Not a suspect now, but the perpetrator.
2. One is pending hearing before court.
3. One remains under investigation.
4. One is awaiting arrest of the known suspect.
5. One has been forwarded to the ODPP for further direction.

Additionally, the sub-county recorded two cases of robbery with violence registered under CR Numbers 944/30/2026 and 944/31/2026, both of which are pending before court. Three shop breakings cases were recorded pending before court while three general breaking cases remain under investigation.

The response has a table that enumerates the cases to include offence, CR Number, particulars, accused persons, and the status of each case as I said earlier. I think the Member has a copy of the same.

On how to address prevailing security concerns, the Ministry has implemented:

1. Intensified intelligence-led operations in the said area and identified crime hotspots as supported by enhanced intelligence gathering and profiling of known criminals resulting in their arrest and recovery of stolen property and disruption of the criminal network.
2. Expedited investigations through enhanced coordination, timely collection and analysis of evidence, sustained day and night patrols, strategic deployment of rapid response units in the area.
3. Strengthened collaboration within the National Government Administration Officers (NGAO), *Nyumba Kumi* committees that include village elders that we have officially incorporated into the formation the President launched yesterday.
4. Intensified crackdowns against illicit alcohol and other drugs' trafficking.

On the status of investigation, the Assistant Chief of Madzuu Area reported to Vihiga Police Station at about 10.30 p.m. on 28th July, that an unidentified male body had been found lying by the roadside along the Luanda-Majengo Road.

Police officers visited and processed the scene before transferring the body to Vihiga County Referral Hospital's mortuary for preservation and post-mortem examination. The family subsequently identified the deceased as a resident of Luanda and a bodaboda rider operating from Kima Stage. Investigations established that the deceased's motorcycle of registration number KMJ 541S together with his mobile phone had been stolen. Details of the motorcycle have been circulated to all police stations across the country to facilitate recovery.

A post-mortem examination conducted by the Government pathologist established that the death was because of a blunt force trauma to the head. Secondary to the assault, several persons of interest have been investigated, interviewed and have recorded statements. However, investigations remain ongoing and no suspect has been identified so far. The outcome of the investigations will guide appropriate legal action to ensure perpetrators are brought to justice.

With regard to compensation, there is currently no legal framework providing Government compensation to the victim's family under the circumstances of this case.

I submit.

Hon. Speaker: Hon. Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you very much for the opportunity. Allow me to appreciate the Chairperson for the response although we still feel that we have some security gaps.

The Chairperson has really tried to capture the story as it is, but he did not come out clearly. He has talked about rapid response units that need to be deployed. Since I gave this Request of Statement, we have had an opportunity even to host you in Luanda Constituency where members of the bodaboda trade actually challenged you on the same because they do their business in fear. The death of Mr Brian Amatea was and continues to be quite a big burden to my people. The questions remain to be answered. Therefore, I expect the Chairman to come out and tell us about what happened to Mr Brian Amatea. Have the police officers found the people who killed Brian Amatea? Has that motorbike been found? Brian Amatea was a young man who left behind a very young family with one child. You can imagine the kind of pain that family is going through.

Secondly, I do not want to debate the security issue, but it disturbs us. Therefore, Hon. Chairman, I appreciate your Statement, but we still have insecurity issues that continue to happen. Yesterday, a 16-year-old girl was defiled and murdered by the same group of people in my neighbouring constituency, at the boundary in Emuhaya Constituency.

A week ago, at a place known as Waluka, a bodaboda rider was attacked and his motorbike stolen. As much as you have given this feedback, these occurrences continue to take place. I wish you would come out strongly and tell us the steps the Government has put in place to ensure that my people are safe.

On the issue of compensation, I agree with the Chairman. The House needs to move further and see what steps it can take to support families that are left vulnerable whenever they face such occurrences.

I submit. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, the Member agrees with the Statement, apart from the specific intervention and strategy that the National Police Service is putting in place. It is not proper to discuss some of these issues publicly.

I would like to tell the Member that one of the challenges the NPS faces is lack of vehicle mobility. Currently, there is an ongoing programme to ensure that the majority of our police stations are equipped with vehicles to enable officers to respond to distress calls.

As I mentioned earlier, there is incorporation of Nyumba Kumi Initiative and village elders whom we launched yesterday with the President. They will go a long way to curb insecurity not only in Luanda, but also across the country. I assure my colleague that the Ministry will do everything possible to ensure that Kenyans live peacefully and run their businesses.

Hon. Speaker: Thank you. Is Hon. James K'Oyoo in the House?

Hon. James K'Oyoo (Muhoroni, ODM): Yes, Hon. Speaker.

Hon. Speaker: Good. Hon. Tongoyo, give a response to the request by Hon. James Onyango K'Oyoo, Member for Muhoroni.

ATTACK ON CHEMELIL SUGAR ACADEMY

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. The Statement request was on the circumstances surrounding the attack on Chemelil Sugar Academy. Hon. James K'Oyoo needed to know the circumstances surrounding the attack, including the factors that led to the incident and whether the attack was linked to the operational transition of the school, following the leasing of Chemelil Sugar Academy to Kibos Sugar Academy in 2025. If so, he needed to know the steps taken to secure stability and sustainability of the institution, and the immediate security measures put in place to safeguard the school and its learners.

On 18th June 2026, at about 11.30 a.m., Mr Okilo Samora, the Principal of Chemelil Sugar Academy, reported the incident via telephone to Chemelil Police Station under OBNo.08/18/06/2026. He reported that approximately 20 persons armed with crude weapons had forcefully entered the school compound, broken into his office and vandalised school property, including doors, windows and pens. The assailants fled before police officers arrived. The scene was processed, documented and investigations were launched by the Directorate of Criminal Investigations (DCI) through DCI Muhoroni, Criminal Registry No.60371 of 2026. Preliminary investigations established that property valued at approximately Ksh270,000 was stolen, while property worth Ksh36,000 was destroyed. Five persons sustained serious injuries during the attack. They were treated and P3 forms were duly completed.

Several persons of interest were summoned, interviewed and their statements recorded. Investigations led to the arrest of four suspects: Mr Bernard Ouma, Mr Thomas Onyango Ouma, Mr Walter alias Teddy Obul, and Mr George Wycliffe Omondi, alias Saitoti. They were presented before the Tamu Law Courts vide Miscellaneous Criminal Applications No.010 and 012 of 2026 where custodial orders of 14 days were granted to facilitate completion of investigations.

Investigations further established that Chemelil Sugar Academy has been experiencing a prolonged governance dispute arising from the transition, following the Government's leasing of Chemelil Sugar Factory in 2025. The dispute centres on the ownership, administration and management of the school, staff employment, collection of school fees and control of school resources. The dispute culminated in a case before the High Court in Kisumu. Interim conservatory orders were issued restraining any interference with the administration and operation of the institution pending further directions.

On whether the attack is linked to the operational transition, I believe that question has been addressed. There appears to be a correlation between the transition and attack on the school. Investigations are ongoing. The relevant Government ministries and courts pursue administrative and legal processes aimed at resolving the underlying governance dispute.

Regarding immediate security measures, the government has instituted the following:

1. Deployment of police officers to provide 24-hour security at the school.
2. Strengthening intelligence gathering to deter crime.
3. Continued engagement with the school administration, parents and the community.
4. The NPS continues to conduct comprehensive investigations, analysing available evidence and pursuing all remaining suspects connected to the incident. The four arrested suspects were presented before the Tamu Law Courts and are in custody as investigations continue.

I submit, Hon. Speaker.

Hon. Speaker: Hon. James K'Oyoo.

Hon. James K'Oyoo (Muhoroni, ODM): Thank you very much, Hon. Speaker. Let me also thank my good friend, the Chairperson of the Departmental Committee on Administration and Internal Security, for bringing this response to my Statement. However, I wish to inform him that the answers are grossly insufficient.

This issue arose between two protagonists: The lessee and the management of the school. As at the time of bringing this response, I wish to inform you that the lessee has not been asked to record a statement. This investigation might end nowhere because the DCI officers in Muhoroni who are supposed to investigate all the parties involved are in the payroll of the lessee.

The criminals were about 20 in number, but only four were arrested. The remaining 16 are walking freely. They are goons operating in Muhoroni and its environs. The police officers know them very well. Some of them work at Chemelil Sugar Company. The police officers know the time they report to work and when they leave. However, they were not arrested, summoned or arraigned in court. I ask you and the Government to be serious. Otherwise, I may be forced to ask my people to prepare to protect themselves and confront those who cause mayhem.

Hon. Chairman, I ask you to be serious and ensure proper investigations are conducted. You should ensure that the remaining 16 goons are arrested immediately and charged. You should also ensure that the lessee—who has been mentioned as one of the protagonists in this matter, regardless of how influential, important or wealthy he may be—records a statement on why he is attacking the school, when there are clear ways of resolving this dispute.

Thank you very much, Hon. Speaker.

(Loud consultations)

(Hon. Dorice Donya stood in her place)

Hon. Speaker: Those are positive comments. Order, Members. The conversations and consultations are too loud. Order, Members. Hon. Donya take your seat.

(Hon. Joshua Oron and Hon. Babu Owino consulted loudly)

Order, Members. Order, Hon. Oron and Hon. Owino. I have very good laws out there for Members who want to engage in animated discussions, so that we can have order in the House.

Members, allow me to acknowledge the following schools in the Public Gallery: Kariko School, Nyeri Town Constituency, Nyeri County; Chelilis School, Bureti Constituency,

Kericho County; Kapsogut School, Bureti Constituency, Kericho County; Titani Primary School, Mwingi West Constituency, Kitui County.

Also, in the Public Gallery, I do not know if they are still there, St. Paul's Arole School, Emgwen Constituency, Nandi County; St. Angelo School, Msambweni Constituency, Kwale County; Sacred Heart School, Keiyo North Constituency, Elgeiyo Marakwet County.

In the Speaker's Gallery, we have Robero School, Molo Constituency, Nakuru County; Kathiani School, Kathiani Constituency, Machakos County; and Kemeloi School, Aldai Constituency, Nandi County. We welcome the students, their teachers and those accompanying them to Parliament. Hon. Umulkher Harun, is she in the House? It seems she is not. Let us have the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg your indulgence because the Chairman of the Departmental Committee on Administration and Internal Security has just finished responding to the earlier Statement.

Yesterday, somebody or a group of people, circulated a fake list. I have been informed that the list that was circulated on social media last night, of Commanding Police Stations (OCSs), purportedly from one community is fake. Misinformation and disinformation are now rampant. Unfortunately, that disinformation is being used for ethnic profiling. As a House, we have a responsibility, not only to protect individuals and communities, but also institutions like that of the National Police Service.

Therefore, I beg your indulgence, Hon. Speaker, to direct the Chairperson of the Departmental Committee on Administration and Internal Security, to Table before the House the actual list of all the Officers Commanding Police Stations in Nairobi City County, so that the hate mongers and the ethnic bigot using that list out there, may be put to shame, just as we have put to shame his surrogates when they purported that there were issues in the Finance Bill that did not exist. We have a responsibility as leaders, to not only inform the country, but also set the record straight. It has now become customary that you just generate a fake list, circulate it on social media and use it as a basis to profile ethnic communities.

I beg your indulgence that you direct the Chairperson of the Departmental Committee on Administration and Internal Security to get in touch with the Ministry of Interior and National Administration, and Table the list before the House, so that the country may know what kind of dangerous characters they are dealing, yet purporting to be leaders. You have seen some of their surrogates threatening other people and communities. This thing must come to an end. It is only this Parliament that can bring this profiling to an end.

I also ask the Committee in charge of cohesion, under the able leadership of Mzee Hon. Haji here, that they also take charge and ensure that the National Commission on Integration and Cohesion do its work in line with their constitutional mandate. It will only take one careless political leader to burn this country. We can clearly see that there is one ethnic bigot who is determined to burn this country. We must stop him and his surrogates in their tracks, as useless as they are.

Thank you, Hon. Speaker, for your indulgence.

Hon. Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I personally saw the circulation said to be the transfer or whatever it is. I even got in touch with the Inspector General (IG). I confirm without necessarily even looking for other response that it is fake, malicious and of course, done in bad faith, to achieve particular narrow interest of the people circulating it. There are procedures on how the National Police Service and the IG do their normal human resource duties which should not be interfered with by whosoever. The Constitution gives the IG the full mandate of such duties. For avoidance of doubt, I cannot

provide the said list, but I confirm to the country that it is fake and malicious and is meant to profile a particular family which is very unfortunate.

Hon. Speaker: When can you do that?

Hon. Gabriel Tongoyo (Narok West, UDA): Even tomorrow or Tuesday, next week.

Hon. Speaker: It does not take long to compile a list.

Hon. Gabriel Tongoyo (Narok West, UDA): Fine, tomorrow afternoon.

Hon. Speaker: Tomorrow afternoon?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, Hon. Speaker. I personally got in touch with the IG and it was very unnecessary and unfortunate.

Hon. Speaker: Hon. KJ. I do not want to escalate this. I think the Leader of the Majority Party has made the point quite clear.

Hon. John Kiarie (Dagoretti South, UDA): I must thank the Leader of the Majority Party for bringing this to the attention of the House. We are in a new world. We saw what happened in 2007 and we can foresee the precursors of such unhappiness repeating itself as we go into the election. However, the lay of the land has changed. In 2007, all the hate and hate mongering was happening on the ground, but now, we have a new space called social media, internet and all the cyber spaces. So, I ask Hon. Tongoyo as he is preparing this report, to also check on the Bills that we have done. There are some that are for the safety of the public, but others are advanced Bills that are being put in for information that is private and regarded to be for the military, the police and the empowerment that has been given to these agencies so that they are able to comb through our social media because it is not a walk in the park.

Parliament has passed proper laws up to and including the Computer Misuse and Cybercrime Bill. Therefore, the instigation and violence that is being peddled in our social media is not good. There are politicians in this House who fear backlash whenever they go to court when they are offended on these matters. As a country, we might not allow people to go rogue on social media thinking that we are doing a favour to the electorate by not hitting back to the very small minority who are doing offensive work on our social media. Hon. Tongoyo and his Committee should dig further to make use of available technology so that we can stop the madness happening in the social media space. There are many Kenyans who have a right mind and are ready to use social media for their business enterprise, entertainment and other useful things in our country.

Hon. Speaker: Point made. I do not want to escalate this. We have told Hon. Tongoyo to bring a response tomorrow. Hon. Kipchumba, take a minute.

Hon. Timothy Toroitich (Marakwet West, Independent): Hon. Speaker, I wish to associate myself with the sentiments of the Leader of the Majority Party. I take great exception to the circulation of the fake list. The list was only meant to stir tribal and ethnic emotions in this country. Hon. Speaker, I thank you for the direction you have given the Chairman of Departmental Committee on Administration and Internal Security. A Committee of Parliament has powers similar to those of the High Court to call witnesses. It can summon and issue directives.

The Directorate of Criminal Investigations (DCI) must investigate this matter thoroughly. The Departmental Committee on Administration and Internal Security must investigate the matter because we have one indivisible country. We do not want ethnic profiling in this country. We are one people. We do not want to divide our country. We saw what happened in Rwanda. We do not want the same to happen in our country.

Hon. Speaker: Hon. Ruweida, is it on the same issue?

Hon. Ruweida Mohamed (Lamu East, JP): Ndio. Asante, Mhe. Spika. Ni vizuri huu mjadala umetokea. Hata kama ni ya uongo na pengine hauna uhakika, ni wakati murwa wa kuzungumzia kila kabila. Ni matatizo na tunaomba yaangaliwe. Hii inaeza kuwa uongo, lakini

katika Idara ya Polisi, *Administration Police*, Mbajuni ambaye ako na cheo kikubwa ni *Senior Superintendent of Police (SSP)*. Katika polisi, Mbajuni ambaye ako na cheo kikubwa zaidi ni *Officer Commanding Station (OCS)*; katika gereza, Mbajuni ambaye ako na cheo kikubwa ni mmoja Kenya nzima ambaye anasimamia magereza; na katika *Kenya Wildlife Service*, Mbajuni ambaye ako na cheo kikubwa ni *Assistant Warden III*. Na hii ni kwa mjibu wa mashirika yote nimeyapitia. Sio kwa sababu sisi hatuna watu ambao wanaweza kuhudumu, lakini ni kwa sababu watu wanagandamizwa. Sasa huu ni wakati murwa tuchukue hii nafasi, tuende *deep*, tufanye *audit*, tuangalie kila kabila liko na *OCS* wangapi, na pia kwa hizo idara zingine za polisi, kila kabila liko na wangapi. Ni kama sisi Wabajuni tunapotea. *We are an endangered species*.

Asante.

Hon. Speaker: Let us stop there. Next is Hon. Lochakaping. Are you ready to respond to Hon. Umulkher?

Hon. Peter Lochakapong (Sigor, UDA): Yes.

Hon. Speaker: Go ahead.

Hon. Peter Lochakapong (Sigor, UDA): Yes, Hon. Speaker. My name is Hon. Lochakapong.

Hon. Speaker: Lochakapong, not Lochakaping. Kachapin is your Governor.

Hon. Peter Lochakapong (Sigor, UDA): Kachapin is my Governor.

Hon. Speaker: Okay.

STATUS OF REFUGEE INTEGRATION AND ECONOMIC EMPOWERMENT

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Speaker. This is a Statement regarding the status of refugee integration and economic empowerment in the country.

Hon. Umulkher Harun sought a Statement from the Chairperson of the Departmental Committee on Regional Development on the status of implementation of the provisions of the Refugee Act, Cap.173 relating to refugee integration and the progress made in transitioning refugees from camps to integrated settlements. Hon. Speaker, the Member already has a copy of the Statement, and therefore, I will just scan through it for the purpose of the House.

The Government, through the Department of Refugee Services (DRS), continues to implement the Refugee Act 2021 which provides the statutory framework for refugee protection, management and socioeconomic inclusion. The Act promotes a whole-of-Government and whole-of-society approach to refugee management while supporting sustainable development and self-reliance. A key milestone has been the development and implementation of the Shirika Plan, the Government's flagship framework for transitioning refugee management from a predominantly humanitarian response model to an integrated socioeconomic development approach. The plan seeks to promote self-resilience, inclusion, and shared prosperity for refugees and host communities while strengthening national and county systems.

Significant progress has so far been achieved through:

1. Operationalisation of the Department of Refugee Services as the lead government institution responsible for refugee affairs.
2. Establishment of the National Shirika Coordination Unit to coordinate implementation of the Shirika Plan and facilitate collaboration among stakeholders.

The Shirika Plan is currently being implemented in refugee-hosting counties, particularly, Turkana and Garissa, and seeks to transform refugee-hosting areas into integrated municipalities and socioeconomic growth centres that benefit both refugees and host communities.

On the measures being taken by the Commission for Refugees and other relevant Government agencies, including the Ministry of Education, to expand inclusive education programmes and guarantee equitable access to quality education for refugee children and youth. The Government remains committed to ensuring equitable access to quality, inclusive, and relevant education for both refugees and host communities in line with the Constitution of Kenya, the Basic Education Act 2013, the Refugee Act 2021, the Shirika Plan, and Sustainable Development Goal No.4. This is achieved through:

1. The Kenya Primary Education Equity in Learning Programmes, which continue to improve access, equity and learning outcomes in refugee-hosting areas.
2. The Secondary Education Quality Improvement Project (SEQIP), which has significantly improved access and quality at the secondary school level.
3. The Draft Refugee and Host Community Education and Training Strategy. The Government, through the Ministry of Education and the Department of Refugee Services, has developed a draft refugee and host community education and training strategy.
4. Refugee Teachers Registration and Professional Recognition. The Government, through the Teachers Service Commission and the Department of Refugee Services, is undertaking measures to facilitate registration and professional recognition of qualified refugee teachers.
5. The School Feeding Programme, where the Government continues to collaborate with National Council for Nomadic Education in Kenya (NACONEK), the World Food Programme, United Nations High Commissioner for Refugees (UNHCR), and education partners to sustain school feeding programmes in refugee camp-based schools and host communities.
6. Integrated Health Services. Building resilience and responsive health systems projects aim to improve utilisation and quality of primary health care services and strengthen institutional capacity for service delivery in Kenya. The project focuses on addressing inequities in access to health care services, particularly, benefiting women, children and vulnerable populations, such as refugees and host communities in Garissa and Turkana counties.
7. The Kenya Water, Sanitation and Hygiene Programme (K-WASH) implemented under the National Water and Sanitation Investment Programme with support from the World Bank, is being implemented in those areas.
8. Social Protection.

On steps being taken by the Ministry to strengthen infrastructure development and service delivery within host communities, particularly in Garissa and Turkana. Under this, we have the Urban Development and Municipal Strengthening. We also have livelihoods and economic empowerment that is being addressed.

On public awareness and sensitisation initiatives, the Government is doing community engagement, social cohesion and peacebuilding, public awareness and sensitisation and inclusive service delivery.

In conclusion, the Government of Kenya remains committed to implementing the Refugee Act, 2021 and the Shirika Plan as key instruments for refugee protection, socio-economic inclusion and sustainable development. Significant progress has been made in education, health, infrastructure, development, livelihoods, social protection and social cohesion.

Through continued collaboration with county governments, development partners, United Nations agencies, civil society organisations and the private sector, the Government is advancing a whole-of-Government and whole-of-society approach that promotes self-reliance, shared prosperity and peaceful coexistence between refugees and host communities.

Hon. Speaker: Hon. Umulkher.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Speaker. I also thank the Chairperson for the detailed response. I have gone through the Report and it is very broad and heavily focused on programmes, but it does not touch on the real results on the ground.

Hon. Speaker, if you look at what has been happening in the refugee camps since the donor funding was reduced in 2025 and 2026, the youth and the refugees have been suffering, as well as the host communities. The Report focuses on the efforts that the Government of Kenya has made in providing education, health care, school feeding programmes and medical cover, through the Social Health Authority (SHA), for the refugee children. This is a responsibility of the Government of Kenya.

However, if you look at the role of our international donors and partners, you will note that their support has significantly reduced. The United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) must tell us what has happened to their funding and what efforts they are making to supplement the Government's provisions. We are talking about human lives. Refugees have lived in these camps for more than 30 years. Some were born here, raised here and have educated their children here. They know no other home apart from Kenya.

When we talk about integration and resettlement programmes, some refugees are willing to return to their countries. However, with regard to the Shirika Plan referred to in this Report, it has existed since 2019. We continue to discuss the Shirika Plan and attend workshops, but the tangible results on the ground are still lacking. I, therefore, challenge the Department of Refugee Services to account for the work being undertaken by these donors.

Jobs have been lost, particularly among young people in the host communities. For example, many youths in Turkana and Dadaab, Garissa County have lost employment following the abrupt withdrawal of donor-funded programmes, without a proper exit strategy. This places an enormous burden on Kenyan taxpayers and on the Government. Therefore, I challenge the WFP and the UNHCR to tell us what work they are currently undertaking on the ground. Where has the funding gone? Why have so many young people lost their jobs? Why are refugees still confined to the camps without a clear and sustainable exit strategy? Notwithstanding those concerns, I appreciate the Report. There is much that we can do going forward.

Hon. Speaker: Thank you, Hon. Umulkher. Hon. Lochakapong, that is a positive comment. You can engage hereafter.

Hon. Members, allow me to welcome students who are seated in the Speaker's Gallery: Hossen Mixed Day Secondary School, Marakwet West Constituency, Elgeyo Marakwet County and Skyking School, Chesumei Constituency, Nandi County. In the Public Gallery, we have Luciuti Primary School, Igembe North Constituency, Meru County and Boito Primary School, Eldama Ravine Constituency, Baringo County.

We welcome the students, their teachers and those accompanying them to the House of Parliament.

(Applause)

The next response to request for statement is from the Departmental Committee on Trade, Industry and Cooperatives. Is Hon. Mukunji in the House? Chairperson, are you ready?

Hon. Bernard Shinali (Ikolomani, ODM): Yes, Hon. Speaker.

STATUS OF LEATHER INDUSTRY IN THE COUNTRY

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Speaker, pursuant to Standing Order 44(2)(c), Hon. Gitonga Mukunji requested for a Statement on 1st July 2026 regarding the status of leather industry in the country. I will, therefore, respond to the Question as submitted to me by the Cabinet Secretary.

One, is a report on the current status of the leather industry in the country providing *inter alia* the impact analysis of the reduction of export duty from 80 per cent to 50 per cent. Kenya ranks 6th in Africa and 11th globally by herd size with over 80 million livestock heads providing a robust raw material base of the leather sector. Between 2005 and 2023, the livestock population grew by roughly 65 per cent to 80 per cent and 75 per cent for cattle, goats and sheep respectively. Annual outtake is estimated at 3.65 million cattle, 12 million goats and 8.2 million sheep.

Production infrastructure is supported by 1,727 abattoirs, 34 Class A, 176 Class B and 1,500 Class C facilities alongside numerous hides and skins aggregation and collection centres across the country. Leather processing and tanning capacity, is dominated by wet blue semi-processed leather which accounts for over 80 per cent of leather exports with India, Pakistan and China as the major export markets.

The sector is anchored by 12 to 13 mediums to large tanneries and provides direct employment to 1,169 workers. About 95 per cent of processed leather is exported while only five per cent is retained for the local markets, reflecting limited domestic value addition. The Kenya leather industry is valued at over US\$80 million covering leather processing footwear, leather goods and related products.

As of 2025, the sector supported approximately 17,000 direct jobs and contributed an estimated one per cent to the national Gross Domestic Product (GDP). Local consumption on finished leather stands at approximately 25 million feet against local production of approximately 14.4 million feet. Demand exceeds supply.

On value addition, products and market demand, the leather industry in Kenya currently occupies a relatively small position in the global market with export valued at approximately US\$17.23 million in 2024 and footwear exports of about US\$520,000. The country remains concentrated in mass market footwear and semi-processed leather rather than premium finished products.

However, significant market opportunities exist through regional markets under the East African Community (EAC) and the African Continental Free Trade Area (AfCFTA), preferential access to the United States through Africa Growth and Opportunity Act (AGOA) and opportunities in Europe markets through trade arrangements with the European Union (EU).

On the impact analysis of export levy on raw hides and skins, the introduction of export taxes on raw hides, skins, and leather products has influenced the development of Kenya's leather industry. Before 2002, export taxes on raw hides and skins were 2 per cent, 1 per cent for wet-blue leather, and 0.5 per cent for crust leather. This meant that exporting raw materials was attractive. As a result, many hides and skins were exported without significant processing,

limiting opportunities for local value addition. To encourage local processing and production of finished leather products, the government gradually increased export taxes.

In 2002, the tax on raw hides and skins was raised to 15 per cent, then increased to 20 per cent in 2006, 40 per cent shortly afterwards and later to 80 per cent in 2012. The policy contributed to growth in leather exports in the country after the introduction of the 15 per cent export tax in 2002. The value of leather exports increased from approximately Ksh0.6 billion to Ksh3.3 billion by 2008. The proportion of hides and skins processed within Kenya also improved significantly. By 2007, about 98 per cent of skins and 96 per cent of hides produced in the country were processed into wet blue or finished leather, compared with only 56 per cent in 2004. Leather production increased from about 5,000 metric tonnes in 2003 to 20,000 metric tonnes in 2007.

Hon. Speaker: Chairman, can you paraphrase your statement? It is too long, and I can see you are still fumbling with many pages.

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Speaker, I will move fast. On the implementation status, the Kenya Leather Industrial Park is situated in Kinanie, Machakos County. This is meant to ensure that the leather produced here is tanned and value-added in Kenya. On the measures that the Government is taking to unlock and adapt the potential of the leather industry, we have the Leather Value Chain Development Support Project. It is valued at 35 million euros and is being implemented under the Industrial Transformation Programme to develop the industry, in conjunction with the Government of Kenya through the Ministry of Investment, Trade and Industry (MITI).

The project aims at addressing structural weaknesses limiting the Kenyan leather industry. These include low value addition, inadequate processing capacity, weak competitiveness of micro, small and medium enterprises (MSMEs), poor raw material management, skills gaps and limited compliance with international leather standards. It will incentivise investors to occupy and operationalise the Kenya Leather Industrial Park located in Kinanie, Machakos County. We have the Ewaso Ng'iro South Development Authority (ENSDA) tannery. The tannery will support and increase capacity for leather processing, hides and skins and finished leather.

We have the establishment of common manufacturing facilities to enhance leather product manufacturing in MSMEs. The existing enterprises will be upgraded, and another 10 of them will be established and equipped in selected high-potential clusters. On mopping up of hides and skins, the project will establish a hides, skins and leather seed capital to facilitate the mopping up of hides and skins and avail them for value addition to ensure quality of hides and skins. This project will facilitate capacity building of farmers, butchers, flayers, and hides and skins traders.

On skills development and capacity building along the value chain, the project will improve productivity and competitiveness across the value chain. The various actors will be trained on their operations. The specialised skills required include leather processing and finishing, product design and development, as well as waste management and laboratory operations.

Other priority areas are modernising the policy, legal and industrial framework, improving hides and skins quality, collection and traceability, accelerating leather product manufacturing and micro and small enterprise upgrading and strengthening marketing standards and market access.

Hon. Speaker: Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker. At the onset, as you had said, that Statement was long, but without substance. This is a cosmetic report from a Ministry that has not appeared in this House since we came in. It is one of those ministries

where the Cabinet Secretary has not appeared before this House to either answer Questions or explain what they are doing.

Hon. Speaker: Order, Hon. Mukunji. You are now debating the Statement. Just hold on. You should have the capacity to listen because when you talk, I listen. Take your seat. Your Statement sought the status of the leather industry in the country. He has given a very long, comprehensive Statement on its status. For you to interrogate the Statement properly is not to make those bellicose statements. Simply ask him what you think is incorrect in that status report so that he can respond. Go ahead.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker. I mean what I say because I have read the report. I was given the report and I internalised it fully.

Hon. Speaker: Then interrogate it. Ask him to clarify.

Hon. Gitonga Mukunji (Manyatta, UDA): Yes, I want to get into the substance.

First of all, the report does not say why many tanneries continue to close down. We are now close to 18 tanneries that have closed down, yet there were local people who were trying to add value to the leather industry. The report does not address the issue of the declining production of leather products in this country. This has led to the loss of serious skilled employment. When these industries close down, people lose their jobs.

The operationalisation of the Kenya Industrial Park is a mirage that is actually embarrassing the President. Every time I hear the President speaking about the leather industry, he talks about the need to have shoes that are made in Kenya. A while back, I saw the President addressing somebody and he said that shoes must be produced in Kenya even although the Kenya Leather Industrial Park is yet to be complete. The current Government has one year only to go home. It has not made the solid waste management facility and it has not completed the effluent plant whose infrastructure is not in use. So, when I say that the Statement from the ministry is not making sense, I mean it.

In policy, the Ministry reduced the export duty from 80 per cent to 50 per cent which was meant to ensure that there is no illegal smuggling of hides and skin. However, the smuggling has continued within our borders. That is something that the ministry must explain to this House. It looks like the policy solution that we gave the ministry is working in reverse. Many of our hides and skins are being used in Nigeria as food. The ministry must come to this House to explain further on that issue. Without strong enforcement mechanisms of the laws that we pass in this House, we will continue to have the same issues recurring.

The ministry's Statement has focused so much on promises, future investments and planned projects whereas we have projects that need to be actioned. We need to hear the ministry saying it has completed the Kenya Leather Industrial Park. However, the ministry has not said so. So, it is not right for the ministry to tell us that it is going to make sure that Kenya produces leather products and it has not completed what it is supposed to complete in the first place. The Statement is quite cosmetic.

I also want to urge the ministry to do public participation and engage the stakeholders in this industry. When we get a Statement from the ministry, it must guide the House on the way forward.

There is also need to get evidence on what is happening in the leather industry, especially on matters policy. We do not have complete projects. Many of them are still being implemented. We have not put money in the budget to finalise the industrial parks that are supposed to deal with leather. We need to realise the potential the leather industry has in this nation. We should open the whole area of northern region for pastoralist to get good money by doing value addition to leather. So, I request the Committee to go back and talk to the ministry again. If possible, for the first time, the Cabinet Secretary should appear before the Committee to explain why the leather industry is going down instead of up.

Thank you.

Hon. Speaker: Thank you, Hon. Mukunji. Chairman, those were just general comments, but if you have any response to any one of them, you can go ahead.

Hon. Benard Shinali (Ikolomani, ODM): Hon. Speaker, I want to thank Hon. Mukunji for requesting for a Statement. However, I request him to give specific questions that he wants us to answer. Otherwise, the information he has given on the industrial park is not accurate. We allocated in the budget its final batch of money to make sure that it is operational in this financial year. That budget was passed by this House. We are on course and I believe the ministry's Statement is accurate as per his request for a Statement.

Hon. Speaker: Thank you. Statement number five is from Hon. Fredrick Ikana, Chairman of Transport and Infrastructure. There has been a request to defer it. So, it is deferred to next Tuesday.

Hon. Members, allow me to acknowledge in the Public Gallery, Legal Sisters Organisation from Dagoretti North, Nairobi and in the Speaker's Gallery the AHP Workshop Primary School from Belgut, Kericho County. On my behalf and on behalf of the House, we welcome all our visitors to the House of Parliament.

Thank you.

(Applause)

Next Order.

BILL

First Reading

THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL (National Assembly Bill No.47 of 2026)

*(The Bill was read a First Time
and referred to relevant committee)*

MOTION

ADOPTION OF 2ND REPORT ON STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

THAT, this House adopts the Second Report of the Committee on Implementation on Status Reports on Petitions and Resolutions Passed by the House, laid on the Table of the House on Thursday, 26th October 2023

(Moved by Hon. Raphael Wanjala on 29.7.2026)

(Resumption of debate interrupted on 4.8.2026)

Hon. Speaker: Hon. Members, this matter came up yesterday. Is Hon. Wanjala in the House? Any Member from the Committee on Implementation? We will give it the last chance tomorrow. If the Mover will not be here, I will use Standing Order 95 to put the Question, his absence notwithstanding.

(Motion deferred)

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order of the Committee read)

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson

(Hon. Omboko Milemba) in the Chair]

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

(National Assembly Bill No. 29 of 2023)

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Members, we are in the Committee of the whole House. We will deal with the Fisheries Management and Development Bill (National Assembly Bill No.29 of 2023). We will resume from Clause 42 given the fact that we last handled the Bill up to Clause 41.

Is the Chair in the House? Who is leading this? Okay, the Chairman of the Departmental Committee on Blue Economy, Water and Irrigation. Clause 42.

Clause 42

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 42 of the Bill be amended —

- (a) in subclause (1) by deleting the words “and/or” appearing in paragraph (b) and substituting therefor the word “and”;
- (b) in subclause (2) by deleting the word “sea” appearing in paragraph (b) and substituting therefor the word “Kenya fishery waters”;
- (c) in subclause (3) by inserting the words “as far as is possible” immediately after the words “recover the body” appearing in paragraph (b); and
- (d) in subclause (4) by deleting the words “for a term” appearing immediately after the words “five hundred thousand shillings or to a term”.

The amendment seeks to provide that where a vessel becomes entangled with fixed fishing gear or other objects, the master shall, where applicable, return to the Kenya fisheries waters. What the Bill seeks to address is the sea. A vessel can become entangled in any other waters, which is why we are using the words "Kenya fisheries waters".

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): In the absence of any comments, I am looking around for the fishermen and women in the House, and I can see they are satisfied with that.

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

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

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

(Clause 42 as amended agreed to)

(Clause 43 agreed to)

Clause 44

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 44 of the Bill be amended —

- (a) in subclause (1) by inserting the words “in Kenya” immediately after the words “threatened with extinction”; and,
- (b) in subclause (2) by inserting the words “or fish products” immediately after the words “species of fish”.

The amendment clarifies that the declaration of endangered fish refers to Kenya, in addition to those declared under international agreements. This clause also prohibits the sale of fish products emanating from endangered species.

(Question of the amendment proposed)

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

(Clause 44 as amended agreed to)

(Clause 45 agreed to)

Clause 46

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 46 of the Bill be amended in subclause (1) by deleting the words “the Kenya Fisheries Advisory Council, stakeholders and the Board” appearing in the opening statement and substituting therefor the word “the Board, Council of County Governors, beach management units and other relevant stakeholders”.

The amendment is consequential in line with the proposal to delete the provisions of the Kenya Fisheries Advisory Council and provides for the consultation of the relevant stakeholders before the Cabinet Secretary declares an area marine protected.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. You do realise that today I am not standing as much as I did the other day because we actually had a harmonisation process with the Committee.

The Temporary Chairman (Hon. Omboko Milemba): Great.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I do not have today's Order Paper. I am actually using the previous one of 24th June.

The Temporary Chairman (Hon. Omboko Milemba): I am ordering the clerks to give Hon. Millie today's Order Paper.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): And because of that, I am not too sure whether my amendment is included. I am requesting the Chairperson because we had agreed that for me to withdraw my proposed amendment, the wording "Beach Management Units" and "Council of Governors" would be retained so that they are consulted. We agreed to remove the Kenya Fisheries Advisory Council, but include the Council of Governors and the Beach Management Units. If that is acceptable, they should be added.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I want to thank Hon. Millie because she contributed significantly to this amendment. We sat down with her and harmonised our proposals. I also want to assure Hon. Millie that because the Kenya Fisheries Advisory Council was removed, the provision now requires the Cabinet Secretary to consult with the Council of Governors and the Beach Management Units. So, it is captured.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

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

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

(Clause 46 as amended agreed to)

Clause 47

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 47 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

- (2) Where an application is made under subsection (1), the Director-General shall refer the matter to the National Environment Management Authority, who shall give a report regarding the likely impact of such activity on the fishery resources, including their habitat and possible means of preventing or minimising adverse impact and after public participation.

This is just a clean-up.

(Question of the amendment proposed)

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

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

(Clause 47 as amended agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Before we proceed, allow me to acknowledge the presence, in the Public Gallery and the Speaker's Gallery, of the following schools:

1. Kabianga Comprehensive School from Belgut Constituency, Kericho County.
2. Bethel Home School from Kipkelion East Constituency, Kericho County.
3. Wambwe School from Mathioya Constituency, Murang'a County.

Welcome to the House. We are now undertaking what is called the Committee of the whole House on Bills, which is a very important stage in the law-making process, as taught in History and Government in your schools. Welcome.

We proceed.

Clause 48

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 48(5) of the Bill be amended by deleting the expression '1999'.

The amendment seeks to align the title of the Environmental Management and Co-ordination Act with its new Chapter number, Cap.387.

(Question of the amendment proposed)

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

(Clause 48 as amended agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Chairman, you must have your team in the House. This is your business and you must support it. So, get organised. Proceed.

Clause 49

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 49 and substituting therefor the following new clause—

Fish landing stations etc 49. (1) The Cabinet Secretary may, on the recommendation of the Director-General, by notice in the *Gazette* provide for—

- (a) fish landing stations;
- (b) designated fishing ports; and
- (c) protected fish breeding grounds,

Provided that in the case of fish landing stations the Cabinet Secretary shall consult the county governments in the respective area of jurisdiction.

- (2) Notwithstanding subsection (1), any designated fishing port which immediately before the commencement of this Act was gazetted or declared as a designated fishing port set out in the Third Schedule shall be deemed to be a designated fishing port under this Act.
- (3) No person other than a sport fisherman shall land any fish at any point except at a fish landing station or port.
- (4) A person who contravenes the provisions of subsection (3) commits an offence and is liable, on conviction—
 - (a) in the case of a fish landing station to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both; or
 - (b) in case of designated fishing ports to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

The amendment seeks to provide for consultation with the relevant county governments before the Cabinet Secretary establishes fish landing stations, noting that the management of most landing stations requires collaboration with the county governments.

(Question of the amendment proposed)

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

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

(Clause 49 as amended agreed to)

(Clauses 50, 51 and 52 agreed to)

Clause 53

The Temporary Chairman (Hon. Omboko Milemba): Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 53 of the Bill be amended—

- (a) in subclause (1) by deleting the word “live”; and,
- (b) by inserting the following new subclause immediately after subclause (5)—
 - (6) A person who contravenes the provisions of subsections (1) and (2) commits an offence and is liable on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding three years, or to both.

This is a deletion of the word “live”. It is just to clarify the definition of a fish, which includes live fish.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

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

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

(Clause 53 as amended agreed to)

Clause 54

The Temporary Chairman (Hon. Omboko Milemba): This has an amendment. Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 54 of the Bill be amended in subclause (1) by deleting the word “live”.

This is a deletion of the word “live”. It is to clarify the definition of fish, which includes live fish.

(Question of the amendment proposed)

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

(Clause 54 as amended agreed to)

(Clause 55 agreed to)

Clause 56

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 56 of the Bill be amended in the opening statement by deleting the words “Fish Marketing Authority” and substituting therefor the words “relevant stakeholders”.

This is a consequential amendment as the Kenya Fish Marketing Authority established under part 13 has been deleted in line with the Cabinet directive on State Corporation reforms.

(Question of the amendment proposed)

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

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

(Clause 56 as amended agreed to)

Clause 57

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 57 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (h)—

(ha) conduct audits of the traceability mechanisms established by a person who engages in the handling, landing, transportation, processing or marketing of fish or fish products;

The amendment seeks to enhance the functions of the Technical Committee on Fish Quality and Safety to include the conduct audits of the traceability mechanism. This is to enhance the safety of the fish and products in the sector.

(Question of the amendment proposed)

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

(Clause 57 agreed to)

Clause 58

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 58 of the Bill be amended by deleting the expression “2013”.

This amendment seeks to align the title of the Treaty Making and Ratification Act with the new Cap No. 4D.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

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

(Clause 58 as amended agreed to)

(Clause 59 and 60 agreed to)

Clause 61

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 61 of the Bill be amended by—

(a) deleting subclause (1) and substituting therefor the following new subclause—

(1) The Cabinet Secretary shall, in consultation with the Service and county governments, prepare a national aquaculture development plan for promoting the sustainable development of aquaculture in Kenya in accordance with the principles and objectives of this Act.

(b) Inserting the following new subclause immediately after subclause (4)—

(5) Each county government may develop a county aquaculture development plan taking into consideration the national aquaculture development plan.

The amendment seeks to provide a development of the National Aquaculture Development Plan by the Cabinet Secretary in consultation with the county governments and further provide for the development of County Aquaculture Development Plan noting that the inland aquaculture is regulated by the counties.

(Question of the amendment proposed)

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

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

(Question, that the words to be inserted be inserted, put and agreed to)
(Clause 61 as amended agreed to)

(Clause 62 agreed to)

Clause 63

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 63 of the Bill be amended —

- (a) in subclause (1) by deleting the words “without good cause and without first consulting the affected community”; and,
- (b) in subclause (2) by deleting the words “three hundred thousand” and substituting therefor the words “one million”.

The amendment seeks to enhance the fine to deter persons who undertake aquaculture activities from depriving the local communities from traditional access to fisheries. It is unclear that a good cause there may be for denial of traditional communities in their access to traditional fishing grounds for the purpose of aquaculture. This has been deleted.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Let me first propose the question.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. My apologies, I did not carry my card. I had proposed a similar amendment to delete the last part of this paragraph that says, “without good cause and without first consulting the affected community”. This is because one of the great concerns to artisanal fishers is people who are carrying out aquaculture activities depriving local communities of access to their traditional fishing grounds. Cage fishing is very good, but not to an extent that we kill our traditional fishing. They must coexist. That is why it is important to delete the words “without

good cause” which leaves room for corruption. People will just want *kitu kidogo* to decide whether there is good cause or not. I, therefore, support the Committee’s proposed amendment.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

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

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

(Clause 63 as amended agreed to)

Clause 64

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 64 of the Bill be amended—

(a) in subclause (1) by deleting the words “and mariculture”; and,

(b) in subclause (3) by deleting the words “local fisheries authority” and substituting therefor the words “respective county government”.

The amendment provides clarification on the role of enforcement by the respective county governments. Under the Constitution, the functions of the defunct local authorities were devolved to county governments.

(Question of the amendment proposed)

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

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

(Clause 64 as amended agreed to)

Clause 65

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have an amendment.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. We had agreed with the Committee that I would drop the issue of genetically modification, provided that public participation is included in some of the matters. Therefore, I beg to move:

THAT, Clause 65 of the Bill be amended in subclause (2) by inserting the words “and public consultation” immediately after the words “environmental impact assessment”.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, the amendment proposed by Honourable Millie has already been addressed by the Committee’s proposal. I would also like to be on record stating that we heavily borrowed from her amendments, and this has been duly captured. I support Hon. Millie’s amendment.

(Question of the amendment proposed)

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

(Clause 65 as amended agreed to)

Clause 66

The Temporary Chairman (Hon. Omboko Milemba): Mover. Give the Chairperson the microphone.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 66 of the Bill be amended in subclause (2) by deleting the word “may” and substituting therefor the word “shall”.

This is to make it mandatory for the Director General to ensure that there is no introduction of fish in Kenya that may comprise any fisheries.

(Question of the amendment proposed)

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

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

(Clause 66 as amended agreed to)

(Clause 67 agreed to)

Clause 68

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 68 of the Bill be amended—

(a) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A person engaged in commercial aquaculture in Kenya shall, within twelve hours after becoming aware of the escape of hatchery reared aquaculture stock or damage to a farming structure in relation to a facility over which the person exercises management or control or to other equipment, that may lead to the escape of hatchery reared aquaculture stock, notify the Director-General and the County Director of the escape or damage, including—

(a) the species of fish affected;

(b) the date or an estimate of the date on which the escape or damage took place;

(c) the number and biomass or an estimate of the number and biomass of the fish that have escaped; and

(d) the age or developmental stage of the fish at the time of their escape and details of the circumstances in which the escape or damage took place.

(b) by inserting the following new subclause immediately after subclause (3)—

(3A) A person required to make a notification under subsection (3) shall within seven days after becoming aware of the escape of hatchery reared aquaculture stock or damage to a farming structure, notify the Director-General and the County Director in writing of the action taken to deal with it.

(c) in subclause (4) by deleting the expression “(3)” and substituting therefor the expression “(3) or (3A)”.

This amendment seeks to establish a requirement to notify the Director-General, as well as the county director, in instances of escape. It is important to note that the regulation of aquaculture primarily falls under the jurisdiction of the county governments.

(Question of the amendment proposed)

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

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

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

(Clause 68 as amended agreed to)

(Clause 69 agreed to)

Clause 70

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 70 of the Bill be amended by inserting the word “fish” immediately after the “modified”.

This is simply a clean-up to clarify the information that is to be collected regarding fish. **The Temporary Chairman** (Hon. Omboko Milemba): Is that all?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

(Question of the amendment proposed)

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

(Clause 70 as amended agreed to)

Clause 71

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. After further consultations with the Chairperson, I have agreed to drop this proposal because the same provision is provided for under clause 60 (1).

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Omboko Milemba): Very well. I will take it again as a clause without amendment.

(Clauses 71 and 72 agreed to)

Clause 73

The Temporary Chairman (Hon. Omboko Milemba): We have amendments from the Chairperson and from Hon. Millie.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 73 of the Bill be amended—

(a) in subclause (1) by inserting the words “in consultation with county governments,” immediately after the word “may”; and,

(b) by inserting the following new paragraph immediately after paragraph (g)—

(ga) environmental protection bonds for commercial aquaculture activities including amounts to be paid;

(gb) the methodology for calculating licence and permits fees for aquaculture activities including exemptions or reduced fees for aquaculture operators below prescribed production levels;

(gc) single permit agreement for aquaculture operators, for movement, harvesting and processing and related operational activities;

(gd) the categorisation of aquaculture establishments based on production capacity for purpose of differentiated licences; and

This is to provide for a consultative process between national and county governments in the regulatory framework and to provide regulations for an Environmental Protection Board overseeing commercial aquaculture. The amendment also seeks to categorise aquaculture establishments based on their production levels for the purpose of issuing differentiated licences. Furthermore, it proposes the introduction of a single permit to encourage and facilitate ease in investment in the sector.

(Question of the amendment proposed)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I have a further amendment.

The Temporary Chairman (Hon. Omboko Milemba): Let us deal with this one for the Chairperson then we come to yours.

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

We will now deal with Hon. Millie’s amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. I propose the amendment as per the Order Paper, which I am introducing and has been approved by the Speaker.

First, I beg to move:

THAT, Clause 73 of the Bill be amended in subclause (2) by inserting the words “including sizes, and navigation routes by artisanal fishers” immediately after the words “Kenya fishery waters” appearing in paragraph (c).

This amendment pertains to the regulations that ensure that when aquaculture is established, it includes specifications for sizes and navigation routes pertinent to artisanal fishers. When individuals set up these cages, artisanal fishers often lose their established navigation routes. For instance, if I want to travel from Rusinga to Mfangano, Takawiri, or Remba Island, we face challenges as we do not know the dimensions of the cage farms. This lack of information makes it difficult to find safe navigation routes. The regulations must therefore stipulate acceptable size parameters and also provide clear navigation routes for artisanal fishers and small-scale fishermen.

Secondly, I beg to move a further amendment that is aligned with a Petition we have yet to address. We have existing establishments such as hotels and tourist centres that were established prior to the advent of cage farming. Often, these cages are constructed directly in front of these hotels, which adversely affects the experience of guests who seek clean shores. The complaints from these establishments are valid. Therefore, I propose to insert (gg): “Excluded areas for establishment of aquaculture including areas located directly in front of existing commercial developments including hotels or other tourism facilities.”

This is my proposed amendment.

The Temporary Chairman (Hon. Omboko Milemba): Well, it sounds progressive. Let us hear what the Chairman has to say about this. Order, Chair. Let me first propose the Question.

(Question of the amendment proposed)

Chairman, you can now speak to this.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, on the first amendment by Hon. Millie to Clause 73, if I look at the main Bill, Clause 63 reads, “that no person shall, by carrying out aquaculture activities, deprive the local communities of their traditional activities or access to fishing grounds without good cause and without first consulting the affected communities”. I thought that might address the amendment by Hon. Millie to Clause 73, if that can cure it, though there is something about "prior to".

I support the second amendment. Normally, tourists who come to the seashore hotels really want to enjoy the breeze and also the water attraction. If they find cages all over the place and, at times, when the fish are affected, like what happened when so many fish died in the Lake, it can create a very uncomfortable environment around that establishment. I support the amendment by Hon. Millie.

The Temporary Chairman (Hon. Omboko Milemba): Very well. You were convincing, Hon. Millie, and I am tending to get convinced that what you have read covers what Hon. Millie is also moving in the first part of her amendment.

(Hon. Millie Odhiambo-Mabona spoke off the record)

Hon. Millie, you are a very seasoned legislator. We do not need to over-legislate. Let us hear you on this.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, we actually discussed this, and the Chairman had indicated his reservations. However, there is really no harm because I have held several meetings, and sometimes, when you do not explicitly state something, people leave it to their own imagination and interpretation. This is

an ongoing crisis in the lake. It is good to be very clear and leave no doubt that we want navigation routes. When talking of the earlier one, we talked about sizes and all that...

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, we now just want the specifics that are different from what you have said and what is already provided. It seems like it is the same. If there is any variation, then just bring out the semantic difference in English on those specifics. Otherwise, it sounds the same.

(Hon. Kangogo Bowen spoke off the record)

Give the Chairman the microphone.

Hon. Kangogo Bowen (Marakwet East, UDA): I do not want to leave it, even though I have seen there is a kind of ambiguity in the Bill. I think, Hon. Millie is giving the specifics. I do not mind that we go as per Hon. Millie's amendment, so that we put it in the law. Sometimes, when we leave it open in some areas...

The Temporary Chairman (Hon. Omboko Milemba): Very well. You have reached a consensus.

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

(Clause 73 as amended agreed to)

Clause 74

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 74 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (f)—

(fa) beach management units.

The amendment requires the Beach Management Units to keep records and accounts and produce the same when required. This may help to enhance transparency and accountability.

(Question of the amendment proposed)

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

The Temporary Chairman (Hon. Omboko Milemba): Go ahead.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Just before we go further, I have a proposed new Part. My understanding is that we will deal with that Part at the end; is that correct? Because if we are not dealing with it at the end. It deals with Clauses 74(a) and 74(b). If we are not dealing with it at the end, we need to move it at this point. That is what I need clarified. If it is clarified that we are dealing with it at the end, then I will wait. It is a new Part VIII—Artisanal Fisheries Development, Protection and Welfare.

The Temporary Chairman (Hon. Omboko Milemba): Very well, Hon. Millie. There is a specific point at which we shall deal with your amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you.

The Temporary Chairman (Hon. Omboko Milemba): Where were we? We were on Clause 74, and I will take it again.

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

(Clause 74 as amended agreed to)

(Clause 75 agreed to)

Clause 76

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 76 of the Bill be amended in subclause (3) by deleting the words “one million thousand” and substituting therefor the words “one million”.

This is just a clean-up.

(Question of the amendment proposed)

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

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

(Clause 76 as amended agreed to)

(Clauses 77 and 78 agreed to)

Clause 79

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 79 of the Bill be amended –

(a) in subclause (2) by deleting the words “The Cabinet Secretary in consultation with the Director-General” and substituting therefor the words “The Cabinet Secretary or County Executive Committee Member in consultation with the Director-General or County Director as the case may be”; and,

(b) in subclause (3) by deleting the words “The Director-General” and substituting therefor the words “The Director-General or County Director as the case may be”.

The import of this is to provide the role of county government in handling confidential information.

(Question of the amendment proposed)

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

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

(Clause 79 as amended agreed to)

(Clauses 80 and 81 agreed to)

Clause 82

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 82 and substituting therefor the following new clause— Information available to the public.

Information available to the public. 82. The Director-General and County Director shall make information available to the public and as may be necessary disseminate relevant information to stakeholders for purposes of fisheries conservation, management and development, including regional and international organisations, except for such information that may be designated confidential in accordance with section 79.

The amendment corrects a cross-referencing error and provides for the role of the County Director in managing information under the Act.

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

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

(Clause 82 as amended agreed to)

Clause 83

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 83 of the Bill be amended—

- (a) in subclause (1) by deleting the expression “90(3)” appearing in the opening statement and substituting therefor the expression “85(1)”; and
- (b) by inserting the following new subclause immediately after subclause (5) — (6) Any requirement for registration under this section shall be with respect to undertake fishing or related activities and shall not be construed as registration of the vessel and no registration fee for the vessel shall be payable under this Act in respect of a vessel registered under the Merchant Shipping Act.

The amendment seeks to align the title of the Act with the Cap. number issued and to clarify registration of fishing activities and not of vessels, which is regulated under the Merchant Shipping Act.

(Question of the amendment proposed)

(Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, we will come to your amendment, so take your cool.

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

(Question, that the words to be inserted)

in place thereof be inserted, put and agreed to)

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

The Temporary Chairman (Hon. Omboko Milemba): Let us go back to Hon. Millie's amendment on the same clause.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I withdraw my amendment.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Omboko Milemba): Very well. Having withdrawn your amendment, I now proceed to put the Question.

(Clause 83 as amended agreed to)

Clause 84

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie has an amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I notice that the amendment I had intended to withdraw was on Clause 84. On Clause 83, I had wanted counties to specify the time that it takes for an application. But the withdrawal is not fatal; it can be proposed later even in the Senate. I withdraw my amendment to Clause 84.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Omboko Milemba): In that case Clause 84 has no amendment.

(Clause 84 agreed to)

Clause 85

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 85 of the Bill be amended in subclause (1) by deleting the words "Board, on the recommendation of the".

This amendment seeks to clarify the role of the Director-General in issuance of licences and provides for operational efficiency.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, I know you have an amendment but take your cool.

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

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

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

THAT, Clause 85 of the Bill be amended by inserting the following new subclause immediately after subclause (5)—

(6) Any person aggrieved by the decision of the Director-General to approve, issue or renew a licence or authorization may appeal to the Board, and anyone dissatisfied with the decision of the Board may appeal to the Cabinet Secretary.

What the amendment seeks to do is that if any person is aggrieved by the decision of the Director-General, they have a chance to appeal up to the Cabinet Secretary because that is good governance practice. When you just leave one person to be the final arbiter, decisions tend to be very autocratic. So, I propose that we have a level where people can appeal.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Very well. Chair, we will give you the chance to comment, so take your cool. Let us hear Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Temporary Chairman. I am a Member of the Committee and I support what Hon. Millie says. From public participation, it was clear that people were anxious that if you vest too much powers on the Cabinet Secretary then what happens if he uses his discretion in a way that does not favour you? Where do you go? It is important that we have levels where one can appeal to and have a chance to be heard by more than one person. I support the amendment.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Let us hear the Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I plead with Hon. Millie to drop the amendment because it is already provided for in the principal Act under Section 96 which says:

An applicant of a licence who is aggrieved by the decision not to grant or renew any licence or authorisation under this Act to the person who holds the licence or authorisation who is aggrieved by the decision to suspend or cancel such licence or authorisation may appeal to the Board within 30 days of receiving notification of such decision and may further appeal to the Cabinet Secretary within 60 days of receiving notifications of the Board's decision.

So, the provision for an appeal is already captured in the appeal.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Let us hear Hon. Millie's submission on this.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, it is very well provided for so I drop my amendment.

The Temporary Chairman (Hon. Omboko Milemba): Very well. I am fully convinced also.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 85 as amended agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Chair, for being that abreast.

Clause 86

The Temporary Chairman (Hon. Omboko Milemba): Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 86 of the Bill be amended—

(a) in subclause (1) by deleting the expression “134” and substituting therefor the expression “133”; and

(b) in subclause (2) by deleting the expression “134” and substituting therefor the expression “133”.

This is a small cross-referencing error that we are trying to correct.

(Question of the amendment proposed)

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

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

(Clause 86 as amended agreed to)

Clause 87

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 87(1) of the Bill be amended by deleting the expression “134” appearing in paragraph (j) and substituting therefor the expression “133”.

That is the same amendment where we are writing expression ‘134’ instead of ‘133’ so it is just a cross-referencing error.

(Question of the amendment proposed)

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

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

(Clause 87 as amended agreed to)

Clause 88

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 88(1) of the Bill be amended in paragraph (d) by deleting the words “or fishing” appearing in subparagraph (iv) and substituting therefor the words “or fishing related activities”.

The amendment seeks to expand the information required under fishing plans to include information where the fishing-related activities will take place, which is important for regulation.

(Question of the amendment proposed)

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

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

(Clause 88 as amended agreed to)

Clause 89

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 89 of the Bill be amended —

- (a) in subclause (2)(b) by deleting the expression “134” appearing in subparagraph (i) and substituting therefor the expression “133”; and
- (b) in subclause (6) by inserting the word “shillings” immediately after the word “thousand”.

This is also to correct a cross-reference error and to further clarify that amounts be in shillings.

(Question of the amendment proposed)

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

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

*(Question, that the words to be inserted
be inserted, put and agreed to)
(Clause 89 as amended agreed to)*

Clause 90

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 90 of the Bill be amended—

- (a) in subclause (1) by deleting the words “the Employment Act 2007” and substituting therefor the words “applicable labour laws and any other laws governing safety at sea”;
- (b) by inserting the following new subclause immediately after subclause (3)—
 - (3A) Notwithstanding subsection (3), the operator of a foreign fishing vessel granted authorization or an access right under this Act, shall employ such number of Kenyan citizens as may be prescribed under section 97(3).

(c) in subclause (4) by inserting the words “or imprisonment for a term not exceeding three months or to both” immediately after the words “thousand shillings”.

The amendment seeks to provide that where persons are employed by persons issued with a licence under the Act, that employment should be in compliance with the relevant labour and laws relating safety at sea. Further, in line with best practices on local content and to promote employment of Kenyans, the amendment seeks to set a threshold for the minimum number of Kenyan citizens to be employed by foreign fishing vessels granted authorisation or access rights. The amendment also provides for the term of imprisonment in addition to the fine imposed and incorporated.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Caroli Omondi, had an amendment on this particular Clause but if the Hon. Chairman’s amendment is carried, then Hon. Caroli’s will fall.

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

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

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

(Clause 90 as amended agreed to)

Clause 91

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 91 and substituting therefor the following new clause—

Period of validity of
licences and
authorizations.

91. (1) A licence issued pursuant to this Act shall, unless otherwise provided, be valid for a maximum period of one calendar year and may be renewable, subject to any fisheries management decision taken in accordance with this Act and the terms and conditions set out in the licence

(2) An authorization issued pursuant to section 83 (5) shall be valid for a period prescribed by the Director-General

The amendment clarifies the validity period of licence issued under this Act.

(Question of the amendment proposed)

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

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

(Clause 91 as amended agreed to)

Clause 92

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 92 of the Bill be amended—

- (a) in subclause (1) by inserting the words “or the county government” immediately after the word “Director-General” appearing paragraph (b); and
- (b) by inserting the following new subclauses immediately after subclause (1)—
 - (1A) A levy prescribed under this section shall not be imposed on fish at the point of landing or on fish harvested from an aquaculture establishment.
 - (1B) Notwithstanding subsection (1A), the Cabinet Secretary may prescribe by regulations, a levy in respect of fish processing, value addition or other fish processing activities in relation to aquaculture carried out under this Act.
 - (1C) The Cabinet Secretary in prescribing a levy under subsection (1B), shall have regard to—
 - (a) the need to promote investment, competitiveness and sustainable development of fishing and aquaculture;
 - (b) the avoidance of multiple or duplicative fees, charges or levies payable under this Act or any other written law; and
 - (c) the costs of regulating the activity in respect of which the levy is imposed.

This amendment is meant to clarify that the fees and charges that may be imposed by counties, hence the need for the same to be published. It further provides the manner in which the levies are to be imposed on commercial aquaculture activities.

(Question of the amendment proposed)

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

(Clause 92 as amended agreed to)

Clause 93

The Temporary Chairman (Hon. Omboko Milemba): We have two amendments by Hon. Chairman and Hon. Millie, respectively. Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 93 of the Bill be amended in subclause (6) by deleting the words “five hundred thousand” and substituting therefor the words “one million”.

The amendment seeks to harmonise the penalties prescribed.

(Question of the amendment proposed)

(Question, that the words to be left

out be left out, put and agreed to)

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

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, move your amendment on Clause 93. You had done a lot of consensus building.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, we have done a lot of consensus building. Otherwise, I would be standing on every amendment.

The Temporary Chairman (Hon. Omboko Milemba): Great.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am just wondering whether the Chairman has moved the same amendment as mine or his is different. If it is the same amendment, I do not need to move mine. I just need to support him, except that I will comment later on the issue of sentencing policy, which I have told the Committee.

Since the Bill was not drafted at the committee level, there is a problem with the sentencing policy. It is a bit haphazard. They needed to have thought very clearly about the sentencing policy. As part of our agreed harmonisation, I have been dropping most of my amendments.

The Temporary Chairman (Hon. Omboko Milemba): That is the strength of winnowing.

*(Proposed amendment by
Hon. Millie-Odhiambo Mabona withdrawn)*

(Clause 93 as amended agreed to)

Clause 94

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, as I had indicated, we agreed with the Chairman of the Committee on the issue of the sentencing policy, that it was not done well. However, to enable us to move forward, I dropped my amendment.

*(Proposed amendment by
Hon. Millie-Odhiambo Mabona withdrawn)*

(Clause 94 agreed to)

(Clause 95 agreed to)

Clause 96

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 96 of the Bill be amended by—

(a)renumbering the existing provision as subclause (1); and

(b)inserting the following new subclauses immediately after subclause (1)—

(2) A person who is—

(a) aggrieved by a decision not to grant or renew any licence or authorisation under this Act;

(b) aggrieved by a decision to suspend or cancel a licence or authorisation, may appeal to the County Director within thirty days of receiving notification of such decision and may further appeal to the County Executive Committee Member within thirty days of receiving notification of the County Director's decision.

(3) A person aggrieved by a decision of the Cabinet Secretary or County Executive Committee Member may appeal to the Tribunal within thirty days of receipt of the decision.

The amendment enables the people aggrieved by the decision of the Cabinet Secretary or the County Executive Committee Member (CECM) to the Fisheries Tribunal as a means of aiding access to justice. This is just to say that if you are not certified with the decision of the Cabinet Secretary or the Committee, you can also seek the tribunal hearing.

(Question of the amendment proposed)

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

(Clause 96 as amended agreed to)

Clause 97

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 97 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

(3) The Cabinet Secretary shall by notice in the *Gazette*, prescribe the percentage of Kenyan citizens to be employed as crew members on fishing vessels under this Act, which percentage shall be not less than twenty per cent of Kenyan citizens for foreign fishing vessels granted authorization or an access right under this Act.

This is in line with the amendments proposed in Clause 9, that requires the Cabinet Secretary through regulations, set the threshold of the minimum number of Kenyan citizens to be employed by foreign fishing vessels granted authorisation or access rights at a minimum 20 per cent. This is in line with the best practice on a local content. It also seeks to promote employment of Kenyans.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): There was an amendment by Hon. Caroli Omodi. However, if they reached a consensus with Hon. Chairman, it is okay.

Hon. Kangogo Bowen (Marakwet East, UDA): We agreed on a consensus.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

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

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

*(Proposed amendment by
Hon. Caroli Omondi dropped)*

(Clause 97 as amended agreed to)

Clause 98

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 98 of the Bill be amended in subclause (1)(k) by deleting the words “shall be landed for sale” and substituting therefor the words “shall be landed for fish processing and sale”.

The amendment seeks to require the following fishing vessels, granted authorisation or access rights to the process a certain percentage of fish in Kenya. This will contribute towards revenue generation through the blue economy sector.

(Question of the amendment proposed)

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

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

(Clause 98 as amended agreed to)

Clause 99

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 99(1) of the Bill be amended—

(a) in paragraph (a) by—

(i) deleting the word “log” and substituting therefor the word “logbook”;

(ii) inserting the following new subparagraph immediately after subparagraph (v)—

(va) by catches of non-target species;

(b) in paragraph (c) by deleting the words “subparagraph (a), (b), (c) and (d)” and substituting therefor the words “subparagraph (a), (b) and (c)”.

The amendment is a clean-up of the provisions. It also enhances reporting requirements for industrial fishing vessels to include cages of non-target species.

(Question of the amendment proposed)

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

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

(Question, that the words to be inserted be

inserted, put and agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, you have an amendment on this clause. I do not know whether you have built consensus.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, this is part of the amendments that I said we have agreed on the sentencing policy. Therefore, I drop my amendment.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, I missed what you said. Please, take the Floor again. I was talking to the clerks-at-the-Table.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, there are several clauses where we have agreed with the Committee on sentencing policy. Overall, I did not agree with the sentencing policy because you would find that in one instance, somebody is fined Ksh100,000 and jailed for five years while in the other, a person is fined Ksh100,000 and jailed for two years. So, it was not making sense. There is no logic in the sentencing. However, because we agreed with the Committee, I drop it.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 99 as amended agreed to)

Clause 100

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie has a proposed amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I withdraw my amendment.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 100 agreed to)

(Clauses 101, 102, 103 and 104 agreed to)

Clause 105

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 105 and substituting therefor the following new clause—

Conditions for
recreational fishing
vessels.

105. (1) A licence issued to a recreational fishing vessel for fishing or fishing related activities shall be subject to the following conditions that—

- (a) the vessel be duly registered in accordance with this Act,
- (b) the registration number of the vessel be prominently displayed thereon in a manner and format prescribed;
- (c) the vessel be inspected;
- (d) payment of the prescribed fees; and
- (e) such other requirements as may be prescribed or required by regulations.

(2) A person who contravenes any condition prescribed under subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding three months or to both.

This amendment clarifies the requirements for recreational fishing vessels.

(Question of the amendment proposed)

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

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 105 as amended agreed to)

(Clause 106 agreed to)

Clause 107

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie has a proposed amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I withdraw the amendment, Hon. Temporary Chairman.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 107 agreed to)

Clause 108

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I withdraw the amendment, Hon. Temporary Chairperson.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 108 agreed to)

Clause 109

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie has a proposed amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I withdraw all the amendments because they are about sentencing policy. The Committee and I agreed that I would withdraw all the amendments on sentencing policy.

The Temporary Chairman (Hon. Omboko Milemba): Okay, let us move until we get there.

(Clauses 109 and 110 agreed to)

Clause 111

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 111 of the Bill be amended in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

(1) A licence to operate a fish processing establishment shall be issued by the respective county government subject to the following conditions in addition to any other conditions required pursuant to this Act—

The amendment clarifies that the respective county government shall be responsible for issuing fish processing licence, in accordance with this Bill. They will also be in charge of trade regulations, including the issuance of trade licences which is a devolved to function, under the fourth Schedule of the Constitution.

(Question of the amendment proposed)

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

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

(Clause 111 as amended agreed to)

Clause 112

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 112 of the Bill be amended—

(a) in subclause (2) by inserting the word “not” immediately after the words “requirements of the judgment have”; and,

(b) by deleting subclause (3).

This amendment is about the requirement of a judgement.

(Question of the amendment proposed)

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

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

(Clause 112 as amended agreed to)

Clause 113

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 113 of the Bill be amended in subclause (5) by deleting the words “three years” and substituting therefor the words “six months”.

This amendment is an offence relating to keeping records as required by the Bill. It reduces the severe penalty.

(Question of the amendment proposed)

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

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, for records, I withdraw my proposed amendment.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Hon. Millie.

(Clause 113 as amended agreed to)

Clause 114

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 114 of the Bill be amended in subclause (3) by deleting the words “three years” and substituting therefor the words “six months”.

This is an offence relating to keeping of records as required by the Bill. Hence, the proposed amendment reduces the severe penalty.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Does Hon. Gikaria want to contribute to this amendment?

Hon. David Gikaria (Nakuru Town East, UDA): No.

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

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

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie has an amendment in this Clause.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, Hon. Chairman has reduced the sentences. So, I am okay.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Clause 114 as amended agreed to)

Clause 115

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairperson, I withdraw this amendment.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 115 agreed to)

(Clauses 116 and 117 agreed to)

Clause 118

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 118 of the Bill be amended in subclause (6) by deleting the words “one year” and substituting therefor the words “six months”.

The amendment seeks to reduce the penalty. It does commensurate to the offence, under the provisions that relate to the requirements for application of aquaculture licence.

(Question of the amendment proposed)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I support. I had a similar amendment to reduce. So, I support the Hon. Chairman and drop mine.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Omboko Milemba): Oh, very well.

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

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

(Clause 118 as amended agreed to)

(Clauses 119 and 120 agreed)

Clause 121

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman,

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 121 be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (b)—

(c) measures to be taken to minimize the escape of waste products and the pollution of land and water.

The amendment provides for pollution mitigation measures when issuing our aquaculture licence.

(Question of the amendment proposed)

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

The Temporary Chairman (Hon. Omboko Milemba): Yes. What is out of order?

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Chairman. It is just a concern. I have never seen such a big Bill. Next time, I would advise the Chairman of the Departmental Committee on Blue Economy, Water and Irrigation to divide this into oceans and lakes. This Bill is too long.

The Temporary Chairman (Hon. Omboko Milemba): So, what is out of order? You know you stopped everything; that something is out of order. Okay. That was a very good commercial break. Once the Temporary Speaker calls canter banter.

We proceed, Hon. Members.

(Clause 121 as amended agreed to)

(Clause 122 agreed to)

Clause 123

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, do you have an amendment on this one? What is the status?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I drop. Thank you.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona dropped)*

(Clause 123 agreed to)

(Clause 124 agreed to)

Clause 125

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. I drop.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 125 agreed to)

Clause 126

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I drop.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 126 agreed to)

Clause 127

The Temporary Chairman (Hon. Omboko Milemba): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that Clause 127 be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause (1)—

(1) The Cabinet Secretary may, on the recommendation of the Director-General, on behalf of the Government of Kenya and in accordance with the provisions of this Act, any applicable international agreement and national policies and strategies, permit access by foreign fishing vessels to the fishery waters for fishing or fishing-related activities.

(b) in subclause (2)—

(i) in paragraph (a) by deleting the words “and/or” appearing in subparagraph (iv);

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

(b) an access right granted by the Cabinet Secretary, taking into account the provisions of subsections (1) and (2) and in consultation with the Director General, in accordance with such conditions as may be prescribed, including the—

- (i) maximum number of such rights to be granted for a given period of time;
- (ii) maximum period of time not exceeding six months during which such right can be held;
- (iii) the authorised fish catch quantity not exceeding three hundred metric tonnes;
- (iv) fishery or fisheries to which rights-based access applies;
- (v) qualifications of applicants for such rights;
- (vi) procedures for application for such rights;
- (vii) criteria for the grant of such rights;
- (viii) conditions for the use of such rights;
- (ix) transferability of such rights; and
- (x) conditions for the cancellation or revocation of such rights; or

(c) by inserting the following new subclauses immediately after subclause (3)—

(3A) The total quota allocated to foreign vessels under this section shall not exceed ten percent of the total available quota in any calendar year.

(3B) An access right granted under this section by a foreign fishing vessel shall be valid for a period not exceeding six months and shall not be renewable.

The amendment is just a cleanup and clarifies that the permit is issued on recommendation of the Director General and further in order to protect and promote the local fisheries.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes. Let us hear Hon. Gikaria, who is around Lake Nakuru.

Hon. David Gikaria (Nakuru Town East, UDA): Yes. Thank you, Hon. Temporary Chairman. It is just to take some precautionary measures on this very, very important amendment. We have a problem that has always been escalating between Kenya and Uganda; what is it called, Hon. Millie? Migingo. It is important that, much as we give the Cabinet Secretary that leeway to do that, we must also be very careful to stop the happenings in Migingo and allow the boundaries to be respected.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

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

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

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

(Clause 127 as amended agreed to)

Clause 128

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 128 of the Bill be amended in paragraph (f) by deleting the expression “134” and substituting therefor the expression “133”.

This is just to correct a cross-reference error, Hon. Temporary Chairman.

(Question of the amendment proposed)

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

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

(Clause 128 as amended agreed to)

Clause 129

The Temporary Chairman (Omboko Milemba). Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 129 of the Bill be amended in subclause (2) by deleting the words “Advisory Council and” appearing in the opening statement.

The amendment is a consequential amendment in line with the proposal to delete the Kenya Fisheries Advisory Council.

(Question of the amendment proposed)

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

(Clause 129 as amended agreed to)

(Clause 130 agreed to)

Clause 131

The Temporary Chairman (Omboko Milemba). Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Chairman. I drop.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 131 agreed to)

(Clause 132 agreed to)

Clause 133

The Temporary Chairman (Omboko Milemba). Hon. Chairman, you have an amendment on this.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 133 of the Bill be amended—

(a) in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”; and

(b) in subclause (2) by inserting the words “compensation to the crew of the fishing vessel for the loss of life or damage to their belongings on board as a consequence of a fishing vessel’s foundering, piracy, fire or other loss affecting the vessel” immediately after the words “violations against this Act”

The amendment seeks to make it mandatory for the Cabinet Secretary to require the performance bond with regard to the foreign fishing vessels and provide for compensation of fishers.

(Question of the amendment proposed)

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

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

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

(Clause 133 as amended agreed to)

Clause 134

The Temporary Chairman (Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 134 and substituting therefor the following new clause—

134 (1) Nothing in this Act or regulations made thereunder affects the entry of a vessel into a port in accordance with the laws of Kenya for reasons of force majeure or distress.

(2) The Director-General may grant a vessel that falls within the provisions of this Act entry into port for reasons of *force majeure* or distress, provided that—

(a) the vessel may enter port under its claim of force majeure or distress for such period of time necessary to remedy such claim; and

(b) the vessel is permitted entry exclusively for the purpose of rendering assistance to persons or vessels in danger or distress.

This is to clarify the condition under which the vessels may be granted access in the instance of distress.

(Question of the amendment proposed)

The Temporary Chairman (Omboko Milemba): Hon. Gikaria, do you want to speak on this?

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

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

(Clause 134 as amended agreed to)

(Clauses 135, 136, 137 and 138 agreed to)

Clause 139

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 139 (1) of the Bill be amended in paragraph (a)(i) by inserting the word “Kenya” immediately after the words “and outside the”.

This is to align with the terminology used in the Act and make reference to power to stop enter or board a vessel in to regards fishing vessels which are within the Kenyan fisheries water.

(Question of the amendment proposed)

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

(Clause 139 as amended agreed to)

(Clause 140 agreed to)

Clause 141

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 141(1) of the Bill be amended—

(a) in paragraph (a) by inserting the word “or” immediately after the word “Act;”; and,

(b) in paragraph (b) by deleting the word “or” appearing immediately after the words “under this Act”.

The amendment provides for clarity and is a clean-up of the typographical error.

(Question of the amendment proposed)

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

(Question, that the word to be inserted

be inserted, put and agreed to)

(Clause 141 as amended agreed to)

(Clauses 142 and 143 agreed to)

Clause 144

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 144 of the Bill be amended—

- (a) in subclause (1) of the Bill be amended by deleting the words “in cooperative” and substituting therefor the words “fails to co-operate”; and
- (b) in subclause (4) by deleting the words “one year” and substituting therefor the words “six months”.

This is a clean-up on a grammatical error. It also proposes a reduction of the penalty which is not commensurate to the offense.

(Question of the amendment proposed)

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

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

(Clause 144 as amended agreed to)

(Clause 145 agreed to)

Clause 146

The Temporary Chairman (Hon. Omboko Milemba): Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 146 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Board” and substituting therefor the word “Director-General”;
 - (b) in subclause (2) by deleting the words “Observers may” and substituting therefor the words “An observer may”; and
 - (c) by inserting the following new subclause immediately after subclause (2)—
- (2) An observer shall provide proof of identification to the person in control of a vessel under subsection (2).

The justification is that an observer programme does not have a board and therefore it is a deletion. Further, the amendment requires an observer to identify themselves when required.

(Question of the amendment proposed)

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

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

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

(Clause 146 as amended agreed to)

Clause 147

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 147 (1) of the Bill be amended in paragraph (b) by deleting the words “under Section 147, in accordance with such standards and procedures as may be prescribed or approved by the Board” and substituting therefor the words “under section 146, in accordance with such standards and procedures as may be prescribed or approved by the Director-General”.

The justification for this one is the same as the previous amendment. The observer programme does not have a board. That is why we are deleting.

(Question of the amendment proposed)

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

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

(Clause 147 as amended agreed to)

(Clauses 148, 149, 150, 151 and 152 agreed to)

Clause 153

The Temporary Chairman (Hon. Omboko Milemba): Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 153(1) of the Bill be amended by deleting the words “No liability shall attach to the Service and its officers, employees or other persons acting under the authority of the Service,” and substituting therefor the words “No liability shall attach to the Service or a county government and their officers, employees or other persons acting under the authority of the Service or a county government”.

The amendment provides for protection from liability for county government officers undertaking duties in accordance with this Act.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Chairman. As much as I agree with the Chair on the amendment, it is also important for us to note that there are a number of officers who are negligent and cause accidents to happen while fishermen are doing their job. In Mombasa, for example, everyone should be out of the waters by 6.00 p.m. But an officer may allow people to be in the waters as late as 7.00 p.m. or 8.00 p.m. Therefore, even if this is the proposed amendment, we must be careful not to allow officers to be negligent in their work thus allowing accidents to happen. This is because we have a clause providing for compensation.

The Temporary Chairman (Hon. Omboko Milemba): Very well spoken.

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

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

(Clause 153 as amended agreed to)

Clause 154

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 154 of the Bill be amended by inserting the words “or a county government, as the case may be,” immediately after the word “Service”.

The amendment provides for insurance for county government authorised officers.

(Question of the amendment proposed)

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

(Clause 154 as amended agreed to)

Clause 155

The Temporary Chairman (Hon. Omboko Milemba): Chair, you have an amendment to this clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 155 of the Bill be amended in subclause (2) by inserting the word “shall” immediately after the words “member of a vessel” appearing in the opening statement.

The amendment is a clean-up introducing the word “shall” to make it mandatory.

(Question of the amendment proposed)

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

(Clause 155 as amended agreed to)

Clause 156

The Temporary Chairman (Hon. Omboko Milemba): Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 156 of the Bill be amended—

- (a) in subclause (4) by deleting the words “four hours” and substituting therefor the words “one hour”;
- (b) in subclause (5) by inserting the following new paragraph immediately after paragraph (d)— (da)accuracy requirements.
- (c) by inserting the following new subclause immediately after subclause (6)— (6A) The Director-General may require the operator of any fishing vessel, as a condition of licence or otherwise, to install, maintain and operate an electronic monitoring system in accordance with such conditions as may be prescribed.

The amendment aligns with the best practises and ensures better monitoring, control and surveillance services on reporting times of vessels.

(Question of the amendment proposed)

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

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

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

(Clause 156 as amended agreed to)

Clause 157

The Temporary Chairman (Hon. Omboko Milemba): Hon, Chairman, you seem to have amendments on every clause. No. This one is for Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I drop it.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 157 agreed to)

Clause 158

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 158 and substituting therefore the following new clause—

Vessels may be prohibited from entering port.

158. (1) A vessel seeking to enter a port may be denied entry, where there is evidence that the vessel—

- (a) has engaged in illegal, unreported and unregulated fishing, or in fishing-related activities in support of such fishing; or
- (b) it appears on a list of vessels which have engaged in illegal, unreported and unregulated fishing or fishing related

activities in support of such fishing adopted by a regional fisheries management organization.

- (2) Without prejudice to subsection (1), the vessel may be allowed to enter the port for the purpose of –
 - (a) inspecting the vessel; and,
 - (b) taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring or eliminating illegal, unreported and unregulated fishing and fishing-related activities in support of such fishing.
- (3) The Director-General shall communicate any decision taken under this section to the vessel or its representative.
- (4) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not less than fifty million shillings or to imprisonment for a term not less than ten years or to both.

The amendment is clean-up of the provisions and also provides clarity on circumstances vessels may be prohibited entry into the ports.

(Question of the amendment proposed)

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

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

(Clause 158 as amended agreed to)

Clause 159

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 159 of the Bill be amended by deleting subclause (4) and substituting therefor the following new subclause —

- (4) Any person who, knowingly or having reasonable cause to believe that a vessel has been denied the use of port, takes any action in assisting such vessel to use the port, or to provide it with goods or services which have been denied, commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding ten years or to both.

The amendment is just a clean-up.

(Question of the amendment proposed)

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

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

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, you had an amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I drop my amendment.

(Proposed amendment by Hon. Millie Odhiambo-Mabona withdrawn)

(Clause 159 as amended agreed to)

Clause 160

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 160(1) of the Bill be amended in the opening statement by inserting the word “foreign” immediately before the words “fishing vessels”.
The amendment provides a clarity that the inspection relates to foreign vessels.

(Question of the amendment proposed)

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

(Clause 160 as amended agreed to)

(Clauses 161, 162, 163, 164 and 165 agreed to)

Clause 166

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 166 of the Bill be amended—

- (a) in subclause (1) by inserting the words “or County Director as the case may be” immediately after the word “Director-General”;
- (b) in subclause (2)—
 - (i) in the opening statement by inserting the words “or County Director as the case may be” immediately after the word “Director-General”; and
 - (ii) in the proviso by inserting the words “or County Director as the case may be” immediately after the word “Director-General”.

The amendment seeks to provide for powers of the County Director to exercise power of sale of seized perishable goods.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I do not know whether the Chairman has thought through this, but when you give the county officials so many powers, they end up harassing fishermen. It could be one of those things that he needs to think through because the fishermen really complain that they get harassed by

different levels of authorities. That is the reason at some point earlier, I had proposed an amendment that only talks about licensing by one authority. However, when you are doing oversight at the national, county and other levels, these fishermen are being overseen by so many authorities, including the Coast Guard, that they end up with nothing to take home. We are now forcing our fisherfolk, especially the artisanal, to be reduced to subsidy instead of commercial. Perhaps that is something the Chairman could think through; whether you want to say if they get fish, then they would dispose of it. I am telling you nobody would be selling fish. It is something you want to think about. They will just be harassing the fisherfolk for no reason.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman and Hon. Millie, I also hear there is another oversight body called *jaboya*. You will tell us about that one later, but let us hear from Hon. Wakili there. Give Wakili the microphone. You can do better than that, that microphone is too far. There is one behind you. Very well.

Hon. Moses Kirima (Central Imenti, UDA): Hon. Temporary Chairman, my concern which I would wish Chairman to consider, is that with the way our authorities are hyper-active in seizing or possessing goods, they may end up making sure that our fishermen at no given time land safely on any bay after fishing. They will get excuses. If it happens that goods are seized, fresh fish and other perishables from the ocean, we must get a way of disposing of them and the proceeds kept in a safe place in case of any dispute. After the dispute, the proceeds go to the owners, if it is found that they have not done anything illegal. After selling, where will the proceeds be kept and what about the right of the fishermen?

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman, this is attracting attention; there must be something wrong or good with it. Let us hear from pilot, Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Mhe. Mwenyekiti wa Muda, mimi sitaki kusema kinyume na wenzangu lakini tumekuwa na wale wavuvi... Sisi, bahari ni mazingira yetu. Mimi naona afadhali kuachiwa kaunti kuliko watu wengine ambapo mtu anashikwa halafu unaambiwa, “Mheshimiwa tumeshtakiwa” Unatafuta ni nani ameshtaki na ukipiga simu *Coast Guard* wanasema si wao. Hivyo wavuvi wanasumbuliwa. Afadhali iwe serikali ya kaunti, kule kwangu naona ni afadhali tunajua kwa gavana ni wapi. Wakati mwingine wanashikwa baharini ama kifaa kinachukuliwa na hujui ni nani amechukua. Mara unaweza kuambiwa ni *Coast Guard* ama vingine. Unazungushwa huku na huku. Mimi nakubaliana na pendekezo hilo kwa upande wangu. Sijui wenzangu upande mwingine.

The Temporary Chairman (Hon. Omboko Milemba): Tumekusikia. Umekuwa katika mazingira ya uvuvi kwa muda mrefu. Let us hear from Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I want to agree with my dear sister, Hon. Millie. We should not give too much power to these county government officials. You understand how these people operate. I have been in the municipality and I know how these people operate. Even now in Nakuru, they do not have any responsibility irrespective of the illegal fishing happening in Lake Nakuru, these officers from the county harass the fishermen so badly. If they are given a leeway by the law, then they will have all the excuses to harass them. It is important, as Hon. Millie has said, for the Chairman to rethink about that aspect.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman, these are the feelings of the House.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, if you check the substantive Bill, the heading of Part XIV is “Requirements for Arrested Persons and Seized Items”. This clause relates to the arrest, detention and release of crew members of foreign fishing vessels. Assuming we apprehend those engaged in unregulated and unlicensed

fishing, this is how the law will apply. Again, you can see by the time you get to Clause 166, the powers have been cascaded down, allowing government officers and other authorised officers to deal with and seize vessels involved in illegal fishing. This serves as a deterrent. At this level, we are saying that artisanal fishermen can also be addressed at the county level.

Clause 162 provides for the detention of foreign fishing vessels at either the national or county level. I believe this is good legislation. However, I will listen to Members. If any Member has a better proposal, we can always reconsider it. Since there is no alternative proposal before us at the moment, I suggest that we pass the amendment.

The Temporary Chairman (Hon. Omboko Milemba): Very well, Chairperson. You have been fair, open to discussion and have even welcomed any superior proposals. Therefore, Hon. Members, I allow you to engage further. If a recommittal becomes necessary, we shall deal with it at the end of this process.

(Question of the amendment proposed)

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

(Clause 166, as amended agreed to)

*(Clauses 167, 168, 169, 170, 171, 172, 173,
174, 175, 176, 177 and 178 agreed to)*

Clause 179

The Temporary Chairman (Hon. Omboko Milemba): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, clause 179 (1) of the Bill be amended —

- (a) in subclause (2) by deleting the expression “127” and substituting therefor the expression “126”; and
- (b) in subclause (3) by deleting the expression “80” and substituting therefor the expression “79”.

This is merely a cross-referencing error. The clause refers to Section 80 instead of Section 79.

The Temporary Chairman (Hon. Omboko Milemba): So, it is simply a typographical correction.

(Question of the amendment proposed)

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

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

(Clause 179 as amended agreed to)

Clause 180

The Temporary Chairman (Hon. Omboko Milemba): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move;

THAT, Clause 180 of the Bill be amended in subclause (1) by deleting the words “who throws” and substituting therefore the word “throw”.
This is merely a grammatical clean-up.

(Question of the amendment proposed)

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

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

(Clause 180 as amended agreed to)

(Clause 181 agreed to)

Clause 182

The Temporary Chairman (Hon. Omboko Milemba): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 182 (1) be amended by deleting the word “Attorney-General” and substituting therefor the words “Director of Public Prosecution”.

The prosecutorial powers are under the mandate of the Director of Public Prosecutions (DPP) in accordance with Article 157 of our Constitution, not the Attorney-General. Hence, the amendment aligns the provisions with the Constitution.

(Question of the amendment proposed)

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

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

(Clause 182 as amended agreed to)

*(Clauses 183, 184, 185, 186, 187, 188, 189,
190, 191, 192, 193, 194 and 195 agreed to)*

Clause 196

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

THAT, Clause 196 of the Bill be amended by deleting the words “except the Government and its employees”.

If you look at the Order Paper, it is creating liability upon any person who causes harm or damage to any personal vessel. It excludes the Government and its employees. I am not aware of when the law changed to allow you to hold the Government or its employees to account. I suggest we remove “except the Government and its employees”. Any person who incurs loss or damage as a result of harm by a violation of any provision of this Act or accompanying regulations may bring civil action to a court of competent jurisdiction against any responsible person. It should not exclude the Government and its employees.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

Chair, I expect some reaction from you.

Hon. Kangogo Bowen (Marakwet East, UDA): I support the amendment by Hon. Millie because we have also seen Government employees committing offences. The law should cut across.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Chair, for your firmness and clarity on that support.

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

(Clause 196 as amended agreed to)

What is your point of order, Hon. Gikaria?

Hon. David Gikaria (Nakuru Town East, UDA): I want to understand what Hon. Millie has moved and what the Chair moved to exonerate. Sometimes, most things pass you by if you sleep for a minute during the Committee of the whole House.

As Hon. Millie has indicated, it should be any person. We should not exclude government officials. We passed a clause stating that government officials will not be held liable. Maybe I got lost somewhere. I want to get clarification. Are we vacating what we passed earlier and adopting what Hon. Millie has said?

The Temporary Chairman (Hon. Omboko Milemba): We can check through. I am also sure that the backup staff of the Departmental Committee on Blue Economy and Irrigation are in the House. You can also find out whether there are any omissions. If they are there, we can recommit the clauses at the end. But this is a good law. From where we sit, as parliamentarians, we would not like to make a law for only a section of people and leave others out, which could be misused. Up to and including that clause, this is very good legislation, but do your research.

Hon. Chairman, do you have any comment on this, or shall I proceed?

Hon. Kangogo Bowen (Marakwet East, UDA): Proceed, Hon. Temporary Chairman. I seconded what Hon. Millie said. At the same time, a government employee who discharges official duty should not be victimised.

The Temporary Chairman (Hon. Omboko Milemba): Does official duty include the destruction of property?

Hon. Kangogo Bowen (Marakwet East, UDA): No.

The Temporary Chairman (Hon. Omboko Milemba): My friend, this is a good law. Hon. Chairman, let us proceed.

Clause 198

The Temporary Chairman (Hon. Omboko Milemba): There is an amendment by the Leader of the Majority Party. Hon. Chairman, are you stepping in for him? You also have an amendment.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, we had a consensus and conversation with the Leader of the Majority Party. All the amendments he had proposed are already factored into the Committee's amendments. Hon. Owen Baya is here. The Leader of the Majority Party and I agreed that he would drop his amendment.

*(Proposed amendment by
Hon. Kimani Ichung'wah dropped)*

The Temporary Chairman (Hon. Omboko Milemba): What is your amendment?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Part XVIII and substituting therefor the following new Part—

PART XVIII—ESTABLISHMENT OF THE FISHERIES TRIBUNAL

Establishment of the
Fisheries Tribunal

198. (1) There is established a Fisheries Tribunal.
(2) The Fisheries Tribunal shall consist of the following members appointed by the Judicial Service Commission—
(a) a Chairperson who shall be a person qualified for appointment as a judge of the High Court;
(b) two advocates of the High Court of Kenya, with experience of not less than seven years; and
(c) two persons who possess a degree from a university recognised in Kenya in matters related to fisheries and at least five years' experience in a relevant field.
(3) The Chairperson and members of the Fisheries Tribunal shall be appointed for a term of three years and shall be eligible for reappointment for one further term of three years.
(4) The Chairperson and members of the Fisheries Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.

Hon. Temporary Chairman, the Kenya Fish Marketing Authority, established under Part XVIII, has been deleted in line with the Cabinet directive on reforms of State corporations. The amendment seeks to align the provisions with the directive by deleting the reference to the Authority and subsequent transfer of marketing functions to the Kenya Fisheries Service.

Further, the amendment seeks to establish the Fisheries Tribunal to aid access to justice in disputes arising from the implementation of this Bill.

(Question of the amendment proposed)

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

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

(Clause 198 as amended agreed to)

Clause 199

The Temporary Chairman (Hon. Omboko Milemba): Leader of the Majority Party and the Chairman of the Departmental Committee on Blue Economy and Irrigation have

amendments. Tell us about what you did during winnowing, and proceed to move your amendment.

*(Proposed amendment by
Hon. Kimani Ichung'wah dropped)*

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 199 and substituting therefor the following new clause—

Staff of the Tribunal.	199. The staff of the Tribunal shall be appointed, removed from office or otherwise disciplined by the Judicial Service Commission in accordance with Article 172(1)(c) of the Constitution.
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Hon. Temporary Chairman, the amendment to Clause 199 is a clean-up to align with the provisions of Standing Order 118 on delegated legislation.

(Question of the amendment proposed)

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

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

(Clause 199 as amended agreed to)

Clause 200

The Temporary Chairman (Hon. Omboko Milemba): We have amendments by the Leader of the Majority Party and the Chairperson of the Departmental Committee on Blue Economy and Irrigation. Both are in the House.

(Hon. Owen Baya spoke off the record)

Deputy Leader of the Majority Party, please go on record. Please give the Deputy Leader of the Majority Party the microphone.

Hon. Owen Baya (Kilifi North, UDA): Following consensus, we will drop our amendments and allow the Chairperson's amendments to proceed.

The Temporary Chairman (Hon. Omboko Milemba): Chairperson, you can proceed.

*(Proposed amendment by
Hon. Kimani Ichung'wah dropped)*

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 200 and substituting therefor the following new clause—

Jurisdiction of the Tribunal.	(1) The Tribunal shall exercise the powers and functions set out in this Act and in particular shall hear and determine appeals at the instance of any person directly affected by the decision or
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order of the Cabinet Secretary, Director-General, the Service or of any person acting pursuant to the provisions of this Act.

(2) In addition to the powers set out in subsection (1), the Tribunal shall have the power to hear and determine any dispute concerning fisheries and aquaculture where there is a business contract, unless the parties have otherwise agreed to an alternative dispute resolution mechanism.

This is to establish the Tribunal's jurisdiction.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

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

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

(Clause 200 as amended agreed to)

Clause 201

The Temporary Chairman (Hon. Omboko Milemba): The amendments are by the Leader of the Majority Party and Hon. Millie. We will give the first chance to the Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): We drop our amendments.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

*(Proposed amendment by
Hon. Kimani Ichung'wah dropped)*

Hon. Millie, you can proceed.

Hon. Millie Odhiambo-Mabona (Suba North, UDA): Thank you, Hon. Temporary Chairman. I see the Leader of the Majority Party has taken a cue from me by dropping their amendments. However, I am not dropping this one.

I beg to move:

THAT, clause 201 of the Bill be amended—

(a) in subclause (6) by deleting the words “the minister responsible for matters relating to finance” and substituting therefor the words “Salaries and Remuneration Commission”; and

(b) by inserting the following new subclause immediately after subclause (5)—

(6) The Cabinet Secretary shall, in making appointments under subsection (1)(f) and (h), have regard to the principle of gender parity, age, regional and ethnic balance, and as reasonably possible ensure an equitable representation of different subsectors of the fisheries sector.

I am seeking that we delete “the minister responsible for matters relating to finance” and replace it with the “Salaries and Remuneration Commission,” as they determine salaries and allowances. Not the Cabinet Secretary.

Secondly, in subclause 5, this may be provided for in the Constitution, but we have established a rule to ensure it is in the legislation so it is not ignored. This is because many ministries ignore it if it is not provided for in legislation.

Thank you.

(Hon. Kangogo Bowen spoke off the record)

The Temporary Chairman (Hon. Omboko Milemba): Chairperson, we shall certainly come to you. Allow me first to propose the question.

(Question of the amendment proposed)

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairperson, Clause 201 of the principal Bill has to do with the Kenya Fish Marketing Authority, which we are deleting, in its entirety, in this Bill. This aligns with the Cabinet proposal on state corporation reforms. Therefore, what Hon. Millie has proposed will not be accepted because the Kenya Fish Marketing Authority and the entire clause of the Bill are dead. It is not there. I will persuade my leader to withdraw.

The Temporary Chairman (Hon. Omboko Milemba): She seems to be following. Could the new body replacing it be causing the errors Hon. Millie is alluding to?

Hon. Kangogo Bowen (Marakwet East, UDA): If you check throughout the Bill, when we deleted the Kenya Fish Marketing Authority, we transferred the function to the Ministry.

The Temporary Chairman (Hon. Omboko Milemba): I hope the Ministry is still... let me hear from Hon. Millie. I am now engaging. You know these are labour issues.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. On that, it is to withdraw. I am not a miracle worker; I cannot create an authority that does not exist. If the Kenya Fish Marketing Authority no longer exists, then my proposed amendments would be dead as well.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Omboko Milemba): Let me hear out Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): I would have supported Hon. Millie on the aspect of gender parity. Irrespective of whether this has been deleted, I remember there was a tribunal. That issue of gender should also be taken into consideration. However, the Chair has indicated that it has been deleted.

Thank you, Hon. Temporary Chairman.

(Clause 201 agreed to)

Clause 202

The Temporary Chairman (Hon. Omboko Milemba): Deputy Leader of the Majority Party. You have several amendments; get the Order Paper now.

Hon. Owen Baya (Kilifi North, UDA): We agreed to drop all these amendments.

*(Proposed amendment by
Hon. Kimani Ichung'wah dropped)*

(Clause 202 agreed to)

Clause 203

The Temporary Chairman (Hon. Omboko Milemba): The Deputy Leader of the Majority Party, are you dropping this one?

Hon. Owen Baya (Kilifi North, UDA): Yes.

*(Proposed amendment by
Hon. Kimani Ichung'wah dropped)*

(Clause 203 agreed to)

Clause 204

The Temporary Chairman (Hon. Omboko Milemba): The Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): I drop.

*(Proposed amendment by
Hon. Kimani Ichung'wah withdrawn)*

(Clause 204 agreed to)

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): What is out of order? We want to hear from you.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I want to seek your direction and clarification. What is the implication when you say clause 201 or clause 202 is part of the Bill, when it is deleted and is no longer part of the Bill? I thought it should not be part of the Bill, since it has already been deleted. The fact that we deleted it means it should not be part of the Bill.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman, let me hear the Deputy Leader of the Majority Party first.

Hon. Owen Baya (Kilifi North, UDA): I think because we deleted the whole Fish Marketing Authority in its entirety, then these other clauses that follow are inconsequential. What we are doing is inconsequential amendments.

The Temporary Chairman (Hon. Omboko Milemba): Does that mean we are going back to the original position?

Hon. Owen Baya (Kilifi North, UDA): Yes.

The Temporary Chairman (Hon. Omboko Milemba): That is all we are doing. As you drop your amendments, we will return to the status quo. Chairman, are you okay with that since they are deleted?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes, we are deleting in entirety.

The Temporary Chairperson (Hon. Omboko Milemba): We need to proceed. We had done Clause 204. Let me hear Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairperson, going by your direction, the Fishery Marketing Authority starts from which clause to which clause? Unfortunately, I do not have the latest Order Paper to check.

The Temporary Chairperson (Hon. Omboko Milemba): They are all over here. If you approach the Clerks' Table, you will be given. That will be much easier for you. That was a little consultation.

Hon. Chair.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairperson, for clarity, Clause 198, the title is Establishment of Fishery Marketing Authority, and it goes from Clauses 198, 199, 200, 201, all the way up to Clause 207, before we go to Part 19, which is miscellaneous.

The Temporary Chairperson (Hon. Omboko Milemba): What about Clause 208?

Hon. Kangogo Bowen (Marakwet East, UDA): Clause 208 is okay. It is a miscellaneous amendment.

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Members, we have remained with Clauses 205, 206 and 207.

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

Hon. Members, let us go back to the Order Paper. Thank you, Hon. Chairman, for raising the issue, and all the Members who participated in that debate. The Leader of the Majority Party, I hope you are following. We shall revisit Part 18, which was about deleting the Fish Marketing Authority. If we deal with it, we will have dealt with all the clauses from Clause 201 to Clause 207, which are supposed to be deleted. Therefore, a recommittal shall be proposed in that particular case. Hon. Chair and your staff, be hawk-eyed.

So, let us proceed to Clause 208.

(Clause 208 agreed to)

Clause 209

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Chairperson of the Blue Economy, Water and Irrigation Committee.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended by deleting clause 209.

The amendment is a clean-up to align the Bill with the drafting standard provisions as subsequently introduced in the preliminary part of the Bill.

(Question of the amendment proposed)

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

(Clause 209 as amended agreed to)

Clause 210

The Temporary Chairman (Hon. Omboko Milemba): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 210 and substituting therefor the following new clause—

Repeals and
transitional
provisions.
Cap. 378.

210.(1) The Fisheries Management and Development Act is repealed.

(2) Notwithstanding the provisions of subsection (1)—

(a) any statutory instruments issued under the provisions of the Fisheries Management and

- Development Act (Repealed), before the commencement of this Act shall be deemed to be statutory instruments granted by the under the provisions of this Act and shall remain in force until specifically revoked under this Act;
- (b) anything done under the provisions of the Fisheries Management and Development Act (Repealed), before the commencement of this Act shall be deemed to have been done under the provisions of this Act;
 - (c) any licence, certificate of approval, approval or permission issued or given by the Kenya Fish Marketing Authority before the commencement of this Act shall be deemed to be issued, given or granted by the Cabinet Secretary responsible for fisheries under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in
 - (d) accordance with the Act subject to any terms set out in the licence, certificate of approval, approval or permission;
 - (e) any application for a licence, certificate of approval, approval or permission made to the Kenya Fish Marketing Authority before the commencement of this Act, shall be deemed to have been made to the Cabinet Secretary under the corresponding provisions of this Act and shall be determined by the Cabinet Secretary;
 - (f) the Cabinet Secretary to the National Treasury shall by notice in the Gazette, specify the date or dates and the manner in which the assets and liabilities of the Kenya Fish Marketing Authority shall be transferred to and vested in—
 - (g) the Cabinet Secretary for the National Treasury; and
 - (h) the relevant Ministry;
 - (i) a notice under paragraph (e) shall specify the assets and liabilities of the Kenya Fish Marketing Authority which are to be transferred to the Cabinet Secretary for the National Treasury, or the relevant Ministry, as the case may be;
 - (j) references in this section to assets and liabilities of the Kenya Fish Marketing Authority shall be references to all such assets and liabilities, whether or not capable of being transferred or

assigned by the Kenya Fish Marketing Authority;

- (k) all rights, duties, obligations, and liabilities of the Kenya Fish Marketing Authority shall be automatically and fully transferred to the Principal Secretary responsible for fisheries and any reference to the Kenya Fish Marketing Authority in any contract or document shall for all purposes be deemed to be a reference to the Principal Secretary;
- (l) any legal proceedings pending immediately before the commencement of this Act to which the Kenya Fish Marketing Authority was a party shall be continued as if the Cabinet Secretary is a party thereto in lieu of the Kenya Fish Marketing Authority;
- (m) a person who, immediately before the commencement of this Act, was an employee of the Kenya Fish Marketing Authority and who was serving at the Board shall, upon the commencement of this Act, be redeployed in the public service;
- (n) at the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Institute, former Service and former Fund shall vest in the Institute, the Service and the Fund respectively;
- (o) all rights, obligations, powers and duties whether arising under any written law or otherwise which immediately before such day were vested in or imposed on the former Institute, former Service and former Fund shall, be deemed to be vested in or imposed on the Institute, the Service and the Fund respectively;
- (p) all actions, suits or legal proceedings by or against the former Institute, former Service and former Fund shall be carried on or prosecuted by or against the Institute, the Service and the Fund respectively and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act;
- (q) all directions, orders and authorizations given, or licenses or permits issued or registrations made by the former Institute, former Service and former Fund and subsisting or valid immediately before the commencement day, shall be deemed to have been given, issued, or

made by the Institute, the Service and the Fund respectively under this Act;

- (r) any administrative directions made by the former Institute, former Service, former Fund or by the Cabinet Secretary which were in force immediately before the coming into operation of this Act shall, on and after such day, have force as if they were directions made by the Board of the Institute, the Service the Fund and the Cabinet Secretary respectively under this Act;
- (s) a contract subsisting between former Institute, former Service or former Fund and another person or entity before the commencement of this Act shall subsist between the Institute, the Service and the Fund respectively, and that person or entity;
- (t) any reference in any written law or in any document or instrument to the former Institute, former Service and former Fund shall on and after the commencement of this Act, be construed to be a reference to the Institute;
- (u) the Chairperson and members of the Board of the former Institute, former Service and former Fund respectively, shall, at the commencement of this Act, be deemed to be the Chairperson and members of the Board of the Institute, the Service and the Fund respectively, for the unexpired period of their term;
- (v) the Director-General of the former Institute and the former Service shall at the commencement of this Act, assume the duties of the Director-General of the Institute and the Service respectively for the remainder of the existing term of contract;
- (w) the Managing Trustee of the former Fund shall at the commencement of this Act, assume the duties of the Chief Executive Officer of the Fund for the remainder of the existing term of contract;
- (x) a person who, immediately before the commencement of this Act, was a member of staff of the former Institute, former Service and former Fund shall be deemed to be a member of staff of the Institute, the Service and the Fund respectively subject to such terms of service as the Board of the Institute, the Board and the Board of Trustees may, on the advice of the Salaries and Remuneration Commission,

Cap.189.

determine, Provided that a member of staff of the Institute, the Service and the Fund may exercise the option not to continue in the service of the Institute, the Service and the Fund respectively;

(y) where, where at the commencement of this Act, any penalty, other than dismissal, has been imposed on any employee of the former Institute, former Service or former Fund pursuant to disciplinary proceedings against the employee, and the penalty has not been or remains to be served by such employee, such employee shall, on their transfer to the Institute, the Service and the Fund serve or continue to serve such penalty to its full term as if it had been imposed by the Institute, the Service and the Fund respectively; and

(z) nothing in this Act shall affect the pension rights of any employee under the Pensions Act.

(3) In this section—

“former Institute” means the Kenya Marine and Fisheries Research Institute established under the Science, Technology and Innovation Act;

“former Service” means the Kenya Fisheries Service existing immediately before the commencement of this Act; and

“former Fund” means the Fish Levy Trust Fund existing immediately before the commencement of this Act.

(4) Section 41 (1) (e), (h) and (i) of this Act shall not apply for a period of two years from the date of commencement of this Act.

Hon. Chairperson, the amendment provides for transitional provisions and the repeal of the existing Act.

(Question of the amendment proposed)

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

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

(Clause 210 as amended agreed to)

(Hon. Ruweida Mohamed spoke off the record)

The Temporary Chairman (Hon. Omboko Milemba): Yes, proceed.

Hon. Ruweida Mohamed (Lamu East, JP): I have a question. Does Clause 210, including this last part here, mean that Sections 41(1)(e), (h) and (i) of this Act shall not apply for a period of two years from the date of commencement of this Act? Does it include that?

The Temporary Chairman (Hon. Omboko Milemba): Yes, Chairperson, you may address that part.

Hon. Kangogo Bowen (Marakwet East, UDA): Yes, it does. That is why I indicated that the amendment relates to the transitional provisions and the repeal of the existing Act. The transitional provisions relate to the Kenya Fish Marketing Authority, the Kenya Fisheries Advisory Council, the Kenya Fisheries Service and the Kenya Marine and Fisheries Research Institute. They also provide for the transition of licences, authorisations, assets, liabilities, obligations, the respective Boards and employees.

The amendment further provides for a stay, and this one I want Hon. Ruweida and Hon. Baya to listen to, in the implementation of the ban on certain fishing gears, namely beach seines and certain seine nets, under Section 41(1)(h) and (i), for a period of two years from the commencement of this Act. This is to enable the requisite regulations to be made and the subsidies proposed by the Committee's amendments to be implemented. This relates to the fishing gears and the monofilament nets, which we considered and agreed upon as a Committee.

The Ministry had banned some of these fishing gears without providing fishermen with an alternative. During public participation, the communities strongly expressed their concerns. They asked whether, if they were required to stop using these fishing gears immediately, they would be provided with an alternative source of livelihood. That is why we are proposing that those contentious provisions, including those relating to the fishing gears and fishing nets, should not take effect for the next 24 months. This will allow the Cabinet Secretary sufficient time to put in place the necessary conditions.

The Temporary Chairman (Hon. Omboko Milemba): You have explained yourself very clearly, and I believe the House has understood. Before we call the next clause, allow us to make a small correction.

*[The Temporary Chairman
(Hon. Omboko Milemba) left the Chair]*

*[The Temporary Chairman
(Hon. Peter Kaluma) in the Chair]*

Clause 211

The Temporary Chairman (Hon. Peter Kaluma): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 211 and substituting therefor the following new clause—

Amendment to
Cap.511.

211.The Science, Technology and Innovation Act is amended in—

- (a) section 16 by deleting subsection (2); and
- (b) the Fourth Schedule by deleting paragraph 2

This is a consequential amendment to the Science, Technology and Innovation Act (Cap. 511) to delete the Kenya Marine and Fisheries Research Institute (KEMFRI) from the list of the research institutes under the Act. To make it clear to Members, KEMFRI was established under the Science, Technology and Innovation Act (Cap. 111), but with the new

Fisheries Management and Development (Amendment) Bill, we are now placing KEMFRI in this Act and repealing it from the Science, Technology and Innovation Act.

(Question of the amendment proposed)

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

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

(Clause 211 as amended agreed to)

New Clause 5A

THAT, the Bill be amended by inserting the following new clause immediately after clause 5—

Supersession. 5A. Where any conflict arises between the provisions of this Act and any other law in matters relating to fisheries, the provisions of this Act shall prevail.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 5A be now read a Second Time. This is to align the drafting standards. The clause had been incorrectly placed in a different part of the Bill, and the proposal is to place it in the Bill's preliminary part. This provides for the supremacy of the fisheries law in instances where other laws conflict with its provisions, noting its overarching framework for the management of the fisheries sector tasks.

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

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

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

New Clause 5B

THAT, the Bill be amended by inserting the following new clause immediately after clause 5—

National Blue Economy strategy.

5B. (1) The Cabinet Secretary shall, in accordance with Article 10 of the Constitution and through public participation, formulate a National Blue Economy Strategy.

(2) The Cabinet Secretary shall submit an annual report to the National Assembly on the implementation of the Blue Economy strategy including implementation of international agreements and obligations.

(3) The Cabinet Secretary shall, in every five-year period, review and update the National Blue Economy Strategy.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 5B be now read a Second Time.

This is a National Blue Economy Strategy. As we know, the blue economy is a key pillar of fisheries, hence the need for a national strategy. The amendment requires the Cabinet Secretary to undertake public participation when formulating it, and for transparency, to submit reports to the National Assembly. Finally, it is to review and update to align with any changes and development needs of the country.

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

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

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

New clause 5C

THAT, the Bill be amended by inserting the following new clauses immediately after clause 5—

Directorates.

5C. (1) The Cabinet Secretary may establish such directorates as may be necessary for the performance of the functions under this Act.

(2) Without prejudice to the provisions of subsection (1), the Cabinet Secretary shall establish directorates for—

- (i) blue economy development;
- (ii) aquaculture development; and
- (iii) fisheries.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kangogo, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 5C be now read a Second Time.

This is to establish the Directorate of Blue Economy in the Ministry. The Department will be established for the prosperity of the blue economy sector.

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

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

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

New Clause 5D

THAT, the Bill be amended by inserting the following new clauses immediately
after clause 5—

Role of the
Directorates.

5D. The Directorates established under section
5C shall—

- (a) formulate and monitor the implementation of policies regarding the conservation, management and utilisation of all fisheries resources and blue economy within the scope of this Act;
- (b) co-ordinate the development of national blue economy strategy and policy;
- (c) promote the sustainable transformation and diversification of the ocean's economy by promoting research and innovation;
- (d) formulate policy on the development of fishing ports and related infrastructure.
- (e) conduct capacity building for sustainable exploitation of agro-based marine resources;
- (f) coordinate matters of regional and international blue economy protocols, conventions, declarations and standards for shared blue economy resources;
- (g) coordinate inter-governmental relations in between the national government, county governments, relevant stakeholders and internationally in blue economy development;
- (h) co-ordinate mobilisation of resources and implementation of programmes, projects for the blue economy Development;
- (i) increase local participation and investment in the blue economy through public-private sector partnerships and international partnerships;
- (j) develop, implement and co-ordinate a national fish marketing strategy;
- (k) identify national and international fish market needs and trends and advise fisheries stakeholders accordingly;
- (l) in co-ordination with the institute promote and oversee research on fisheries and aquaculture development;
- (m) co-ordinate resource mobilisation and supervise implementation of fisheries and aquaculture management and development;

Cap. 4D.

- (n) in collaboration with county governments and relevant stakeholders identify opportunities and promote all aspects of fisheries marketing;
- (o) develop and maintain a fisheries and aquaculture database, knowledge management, sharing and streamlined dissemination of information;
- (p) arrange and enter into joint ventures or any other forms of investment arrangement for purposes of performing any of its functions;
- (q) act on behalf of the government, subject to the Treaty Making and Ratification Act in relation to any domestic or international agreement relating to fishing, fishing related activities or any matter falling within the scope of this Act, to which Kenya is or may become a party; and
- (r) perform such other functions consistent with the provisions of this Act as may be necessary to carry out the objectives and provisions of this Act.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kangogo, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 5D be now read a Second Time. This outlines the Directorate's role, including fish marketing and overall stewardship of the sector. It is important to note that the Fish Marketing Authority and the Fisheries Advisory Council are proposed for dissolution in accordance with the government directive aimed at reducing the number of state corporations.

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

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

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

New Clause 13A

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

Conduct of business and affairs of the Board.

13 A. (1) The conduct and regulation of the business of the Board shall be as provided in the First Schedule.

(2) Except as provided in the First Schedule, the Board may regulate its own procedure and the procedure of any committee constituted under this Act.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kangogo, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 13A be now read a Second Time.

This amendment seeks to align with the drafting style and format of the House for the schedule on the conduct of business and affairs of the Board.

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

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

The Temporary Chairman (Hon. Peter Kaluma): Allow me to propose the question. We are dealing with new Clause 13A.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, my amendment concerns Part VIIIA, and we have now moved to new Clause 13A, unless I am mistaken about Roman numerals.

The Temporary Chairman (Hon. Peter Kaluma): There is no new Clause 8A in the schedule I have.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Are we dealing with the new Parts?

The Temporary Chairman (Hon. Peter Kaluma): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On Page 2115 of the Order Paper, I have an amendment relating to Part VIIIA on the development, protection, and welfare of artisanal fisheries.

The Temporary Chairman (Hon. Peter Kaluma): On which page?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Page 2115 of today's Order Paper. This is what has kept me here today, just as fishing has kept the Deputy Leader of the Majority Party. On Page 2115 of the Order Paper, after Clause 73, there is a new Part VIIIA.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, that is new Clause 74A, 74B, 74C, 74D, 74E, 74F, 74G and 74H. I am told it is still there, but it has been moved to those ones there.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): So, at what point are they coming, Hon. Temporary Chairman?

The Temporary Chairman (Hon. Peter Kaluma): They are coming after the part we are dealing with. For neatness, it was moved there.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you.

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

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

New Clause 15A

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 15—

Corporation
Secretary

15A. (1) There shall be a Corporation Secretary who shall be competitively recruited and appointed by the Board on such terms as the Board may, on the advice of the Salaries and Remuneration Commission, determine.

(2) A person qualifies for appointment as the Corporation Secretary if that person—

- (a) holds a bachelor's degree in law from a university recognised in Kenya;
 - (b) is an Advocate of the High Court of Kenya;
 - (c) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and
 - (d) meets the requirements of Chapter Six of the Constitution.
- (3) The Corporation Secretary shall be the Secretary to the Board and shall—
- (a) in consultation with the Chairperson of the Board, issue notices for meetings of the Board;
 - (b) provide guidance to the Board on their duties and responsibilities on matters relating to governance
 - (c) ensure the timely preparation and circulation of documents and minutes of the Board;
 - (d) be the custodian of the seal of the Institute and account to the Board on its use;
 - (e) ensure that members of the Board are aware of all relevant laws affecting the Institute;
 - (f) except in exceptional circumstances, ensure that Board papers are circulated in advance of any meeting; and
 - (g) perform any other function that may be assigned by the Board.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 15A be now read a Second Time. This is about the Corporation Secretary. In line with the Board's governance and management reforms, there is a need to introduce the Corporation Secretary into the Act.

The Corporation Secretary shall serve as the Secretary to the Board, in line with the State Corporations Act, the Companies Act and the Mwongozo Code, which is the Code of Governance for State Corporations.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairperson, the amendment is self-explanatory.

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

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

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

NEW PART IV-PART IVA - KENYA MARINE

AND FISHERIES RESEARCH INSTITUTE

New Clause 27A

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

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

Establishment of
the Kenya
Marine and
Fisheries
Research
Institute.
Cap.511.

27A. There is established an institute to be known as the Kenya Marine and Fisheries Research Institute, which shall be a successor of the Kenya Marine and Fisheries Research Institute established under paragraph 4 of the Fourth Schedule to the Science Technology and Innovation Act.

(2) The Institute may establish research centres, innovation and incubation hubs within the counties in Kenya.

(3) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing money;

(d) entering into contracts; and

(e) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

(New clause read the First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27A be now read a Second Time.

The amendment seeks to introduce a new Part on the Kenya Marine and Fisheries Research Institute. It seeks to establish the Kenya Marine and Fisheries Research Institute under this Act. Currently, the institute is housed in the Schedule on the Science, Technology and Innovation Act. Establishing the Institute under this Act will create a direct link with the sector Ministry.

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

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

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

New Clause 27B

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

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

Functions
of the
Institute

27B. (1) The Institute shall be the lead government agency in marine and fisheries research and development and shall—

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- (a) develop research and development programmes and technologies for the sustainable development of fisheries and allied blue economy resources;
 - (b) conduct national and regional expert training courses in marine, fisheries and the blue economy;
 - (c) disseminate research findings to support fisheries and blue economy development in the country; and
 - (d) establish partnerships and cooperate with other research organisations and institutions of higher learning in joint research and training.
- (2) Without prejudice to the generality of subsection (1), the Institute shall—
- (a) conduct research in order to generate scientific data and information in marine and freshwater fisheries, aquaculture, socioeconomics, environmental and ecological studies, and marine research including chemical and physical oceanography and hydrography, marine geology, minerology, bio-prospecting, and energy, for sustainable development of the blue economy;
 - (b) participate in the development and monitoring of national standards for fisheries and blue economy;
 - (c) collect and disseminate scientific information on fisheries and other aquatic resources and related natural products;
 - (d) study and identify suitable species for culture including development, adoption and transfer of rearing technology and procedure;
 - (e) assess, map, control and develop procedures for the control of invasive fish species;
 - (f) carry out socio-economic research on aspects relevant to fisheries, marine and other aquatic resources;
 - (g) offer training facilities to aquatic scientists;
 - (h) conduct research on fish quality control, post-harvest preservation and value addition technologies;
 - (i) conduct research on blue economy;
 - (j) collaborate with other organisations and institutions of higher learning in competitive capacity development for exploitation of the blue economy;
 - (k) develop and promote technologies for upscaling commercial aquaculture and industrial fishing;
 - (l) maintain a database for scientific blue economy research information;
 - (m) undertake policy research in marine, fisheries and blue economy resources;
 - (n) transfer of scientific knowledge and appropriate technologies in the blue economy, marine and freshwater fisheries and aquaculture including information on appropriate fishing methods and gears to relevant stakeholders for the promotion of sustainable conservation and management of fishing in Kenya;

- (o) conduct capacity development on fisheries resources including community participation and outreach programmes;
 - (p) conduct research and develop models and methodologies of blue economy carbon trading, quantification, financing and fish marketing in collaboration with relevant stakeholders;
 - (q) promote local, regional and international collaboration and partnerships blue economy research including marine and freshwater fisheries and aquaculture;
 - (r) report annually to the Cabinet Secretary on matters related to marine and fisheries research and development; and
 - (s) perform such other functions as may be assigned to it by this Act or any other written law.
- (3) The Institute, in consultation with the Ministry responsible for matters related to education, may establish a fisheries research graduate school, to facilitate research components of master's and doctorate levels academic programmes on marine, fisheries, aquaculture and blue economy.

(New clause read the First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27B be now read a Second Time. It is the same establishment as the Kenya Marine and Fisheries Research Institute. Also, the new Part contains a more streamlined and expanded mandate for the Institute, including provisions on Blue Economy research and the development of Blue Economy carbon trading. These will further contribute to effective capacity building and knowledge transfer among relevant stakeholders, promoting the sustainability and growth of the Blue Economy sector.

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

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

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

New Clause 27C

THAT, the Bill be amended by inserting the following new clause:

Board of the
Institute

27C. The management of the Institute shall vest in a Board of the Institute, which shall comprise—

- (a) a chairperson recruited through a competitive process and appointed by the President;
- (b) the Principal Secretary responsible for matters relating to fisheries and blue economy or a representative designated in writing;

- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Attorney-General or a representative designated in writing;
- (e) the Director-General of the Kenya Fisheries Service or a representative designated in writing; (f) the Director-General of the National Commission for Science, Technology and Innovation or a representative designated in writing;
- (f) three other persons, not being public officers, with knowledge and experience relevant to the Institute's functions, appointed by the Cabinet Secretary; and
- (g) the Director-General, who shall be an ex-officio member of the Board with no right to vote.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move for Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, it is part of the Kenya Marine and Fisheries Research Institute.

The Temporary Chairman (Hon. Peter Kaluma): Move the amendment as per the Order Paper.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the New Clause 27C be now read a Second Time.

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

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

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

New Clause 27D

THAT, the Bill be amended by inserting the following new clause:

Qualifications
for appointment
as a member of
the Board of the

27D. (1) A person is qualified for appointment under subsection 27C (a) and (g) if that person—

- (a) has a post graduate degree in a relevant field from a university recognised in Kenya;
- (b) has proven management or other relevant professional experience;
- (c) has served in a senior management position for at least six years; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) The appointment of the Chairperson and members of the Board of the Institute shall be by name and by notice in the Gazette.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move for Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the New Clause 27D be now read a Second Time. This concerns the qualifications for the appointment of a member of the Board of the Institute.

The Temporary Chairman (Hon. Peter Kaluma): Thank you.

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

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

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

New Clause 27E

Tenure of office
of members of
the Board of the
Institute

THAT, the Bill be amended by inserting the following new clause:

27E. (1) The Chairperson and member of the Board of the Institute appointed under section 27C (a) and(g) shall hold office for a term of three years and shall be eligible for reappointment for one other term of three years.

(2) The members of the Board shall be appointed at different times so that their terms of office expire at different times.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move for Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the New Clause 27E be now read a Second Time. This provides for the tenure of service for Board members of the Institute.

The Temporary Chairman (Hon. Peter Kaluma): That is self-explanatory.

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

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

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

New Clause 27F

THAT, the Bill be amended by inserting the following new clause:

Remuneration of
members of the
Board of the
Institute.

27F. A member of the Board of the Institute shall be paid such allowances or other remuneration as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move for Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the New Clause 27F be now read a Second Time. This concerns the remuneration of the Board members.

The Temporary Chairman (Hon. Peter Kaluma): Again, that is clear.

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

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

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

New Clause 27G

Vacancy in the
Board of the
Institute.

THAT, the Bill be amended by inserting the following new clause:

27G. (1) The office of the chairperson or member of the Board of the Institute shall become vacant if the holder—

- (a) dies;
- (b) is absent from three consecutive meetings of the Board of the Institute without reasonable cause;
- (c) resigns from office by notice in writing addressed to the appointing authority;
- (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
- (e) is negligent or incompetent in the performance of his or her functions; (f) is adjudged or otherwise declared bankrupt by a competent court;
- (g) violates Chapter Six of the Constitution; or
- (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.

(2) Where a vacancy occurs in the membership of the Board of the Institute under subsection (1), the appointing authority shall appoint a new member in accordance with the provisions of this Act.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move for Second Reading of the new clause.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the New Clause 27G be now read a Second Time. This concerns the vacancy on the Institute's Board.

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

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

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

New Clause 27H

Functions of the
Board of the
Institute.

THAT, the Bill be amended by inserting the following new clause:
27H. The Board of the Institute shall—

- (a) review, approve and oversee the implementation of research programs, strategies, policies and plans of the Institute;
- (b) consider and approve the budget of the Institute;
- (c) facilitate the mobilisation of resources for the Institute.
- (d) approve the organisational structure and other human resources management policies, guidelines, procedures and manuals of the Institute;
- (e) monitor and evaluate the performance and ensure the sustainability of the Institute;
- (f) formulate policies for the administration and management of the graduate school;
- (g) enhance the corporate image of the Institute and ensure effective communication with stakeholders; and
- (h) carry out any other function for the purpose of promoting and facilitating the objects of the Institute.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27H be now read a Second Time. These are the functions of the Board of the Institute.

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

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

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

New Clause 27I

Powers of the Board
of the Institute.

THAT, the Bill be amended by inserting the following new clause:

27I. The Board of the Institute shall have all the powers necessary for the proper performance of the functions of the Institute and the Board shall have the powers to—

- (a) acquire immovable and movable property and funds of the Institute in a manner and for the purposes which shall promote the interests of the Institute;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;
- (c) receive on behalf of the Institute, fees, donations, endowments, gifts, grants or other moneys and make disbursements therefrom in accordance with the law;
- (d) invest any moneys of the Institute not immediately required in furtherance of its objects; and
- (e) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27I be now read a Second Time. These are the powers of the Board of the Institute.

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

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

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

New Clause 27J

Procedure of the
Board of the
Institute.

THAT, the Bill be amended by inserting the following new clause:

27J. (1) The business and affairs of the Board of the Institute shall be conducted in accordance with the First Schedule.

(2) Notwithstanding subsection (1), the Board of the Institute may regulate its own procedure.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27J be now read a Second Time. This is the Board's procedure for doing business.

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

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

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

New Clause 27K

Delegation by
the Board of the
Institute.

THAT, the Bill be amended by inserting the following new clause:

27K. The Board of the Institute may, by resolution, either generally or in any case, delegate to any committee of the Board of the Institute or to any member, officer, or employee of the Institute, exercise of any of its powers or the performance of any of its functions.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27K be now read a Second Time. This is about the delegation of the Board of the Institute.

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

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

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

New Clause 27L

Committees of the
Board of the
Institute.

THAT, the Bill be amended by inserting the following new clause:

27L. (1) The Board of the Institute may, establish committees for the effective discharge of its functions.

(2) The Board of the Institute may, by resolution, either generally or in any case, delegate to a committee of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board of the Institute.

(3) The Board of the Institute may co-opt into the membership of a committee established under subsection (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Institute for a specified period.

(4) Subject to any specific or general direction of the Board, any committee established under subsection (1) may regulate its own procedure.

(5) Any person co-opted into a committee under subsection (3) may attend the meetings of the committee and participate in its deliberations but shall not vote at such meeting.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27L be now read a Second Time. This is about the Committees of the Board of the Institute.

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

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

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

New Clause 27M

Director-General of
the Institute.

THAT, the Bill be amended by inserting the following new clause:

27M. (1) There shall be a Director-General of the Institute who shall be competitively recruited and appointed by the Board of the Institute.

(2) A person qualifies for appointment as the Director-General of the Institute, if that person—

(a) holds a doctorate degree from a university recognized in Kenya in—

(i) fisheries;

(ii) aquaculture;

(iii) aquatic sciences;

(iv) marine sciences;

(v) environmental science;

(vi) economics in natural resources, fisheries, and environment; or

(vii) any other related courses or equivalent from a recognized institution;

(b) has at least fifteen years' professional experience in research in matters related to fisheries, marine and blue economy, five of which shall be at a senior management level;

(c) is a member of a relevant professional body in good standing; and

(d) meets the requirements of Chapter Six of the Constitution.

(3) The Director-General of the Institute shall be responsible to the Board for—

(a) implementation of the decisions of the Board;

(b) the day-to-day management of the Institute;

(c) overall responsibility for the objectives, policy direction, administration and programs of the Institute;

(d) preparation of the strategic plan, annual plan, budget and audited accounts of the Institute for the approval of the Board; and

- (e) perform such other duties as may be assigned by the Board.
- (4) The Director-General of the Institute shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (5) The Director-General of the Institute may be removed from office for—
 - (a) inability to perform the functions of the office arising out of physical or mental incapacity;
 - (b) gross misconduct;
 - (c) incompetence or negligence of duty; or
 - (d) any other ground that would justify the removal from office under the terms and conditions of service or under any written law.
- (6) Where the question of the removal of the Director-General of the Institute under subsection (5) arises, the Board of the Institute shall—
 - (a) inform the Director General of the Institute in writing of the reasons for the intended removal; and
 - (b) give the Director-General of the Institute an opportunity to be heard in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

Cap. 7L.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27M be now read a Second Time. This is about the delegation of the Board of the Institute.

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

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

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

New Part IVA

THAT, the Bill be amended by inserting the following new part immediately after 27M.

Corporation
Secretary of
the Institute

27N (1) There shall be a Corporation Secretary of the Institute who shall be appointed by the Board of the Institute on such terms as the Board of the Institute may, on the advice of the Salaries and Remuneration Commission, determine.

(2) A person qualifies for appointment as the Corporation Secretary of the Institute under subsection (1) if the person—

- (a) holds a degree in law from a university recognized in Kenya;
- (b) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and

- (c) meets the requirements of Chapter Six of the Constitution.
- (3) The Corporation Secretary of the Institute shall, subject to the direction of the Board of the Institute —
- (a) provide guidance to the Board on their duties and responsibilities on matters relating to governance;
 - (b) ensure the timely preparation and circulation of documents and minutes of the Board of the Institute;
 - (c) be the custodian of the seal of the Institute and account to the Board of the Institute for its use;
 - (d) ensure that members of the Board are aware of all relevant laws affecting the Institute;
 - (e) except in exceptional circumstances, ensure that Board of the Institute papers are circulated in advance of any meeting; and
 - (f) perform any other function that may be assigned by the Board of the Institute

(The new part was read a First Time)

The Temporary Speaker (Hon. Peter Kaluma): Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that New Part IVA, 27N be now read a Second Time.

The clause provides for the establishment of the corporation secretary.

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

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

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

New Part IVA

27O

THAT, the Bill be amended by inserting the following new part immediately after 27N.

Officers and Staff of the Institute

27O. The Board of the Institute may recruit such officers and other staff of the Institute as are necessary for the proper and effective performance of the functions of the Institute, upon such terms and conditions of service as the Board of the Institute, on the recommendation of the Salaries and Remuneration Commission, may determine.

(The new part was read a First Time)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairperson, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that new Part IVA, 27O be now read a Second Time.

The amendment is about officers and the staff of the Institute.

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

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

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

New Part IVA

27P

THAT, the Bill be amended by inserting the following new part immediately after 27O.

Protection from
personal liability

27P. Nothing done by a member of the Board of the Institute or by any person working under the instructions of the Board of the Institute shall, if done in good faith for the purpose of executing the powers, functions or duties of the Institute under the Constitution or this Act, render such member or officer personally liable for any action, claim or demand.

(The new part was read a First Time)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairperson of the Committee, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that new Part IVA, 27P be now read a Second Time.

The clause provides for protection from the liability of the staff.

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

The Temporary Speaker (Hon. Peter Kaluma): Yes, Hon. Millie Mabona

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, this is what the Hon. Member raised earlier when he was talking about liability. The way it is written here is more professional but we cannot just give a blanket protection to the Government and to employees where they are actually negligent or they harm people negligently. So, on this one, we can see that it is where they act in good faith and they are not negligent.

I support.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Millie. There being no more interest, Hon. Members, I now put the Question.

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

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

New Part IVA

27Q

THAT, the Bill be amended by inserting the following new part immediately after 27P.

Funds of the
Institute

27Q. The funds of the Institute shall include—

- (a) such monies as may be appropriated by National Assembly for the purposes of the Institute;
- (b) such monies as may accrue or vest in the Institute during the exercise of its powers or the performance of its functions under this Act or any other written law;
- (c) gifts, grants or donations made to the Institute; and
- (d) such monies from any public funds that may be created by law for the purposes of the promotion of all the objects and functions of the Institute.

(The new part was read a First Time)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairperson of the Committee, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that new Part IVA, 27Q be now read a Second Time. The clause is about the funds of the Institute.

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

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

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

New part IVA

27R

THAT, the Bill be amended by inserting the following new part immediately after 27Q.

Annual estimates
of the Institute

- 27R. (1) At least two months before the end of each financial year, the Board of the Institute shall cause to be prepared estimates of the revenue and expenditure of the Institute for that financial year.
- (2) The annual estimates shall make provision for all estimated expenditure of the Institute in the financial year for the fulfilment of its functions.
- (3) The annual estimates for the Institute shall be submitted to the Cabinet Secretary for approval.

(4) No expenditure shall be incurred for the purposes of the Institute except in accordance with the annual estimates submitted under subsection (3), or in pursuance of an authorization of the Board of the Institute.

(The new part was read a First Time)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairperson of the Committee, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that new Part IVA, 27R be now read a Second Time. This is about the annual estimates of the institute.

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

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

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

New Clause 27S

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

Investment of the
surplus funds

- 27S. (1) The Board of the Institute may invest any surplus funds of the Institute which are not immediately required for its purposes in such securities as the National Treasury may, from time to time, approve.
- (2) The Board of the Institute may place on deposit with such bank or banks as it may determine any monies not immediately required for the purposes of the Institute.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson of the Committee to move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27S be now read a Second Time. This is about the investment of the surplus funds of the Institute.

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

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

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

New Clause 27T

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

Award to inventor
or innovator

27T. (1) Where the rights to any invention or innovation have been vested in the Institute, the Board of the Institute may award to the inventor or innovator such bonus as it may deem fit or make provision for financial participation by the inventor or innovator in the profits derived from the invention or innovation.

Cap. 130.
Cap. 509.

(2) The Institute may apply for a patent in respect of any invention or innovation contemplated in subsection (1) and shall for purposes of the Copyright Act, and the Industrial Property Act, be regarded as the assignee of the inventor or innovator of the invention or innovation.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson of the Committee to move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27T be now read a Second Time. This is about award to inventor or innovator of the Institute.

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

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

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

New Clause 27U

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

Discoveries,
inventions, etc. to
vest in the Institute.

27U. (1) All rights in any discoveries, inventions, innovation, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute.

(2) Without prejudice to the generality of subsection (1), the Institute and any other entity may jointly own any discoveries, inventions, innovation, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any other entity.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson of the Committee to move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27U be now read a Second Time. This is about the discoveries and inventions of the Institute.

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

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

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

New Clause 27V

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

27V. The Cabinet Secretary shall, in consultation with the Board of the Institute, prescribe the fees and other charges payable for any service or facility offered by the Institute.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson of the Committee to move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 27V be now read a Second Time.

This is related to the fees and other charges for services and facilities offered by the Institute.

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

The Temporary Chairman (Hon. Peter Kaluma): Hon. Beatrice.

Hon. Beatrice Kemei (Kericho County, UDA): I have looked at this clause, which says that the company secretary shall, in consultation with the Board of the Institute, prescribe the fees and other charges for any service. My question is on what guides the Cabinet Secretary. If the Cabinet Secretary will consult with the Board, there should be a guide so that it is not open-ended. What is the guiding principle of the fees in terms of it being high or low?

The Temporary Chairman (Hon. Peter Kaluma): Chairperson of the Committee.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, the fees to be charged by the Institute will be guided by information received during stock assessment. Investors pay a small fee to get this information. This will be the Act. The fees and other charges will be prescribed in the Regulations.

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

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

New Clause 35A

THAT, the Bill be amended by inserting the following new clause immediately after clause 35—

Harmonisation
taxes, fees and
charges.

35A. (1) The national government and county governments shall, in the exercise of their respective functions under this Act, coordinate and harmonise taxes, fees, charges and licensing requirements applicable to fisheries activities in accordance with the Constitution.

(2) In carrying out their functions under subsection (1), the national government and county governments shall take measures to—

- (a) promote efficiency and transparency in the administration of taxes, fees, charges and licensing requirements;
- (b) avoid the duplication of taxes, fees, charges and licensing requirements in respect of the same fishing or fishing related activity; and
- (c) minimise the administrative burden on fishers or other persons engaged in fishing or fishing related activities.

(3) A county government shall not impose a tax, fee, charge or licensing requirement in respect of a matter for which a tax, fee, charge or licensing requirement has been imposed by the national government under this Act for the same regulatory purpose.

(4) Any dispute arising between the national government and a county government in relation to the implementation of this section in respect of the imposition of a tax, fee, charge or licensing requirement shall be resolved through mediation or such other alternative dispute resolution mechanism in accordance with the Intergovernmental Relations Act.

Cap. 265F.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Mover

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that New Clause 35A be read a Second Time.

This is to provide for harmonisation of licensing fee, taxes and provide for a dispute resolution when issues concerning the same arise.

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

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

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

New Clause 36A

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Role of County Governments in provision of social amenities.

36A. A county government shall, within its respective area of jurisdiction and subject to the Fourth Schedule to the Constitution and any other relevant laws, facilitate the provision of social amenities including, health facilities, sanitation and other necessary infrastructure for the social and economic welfare of beach management units and local fishing communities.

(The new clause was read a First Time)

Hon. Temporary Chairman (Hon. Peter Kaluma): Mover, move the Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that New Clause 36A be read a Second Time.

The amendment seeks to ensure that the county governments, subject to the Fourth Schedule of the Constitution and any other relevant laws, facilitate the provision of social amenities including health facilities, sanitation and other necessary infrastructure to be in use. Sometimes you find that there are no toilets available at the landing sites. So we are saying that the county governments must provide decent facilities.

The Temporary Chairman (Peter Kaluma): Before I propose the Question to the proposed New Clause 36A, let me just mention for the record to Hon. Millie that the consequence of the Hon. Chairperson's amendment as New Clause 35A being carried is that your amendment is carried and you do not need to move it. This relates to the amendment you have proposing in terms of New Clause 35A.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. You see, many Hon. Members have even taken off and some are complaining that it is too long, which is true. I was actually suggesting that we should actually have divided it, may be by, the nature of the water bodies or by the kind of fishing. It is very long. Are you talking about the harmonisation of taxes, fees and charges?

The Temporary Chairman (Hon. Peter Kaluma): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): We had actually agreed.

The Temporary Chairman (Hon. Peter Kaluma): What you have proposed has been carried.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, we had agreed with the Committee. This was initially my amendment but after winnowing, I agreed that the Committee carries it. I think it is a very good amendment because where we harmonise taxes, fees and charges, then it means that our fisher-folk will not be punished because now it is made to look as though fishing is a punishment. They are taxed by the county, the national government and by anyone and everyone. So, our fishermen are not at peace. If we can harmonise the taxation, I would really be happy.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, as you rightfully say, this is the legislation stage. It is the most serious stage for committed legislators and fortunately we have you among them.

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

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

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

The consequence of that amendment being carried is that Hon. Caroli Omondi's amendment falls.

(Proposed amendment by Hon. Caroli Omondi dropped)

New Clause 41A

THAT, the Bill be amended by inserting the following new clause immediately after clause 41—

Incentives for
fishing
gear.

- 41A. (1) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for matters relating to finance, introduce incentives—
- (a) for locally produced and imported fishing gear; and
 - (b) to expand private investment in production and manufacture of fish gear.
- (2) The incentives under subsection (1) shall apply to—
- (a) importers of fishing gear; and
 - (b) private investors to expand investment in production and manufacture of fishing gear.
- (3) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for matters relating to finance, prescribe incentives and make regulations for the production and manufacture of fishing gear.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Chairman, I beg to move that New Clause 41A be read a Second Time. The amendment seeks to provide for subsidies for the manufacture of fishing gear. The majority of fishers engage in the use of banned fishing nets because they are unable to afford the appropriate ones. This provision will make fishing gear more accessible and affordable, hence helping to reduce the use of illegal fishing gear.

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

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

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

New Clause 67A

THAT, the Bill be amended by inserting the following new clause immediately after Clause 67:

Environmental
protection bond
for commercial
aquaculture

- 67A. 1. A person wishing to engage in commercial aquaculture shall provide a bond or some other form of financial security to be known as an environmental protection bond to the National Environment and Management Authority sufficient to cover the costs related to the implementation of the environmental and rehabilitation obligations under this Act including waste management.
2. An environmental protection bond required under subsection (1) shall be in a form and for an amount as may be prescribed in regulations by the Cabinet Secretary having regard to the particular characteristics of the nature and size of the commercial aquaculture activities.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, move the Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move that the New Clause 67A be read a Second Time.

The amendment seeks to provide for an environmental protection bond for persons undertaking commercial aquaculture as a measure of mitigating against the negative impact on the environment.

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Did the Chair move it?

The Temporary Chairman (Hon. Peter Kaluma): Yes, he did.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Chair, I just wish to say that this is a very good provision. However, I caution the National Environment Management Authority (NEMA) and the others that the fishing sector has become very delicate. I am the one who moved the amendment on this Floor for *in-situ* and *ex-situ* fishing. *In-situ* fishing has brought in much cage fishing that is very good to us, especially for commercial fishing. However, many of the people investing in it complain of delays in getting licences and of extortion. They are asked for bribes in every office until some of them give up and go back. Although this is a good provision, I urge NEMA not to use it as an avenue to extract money from investors.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you.

I support the clause especially where NEMA comes in on management and rehabilitation. However, Hon. Millie has said that NEMA should not go beyond its mandate although it has the responsibility now but with staffing challenges. Sometimes the few staff available may actually go beyond what is expected of them.

I support the clause and ask NEMA to do what is expected of them instead of going after fishermen, and mainly women; who do not even have resources or money.

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

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

New Clause 74A

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

PART VIII (A) – ARTISANAL FISHERIES DEVELOPMENT, PROTECTION, AND WELFARE

Recognition of

artisanal fishers.

74A. (1) The State shall recognize artisanal fishers as key stakeholders in fisheries management and as contributors to food security, livelihoods, poverty reduction, cultural heritage, and sustainable utilization of fisheries resources.

(2) All fisheries policies, plans, and programmes shall give due consideration to the interests, welfare, and participation of artisanal fishers and their communities.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Omboko Milemba): Chairperson of the Committee, move the Second Reading. No, this is Hon. Millie.

Hon. Millie Mabona-Odhiambo (Suba North, ODM): Which clause?

The Temporary Chairman (Hon. Peter Kaluma): Your proposed amendments are listed as New Clauses 74A, 74B, 74C, 74D, 74E, 74F, 74G, 74H, 74I, 74J, 74K and 74L. I am counting them so that you can have all the amendments.

Hon. Millie Mabona-Odhiambo (Suba North, ODM): I have seen them. They are on Artisanal Fisheries Development, Protection and Welfare.

The Temporary Chairman (Hon. Peter Kaluma): Yes, move the amendment.

New Clause 74A

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

Part VIIIA – Artisanal Fisheries Development, Protection and Welfare

Recognition of
artisanal fishers.

74A. (1) The State shall recognise artisanal fishers as key stakeholders in fisheries management and as contributors to food security, livelihoods, poverty reduction, cultural heritage, and sustainable utilisation of fisheries resources.

(2) All fisheries policies, plans, and programmes shall give due consideration to the interests, welfare, and participation of artisanal fishers and their communities.

(The New Clause was read a First Time)

Hon. Millie Mabona-Odhiambo (Suba North, ODM): Hon. Temporary Chairman, I beg to move that New Clause 74A be now read a Second Time. This Clause seeks very particular recognition of artisanal fishers. If you look at this Bill, as big as it is, there is some sort of biased attention towards the sea than the lake, especially on artisanal fishers. That is why I would like us to look specifically at recognition of artisanal fishers.

*(Question, that the New Clause be
read a Second Time, proposed)*

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

*(Question, that the New Clause be added
to the Bill, put and agreed to)*

New Clause 74B

Protection of
traditional
fishing grounds.

74B. (1) The Cabinet Secretary shall, in consultation with county governments, beach management units, and artisanal fishers, identify and gazette traditional fishing grounds used by artisanal fishers.

(2) No aquaculture, mariculture, commercial fishing operation, conservation project or other related activity shall be established within a designated traditional fishing ground where such activity would substantially interfere with artisanal fishing without prior consultation, environmental assessment and fair compensation.

(3) The national government and county governments shall give access to designated traditional fishing grounds to artisanal fishers on a priority basis.

(The New Clause was read a First Time)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the New Clause 74B be read a Second Time. This clause is in tandem with the on the previous Clause. It protects traditional fishing grounds. I know there is a section we brought in an amendment that made an inference to some of these, but this is actually expounding on the issues we talked about. It talks about gazetting those traditional fishing grounds so that we do not presume what they are. We also said we should not interfere with artisanal fishing grounds without consultation with local people, undertaking fair environment assessment and compensation, among others.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma):

(Question, that the New Clause be read a Second Time, proposed)

(Question, that the New Clause be read a Second Time, put and agreed to)

(Question, that the New Clause be added to the Bill, put and agreed to)

New Clause 74C

Sustainable
management of
fish stocks.

74C. (1) The State shall take measures to restore, conserve and sustainably manage fish stocks upon which artisanal fishers depend on.

(2) The measures under subsection (1) may include stock enhancement programmes, habitat restoration, control of illegal fishing practices and establishment of fisheries conservation zones.

(3) The national government and county governments shall ensure participation of artisanal fishers in the formulation and implementation of fisheries management plans affecting their fishing areas.

(The New Clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, please. move Second Reading.

Hon. Millie Mabona – Odhiambo (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the New Clause 74C be now read a Second Time. The New Clause is about sustainable management of fish stocks. The government, in the past, tried to manage fish stocks

without involving artisanal fishers. This has created a lot of conflict. If you engage local fishers or artisanal fishers, the conflict will be reduced. That is what I seek to do here.

(Question, that the New Clause be read a Second Time, proposed)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, do I have your confirmation that you have consulted Hon. Millie on this amendment, so that we do not require to make much explanations and move fast?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I confirm that we consulted on the amendment regarding artisanal fishers.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, it means moving forth, you can move your amendments as per the Order Paper, unless it becomes necessary that you should explain what they are about for public consumption.

(Question, that the New Clause be read a Second Time, put and agreed to)

(Question, that the New Clause be added to the Bill, put and agreed to)

New Clause 74D

THAT, the Bill be amended by inserting the following new clause:

Resolution of fishing
space conflicts.

74D. (1) The Director-General, in consultation with the county governments and with the beach management units, shall take measures to prevent conflict over fishing space including establishment of mechanisms for the equitable allocation of designated fishing areas and fishing times for fishing different fish species or use of different fishing methods.

(2) A county government and a beach management unit within its area of jurisdiction shall establish a county mediation committee that shall facilitate mediation and dispute resolution among fishers within the respective jurisdiction.

(3) The Cabinet Secretary may make regulations to prescribe navigation routes, fishing areas, fishing times, gear restrictions, and conflict management measures to ensure equitable access to fisheries resources.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the new clause 74D be now read a Second Time. With your indulgence, I will just mention one thing. One of the areas that has created a lot of conflict is the fact that we do not have a mediation committee when there are conflicts and sometimes people even kill each other. So, we have very informal mediation. By this law, we are creating a formal mediation structure so that it cannot be midnight and I am being called to seek mediation. So, that is what it seeks primarily.

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

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

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

New Clause 74E

THAT, the Bill be amended by inserting the following new clause:

Protection against theft
and destruction of fishing

74E. (1) No person shall steal, destroy, damage, interfere with or unlawfully remove fishing nets, boats, engines, traps or other fishing equipment of an artisanal fisher.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding three months, or both.

(3) The Cabinet Secretary may establish a fisheries asset registration system to facilitate ownership verification and recovery of stolen fishing gear or equipment under this section.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.
Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the new clause 74E be now read a Second Time

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

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

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

New Clause 74F

THAT, the Bill be amended by inserting the following new clause:

Labour rights
of fishers.

74F. (1) An artisanal fisher engaged by a boat owner or fishing enterprise shall be entitled to fair remuneration, safe working conditions, and equitable sharing of fishing proceeds.

(2) No boat owner shall exploit, coerce, underpay, or subject a fisher to unfair labour practices.

(3) The Cabinet Secretary shall prescribe minimum standards for employment and profit-sharing arrangements in artisanal fisheries.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.
Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the new clause 74F be now read a Second Time.

On this one, I will just explain a little that many people do not know that many of the locals do not own the boats that we use. Sometimes the boat owners are not very kind to the people they employ. This amendment seeks to just ensure that when a boat owner employs somebody, they must observe labour law rights. Paragraph G, which follows this amendment, talks about the rights of boat owners as well. There is a balance.

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

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

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

New Clause 74G

Rights of boat owners.

THAT, the Bill be amended by inserting the following new clause:

74G. (1) An owner of a fishing vessel shall have the right to the diligent performance of duties by any fisher on the vessel.

(2) A fisher employed under subsection (1) shall comply with lawful instructions, observe safety requirements, exercise reasonable care in the handling of fishing equipment and catch and refrain from theft, fraud, negligence, or misconduct.

(3) Nothing in this section shall be construed as limiting the rights of fishers to fair remuneration, safe working conditions, freedom from exploitation, and protection under the law.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the new clause 74G be now read a Second Time.

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

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

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

New Clause 74H

THAT, the Bill be amended by inserting the following new clause:

Protection from harassment and arbitrary enforcement.

74H. (1) A fisheries officer and any other authorized person under this Act shall carry out their duties in a lawful, humane, transparent, and accountable manner.

(2) No artisanal fisher shall be subjected to arbitrary arrest, unlawful confiscation of equipment, extortion, intimidation, or harassment by a fisheries officer or any other authorized person under this Act.

(3) The Director-General shall establish a Fisheries Complaints and Ombudsman Office to receive and investigate complaints by fishers against enforcement authorities.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that the new clause 74H be now read a Second Time. This basically shields fisherfolk from harassment, be it by the police or other law enforcement officers. Fisherfolk are harassed so much out there in the lake. Every time you go, that is what they raise. So, just to stop them from harassment.

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

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

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

New Clause 74I

Cross-border fisheries cooperation

THAT, the Bill be amended by inserting the following new clause:

(1) The Cabinet Secretary shall, in consultation with relevant State agencies, promote bilateral and regional agreements for the protection of Kenyan artisanal fishers operating in shared fisheries ecosystems and transboundary waters.

(2) An agreement under subsection (1) shall provide for—

- (a) recognition of traditional fishing practices;
- (b) prevention of harassment and unlawful detention of fishers;
- (c) joint fisheries patrols and enforcement mechanisms;
- (d) cross-border conflict resolution procedures;
- (e) compensation and repatriation mechanisms for affected fishers; and,
- (f) harmonisation of fisheries regulations.

(3) Where a Kenyan fisher is arrested, detained, or has equipment confiscated by a foreign authority in a shared fishery, the National Government shall take reasonable diplomatic and legal measures to protect the rights of the fisher.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

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Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that new clause 74I be now read a Second Time.

I also need to explain this new clause. Most of our fisherfolk are arrested, taken to Uganda and forced to eat raw fish and to give a lot of money in terms of bribes or fines. What we are seeking is that the Cabinet Secretary establishes a formal agreement with our neighbouring countries, Uganda and Tanzania, with whom we are friends with. Once we have this system, our fisherfolk will not be harassed. It has existed informally but let us now formalise it.

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

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

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

New Clause 74J

THAT, the Bill be amended by inserting the following new clause:

Fisheries
marketing and
value addition.

(1) The State shall establish mechanisms to enhance access to domestic, regional, and international markets for fish and fish products for artisanal fishers.

(2) A county government may, within its area of jurisdiction, establish fish collection centres, cold storage facilities, processing plants and market information systems for the benefit of artisanal fishers.

(3) A county government may establish mechanisms to support beach management to undertake value addition and collective marketing.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that new clause 74J be now read a Second Time.

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

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

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

New Clause 74K

THAT, the Bill be amended by inserting the following new clause:

Subsidies and
financial support.

74K. (1) The National Government and County Governments may establish subsidy programs for artisanal fishers including women, youth, persons with disabilities and other vulnerable groups.

(2) A subsidy under subsection (1) may include support for fishing gear, engines, safety equipment, fuel, insurance, fish preservation facilities,

credit facilities, medical clinics in fish landing stations and fisheries infrastructure.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I beg to move that new clause 74K be now read a Second Time.

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

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

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

New Clause 74L

Artisanal Fisheries
Development
Fund.

THAT, the Bill be amended by inserting the following new clause:

74L. (1) There is established a Fund to be known as the Artisanal Fisheries Development Fund.

(2) The purpose of the Fund is to—

- (a) support sustainable fishing practices;
- (b) provide emergency relief to fishers affected by disasters and conflicts and unforeseen situations that may impact livelihoods;
- (c) finance fisheries infrastructure;
- (d) support training and capacity-building for fishers; and,
- (e) facilitate access to credit.

(3) The monies of the Fund shall consist of—

- (a) monies appropriated by the National Assembly; (b) gifts, grants or donations; and
- (c) such monies from any other lawful source.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, as part of our harmonisation, I agreed that I am going to drop this amendment, the reason being that the Committee agreed to our amendments to the bigger Fund. We wanted a Fund that would support artisanal fishers but we have agreed that once there is a part of the Fund that will go towards them, with time, we can break them down. Starting small is better than nothing. I have agreed to drop this amendment.

(Proposed new Clause 74L withdrawn)

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, the clause is already dropped. Did you want to say something?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, we agreed on this one because under clause 27, we have what is called the Fish Levy Development Fund. About 10 per cent of the resources in this Fund will go to artisanal fishers. It is already catered for. Therefore, we did not want to create another Fund.

New Clause 80A

THAT, the Bill be amended by inserting the following new clause immediately after clause 80—

Registers of licences
and
authorizations.

- 80A. (1) The County Director shall establish and maintain a County register of licences and authorizations issued in accordance with the provisions of this Act.
- (2) The register established under subsection (1) shall include —
- (a) information on applications for licences and authorizations under this Act;
 - (b) information on each licence and authorization issued, renewed, suspended or cancelled under this Act, including the activity, date and duration;
 - (c) information on each licensed or authorized person;
 - (d) information on the relevant vessel, facility and licensed or authorized activity;
 - (e) any record of non-compliance with the licence or authorization; and
 - (f) any record of action taken as a result of such other information that may be prescribed or required by the County Director.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, move Second Reading for 80A. In fact, it is the Chairman of the Departmental Committee on Blue Economy, Water and Irrigation.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that new clause 80A be now read a Second Time. The amendment seeks to provide for the County Governments to have a register of licences and authorisations. There are certain authorisations and licences issued by the county governments.

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

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

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

New Clause 156A

THAT, the Bill be amended by inserting the following new clause immediately after clause 156—

Designation
of
ports.

- 156A. (1) The Cabinet Secretary shall designate by notice in the Gazette, the port or ports to which vessels engaged in fishing and fishing related activities may request entry.
- (2) The Cabinet Secretary shall provide a list of ports designated pursuant to subsection (1) to the Food and Agriculture Organisation of the United Nations and to any regional fisheries management organisation pursuant to applicable conservation and management measures.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairman of the Departmental Committee, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new clause 156A be now read a Second Time. The amendment aligns Kenya's international obligations, especially on the measures of the designated fishing boats.

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

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

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

New Clause 210A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 210—

Transfer of functions,
assets liabilities of the
Kenya Fish Marketing
Authority.

- 210A. (1) Any licence, certificate of approval, approval or permission issued or given by the Kenya Fish Marketing Authority before the commencement of this Act shall be deemed to be issued, given or granted by the Cabinet Secretary responsible for fisheries under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in accordance with the Act subject to any terms set out in the licence, certificate of approval, approval or permission.
- (2) Any application for a licence, certificate of approval, approval or permission made to the Kenya Fish Marketing Authority under the Act before the commencement of this Act, shall be deemed to have been made to the Cabinet Secretary for fisheries under the corresponding provisions of this Act and shall be determined by the Cabinet Secretary responsible for fisheries.
- (3) The Cabinet Secretary to the National Treasury shall by notice in the Gazette, specify the date or dates and the manner in which the assets and liabilities of the Kenya Fish Marketing Authority shall be transferred to and vested in—
- (a) the Cabinet Secretary for the National Treasury;
and

- (b) the relevant Ministry.
- (4) A notice under subsection (3) shall specify the assets and liabilities of the Kenya Fish Marketing Authority which are to be transferred to the Cabinet Secretary for the National Treasury, or the relevant Ministry, as the case may be.
- (5) References in this section to assets and liabilities of the Kenya Fish Marketing Authority shall be references to all such assets and liabilities, whether or not capable of being transferred or assigned by the Kenya Fish Marketing Authority.
- (6) All rights, duties, obligations, and liabilities of the Kenya Fish Marketing Authority shall be automatically and fully transferred to the Principal Secretary and any reference to the Kenya Fish Marketing Authority in any contract or document shall for all purposes be deemed to be a reference to the Principal Secretary.
- (7) Any legal proceedings pending immediately before the coming into operation of this Act to which the Kenya Fish Marketing Authority was a party shall be continued as if the Cabinet Secretary is a party thereto in lieu of the Kenya Fish Marketing Authority.
- (8) A person who, immediately before the commencement of this Act, was an employee of the Kenya Fish Marketing Authority and who was serving at the Board shall, upon the commencement of this Act, be redeployed in the public service.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Deputy Leader of the Majority Party, move Second Reading.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I beg to drop the amendments.

The Temporary Chairman (Hon. Peter Kaluma): Deputy Leader of Majority Party, what did this amendment concern before I give final directions? I can give you a minute to consult with the Chair of the Departmental Committee on Blue Economy, Water and Irrigation and possibly Hon. Millie Odhiambo on the amendment you had proposed.

There are new clauses 210A and 211A. Hon. Members, look at the Order Paper at page 2107. Do you have it? On the left, you have No. 69. Can you see it?

Hon. Members: Yes.

The Temporary Chairman (Hon. Peter Kaluma): Now with that confirmation, the proposed new clause 210A is ordered dropped.

*(Proposed new clause 210A
by Hon. Owen Baya withdrawn)*

New Clause 211A

THAT, the Bill be amended by inserting the following new clause immediately after clause 211—

Revocation of L. N.
123 of 2024.

211A.The Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024 is revoked.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Chairman of the Departmental Committee on Blue Economy, Water and Irrigation, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that new clause 211A be read a Second Time. The amendments provide for consequential amendments on the legal notice establishing the Fish Levy Trust Fund. It is worth noting the earlier proposed amendments.

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

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

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

First Schedule

The Temporary Chairman ((Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the First Schedule to the Bill be amended—

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

(b) in Part D by inserting the following new item—

Representative of Kenya
Coast Guard Service

Member

Co-opted

(Question of the amendment proposed)

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

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

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

(First Schedule as amended agreed to)

Second Schedule

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Second Schedule to the Bill be amended by deleting the title and substituting therefor the following new title—

(Question of the amendment proposed)

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

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

Third Schedule

The Temporary Chairman ((Hon. Peter Kaluma): Hon. Chairman, there was a proposed amendment to the Third Schedule by the Deputy Leader of the Majority Party.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting the Third Schedule.

(Question of the amendment proposed)

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

(Third Schedule deleted)

The Temporary Chairman ((Hon. Peter Kaluma): Hon. Members, there was a proposed amendment to the Third Schedule by the Deputy Leader of the Majority Party. With the passage of the Chairperson's amendment, the amendment of the Leader of the Majority Party stands dropped.

Fourth Schedule

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting the Fourth Schedule.

(Question of the amendment proposed)

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

(Fourth Schedule deleted)

New Schedule

THAT, the Bill be amended by inserting the following new schedule immediately before the existing First Schedule—

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office and conduct of business of the Board

(1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(2) Other than ex officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.

(3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

2. Meetings of the Board

(1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

(2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.

(3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(4) The Chairperson shall preside over all meetings of the Board in which the Chairperson is present, but in their absence, the vice-chairperson shall preside, and in the absence of the vice-chairperson, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

(5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

(6) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(7) For purposes of this Schedule the word "Board" includes the Board of the Institute and the Board of Trustees of the Fund.

3. Disclosure of interests

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

4. Board may regulate procedure

Save as provided in this Schedule, the Board may regulate its own procedure.

(The new Schedule was read a First Time)

The Temporary Chairman ((Hon. Peter Kaluma): Hon. Chairperson, Blue Economy, Water and Irrigation, move Second Reading.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the new Schedule be now read a Second Time.

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

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

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

Clause 2

The Temporary Chairman (Hon. Peter Kaluma): There is an amendment by the Deputy Leader of the Majority Party, the Chairperson and Hon. Millie. Hon. Millie, if the Deputy Leader of the Majority Party's amendment is carried, the Chair's amendment will fall. If the Chair's is carried, Hon. Millie's amendment will fall.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, the amendments are very specific.

The Temporary Chairman (Hon. Peter Kaluma): You will only remain to move amendments in respect of subclause (c), (e), (f), (h), (k)... No, in fact, your amendments to subclause C, E, F, H, K and L will fall. The other parts not covered under the amendment will remain. Are you Members clear? We are on Clause 2.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Which is preliminary?

The Temporary Chairman (Hon. Peter Kaluma): Yes, and on Clause 2, the direction I am giving from the Chair is that if the amendment by the Deputy Leader of the Majority Party is carried, the Chair's amendment on Clauses A and C will fall. The others, of course, will remain. If the amendment by the Chairperson is carried, Hon. Millie's amendments (c), (e), (f), (h), (k) and (l) will fall. The others will remain, stage by stage, as I have mentioned. Because we are at the tail-end of the consideration of the Bill, I can allow the three of you to consult and agree.

Hon. Owen Baya (Kilifi North, UDA): I am okay.

The Temporary Chairman (Hon. Peter Kaluma): If you are okay, the Deputy Leader of the Majority Party will move.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, these amendments refer to the Kenya Fish Marketing Authority, which we have deleted and done away with. Therefore, I want to withdraw my amendment on this matter and allow the Chairperson to proceed with his amendments.

Thank you.

The Temporary Chairman (Hon. Peter Kaluma): So, the amendments proposed by the Deputy Leader of the Majority Party are withdrawn.

(Proposed amendments by

Hon. Owen Baya withdrawn)

Departmental Committee Chair, Clause 2 deals with definitions. Is that correct?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): If you need a minute to consult, it is well and good. If you are clear, you can move.

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

The Temporary Chairman (Hon. Peter Kaluma): Yes, I paused the proceedings so that you can consult. We are in the Committee of the whole House, where there is flexibility that Members never enjoy when the House is in Plenary.

*(Hon. Ruweida Mohamed and Hon. Omboko
Milemba spoke off the record)*

The Temporary Chairman (Hon. Peter Kaluma): Hon. Ruweida wants to speak but she wants to do so after I have granted the microphone to the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation. We may not allow another Member to intervene in the proceedings until the Chairperson is done.

Proceed, Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “Authority”;
- (b) by deleting the definition of the expression “authorized officer” and substituting therefor the following new definition—
“authorised officer” means a fisheries officer, fish inspector, coast guard officer, a police officer of or above the rank of inspector, an officer of the Kenya Navy or any other person appointed by the Cabinet Secretary under section 17;
- (c) by deleting the definition of the expression “Board of Directors”;
- (d) in the definition of “beach management unit” by inserting the words “including local communities” immediately after the words “other beach stakeholders”;
- (e) by deleting the definition of the term “Council”;
- (f) in the definition of “dealing in fish” by inserting the word “drying” immediately after the word “storing”;
- (g) in the definition of “export” by deleting the word “anything” appearing in paragraph (b);
- (h) in the definition of “fishing related activity” by inserting the words “or in the lake” immediately after the words “supplies at sea” appearing in paragraph (c);
- (i) by deleting the definition of the expression “foreign fishing vessel” and substituting therefor the following new definition—
“foreign fishing vessel” means a fishing vessel not registered in Kenya;

(j) by deleting the definition of the expression “Kenya Marine and Fisheries Research Institute”;

(k) by deleting the definition of “subsistence fishing” appearing first in time;

(l) by deleting the definition of “subsistence fishing” appearing second in time and substituting therefor the following new definition—

“subsistence fishing” means local or non-commercial fishing, not for recreation but for sourcing of fish for consumption by the fishers, their dependants or community;

(m) by deleting the definition of the term “surveillance” appearing immediately after the definition of “support vessel”;

(n) in the definition of the expression “territorial waters” by deleting the words “and includes the territorial sea”;

(o) by deleting the definition of the term “transshipment” and substituting therefor the following new definition—

“transshipment” means the direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed;

(p) by inserting the following new definitions in their proper alphabetical sequence—

“Board of the Institute” means the Board of the Kenya Marine and Fisheries Research Institute established under section 27C;

“commercial fishing” means fishing for sale, barter or trade;

“county fisheries officer” means an officer within a county designated by the respective county executive committee member;

“County Director” means the County Director responsible for matters relating to fisheries appointed by the respective county public service board;

“county executive committee member” means the county executive committee member responsible for matters relating to fisheries in the respective county;

“designated fish habitat” means any areas on which fish depend directly or indirectly in order to carry out their life processes including spawning grounds, nursery, rearing, food supply areas and migration routes;

“Director-General of the Institute” means the Director General of the Institute appointed under section 27S;

Cap.371. “exclusive economic zone” has the same meaning assigned to it under the Maritime Zones Act;

“fish inspector” means a person appointed for the purposes of inspections in fish safety and quality or aquaculture or monitoring, control and surveillance activities under this Act;

“fish landing station” means a designated coastal or inland shore area gazetted by the Cabinet Secretary where fishing vessels anchor to unload, sell or process their catch;

“fish stock” means a group of fish that share similar biological characteristics, occupy a particular geographic area or designated fish habitat, and reproduce within that population;
“Fund” means the Fish Levy Development Fund established under section 27;
“Institute” means the Kenya Marine and Fisheries Research Institute established under section 27A; and
“marine park” means a protected marine area where no fishing, construction work or any disturbance is allowed unless with written permission under the Wildlife Conservation and Management Act.

Hon. Temporary Chairman, the purpose of this amendment is to provide for definitions of terms that have been excluded and further align the terminology with the best practices in accordance with the devolved nature of functions as relates to fisheries.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Yes. Let me first propose the question.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am seeking your direction.

The Temporary Chairman (Hon. Peter Kaluma): Yes. It is granted. Give Hon. Millie the microphone.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, we are proposing different amendments. For instance, I have amendments on definitions of “aquaculture” and “barter” which they may not have. Can we quickly move the specific definitions? If he moves his amendment, I may have amendments that I want to carry and some that I would like to drop.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, I had directed that if the amendments by the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation are carried, you will move all your amendments except sub-clauses (c), (e), (f), (h), (k) and (l). I imagine that the ones which are exempted from the fall are not covered in the Chair’s proposed amendments. This being in regard to Clause 2, naturally, the Chairperson will have more technical support than an ordinary Member.

(Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Chairman (Hon. Peter Kaluma): If the amendment by the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, Hon. Kangogo Bowen, is carried, you will still move your amendments except those in sub-clauses (c), (e), (f), (h), (k), and (l). This is because the ones you are mentioning are not covered in the Chair’s amendments. Is that the position, Chair?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, can I say something regarding that?

The Temporary Chairman (Hon. Peter Kaluma): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): My worry is that our amendments are not the same. For instance, in part (e), I am changing the definition of “dealing in fish” to include “drying”. When you exclude drying, you are excluding the majority of women in the fishing industry. Most women do not go to the lake; they dry the fish.

The Temporary Chairman (Hon. Peter Kaluma): Just repeat. What subject matter does subclause (e) address?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It addresses the definition of dealing in fish. However, when we define dealing in fish without including “drying”, we are excluding women, as most women are involved in drying fish. The Chairperson’s amendment is not connected to mine. I am willing to remove the other sub-clauses like (l) and (k).

The Temporary Chairman (Hon. Peter Kaluma): If you refer to the Chairperson’s amendment—allow me to give some direction on this—page 2057 of the Order Paper outlines the amendments proposed by the Chairperson of the Departmental Committee.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Let me check.

The Temporary Chairman (Hon. Peter Kaluma): Clause 2 (f) has inserted “drying and storing.”

Hon. Millie Odhiambo-Mabona (Suba North, ODM): That is okay.

The Temporary Chairman (Hon. Peter Kaluma): There is reconciliation. I direct that if the Chairperson’s amendments are carried, they will have incorporated all your amendments in respect of sub-clauses (c), (e), (f), (h), (k) and (l).

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I trust your word.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kangogo can now move his amendment.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “Authority”;
- (b) by deleting the definition of the expression “authorised officer” and substituting therefor the following new definition—
“authorised officer” means a fisheries officer, fish inspector, coast guard officer, a police officer of or above the rank of inspector, an officer of the Kenya Navy or any other person appointed by the Cabinet Secretary under section 17;
- (c) by deleting the definition of the expression “Board of Directors”;
- (d) in the definition of “beach management unit” by inserting the words “including local communities” immediately after the words “other beach stakeholders”;
- (e) by deleting the definition of the term “Council”;
- (f) in the definition of “dealing in fish” by inserting the word “drying” immediately after the word “storing”;
- (g) in the definition of “export” by deleting the word “anything” appearing in paragraph (b);
- (h) in the definition of “fishing related activity” by inserting the words “or in the lake” immediately after the words “supplies at sea” appearing in paragraph (c);
- (i) by deleting the definition of the expression “foreign fishing vessel” and substituting therefor the following new definition—
“foreign fishing vessel” means a fishing vessel not registered in Kenya;
- (j) by deleting the definition of the expression “Kenya Marine and Fisheries Research Institute”;
- (k) by deleting the definition of “subsistence fishing” appearing first in time;

- (l) by deleting the definition of “subsistence fishing” appearing second in time and substituting therefor the following new definition—
“subsistence fishing” means local or non-commercial fishing, not for recreation but for sourcing of fish for consumption by the fishers, their dependants or community;
- (m) by deleting the definition of the term “surveillance” appearing immediately after the definition of “support vessel”;
- (n) in the definition of the expression “territorial waters” by deleting the words “and includes the territorial sea”;
- (o) by deleting the definition of the term “transshipment” and substituting therefor the following new definition—
“transshipment” means the direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed;
- (p) by inserting the following new definitions in their proper alphabetical sequence—
“Board of the Institute” means the Board of the Kenya Marine and Fisheries Research Institute established under section 27C;
“commercial fishing” means fishing for sale, barter or trade;
“county fisheries officer” means an officer within a county designated by the respective county executive committee member;
“County Director” means the County Director responsible for matters relating to fisheries appointed by the respective county public service board;
“county executive committee member” means the county executive committee member responsible for matters relating to fisheries in the respective county;
“designated fish habitat” means any areas on which fish depend directly or indirectly in order to carry out their life processes including spawning grounds, nursery, rearing, food supply areas and migration routes;
“Director-General of the Institute” means the Director General of the Institute appointed under section 27S;

“exclusive economic zone” has the same meaning assigned to it under the Maritime Zones Act;
“fish inspector” means a person appointed for the purposes of inspections in fish safety and quality or aquaculture or monitoring, control and surveillance activities under this Act;
“fish landing station” means a designated coastal or inland shore area gazetted by the Cabinet Secretary where fishing vessels anchor to unload, sell or process their catch;

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“fish stock” means a group of fish that share similar biological characteristics, occupy a particular geographic area or designated fish habitat, and reproduce within that population;

“Fund” means the Fish Levy Development Fund established under section 27;

“Institute” means the Kenya Marine and Fisheries Research Institute established under section 27A; and

"marine park" means a protected marine area where no fishing, construction work or any disturbance is allowed unless with written permission under the Wildlife Conservation and Management Act.

Hon. Temporary Chairman, it is true we have incorporated most of the proposed amendments by Hon. Millie in sub-clauses (c), (e) and (h). The only thing we have not agreed on is parts (a) and (b) on the definition of aquaculture. We have not agreed on that one because it...

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have agreed to drop my amendment on that aspect.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, on sub-clause (b), the word “barter” may not be acceptable because we have the Contract Law Act, the Penal Code, and the Sexual Offences Act that deal with such matters, including contractual and foreseeable acts. It criminalises certain exploitative practices against women.

(Question of the amendment proposed)

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

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

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

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

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Millie. You may move your amendment other than in respect of sub-clauses (e), (f), (j), (k) and (l).

Hon. Millie Odhiambo-Mabona (Suba North, ODM): You said sub-clause (b) as well. No, you did not mention sub-clause (b), but they did not adopt it. That is what they are referring to in the Penal Code.

The Temporary Chairman (Hon. Peter Kaluma): So, you will make amendments, if you have any, in respect of sub-clauses (a), (b), and (d).

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I propose to amend sub-clause (b), which is the definition of "barter", by including the words ‘but excludes exploitative practices against women’. Even though that is provided for in the Sexual Offences Act, it is good to note that when we came up with the Sexual Offences Act, the Penal Code already contained those offences. However, because you have a particular kind of practice in a given area, you need to call it out. Otherwise, people will normalise it. The

previous speaker has spoken about *Jaboya*. What I am actually trying to address is the *Jaboya* practice. Hon. Temporary Chairman, I am sure you know about it. When you leave the *Jaboya* practice, people will think it is normal.

The Temporary Chairman (Hon. Peter Kaluma): It is serious.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It is not normal for women to exchange sex for fish, or fish for sex. I do not know which is which. That is what I am amending. I do not know whether I should move them one by one or...

The Temporary Chairman (Hon. Peter Kaluma): Just communicate all your amendments.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have dropped sub-clause (a). Then I will move to sub-clause (d), the definition of "buy". The definition of "buy" here, it says it means... Let me see what I had a problem with... I think it was... Where is my amendment? No wonder I am getting it wrong because I am looking at... The Bill was saying "barter" means... I have already spoken to "barter", but it was saying that "buy" includes an attempt to "barter". Even if you look at the law of contract, you cannot attempt to do something and consider it complete. So, I thought we needed to remove "attempt to barter" and "attempt to purchase". It is only when you buy or purchase that you actually have a purchase. Even under the law of contract, this does not work. I am a bit slow today because I am not very well.

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, I will give you a minute or two if you only need to confirm whether the amendment being proposed by Hon. Millie can be agreed to. You may take your time and consult your Committee Clerk if you need to. Just make your consultations as Hon. Millie, of course.... And you have a very able Committee Clerk.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): For the others, I have agreed to drop them.

The Temporary Chairman (Hon. Peter Kaluma): So, your issue is the "barter" issue?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): My issue is "barter"...

The Temporary Chairman (Hon. Peter Kaluma): I can confirm to you that it is a big issue.

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

The Temporary Chairman (Hon. Peter Kaluma): More so around Lake Victoria. I also think even around the Indian Ocean and Lake Turkana, the idea that women are exchanging intimacy for fish or just to be able to get fish to trade is something that is very rampant.

Hon. Chair, Hon. Millie has dropped all the amendments except that sub-clause (d), which mentions "barter". Just confirm that this amendment is in order.

(Question of the amendment proposed)

Hon. Kangogo Bowen (Marakwet East, UDA): Based on Hon. Millie's explanation on the *Jaboya* issue, we understand. It is very unfortunate. So, with the proposals and explanations by Hon. Millie, I agree with the two amendments.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Chairman, I will specifically speak to that because it is something that we hear and sometimes imagine that it is not doable or that it is happening by accident. If that be the case, then we cannot afford to have the word 'barter'. I do not know whoever thought to include it there because 'barter', as defined by the traditional methodology of exchange of goods, can mean exactly that. The word 'barter'

must be removed from the definition so that purchase is purchase using currency and not barter trade.

Hon. Millie, I must thank you for finally stamping this into law because it has been spoken to, but nobody has ever brought it to the House to this level. Again, thank you for staying in the House long enough because this amendment has come at the tail end. You have made sure that it is legislated.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman, I want to guide that we go by what Hon. Omboko Milemba is saying. If we were to do so, Hon. Millie, the definition being put in the Bill is 'barter'. Why do we need it in the Bill in the first place? In which clause of the Bill has it been mentioned? If it is not mentioned in any clause then it is entrenching a practice this Parliament cannot legislate over. Hon. Chairman, I request, if not direct, that you consider bringing a further amendment to delete the definition of 'barter'. It is terrible. If it is so deleted, I would also request Hon. Millie to drop her proposed amendment 'to buy'. The idea of sale of goods and services knows what 'buy' is. Hon. Millie you are introducing 'buy' to include barter. We do not need to define terms whose usage is clearly known.

(Hon. Kangogo Bowen spoke off the record)

Where is it in the Bill?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, it is on the main Bill Page 831. The definition of buy reads: "Buy includes barter, purchase."

The Temporary Chairman (Hon. Peter Kaluma): Did you say Page 831?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes, Page 831 up there.

The Temporary Chairman (Hon. Peter Kaluma): Page 831. Just go slowly because this is critical. This clause must be marked for recommittal, hopefully today, so that we delete 'barter' where it has been used. Hon. Kangogo, that is the very place where it is used in the definition. The question I was asking is why we are defining 'barter'. In which substantive clause of the Bill has it been used to warrant its being defined in Clause 2? This is because you are only defining it in Clause 2. So, the question I am asking is: where else in the Bill has that term been used to warrant it being defined in Clause 2? If not, I direct that 'barter' in Clause 2 be deleted wherever it appears.

Hon. Kangogo Bowen (Marakwet East, UDA): I do not think there is any other place it has been used, Hon. Temporary Chair. As per your direction, it means that we delete item (a) on 'barter' and item (c) 'attempt to barter'.

The Temporary Chairman (Hon. Peter Kaluma): So, Hon. Millie the Chairman will now move a further amendment to Clause 2.

Just go on record by saying that I beg to move that Clause 2 be further amended by deleting the word "barter," as we normally do.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 of the Bill be further amended by deleting the word "barter" in sub clauses (a), (c) and (h).

(Question of the further amendment proposed)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Have you deleted the definition of the word "barter?"

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

*(Hon. Millie Odhiambo-Mabona and
Hon. Kangogo Bowen consulted loudly)*

The Temporary Chairman (Hon. Peter Kaluma): Order, Hon. Members. I have already proposed the question.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, because this is a House of records, if there is anywhere else in the Bill where the word “barter” is used, it stands deleted.

The Temporary Chairman (Hon. Peter Kaluma): Anywhere where the word “barter” has been used.

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

The consequences of the amendment are two. First, wherever the word “barter” or “attempt to barter” appear in the Bill has been deleted. Second, all the amendments which Hon. Millie had proposed have fallen.

*(Proposed amendments by
Hon. Millie Odhiambo-Mabona dropped)*

(Clause 2 as further amended agreed to)

*(The Temporary Chairman
Consulted the Clerks-at-the-Table)*

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. Peter Kaluma): Mover, move reporting.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Fisheries Management and Development Bill (National Assembly Bill No.29 of 2023) and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

*[The Temporary Speaker
(Hon. Omboko Milemba) in the Chair]*

MOTION

CONSIDERATION OF REPORT ON THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

The Temporary Chairman (Hon. Omboko Milemba): Very well, Hon. Members. Let us proceed. I call upon the Chairperson to report.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, I beg to report that the Committee of the Whole House has considered the Fisheries Management and Development Bill (National Assembly Bill No. 59 of 2023) and approved the same with amendments.

The Temporary Chairman (Hon. Omboko Milemba): Mover!

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee on the said report.

I also request Hon. Umulkher to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I second.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I beg to move that the Motion for agreement with the report of the Committee of the whole House be amended by inserting the words, “subject to recommittal of Clause 39 and Part XVIII, comprising Clauses 198, 199, 200, 201, 202, 203, 204, 205, 206 and 207”.

I also request Hon. Eve Obara to second.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Speaker. I second.

(Question proposed)

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Speaker
(Hon. Omboko Milemba) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairman
(Hon. Peter Kaluma) in the Chair]*

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
(National Assembly Bill No. 29 of 2023)

(Recommittal of Clause 39 and Part XVIII)

Clause 39

The Temporary Chairman (Hon. Peter Kaluma): Hon. Eve Obara, please, move Recommittal to Clause 39.

Hon. Eve Obara (Kabondo Kasipul, ODM): Hon. Temporary Chairman, I beg to move:

THAT, Clause 39 of the Bill be amended in sub-clause 1 by deleting paragraph (a).

Hon. Temporary Chairman, subclauses (b), (c), (d) all the way to (k) adequately cover what we are trying to do in (a) because they will work towards rejuvenating the fish in the waters of the lake.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I wish to fully support. It is only in fishing where we put very harsh regulations. When you put ‘closed seasons’ for fishing, which many people call “closing the lake”, it means people cannot get money to take their children to school or money for food yet we have put many measures, including a dedicated section for artisanal fishers working together with the national and county government to rejuvenate the lake. If these measures are adhered to, they would enable the lake to rejuvenate without having a closed season. When you put a close season or what the Luos call *loro nam*, you kill the fisher folk.

As a matter of fact, my first election was because I *teteyad* the fishermen on this. I would not want to go against the fishermen now because I am already elected. I would want to ensure that I not only get re-elected, but also that our fisher folk are protected and their rights are not trampled upon. Otherwise, I really support this.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, I just want your views because you have proven to have a lot of expertise in this area. When we have closed seasons, where do people who depend on fisheries and fishing derive their livelihoods from?

Does it mean they stand suspended for as long as they are not cleared?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Absolutely. They are nowhere. They become beggars. I think people do not understand that fishermen or fisherwomen are actually just fisherfolk. They do not have any other livelihood when you say “now we have closed the lake”. It is like telling farmers that there is no tilling the land from January to March. No. We go by what we see. Even the fisherfolk know when the lake has no fish and they will tell you. Therefore, they kind of know how to self-regulate.

The Temporary Chairman (Hon. Peter Kaluma): How would this apply in respect of cage fishing which we have entrenched in this Bill?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): One of the amendments I have brought has to do with re-stocking. I have taken time to understand the fishing arena since the fisherfolk elected me. One of the things that I have understood is that you can re-stock the lake in the same way you have the cage fishing. You can get fish through fingerlings or other means and re-stock the lake. What we need to do is scale up our technology.

If we are using new technology on land and we are scaling up, why are we not using those technologies in the lake? Yes, we will use our traditional methods but also in tandem with new technology so that we find ways of re-stocking the lake without punishing the fisherfolk. The fisherfolk will tell you something. Right now, they will tell you “*nam onge rech*”. It translates to “the lake has no fish”.

Nobody will go to fish where there is no fish. They will stay out until fish comes unlike when you put it by government standards. The government sometimes puts standards when there is fish and the people need to fish. That has had disastrous effects—they go begging and children do not go to school. It is punishing our fishermen.

The Temporary Chairman (Hon. Peter Kaluma): The Chairperson of the relevant Committee.

Hon. Kangogo Bowen (Marakwet East, UDA): Allow me also to support the amendment. Given all the reasons by Hon. Millie and Hon. Eve Obara, I just want to add something on ‘closed seasons’, especially for shared waters like Lake Victoria where we

legislate to close our side when the other side, in Uganda and Tanzania, fishing continues. We are telling our people, who are 100 per cent dependent on fish, that we have closed knowing they do not have any other alternative yet neighbouring countries continue fishing.

Therefore, it is very difficult to say that we have closed unless we have well-coordinated laws that cut across the three countries or a broad area. I support.

The Temporary Chairman (Hon. Peter Kaluma): I agree with you, Hon. Chairman. In fact, the ecology of Lake Victoria is such that the Kenyan part is the shallow end where fish breed. They go to the deeper end as they mature. As you close fishing on this side, they are maturing and being fished on the other end. That is in addition to the fact that we do not have harmonised fishing practices within the lake.

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

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

Hon. Chairman, you also have amendments to that Clause 39. Please, move them.

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move:

THAT, the Bill be amended by deleting Part XVIII of the Bill which comprises Clauses 198, 199, 200, 201, 202, 203, 204, 205, 206 and 207.

The Temporary Chairman (Hon. Peter Kaluma): Order, Hon. Chairman. I will give you a minute because this is a House of procedure and rules. Let us get it right.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 39 of the Bill be amended in subclause (1) by—

(a) deleting the opening statement and substituting therefor the following new opening statement—

(1) The Director-General shall in accordance with the best scientific advice and such other relevant information as may be available, with the approval of the Cabinet Secretary and in consultation with county governments and after public participation, by notice in the Gazette, impose, among others, any measures for the conservation and management of any fishery including—

(b) deleting the word “including” appearing in paragraph (f) and substituting therefor the word “and”; and

(c) inserting the following new paragraphs immediately after paragraph (f)—

(fa) designate specific areas and times for fishing by fishers specialising in different types and methods of fishing;

(fb) designate by regulation, the space allowable for cage farming, artisanal and other types of fishing.

(Question of the amendment proposed)

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

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

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

(Clause 39 as amended agreed to)

Part XVIII

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Part XVIII and substituting therefor the following new Part—

Part XVIII - Establishment of the Fisheries Tribunal

Establishment of
the Fisheries Tribunal.

198. (1) There is established a Fisheries Tribunal.
(2) The Fisheries Tribunal shall consist of the following members appointed by the Judicial Service Commission—
(a) a Chairperson who shall be a person qualified for appointment as a judge of the High Court;
(b) two advocates of the High Court of Kenya, with experience of not less than seven years; and
(c) two persons who possess a degree from a university recognised in Kenya in matters related to fisheries and at least five years' experience in a relevant field.
(3) The Chairperson and members of the Fisheries Tribunal shall be appointed for a term of three years and shall be eligible for reappointment for one further term of three years.
(4) The Chairperson and members of the Fisheries Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.

Staff of the
Tribunal.

199. The staff of the Tribunal shall be appointed, removed from office or otherwise disciplined by the Judicial Service Commission in accordance with Article 172(1)(c) of the Constitution.

Jurisdiction of the
Tribunal.

200. (1) The Tribunal shall exercise the powers and functions set out in this Act and in particular shall hear and determine appeals at the instance of any person directly affected by the decision or order of the Cabinet Secretary, Director-General, the Service or of any person acting pursuant to the provisions of this Act.
(2) In addition to the powers set out in subsection (1), the Tribunal shall have the power to hear and determine any dispute concerning fisheries and aquaculture where there is a business contract, unless the parties have otherwise agreed to an alternative dispute resolution mechanism.

(Question of the amendment proposed)

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

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

(Part XVIII as amended agreed to)

The Temporary Chairman (Hon. Peter Kaluma): Mover to move reporting.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report its consideration of the Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

*[The Temporary Speaker
(Hon. Omboko Milemba) in the Chair]*

MOTION

CONSIDERATION OF REPORT ON THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

The Temporary Speaker (Hon. Omboko Milemba): We may take our seats. Yes, the Chairperson to report to the House.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, I beg to report that Committee of the Whole House has considered the Fisheries Management and Development Bill (National Assembly Bill, No. 29 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. Omboko Milemba): Mover.

Hon. David Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report and also request Hon. Ruweida to second the Motion for agreement of the Report of the Committee of the Whole House.

Hon. Ruweida Mohamed (Lamu East, JP): Seconded.

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
(National Assembly Bill No. 29 of 2023)

The Temporary Speaker (Hon. Omboko Milemba): Mover, please, move the Third Reading.

Hon. David Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I beg to move that the Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023) be now read a Third Time, and I request Hon. Millie Odhiambo, our leader, to second.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I do second and thank the Chairman of the Departmental Committee on Blue Economy, Water and Irrigation for an excellent job.

(Question proposed)

The Temporary Speaker (Hon. Omboko Milemba): Let me hear a few sentiments beginning with the Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, let me start by thanking you for granting the consideration of this important Bill adequate from the time we began to date. I say so as a Member of Parliament for Homa Bay Town and knowing that many people think that the name “Homa Bay” just came by. A bay is land entering the lake. Homa Bay County has the largest and, in fact, the longest shoreline of Lake Victoria in Kenya; we are told it is about 80 per cent.

The economy of the people of Homa Bay Town Constituency and Homa Bay County at large, therefore, depends very heavily on proper management and development of fisheries and fishing in our country. So, I thank Parliament for the commitment it has showed around this Bill. I give a special thanks to Hon (Dr.) Eve Obara for reminding us of that provision that had passed earlier on, which allowed closed season. That is a matter that has been affecting our people year in, year out. It may be taken for granted but for people depending on fishing, when there is a closed season, it means that you have suspended livelihoods until that time when, on your own discretion, you will decide they can resume fishing. It is like a herdsman being abruptly told that he cannot herd his cattle and cannot depend on them at the discretion of somebody who does not know how he sustains his family, how he pays fees for his children, and how he goes through corruption.

I want to tell our fisherfolk that if this Bill proceeds and is assented to by His Excellency the President, the measures instituted to ensure we do not deplete our fisheries are adequate, and we have left them intact. However, there shall never be a time for discretion by anybody in the Executive or anywhere to suspend the livelihoods of the people depending on fisheries and fishing to survive in this country.

I thank Hon. (Dr) Eve Obara for reminding the House to recommit. I thank, in a very special way, Hon. Millie Odhiambo-Mabona. It has been a pleasure having her sit throughout the consideration of this matter at the Committee stage, which is the legislative stage. She has expertise in the area. She is also the bearer of nearly all the islands we have in Lake Victoria on the side of Homa Bay County.

Hon. Temporary Speaker, on the Homa Bay side, all islands, including Sikri which is just a few meters from Homa Bay Town at the pier, are part of Hon. Millie's constituency. She is the owner of all islands, *chula te*, in Lake Victoria on the Homa Bay side. Of course, there could be others elsewhere. So, when she speaks, it is not just about interest in terms of expertise and learning and knowledge, but it is also about the experiences of our people. The House has benefited a lot from her. I thank Hon. Millie in a very special way, more so on the issue of

barter, which our gallant Chairman, Hon. Kangogo Bowen, acceded to and supported an amendment on.

Hon. Temporary Speaker, do you know what has been happening? Barter has not been engaged in fishing in Kenya in terms of the things we used in exchange of goods and services like cowrie shells. It is particularly about our women fisherfolk going to fetch fish to trade. Despite the fact that they pay using money in the manner prescribed in the Bill, for them to buy the best of the fish catches, they are told they have to be intimate with another man.

Hon. Temporary Speaker, it is no wonder it has been mentioned that there is very high prevalence of HIV along Lake Victoria. Invariably those people, because they engage in forcible intimacy, which in normal cases would amount to rape with every woman going to buy fish, they are agents in spreading HIV. It is a very risky thing. Hon. Temporary Speaker, there is the phrase we use in our place if a woman leaves to go to trade in fish like in Hon. Millie's constituency. We say, Mbita *asayi*, Mbita *tafadhali*, let my woman go and trade and come back safe and uninfected. It is a very serious thing.

I thank Hon. Millie for identifying that. There has been a lack of practical experience on the ground, which she has brought on board. We have now protected our women from giving their bodies to other men, who are invariably infected, for them to get fish for trade, to feed their families, and to fend for their people. We cannot entrench such a matter in law. I thank, in a very special way, the Chairman of the Committee. I also thank the team he worked with in cleaning up this Bill to the extent that it was cleaned.

I thank you very much, Hon. Temporary Speaker. I support that this Bill now progresses.

The Temporary Speaker (Hon. Omboko Milemba): The order would be that we listen to Hon. Millie first then we shall listen to the Hon. Chairman. So, you take your seat, Hon. Chairman.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. First of all, I just want to thank the Chairman of the Committee. I am not just saying this because he happens to be here at this late hour, but I also wish other Chairpersons of other Committees would learn from his commitment and dedication. His legal counsel, Lynette, has also been here. I have just seen her leave now. She has done really very well.

Many people think I am difficult, but I am just like the way you court a woman. If you see a woman who is difficult, just find a way of sweet-talking her and she will come along. Just look at how many amendments I dropped. I dropped them because you found a way of sweet-talking me. That is who I am. Many people do not know that if you sit down with me, I am not a difficult person. I am understanding. However, when I am representing my people, I become very firm because I know what they go through.

I also want to thank Hon. Kaluma for his kind words. I know what he has done behind the scenes. As for the Chairperson, I may not say much, but you have done an excellent job to ensure that our fisherfolk are well represented. As you have rightly said, we have the highest number of islands: Remba, Ringiti, Rusinga, Takawiri, Mfangano, Sukru, Ngodhe and, of course, Soklo, which we share with Hon. Kaluma, although it is in my constituency.

Before I proceed further, I also wish to thank Hon. Eve for the excellent work she has done. Recommitting that particular clause was a significant achievement. In fact, I thought I had asked for too much and did not want to press the matter further. When I first proposed it during the time Rt. Hon. Raila Odinga was the Prime Minister, you should have seen how happy the fisherfolk were. I, therefore, invite you and Hon. Eve to visit our constituency so that we can offer you some fish. We may not give you cows, but we will certainly give you some *ngege* and Nile Perch as a token of our appreciation for ensuring that the provision on the non-closure of the lake was retained.

I also thank you for agreeing to allocate 10 per cent of the Fund to artisanal fishers. As you know, I call them "fisers." These are the people we refer to as *Jolupo*. They are often disregarded yet they are the very people who have enabled many of our children and relatives to go to school. Allocating 10 per cent of the Fund to them is very significant. I also appreciate the creation of a dedicated provision for artisanal fishers because it recognises them as people, not merely as participants in the fishing industry.

If you look at the previous Bill, the focus was largely on fisheries management and development. The concern seemed to be more about the fish than the people. Sometimes one has to ask: is it about the fish or about the people? We are interested in the fish because of the people. Today, Chairperson, you have ensured that this Bill is about both the fish and the people, but, above all, about the people. I thank you very much, and may God bless you.

I also thank Hon. Obo Ruweida. Whenever we debate matters concerning fisheries, she is always present, even if the sitting extends to midnight. She was here during the previous debate, and she is here, again, today. That demonstrates her dedication and commitment. I also thank you, Hon. Temporary Speaker for your continued commitment.

The Temporary Speaker (Hon Omboko Milemba): Let us hear from Hon. Obara.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker. Allow me to add my voice in congratulating the Chairperson and appreciating the commitment and mastery of the issues that he has demonstrated.

In fact, I had to ask Hon. Millie whether the Chairperson comes from the Lake Baringo region or elsewhere because of the depth of knowledge he has displayed. This is not the first time I have observed this.

(Applause)

Indeed, anyone watching you present this Report today, without looking at the clock, would have thought it was still morning because of the energy with which you delivered it. Thank you very much.

I also wish to thank Hon. Millie and Hon. Kaluma for the passion they have consistently shown for the people living around the lake.

Hon. Temporary Speaker, *asante sana*. Thank you. To my colleagues who have remained in the House until this late hour, *asanteni sana*.

Thank you and may God bless you.

The Temporary Speaker (Hon Omboko Milemba): Hon. Ruweida, do you have anything to say?

Hon. Ruweida Mohamed (Lamu East, JP): Asante, Mhe. Spika wa Muda, kwa kunipa nafasi. Sitakosa la kusema kwa sababu haya ni mazingira yetu ya maji na uvuvi ni kazi yetu. Mwanzo ningependa kumshkuru Mwenyekiti na Kamati kwa jumla. Nawashukuru Wabunge wenzangu wote kwa kuchangia vilivyo.

Ningependa kuzungumza kidogo kuhusu wavuvi. Sheria hii itasaidia wavuvi kwa yale mambo ya kushikwa ovyo ovyo. Walikuwa wanashikwa na kuzungushwa baharini. Nyavu zao zinashikwa na kuchomwa na hazipatikani tena, ilhali wengi wao ni maskini. Ili kupata zile nyavu labda walichanga au kuomba pesa kwa muda mrefu ndipo wakazinunua. Kisha zinachukuliwa! Wavuvi wamekuwa wakiteseka sana. Hii itakuwa afueni kubwa kwao. Hawatateseka na kusumbuliwa tena kwa sababu kuna sheria nzuri inayolinda bahari yetu na wavuvi wetu.

Wizara ifanye bidii kwa kuhakikisha utekelezaji wa hii sheria umefanyika kwa haraka pindi tu itakapopitishwa. Kuna mambo mengi sana mazuri yatakayosaidia wavuvi wetu. Kwa mfano, kuna kile kipengee kinachosema kuwa wavuvi wapate asilimia 10. Hiyo ni sheria nzuri na itawafaa sana. Serikali, kupitia kwa wizara...

Kuna hii sheria ya mpito na inatuhusu sana. Naomba bwana mwenyekiti ahakikishe kuwa wakisema miaka miwili basi kila kitu kifanyike ndani ya hiyo miaka miwili pale hii sheria itakapopitishwa. Nazungumzia mafunzo ya wavuvi na nyavu zao kubadilishwa. Isije wakakaa hadi miaka ipite mingi kabla hawajawapa wavuvi mafunzo na nyavu mbadala. Ikisemekana ni miaka miwili, Wizara ijiweke chonjo kabisa kuleta hizo nyavu ambazo zinatakikana kabla haijawasumbua wavuvi. Kwa hivo nyavu wanazotumia wabadilishiwe na serikali. Wanunuliwe zingine na Wizara.

Nimeshukuru zaidi. Nilikuwa na wasiwasi kwa kile kifungu cha 210A lakini nimepewa hakikisho kuwa kuondolewa kwake hakuathiri kile kifungu cha mpito. Shukrani.

The Temporary Speaker (Hon. Omboko Milemba): Ahsante sana. Wacha tumsikize Mwenyekiti.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, allow me to thank the Hon. Members who contributed to this Bill and added value to it. Particularly, I would like to thank the Whip of the Minority Party, Hon. Millie Odhiambo, in a very special way. When we went out for public participation for this Bill, we collected a lot of information from the fishermen across the country. They detailed the problems that they were facing. It was different getting that information from outside, but when we brought it here to fine-tune into a law, it became a bit challenging.

I want to appreciate Linet, my very able Legal Clerk. She really helped the Committee. Hon. Millie brought a lot of amendments and I confirm that many of the Committee's amendments were adopted from what she had proposed. I appreciate her, together with Hon. Caroli Omondi and Hon. Capt. Ruweida, who had some proposals. Besides that, when I was going to Lamu, I was told I could not go there due to the insecurity.

In fact, I had declined to go to hear the people of Lamu. However, I do not know if Hon. Ruweida hired a military chopper for us or not, to fly us from Mombasa to Lamu so that we get to listen to the people of Lamu. I want to appreciate her in a very special way. Hon. Ruweida can confirm that what the people of Lamu shared with us about the fishing gears has been factored in the Bill.

I also want to appreciate my Committee. We divided ourselves into teams and one team visited the coastal region and another team of visited Nyanza. To make sure that we visit every corner of this country occupied by people who depend on fishing, a team went to Turkana, Lake Baringo and Lake Naivasha. So, as we pass this Bill today, I am happy as the Chairman of the Committee. We listened to Kenyans and we have legislated a Bill that will help them, especially after removing the closed system. When we went to Lamu, I discovered that the people of Lamu depend 100 per cent on fish. Some of us are pastoralists and you have heard the reasons why we have banditry in the North Rift. The people there protect their animals with their blood because it is their livelihood. They do not have any other livelihood. They depend on cows, goats, and sheep.

When you go to Lamu and parts of Nyanza, you will realise that the people there depend 100 per cent on fishing. So, when you tell them not to fish, for example, for six months and you do not give them an alternative, how do you expect them to survive? Some of them cannot eat ugali that we eat. They are used to fish. So, we have done good by removing that part.

Lastly, now that we have provided a two-year transition clause, I want to ask the Government to make sure that the right fishing gears are provided or manufactured within this transition period, so that we do not have another two years where we do not have anything to keep the fisherfolk busy yet we have already burned their fishing nets and fishing gears.

I appreciate you, Hon. Temporary Speaker for your guidance. You have chaired this session throughout, alongside Hon. Kaluma. I appreciate all of us and I thank you very much.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, we are coming to the end.

Hon. Ruweida Mohamed (Lamu East, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Ruweida, is it something very burning? What is it? Use the microphone on your right.

Hon. Ruweida Mohamed (Lamu East, JP): Hon. Temporary Speaker, you know the military is very sensitive. We did not hire their chopper. We just requested for their help and they helped us. Thank you very much.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. That was just procedural. Let me thank you Members and the Chairman for your commitment throughout this session. I noticed the Chairman's touch on issues of the Bill was very sharp and that was very great. In the words of Hon. Millie, that is what we expect of a Chairperson. Your team was equally very strong.

(Some Members were upstanding)

Hon. Members, take your seats. I want to put the question because you want the Bill to be passed.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

The Temporary Speaker (Hon. Omboko Milemba): Next Order.

BILL

Second Reading

THE COUNTY LIBRARY SERVICES BILL
(Senate Bill No. 40 of 2024)

(Moved by Hon. Caroli Omondi on 4.8.2026)

(Resumption of debate adjourned on 4.8.2026)

The Temporary Speaker (Hon. Omboko Milemba): Very well. The Chairperson had sought an excuse that this matter be deferred to the next session and, therefore, it is so deferred.

(Bill deferred)

Next Order.

MOTIONS

NOTING OF REPORT OF KENYA
DELEGATION TO 151ST IPU ASSEMBLY

THAT, this House notes the Report of the Kenya Delegation to the 151st Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in

Geneva, Switzerland, from 19th to 23rd October 2025, laid on the Table of the House on Wednesday, 11th March 2026.

The Temporary Chairman (Hon. Omboko Milemba): Equally, the Chairperson had sought deferment of this matter and, therefore, it is so ordered to be deferred.

(Motion deferred)

Next Order.

ADOPTION OF 4TH REPORT ON AUDITED ACCOUNTS
OF STATE CORPORATIONS IN THE ENERGY SECTOR

THAT, this House adopts the Fourth Report of the Public Investments Committee on Commercial Affairs and Energy on its examination of audited financial statements of selected State corporations in the energy sector, laid on the Table of the House on Thursday, 2nd April 2026.

The Temporary Speaker (Hon. Omboko Milemba): The Chair sought deferment and I order that this matter be deferred to the next session.

(Motion deferred)

ADOPTION OF 3RD REPORT ON STATUS OF REPORTS ON
PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

THAT, this House adopts the Third Report of the Select Committee on Implementation on status of Reports on Petitions and Resolutions passed by the House, laid on the Table of the House on Thursday, 5th December 2024.

The Temporary Speaker (Hon. Omboko Milemba): I order that this Report be deferred to the next session.

(Motion deferred)

Next Order.

ADOPTION OF SEVENTH REPORT ON
AUDITED ACCOUNTS OF SPECIFIED FUNDS

THAT, this House adopts the Seventh Report of the Special Funds Accounts Committee on its consideration of the Report of the audited Financial Statements for the Land Settlements Fund for the Financial Years 2020/2021 & 2021/2022 and the Railway Development Fund (Holding Account) for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021 & 2021/2022, laid on the Table of the House on Thursday, 7th December 2023.

The Temporary Speaker (Hon. Omboko Milemba): I further order that this be deferred to the next session.

(Motion deferred)

Next Order.

ADOPTION OF 9TH REPORT ON AUDITED
ACCOUNTS OF SPECIFIED STATE CORPORATIONS

THAT, this House adopts the Ninth Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of audited Financial Statements of the following State Corporations, laid on the Table of the House on Thursday, 2nd April 2026—

- (a) Kenya Medical Supplies Authority for the Financial Year 2021/2022;
- (b) Agriculture and Food Authority for the Financial Years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023 and 2023/2024;
- (c) Tea Board of Kenya for the Financial Years 2021/2022, 2022/2023, 2023/2024 and 2024/2025;
- (d) National Social Security Fund for the Financial Year 2024/2025;
- (e) National Hospital Insurance Fund (Social Health Authority) for the Financial Years 2021/2022, 2022/2023, 2023/2024 and 2024/2025; and
- (f) Kenya Plant Health Inspectorate Service for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025.

The Temporary Speaker (Hon. Omboko Milemba): I order that this be deferred to the next session.

(Motion deferred)

Next Order.

BILL

Second Reading

THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL
(Senate Bill No. 34 of 2023)

The Temporary Speaker (Hon. Omboko Milemba): The Chair of this Committee had sought more time and, therefore, this matter stands deferred.

(Bill deferred)

MOTIONS

ADOPTION OF 5TH REPORT ON STATUS OF IMPLEMENTATION OF
REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

THAT, this House adopts the Fifth Report of the Select Committee on Implementation on the Implementation status of Reports on Petitions and

Resolutions passed by the House, laid on the Table of the House on Wednesday, 3rd December 2025.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, this is also deferred to the next session.

(Motion deferred)

Next Order.

APPROVAL OF THE NATIONAL ENERGY POLICY

THAT, this House adopts the Report of the Departmental Committee on Energy on its consideration of Sessional Paper No. 5 of 2026 on the National Energy Policy, laid on the Table of the House on Thursday, 2nd July 2026 and approves Sessional Paper No. 5 of 2026 on the National Energy Policy.

The Temporary Speaker (Hon. Omboko Milemba): This matter is equally deferred to the next session.

(Motion deferred)

ADJOURNMENT

Prepared by:

*Directorate of Hansard and Audio Services
National Assembly
Parliament of Kenya.*