

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd October, 2014

The House met at 2.30 p.m.

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

PRAYERS

PETITION

PRIVATISATION OF NEW KCC

Hon. (Dr.) Laboso: Hon. Speaker, I want to present a public Petition by milk farmers' representatives on the eminent privatisation of the New Kenya Co-operative Creameries. The Petition reads as follows:-

"I, the undersigned, on behalf of milk farmers' representatives from across the country, draw the attention of the House to the following:-

(i) aware that the Kenya Co-operative Creameries (KCC) was established in 1925 to enable milk farmers to market their produce and grow their savings;

(ii) aware that the majority stakes in the original KCC is held by small-scale farmers and estimated at a net worth of Kshs5 billion;

(iii) noting that a conspiracy of management allegedly plunged the giant farmer's co-operative society into insolvency and thereafter receivership in the late 1990s;

(iv) noting that the KCC was sold under unclear circumstances at a throw-away price to private entrepreneurs who re-named it KCC 2000 before the former National Rainbow Coalition (NARC) Government reclaimed it and re-branded it to New KCC on 25th June, 2003;

(v) noting that the change in ownership of the original KCC to KCC 200 and later to New KCC did not conclusively determine, address and protect the rights and shareholding of farmers in the society;

(vi) aware that the Government is at an advanced stage of privatising the New KCC through an initial public offer of shares at the Nairobi Securities Exchange (NSE) in a formula that allocates an insignificant 31 per cent of shareholding to farmers, who are the majority shareholders, and 10 per cent to the Government;

(vii) aware that the planned privatisation of New KCC proceeds without safeguarding the rights of farmers, who risk permanent loss of their hard-earned stakes worth billions of shillings by ceding 59 per cent shareholding to private investors;

(viii) noting that, that sale will be tantamount to the Government's abdication of its duty to protect farmers' rights to property as provided for under Article 40(3) of the Constitution; and,

(ix) noting that the inalienable rights of farmers to retain their majority stake can only be protected through a proposed privatisation structure that would give farmers 85 per cent, the Government 10 per cent and staff of the company 5 per cent shareholding of the company, your humble Petitioner prays that the National Assembly, through the Departmental Committee on Agriculture, Livestock and Cooperatives:-

(i) intervenes to have a special audit on KCC done by the Auditor-General, in accordance with Article 229, Section 5, to ascertain the circumstances that led to the collapse of KCC as well as the current ownership structure of New KCC and a report thereto submitted to the National Assembly for action;

(ii) urges the Privatisation Commission to ensure sustainable transfer of ownership of New KCC to Kenyan dairy farmers in accordance with the shareholding structure proposed by the farmers rather than through the NSE; and,

(iii) urges the Cabinet Secretary responsible for cooperatives, in compliance with Section 29 of the Privatisation Act, to limit the eligible investors to dairy farmers groups and individual dairy farmers supplying milk to New KCC and that, funds generated from privatisation be channelled towards revamping the Kenya dairy industry.

Hon. Speaker, to the best of our knowledge, there is no pending case before any court of law in respect of this matter.

Your Petitioners will ever pray.”

Hon. Speaker: I did approve another Petition by another hon. Member. Who is that Member? The Member seems to have chosen to be absent.

Next Order!

PAPERS LAID

Hon. Speaker: Just before the Leader of Majority Party rises, I can see that hon. Dan Maanzo is agitated.

Hon. Maanzo: Thank you, hon. Speaker, for giving me the opportunity.

Hon. Speaker, I would like to seek your indulgence that we comment on the very important Petition presented by the Deputy Speaker. It is very important for the nation that we do it. The Petition is about a matter which has been giving milk farmers problems for a very long time in the country. So, if you could indulge the House to make a few comments on this matter, it would be good. It is a very important matter for the nation. This is a very important Petition, which is directed to the Committee on Agriculture, Livestock and Cooperatives, in which I sit.

Hon. Speaker: Hon. Maanzo, since this is a House of records, your comments are noted, but they are noted during the wrong business. We are no longer on Petitions. We are on the Order of Papers Laid. This is to encourage whoever may need to know what you said to refer to the record of the House, and also encourage you to avail yourself when the Committee begins to interrogate the issue of the Petition.

Proceed, leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements of Kenya Power and Lighting Company Limited (Rural Electrification Scheme) for the year ended 30th June, 2013

The Report of the Auditor-General on the Financial Statements of Western Kenya Rice Mills Limited for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of Kerio Valley Development Authority for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of the Tea Research Foundation of Kenya for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Coffee Development Fund for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Kenya Veterinary Vaccines Production Institute (KEVEVAPI) for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Chuka University for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Moi Teaching and Referral Hospital for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

NOTICES OF MOTIONS

ADOPTION OF 17TH PIC REPORT

Hon. Keynan: Hon. Speaker, I beg to give notice of the following Motions:-

THAT, this House adopts the 17th Report of the Public Investments Committee (PIC) on the accounts of State Corporations - Volume I.

ADOPTION OF 18TH PIC REPORT

THAT, this House adopts the 18th Report of the Public Investments Committee (PIC) on the accounts of State Corporations - Volume I and II.

Hon. Speaker: It is unfortunate that we are almost clocking two years since we reconvened and these reports have been flying around. They were done by the Committee during the Tenth Parliament. It is important that they be cleared, so that they can pave way for your subsequent reports. Of course, almost every day, the Leader of Majority Party is tabling reports of the Auditor-General with regard to State Corporations and I can appreciate the amount of work that is in that Committee. Hon. Stephen Mule.

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER S.O. No.33(1)**

EBOLA OUTBREAK IN WEST AFRICA

Hon. Mule: Thank you, hon. Speaker. Pursuant to Standing Order No.33(1), I seek leave to move an Adjournment Motion for the purpose of discussing matters regarding the ongoing *Ebola* outbreak in West Africa and other parts of the world.

Aware that under the Constitution, the health policy is a function of the national Government, I seek to ventilate on the *Ebola* outbreak in the recent past especially as related to Kenya. This is a viral disease that is spread through contact with contaminated people and can cause quick death. In fact, already, over 4,000 lives have been lost in the world through *Ebola*. There is need to protect our citizens from that deadly disease, including Kenyans travelling internationally. The World Health Organization (WHO) has categorized Kenya as a high risk area of transmission. The Government should, therefore, ensure the country is fully prepared and safety measures are undertaken by all relevant stakeholders, including but not limited to, screening of passengers travelling from the affected areas, training of medical personnel and health workers on how to deal with *Ebola* patients at our ports of entry, educating citizens on precautionary measures and equipping health facilities in isolation wards to deal with that scourge.

Hon. Speaker, as you are aware, a Kenyan who travelled to Seychelles was suspected to have had the *Ebola* virus. His body was burnt with acid. The family cannot get the body for burial.

Hon. Speaker: Hon. Mule, now you are beginning to move. I want to confirm that you have satisfied the requirements of Standing Order No.33 after you actually presented that request yesterday. You were late. Therefore, you have covered more than the two hours recovered. The requirement is whether you have the necessary support.

Hon. Mule: Yes, I do.

Hon. Speaker: Can I see it?

(Several hon. Members stood up in their places)

Hon. Members, you may resume your seats now. It is true that hon. Mule has the necessary support of the not less than the 20 Members required. Obviously, the matter of *Ebola* is definite and is of national and international concern. I understand there is a Member who wants to rise on a point of order.

Hon. Katoo: Hon. Speaker, I really do not know whether my point of order is still valid because I wanted to raise it before my good friend hon. Mule completed his request. Although this matter on *Ebola* is important, you will agree with me that towards the last week of the last Session before we went for the six weeks break, there was a similar Motion for Adjournment whereby this House was discussing about Kenya Airways suspending flights towards the *Ebola*-hit region. The issue of *Ebola* that time was adequately canvassed. I do not think the two months will guarantee Standing Order No.31(3). I wanted to inform the House that this matter came on the Floor just a month ago.

Hon. Speaker: Certainly, not a month because a month ago you were on recess. Besides, the matter that was canvassed at that time dealt with the issue of Kenya Airways flying to the affected areas of West Africa. The requirements of Standing Order No.33 is that the Member must have presented the matter to the Speaker and he will get satisfied that the matter is really urgent, of national importance and that the Member has the support of more than 20 Members. I am satisfied as to the three of them. Therefore, I appoint that the House will be moved to adjourn at exactly 5.30 p.m. to debate the Motion that has been raised by hon. Mule.

Before we go on, I want to appreciate the following institutions, some of which are in the Speaker's Gallery and others in the Public Gallery. We have students from the University of Nairobi's Political Science Students Association (NUPOSA), Nenderu Primary School from Kiambaa Constituency, Wendani Junior Academy, Kasarani Constituency, Wangunyu Primary School, Kiambaa Constituency, Gachii Primary School, Kiambaa Constituency and AIPCEA, Bahati Academy, Makadara Constituency.

They are all welcome to observe the proceedings of the House.

REQUESTS FOR STATEMENTS

CIRCUMSTANCES SURROUNDING SALE OF LAND LR. NO.209/13332 IN COMMUNITY AREA

Hon. Midiwo: I wish to request an urgent Statement from the Committee on Lands and the Cabinet Secretary concerned with matters of land as a matter of urgency. Indulge me a bit, hon. Speaker. We used to have Questions by Private Notice of matters of an urgent nature. I stand before this House because of a matter that has come to my attention about a piece of land belonging to the Government of Kenya in the area called Community, right across the Courts. I have found out that it is about to be sold within 14 days. The same land is titled to the Department of Immigration. It is about to be sold for a whopping amount of Kshs1.1 billion.

I wish to request for a Statement from the Committee on Lands regarding the circumstances surrounding a parcel of land identified as LR. No.209/13332 in the Community Area of Nairobi. In the Statement, I want the Committee to clarify how the said parcel of land was transferred to Rose Star Properties Limited from the Department of Immigration. I wish the Committee to further clarify if the said land was irregularly allocated to Rose Star Properties Limited and revoked through Gazette Notice Volume CXII, No.35 of Special Issue as recommended by the Ndung'u Report.

I want the Committee to state what the Government and/or the National Land Commission has done to protect that parcel of land or any other undeveloped public land, particularly the ones mentioned in the Ndung'u Report.

I want the Statement to clarify and disclose the ownership and shareholding of Rose Star Properties Limited.

Lastly, I want the Committee to state in the Statement what the Government is doing to put an immediate caveat on this particular land in order to stop the purported sale of that piece of land within 14 days.

Hon. Speaker, I am going to table a document by S.M. Moi and Company Advocates to a Mr. Peter Jomba Gachina and David Kaletu Kasuku giving them an offer to pay within 14 days, Kshs1.1 billion of the said land and that that price is non-negotiable. If nothing is done, and if the Committee does not rush to do something about this, it will set a very bad trend about land. There is already too much noise about public land which is being stolen. I want the Committee to further check if there is any attempt to mortgage or charge this land with a particular local bank so that somebody gets the money and if investigations are carried out, the money will already have gone. The said bank is a public bank. I cannot mention the bank because it is not in this document – I know the rules. However, I have wind that, that particular fake title is being charged in a bank as we speak, to get that Kshs1.1 billion.

I table the document, hon. Speaker.

(Hon. Midiwo laid the document on the Table)

Hon. Speaker: Hon. Members, I am aware that we may wish to have matters of that nature investigated by a Committee. However, I think that a quick and immediate response would be appropriate if the Cabinet Secretary responds. That is because part of your request is what the Government is doing. We have already agreed as a House that we do not want the Chairpersons of Committees to tell us what the Government is doing. It is not their business. Since the Chairpersons of Committees are not sitting in Government, the person who would answer that particular aspect of the question would be the Cabinet Secretary. She should tell us what the Government is doing, especially with regard to protecting or implementing the Ndung'u Report.

I do appreciate that the matter, as you say, is urgent. It will not be fair for public property to be disposed of. I would direct that the matter--- You liaise with the Leader of Majority Party so that he can draw the attention of the Cabinet Secretary responsible. We have already seen her ably responding to questions. She can give her response either by way of an answer or even by way of a report as contemplated in Article 123(4)(b) of the Constitution. I think the best way to travel on this one would be if it is channeled through the Office of the Leader of Majority Party because, as you say, the concern will be public resources or public property in danger of disposition. I do not know whether the Leader of Majority Party is in a position to give an undertaking as to how soon that can happen. I also agree with you that it is the kind of situation that we used to have in the past by way of Questions by Private Notice which were addressed as urgent matters. Leader of Majority Party!

Hon. A.B.Duale: Thank you hon. Speaker. I agree that the matter is very urgent and it has a timeline. Now, because, as a House, we have agreed to shift this matter from Chairpersons to the Cabinet Secretaries who are concerned, we do not want intermediaries. We want the Cabinet Secretary to speak to the issues raised by hon. Jakoyo Midiwo.

(Applause)

Having already discussed with the Clerk's Office on which Cabinet Secretaries are going to appear next Tuesday, I will speak to the Cabinet Secretary for Land, Housing and Urban Development this afternoon and give her this question. If she agrees that she is ready to answer it on Tuesday next week, I will ask your Office to allow her to be the fourth Cabinet Secretary to appear next Tuesday. That way, hon. Jakoyo and other Members could interrogate the matter. He could also table the document he has next Tuesday. If that will not be feasible--- We also want the shareholders of the company--- That is another different docket - I think the State Law Office. Then, definitely, the other Tuesday, the Member will--- I will encourage the Cabinet Secretary because the matter is very urgent and she needs to answer it on Tuesday at 10.00 a.m.

Hon. Speaker: Hon. Midiwo, do you want to---

Hon. Midiwo: Thank you, hon. Speaker. I want to thank the Leader of Majority Party. I beg that you direct that the response comes on Tuesday because it will be 14 days from last week. If it goes beyond Tuesday, that land will have been sold and the public will now be grappling and spending more public money trying to chase a public good which we can save within a stipulated time. I thank you, hon. Speaker.

Hon. Speaker: Leader of Majority Party, your response, please.

Hon. A.B. Duale: Hon. Speaker, because of the sensitivity and the timeline, the Clerk of the National Assembly, through your direction, can write to that Government Department and say that no activity should take place on that land until Parliament disposes of the matter. That is another route we will take, through you, when you leave the Chair hon. Speaker.

Hon. Speaker: The Clerk's Office, while forwarding through your Office, should communicate those fears expressed by hon. Midiwo. Since the Cabinet Secretary is the one in charge of the lands docket, any transactions will still have to involve the same Ministry. I think the communication will be issued from the Clerk's Office in the manner that both of you have requested.

Next!

(Hon. Mwinyi raised his hand up)

Hon. Mwinyi, have we gone back to the era where hon. Members used to raise their hands? I can tell you that your name does not appear here. In fact, I want to know whether the hon. Members whose names are appearing on the intervention list have points of order. Hon. Washiali, what is your point of order?

Hon. Washiali: Thank you, hon. Speaker. I take this opportunity to thank hon. Midiwo for that very important question. I was wondering because some hon. Members, including myself, have equally very important questions. For example, I have a Question in the Table Office which I was told will receive the same treatment. Are we now then changing our approach by asking Questions on the Floor of the House? How do you want to advise us as a way forward?

Hon. Speaker: The Leader of Majority Party wants to say something about it.

Hon. A.B. Duale: Hon. Speaker, I do not want to read my Statement for the House Business which is meant for tomorrow in pieces. However, if the hon. Member can wait, his Question is one of the questions coming up on Tuesday next week. So, hold

your horses. Just because hon. Jakoyo stood up, that does not open the floodgates for Members to ask questions. Probably, the Speaker used Standing Order No. 1! These are some of the administrative things that we need to do. Let us not use the Floor of the House. I think the question on Mumias is coming on Tuesday next week.

Hon. Speaker: Hon. Members, the issues you want to address me on are not really a matter of procedure. It is the issue that you as an elected representative of the people will, from time to time, come across information which becomes necessary for you to even alert your colleagues. We have already agreed that the procedure will be that the respective Chairpersons will be here to chair while the Cabinet Secretaries (CS) will be here to respond. The Office of the Leader of Majority Party is the office through which such requests will be channeled through. This will especially be when Members have urgent matters that require urgent responses. It is important to state that.

Hon. Agostino Neto, do you have a point of order?

Hon. Oyugi: Thank you, hon. Speaker. I appreciate very much the ruling that you have made concerning the issue raised by hon. Midiwo. I was wondering whether the letter from the Clerk has an effect of giving an injunction or putting a caveat on the transaction on a land, given the fact that--- I am hoping that, that could only be done by a court of law, or is it that by doing this sort of activity it would then facilitate action to happen on the land, which will then be prejudicial to what hon. Midiwo is requesting? I stand guided.

Hon. Speaker: Obviously, Parliament does not issue injunctions, but the letter is sufficient to draw the attention of the Cabinet Secretary, that the House is seized of this matter. In honorary discourse, people ought to respect the fact that this House is seized of a matter which is so grave like this one, and not act in a manner that will put the House at some disadvantage. It is not an injunction; it is just meant to draw the attention and forwarding all the documents that hon. Midiwo has talked about, including those letters from advocates.

Hon. Kamama!

Hon. Abongotum: Thank you, hon. Speaker. If you can remember, before we came up with the new policy, which we are doing away with, on the Committee on General Oversight, we used to have that time for exhibition. You used to refer to this. I want to get guidance or even the position of the House in a matter just like the one that was raised by hon. Midiwo. It looks like my good friend has been given preferential treatment compared to others. Each and every hon. Member here has a special issue concerning his constituency or even a national issue. What will happen in future if, say, an issue of insecurity between Pokots and Turkana crops up? Can I raise it here? How will this be treated? That is because you have given him preferential treatment, hon. Speaker. How shall we approach such Statements in future?

(Applause)

Hon. Speaker: Hon. Members, is this a matter that is really exercising your minds so much? Hon. Midiwo, I think we can move on. Hon. Members, if you are sitting somewhere and the machine is not working and yet there are so many empty ones, you just move to the next one. Do you expect that I have become a technician? The hon.

Speaker cannot be told to check which machine is not working because some wire may be loose. Surely, if the hon. Eseli used his machine, then it will work. It cannot be that line. It has something to do with---

Hon. Shimbwa: Thank you, hon. Speaker for your indulgence. I seek your guidance. I once sought a Statement here from the Departmental Committee on Energy, Communication and Information regarding the Kenya Petroleum Refineries Limited. The Report is ready but it has never been tabled in this House. I remember very well that you once directed that they table the Report in the House. Since the Report is ready, it is actually the property of this House. I urge you to compel the Chairman of the Departmental Committee on Energy, Communication and Information to bring the Report to this House for debate. Thank you.

Hon. Speaker: I have no way of knowing that the Report is ready. It cannot be the property of the House unless it has been tabled here. Those are your own rules. Things which have not been tabled here are not the property of the House. Otherwise, the House will have too many properties out there in the streets! Has it been tabled here?

Hon. Shimbwa: It has never been tabled, but that Report was written a long time ago. I believe it is just simply hanging somewhere and yet, we are supposed to know---

Hon. Speaker: Hon. Mwinyi, in a matter of that nature, do a formal request in writing. I cannot, from here, make directions of the kind you are asking me to do because it may be wrong. If you want, I will find out from the Committee whether, indeed, the report is ready. They would then confirm. You cannot tell me from the Chair to direct that the report be tabled. I am not aware that it is ready.

Hon Shimbwa: Hon. Speaker, you once asked them and the Chairman reported that they were ready. They were only waiting for the Public Investments Committee (PIC) to bring the report. You directed them to table the report.

Hon Speaker: That is to say that you are not willing to take the advice that I am giving you.

Hon Shimbwa: I can take that advice, hon Speaker.

Hon Speaker: I do not sit in the Committee. I do not know that it is ready. But you may be right that the Report is ready and if it is, indeed, then I would confirm with the Committee in writing that it is ready. That way, I will be able to direct that it should be tabled.

Hon. Shimbwa: Thank you, hon Speaker. I stand guided.

BILL

Second Reading

THE SECURITIES AND INVESTMENT ANALYSTS BILL

(Hon. Gaichuhie on 14.10.2014)

(Resumption of Debate interrupted on 21.10. 2014)

(Several hon. Members walked into the Chamber)

Hon Speaker: Hon. Members, those who may be walking, if you could just pay attention to the business of the House, we would appreciate it. What remains on this business is for the Question to be put because when we concluded debate, the Question was not put. Therefore, I proceed to do so.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Hon. Midiwo, are you on a point of order before we go to the next Order?

Hon Midiwo: Yes.

Hon Speaker: Very well.

Hon Midiwo: Hon Speaker, sorry, I am rising on too many points of order. I just want to bring to your attention and the attention of the Procedure and House Rules Committee about the ruling which you issued before the House and the nation yesterday, as regards the Committee on General Oversight. You ruled that the Cabinet Secretaries will still be coming here every Tuesday and you said that the matter and the issue of how the House arrived at the ruling would be looked into by the Procedure and House Rules Committee. Having listened to that, I want to thank you again for having found a solution because I think we need to find the way forward. It seems that one or two people did not understand what you were ruling on. It is good to put it in perspective.

An hon Member: *Chungwa!*

Hon Midiwo: You said *chungwa!* You seem to have been trying to find a solution but also to deal with a few issues in your ruling. One of the issues you wanted to deal with - and I would request you to deal with as the Chair of the Procedure and House Rules Committee - is the independence of Parliament. I did say yesterday that the Standing Orders are not a creation of the Speaker of the National Assembly or the Leader of Majority Party. It is unfortunate that this morning, as I watched the *Cheche* Programme on *Citizen Television*, there were unfortunate comments from one Nyachae that you need to retract and apologize in defeat. I disagree with that position because there is an attempt by outsiders to direct the functions and actions of this House.

Hon. Speaker, in trying to find a solution to the predicament, I want to refer you to a ruling made on 10th February, 2011 by hon. Marende, so that we can protect ourselves. After asking you to refer to that ruling, I want to raise the issue that the courts in our country – and I want hon. Members to indulge me - seem to say that whenever anybody runs to court, parliamentary business stands injunctioned. The ruling is very clear. The Senate is now going through a serious predicament. They have no business because anything they try to do is in court. Even the only little role the Senate was given of looking after the counties, they cannot do it. That is because some court somewhere is trying to do it. Those people have a very limited role and it seems to be constantly injunctioned by courts.

In the Marende Ruling, he said - and I will just read one sentence: “No one outside Parliament, neither the Executive nor the Judiciary, should tell Parliament in a compulsive manner what to do or not to do; when to do it or how to do it.” This is a

ruling of this House. Unless there is a different ruling or resolution, this House must do its duty in a manner that makes it impossible for anybody to interfere with it, not even the Executive. Our Executive may be offended but we beg you as a believer in the rule of law, that whatever we do here, nobody can suspend our Standing Orders. If they want, they can guide the process when we are making law. The Executive or anybody else is allowed to canvass so that the result does not offend them but, in the absence of that canvassing, the law of the land stands. I want to plead with my colleagues that whoever we may seem to offend and whoever we may want to help, we have to do this for posterity – that is for the future/eternity. That shall judge us as correct as the Parliament of the day. I think your guidance on this matter will help the whole Parliament, not just this National Assembly. That is because the Senate is under the same predicament and they do not seem to find a solution.

Earlier on, they thought that the courts were a solution. They seemed to think so. I want you - in a defiant manner - to stamp the authority and the dignity of this Parliament and save this country from an outside body which thinks that we are here and we are not the lawmakers.

Thank you.

Hon. Speaker: Hon. Midiwo, you appear to be re-opening some interesting discussion, but let me say that I am fully aware of the ruling by hon. Marende dated 10th February, 2011 as well as an earlier one of October 2008. Both of them were made pursuant to requests for clarification and guidance from hon. Aluoch Olago. I am fully alive to those rulings, but not everybody remembers these things. That is because many people out there seem to have either momentary lapses of memory so that when we are merely re-stating what has been said in the past, they seem to think that we are recreating or opening new ground. But the discourse about the principle of separation of powers has a long history. It is very old and people need to go into it and understand that, yes, we are one Government. Separation of power is a thin line, but there is need for the three arms to operate independently, while still being inter-dependent. It is just like what the Constitution dictates with regard to the devolved governments, operations and relations with the national Government. But I think there is need to, as you say, constantly re-state our position as Parliament.

Hon. A.B. Duale, you want to respond or say something.

Hon. A.B. Duale: Hon. Speaker, as the head of the institution of the National Assembly, I also want to make it very clear that communications and rulings that you make - and the ones you have been making - are rulings that are based on the letter and the spirit of the Constitution and the Standing Orders. The allusion out there that you do your rulings based on a phone call either from the Executive or from the Judiciary is neither here nor there. We want to say it clearly that hon. ole Kaparo, hon. Marende whom I served with as a Member of Parliament in the Tenth Parliament and hon. Muturi, within parliamentary procedures and practices, make their rulings.

I also want to make it very clear that the three arms of Government; the Legislature, the Judiciary and the Executive are to be separate but inter-dependent. The leadership of the three arms of Government, for the interest of the people of Kenya and for good governance, must at all times be inter-dependent. Your Communication yesterday was like many other Communications that have come out of your wisdom and

guidance. I am sure the only people whom you consult are not even the leadership of the House but, maybe, the technical team in your Office. So, what was said at the *Cheche* Television Programme, the Press Conference, political rallies and funerals was said within the context of the democratic space given to those who were saying it. Those are the fruits of the new Constitution. But I am sure, and my colleagues will agree with me, that you have at all times, stood to defend the independence and the integrity of the National Assembly. You do not need anybody to remind you through a communication from another person.

Let me come back to the Executive. The Executive, on a daily or weekly basis, has serious interactions with Parliament. We table documents from the Executive. We table documents from the Judiciary. We pass the budget, as a House, of the Executive. We pass the budget of the Judiciary. More so, we participate in the Division of Revenue Bill that allocates resources to county governments. So, the National Assembly of the Republic of Kenya cannot and will not - under your leadership or under our leadership - portray to work in isolation. We are not an island and as Articles 93, 94, 95 and 96 of the Constitution stipulate, the functions and mandate of the National Assembly - unlike the Senate, is to represent the people of Kenya. It is not only the President, not only the Executive, not only the Judiciary, but individual members and citizens of our nation. They bring Petitions in which you allow hon. Members to read on their behalf. At times, even individual citizens send Petitions to you and you read them on their behalf. The National Assembly must live with the fact that whether it is divergent, whether it is an opinion, whether it is an issue from whichever quarter in our country, that must come through you or through the House and we must debate it.

Hon. Speaker, I agree with hon. Midiwo that the courts or the Judiciary as a third arm of the Government should not be used as a threat to other arms of Government. That Mr. Charles Nyachae can wake up and say: "This is my position! If you do not agree with my position, I will go to court!" That is not the essence, the spirit and the letter of the creation of the Judiciary. The Judiciary, in my opinion, must function within their space as provided for in the Constitution. I have, many times, individually and in social places, talked to judges and even to the head of the Judiciary. Once we pass a law and it is assented to, somebody can go to court and the whole of that law can be said to be unconstitutional. But nobody can stop the process of Parliament.

(Applause)

Nobody can stop the process of Parliament, whether we are forming a committee or passing a law. Fortunately, I am not in the Senate. That is because the relationship between the Senate and the Judiciary is so severe that, at one time, I told one Senator that Judiciary has a plan and a strategy to close down the Senate.

(Applause)

I told that Senator that if they were not aware, they were going to be closed before the end of the year. That is because if a governor has issues of accountability--- Like my good friends the governors of Bomet, Kiambu and Kisumu have serious integrity issues.

They are going round the country just because they went to court and got a court order. I want to say that you can waste a lot of your time in the corridors of the court but, ultimately, you must account for each and every penny that this House appropriates.

(Applause)

Whether you are in the national Government or not, you can hire goons like in Makueni. You can decide to kill five or six Members of Parliament and the Senator. Ultimately, you can kill them but accountability is a serious and integral part of our Constitution. We respect your guidance and we want you to listen to everybody. That is the citizens, the Executive, Judiciary and Members of Parliament. But make your Solomonic rulings and communications.

Hon. Speaker: Hon Members, I am only using this opportunity to get your input because, as you know, I have already made the decision that there is nothing that has been abrogated. It is a matter that the Procedure and House Rules Committee will debate and discuss at great length before bringing in a report. Let me just hear one or two and then we move on.

Hon. Ng'ongo: Thank you, hon. Speaker. I also want to add my voice to what our two leaders have just spoken to. I have no doubt listening to your ruling that you had thought seriously about this matter, especially with regard to how we proceed after receiving the letter from the President, although I do not really agree much with that letter. I do not want to appear like I am talking about your ruling. There are two fundamental issues that I want to talk about. One is with regard to what hon. Midiwo has said. This is what I have to say before responding to the Chair of the Commission for the Implementation of the Constitution (CIC). Looking at the functions of Mr. Nyachae's Commission under the Sixth Schedule, Section 6, they are:-

(a) monitor, facilitate and oversee the development of legislation and administrative procedures required to implement this Constitution;

(b) co-ordinate with the Attorney General and the Kenya Law Reform Commission in preparing, for tabling in Parliament, the legislation required to implement this Constitution;

(c) report regularly to the Constitutional Implementation Oversight Committee on

—

(i) progress in the implementation of this Constitution, and;

(ii) any impediments to its implementation.

What drew my attention are the impediments. Mr. Nyachae and his Commission believe that our action is an impediment on the implementation of the Constitution. What does the Constitution say he should do? Does the Constitution ask him to rush to court or to report to the President or to whomever? The Constitution requires him to report to the body called "Constitutional Implementation Oversight Committee (CIOC)", which is chaired by hon. Njoroge Baiya. Therefore, what I do not understand with the behaviour of Nyachae is why he is reading the Constitution selectively. If he has a problem and he feels he has interest of this country and probably more interest than we do, why can he not follow the correct constitutional provisions to report to the CIOC to listen to him and advise Parliament accordingly?

Hon. Speaker, we are not saying that there could not be a problem. Yes, there could be a problem; but the right way to go is not to look at Parliament like a fun animal that you cannot discuss with. The Constitution mandates the CIC to work with Parliament. Therefore, that is my concern and I think the CIOC needs to have a session or a sitting with Mr. Nyachae because this is a Commission that was created by the people of Kenya to help in the implementation of the Constitution. It should not impede the implementation of the same. They can engage, talk and discuss and then we can have a report from that Committee tabled in this House so that we consider it. It should not be seen that Parliament is only out for self preservation. There is nothing to preserve. Parliament is already preserved. So long as you are going to tax people, you will have the National Assembly because there is no taxation without representation. Therefore, there is really nothing we are protecting.

(Laughter)

Anywhere in the world, you must be represented. You can do away with other bodies. You can do away with governors and even presidents. You can do away with the presidency and you can do away with the Senate, but you cannot do away with a House of Representatives. There is nowhere in world you can do away with the House of Representatives. Therefore, in my view, there is nothing to worry about. Maybe, other people have a contrary view.

Hon. Speaker, finally, with regard to protecting the integrity of this House, I have no doubt - and I know I have said it many times and there is nothing to hide about it--- I know you are my friend, but I did not vote you.

An hon. Member: Sure! You voted for your candidate.

Hon. Ng'ongo: Yes, I voted for hon. Marende because that was our candidate as the CORD Coalition. I am a very faithful member of the CORD Coalition. Therefore, that is the only thing that actually stopped me from voting for you because we have been friends for some time. But you are now my Speaker and you are sitting on that Chair as the Speaker of the National Assembly of Kenya. I am very happy because you have always protected the integrity and the independence of this House. I want you to continue that way because that is what we voted for you to do.

Hon. Speaker, very finally, I am not very old, but I am fairly old because I am no longer a youth. The beauty is that I have read. There is a period in this country - and I was very young then - during the Fourth, the Fifth and the Sixth Parliaments that this country would want to forget because they were like the appendages of the Executive. My only plea to the Chair and the Committee which we have given the responsibility to go and look into this matter is that they should make sure that we are not taken back to the Fourth, Fifth and Sixth Parliaments.

(Applause)

That is my only plea. Whether you are in CORD or Jubilee Coalition, if you destroy this Parliament and if you reduce this Parliament to be an appendage of anybody, whether the Judiciary or the Executive, sometime later, you will regret it.

Hon. Speaker, I am told that some of the Senators we were with in the Tenth Parliament went to Naivasha and watered down the powers of the Senate. They created a Senate that does not exist anywhere in the world and they are now regretting why they did that. Therefore, if you are here, please, do not destroy an institution and regret later that you destroyed your own institution.

Hon. Speaker, my plea to you and to that Commission is: Do not destroy an institution and regret later. Much as I appreciated and supported almost 99 per cent of your ruling; I was just worried that you were really probably suspending a provision of the Standing Orders. I was even wondering that you may tell us tomorrow that you have decided under Standing Order 1 that we will not be sitting on Thursdays.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Ng'ongo, that is well spoken. But, let me tell you that, because we will go by our own rules, even committees have an opportunity to elect their chairs and vice-chairs. They have also the power to vote out those chairs and vice-chairs as they choose, as long as they meet the necessary qualifications under the Standing Orders.

I believe in the Members of the Committee on Procedure and House Rules. I am sure we will be coming out with a report worth the stature of this House.

Hon. Members, can we proceed with business.

(Loud consultations)

Hon. Members, remember I am holding before me here a letter from hon. Eng. Nicholas Gumbo, dated 28th May, 2014. I wanted to give him an opportunity to say something about it.

Perhaps, I could give---

Hon. Tong'i: On a point of order, before that, hon. Speaker.

Hon. Speaker: What is it, hon. Richard Tong'i?

Hon. Tong'i: Thank you, hon. Speaker. I am rising to seek guidance from you whether it is in order to condemn one person in the name of Charles Nyachae as an individual, when actually he is speaking on behalf of an institution called "the Commission on the Implementation of the Constitution (CIC)"?

(Loud consultations)

Can I be protected, hon. Speaker? I need protection, hon. Speaker.

Hon. Speaker: Order, hon. Members! Hon. Richard Tong'i has a right to defend his constituents or other Kenyans. It is part of his mandate.

Let him say what he must say.

Hon. Tong'i: Thank you, hon. Speaker. Whereas I appreciate the concerns coming from hon. Members that we all must have separation of power, I think it is unfair to condemn one person in an institution, where he happens to be the Chairman. Today, we can have Mr. Otieno heading or leading CIC. Are we going to condemn him? Maybe, the way forward is to have a sitting with other leaders of CIC and hear their thoughts so

that together, we can move forward as a family instead of accusing each other and calling people names, when they cannot defend themselves in this House?

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, in this kind of situation, it is fair to allow him to say what he has said. But it is not unusual for this House to single out even a chair of a Committee of this House for vilification. It is not unusual! All that you need to do is to follow the rules of procedure.

Therefore, this is just an advice to hon. Richard Tong'i. But he is perfectly within his rights to raise that issue because of the representative role that he plays as an active Member of this House.

Hon. Members, so that we can get into business, let us go to the next Order.

Hon. Speaker: Hon. Members, you know we are making laws. I get surprised when we get to the most critical Bill, I then see hon. Members walking out. I wonder whether they have finished their most important session.

Hon. Members, remember some time when the Bill was introduced for the First Reading, the Insolvency Bill 2014, National Assembly Bill No.15 and the Companies Bill, National Assembly Bill No.16. I could ask the Clerk to give me the two Bills.

Hon. Members, I indicated that it was fair that each one of us reads these Bills. This is a copy of the Insolvency Bill (National Assembly Bill No. 15 of 2014). I have decided to raise it so that, at least, we appreciate the points being made by hon. (Eng) Nicolas Gumbo, which, first of all, I was informing you that he did well to write to me on 28th May this year, specifically on the Insolvency Bill, which we are dealing with.

Hon. (Eng) Gumbo indicated that he was going to move in this House, under Standing Order 94(4), that each speech on the debate on the Insolvency Bill 2014 be limited in the following manner: a maximum of one hour (1) and twenty (20) minutes for the Mover in moving, and sixty (60) minutes in replying. That is a total of 180 minutes; and a maximum of ninety (90) minutes for any other member speaking, except the Leader of Majority Party and the Leader of Minority Party, who shall be limited to a maximum of one (1) hour and five (5) minutes each and that priority be accorded to the Leader of Majority Party and the Leader of the Minority Party, in that order.

Hon. Members, I have taken the liberty to read out loudly this letter by the hon. (Eng) Gumbo. Indeed, I want to thank him for having drawn my attention to this matter. We can now ask him to prosecute his application. I want to confirm to you that he is within our Standing Orders to do so.

Over to you, hon. (Eng) Gumbo!

Hon. (Eng) Gumbo: Hon. Speaker, I wish to thank you for giving me this opportunity to move the following Procedural Motion:

PROCEDURAL MOTION

LIMITATION OF DEBATE

THAT, notwithstanding the provisions of Standing Order 97(4), this house orders that each speech on the debate appearing under Order No. 9 (Insolvency Bill No. 15 of 2014) be limited as follows:-

A maximum of one hundred and twenty (120) minutes for the Mover in moving and sixty (60) minutes in replying, and a maximum of ninety (90) minutes for the Mover in moving and sixty (60) minutes in replying, and a maximum of ninety (90) minutes for any other member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall each be limited to a maximum of one (1) hour and five (5) minutes each, and that priority be accorded to the Leader of Majority Party and the Minority Party in that order.

Hon. Speaker, I think it is important to give a perspective to this. As you have rightly pointed out, the uniqueness of these two Bills – and this Bill in particular - arises from the fact that not only is it extremely voluminous, but their contents also include texts of existing enactments that they propose to amend. For example, the Bill before us - the Insolvency Bill - has a total of 703 pages and it is made up of the following:-

- (i) Contents and arrangements of Clauses – 37 pages.
- (ii) Main text of the Bill – 556 pages.
- (iii) Schedules – 45 pages.
- (iv) Memorandum of Objects and Reasons – 46 pages
- (v) Texts of enactments proposed to be amended - 19 pages, giving a total of 703 pages.

Hon. Speaker, I want to confirm to the House that I have taken my time to go through all the 703 pages and that is what made me to be convinced that it is not possible for us to debate this Bill within the context of the limitation of debate as envisaged under Standing Order No.97(4). Looking at the above, it is, therefore, my humble view that it is not possible to exhaustively debate this Bill if debate at the Second Reading is limited as provided for under Standing Order No.97(4).

Hon. Speaker, in the course of canvassing for moving this Procedural Motion, I have had a discussion with both the Mover, the Leader of the Majority Party, and the Chair of the Committee responsible, hon. Chepkong'a of Ainabkoi, and we have agreed that the proposal as it is in the Procedural Motion is good. It is agreed that maybe not many people will require that much time but those of us who have an interest in this Bill feel that flexibility is necessary, so that we are able to adequately canvass the provisions. This is because unknown to many this Bill actually impacts on all Kenyans and its implications, especially with regard to insolvency of institutions, or institutions under receivership, sometimes has devastating effects not just on the institutions concerned but even on families and the enterprise of an individual.

Hon. Speaker, therefore, I wish to move and I will ask hon. Makali Mulu, Member of Parliament for Kitui Central, to second this Procedural Motion.

Hon. Mulu: Thank you, hon. Speaker. I rise to second the Procedural Motion. I have also taken time to go through this Bill and it is actually a very important Bill because it discusses in detail the dissolution of non-viable and inefficient businesses. Businesses are very important to this country. So, we need to get some of these Bills correct in this House.

Hon. Speaker, at the same time when you look at this Bill and you can see how voluminous it is--- Actually I have been carrying it since morning and some Members were wondering what it was, meaning that they have not even looked at it. You can see how big this Bill is and I do not believe that a Mover will be able to move it in the normal

45 minutes. So, even for the 120 minutes, I am sure the Mover will be struggling to move it within the time.

Hon. Speaker, at the same time when you look at the Memorandum of Objects alone, it is about 46 pages and reading it alone will take you more than one hour without any explanation. So, I want to agree with the Mover that we need to really change the timing, so that as you have rightly put it, the Mover will take a maximum of 120 minutes to move and to reply 60 minutes; other Members will take a maximum of 90 minutes and then the Leader of Majority Party and the Leader of Majority Party at least a maximum of 105 minutes, which is about one hour and 45 minutes.

Hon. Speaker, I beg to second. Thank you very much.

(Question proposed)

Hon. Gichigi: On a point of order, hon. Speaker. I am in complete agreement with the Motion that has been moved; but I think, procedurally the Standing Order quoted, that is No.97, anticipates limitation and not expansion. Paragraph (4) thereof anticipates a situation where if need be it is found that a speaker ought to be given more time than indicated, a Mover ought to move the Speaker to grant leave to such a speaker. It is not this House that ought to move that we increase time. The Standing Order is on limitation and not extension. So, I would rather my colleague moves the Speaker to grant an omnibus direction of leave to the Members rather than stating that this House is actually extending time for debate by each Member, yet that is not anticipated in that Standing Order.

Hon. Speaker: Why would you not want to read Standing Order No.97(4) alongside Standing Order No.97(1)? Yes, it is limitation. Well, but in any event, I think in the normal way that Parliament makes decisions, hon. Gichigi is at liberty to oppose what is proposed and any other person is at liberty to make proposals either way. Let us hear hon. Gichigi.

Hon. Gichigi: Thank you, hon. Speaker. I am not opposing because 20 minutes is actually not going to be enough to me. What I am saying is that we do the right thing; probably, my colleague here should amend the Motion to read that he is proposing that the Speaker grants an omnibus directive that all Members are permitted to speak for more than 20 minutes. That way we are going to be doing the right thing in substance and in procedure. I am in agreement with that. I am not opposing, and if I am told to oppose, I will not.

Hon. Speaker: You see, obviously even if you are giving 20 minutes or two hours, you are still imposing limitations. That is what it means.

Hon. John Mbadi, do you wish to address us on that?

Hon. Ng'ongo: Yes, hon. Speaker. First, I wanted to start from what you have just said. Actually, when you talk of limitation, my understanding is that you are limiting time. It can even be a day. So, really limitation does not mean reduction of time. You can decide to reduce time that is allowable under Standing Order No.97(4), or increase it and in this case we are doing the unprecedented. I think that is why it is causing a bit of confusion. We are requesting this House to increase the time allowable to speak or contribute to these two Bills.

Hon. Speaker, having said that, I wanted to actually to also support the Motion as moved by hon. Nicholas Gumbo. I think we need to thank and congratulate hon. Gumbo because apart from the Bill that you have just carried, I also want to carry the Companies Bill, which is actually 1,090 pages; these two Bills really are very important. This is because we have been complaining about unfriendly business environment. Without going to the details of the Companies Bill or the Insolvency Bill, this is the Bill that, after this House passes it, the business environment should be friendly for investment; it is not a Bill that we can rush.

Hon. Speaker, remember that the Companies Act that has been in operation was passed in 1948. So, we are presented with a unique opportunity to do what all earlier Parliaments have not done. Therefore, I would not mind even if only five Members of Parliament contribute to some of these Bills, so long as those Members of Parliament prepare sufficiently to make us understand what is in this Bill. This is because you may give every Member a chance to contribute for ten minutes and before one advances even serious arguments which will help this House we proceed to the Committee of the whole House to make a decision. So, my view is that we support the Motion as moved by hon. Gumbo, so that this House will have a few of us who are prepared and who have read these two very important Bills to make contributions.

Finally, hon. Speaker you know the Insolvency Bill is also very critical; actually this country has had a lot of problems, and businesses are struggling. Then before the shareholders know what is happening, their business is put under receivership. Before you know it, someone has already sold it without due consideration of the interests of creditors and shareholders.

So, hon. Speaker, we are presented, as a House, with a unique opportunity to do what this country has been calling upon Parliament to do for so many years. Therefore, I support that we extend the time allowable for contribution to these Bills.

Thank you.

Hon. Speaker: I see the Majority Whip. Do you want to contribute? I can see the indication is that I should put the Question.

Hon. Kato: Thank you, hon. Speaker. I also really want to raise my voice in support of this Motion, and first of all make a clarification regarding what hon. Nicholas Gumbo was moving. He talked of the Leaders of the Majority and Minority Parties being given one hour and five minutes. That means less time than that for any other Member speaking. I have had to look at the Motion and it is 105 minutes. That means one hour and 45 minutes for the Leader of Majority Party and Leader of Minority Party.

Hon. Speaker, just for the attention of the Members, this Insolvency Bill has got 736 clauses and that really requires time. I want to fully agree with my friend, hon. Mbadi, that even if it is five or six Members who have really read the 736 clauses, let them be given that time. However, we really need to get adequate time to make quality contributions to this very important Bill. Since this is a Procedural Motion, I really do not want to go into the details of the Bill itself; I just request the Speaker and the House that we grant leave in this exceptional case. It is the first time it is being done. Actually, I have been in this Parliament for long. This is my third term, and I have never seen a Motion for extension of speaking time for each Member. Normally, we see time being

reduced but in this case, what is happening is unprecedented. I believe it is worth it, and I request the House that we approve this Procedural Motion and move on.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, I think you are all speaking well about this, but there is need for us to also inform the country. This is because there are a lot of people out there, who may find it their duty to go to every forum to criticise Parliament, especially the National Assembly, that, indeed, it is not necessary that the 349 Members speak to every Motion. It suffices that the few who will speak will add value to the legislative process. Also our own committees will be presenting their reports, which will further help to inform debates. However, I want to agree with hon. Katoo that it is unprecedented. A lot of times Motions under Standing Order No. 97 reduce the time Members spend to contribute.

The reason why I drew the attention of the House when these Bills were read out was to request Members to read them because I felt that it was necessary that by the time we pass the two Bills, they should have received the best available attention from Members speaking. Therefore, I agree with hon. John Mbadi that it is not necessary that all the 349 Members speak. If you have 10, 15 or 30 Members speaking and helping us to make a law that reflects the will of this country in the 21st Century, I think that should suffice for us.

(Question put and agreed to)

What this means, hon. Members - I have also looked at the Order Paper - is that the provision relating to the Leader of Majority Party whom I think is the Mover of this Bill is limited to a maximum of 120 minutes. Again, this is not to scare anybody; that is just the limit. Each one of you speaking should prepare to speak for a maximum of one-and-a-half hours; that is 90 minutes. But again, do not think that you must speak for the entire one-and-a-half hours if you will merely repeat what others will have said, or repeat yourself. This is because you will be breaching Standing Order No.69.

Yes, the Leader of Majority Party.

BILL

Second Reading

THE INSOLVENCY BILL

Hon. A.B. Duale: Thank you, hon. Speaker. I beg to move that the Insolvency Bill, National Assembly Bill No.15 of 2014, be now read a Second Time.

From the outset, I want to tell hon. Gumbo that I will go down in history, if at all I use the time he allocated me through the Procedural Motion, as having spoken for the longest time in the history of the National Assembly. I agree that this is a very important Bill; it is voluminous; it is legalistic and it is business-related.

Hon. Speaker, bankruptcy, receivership and the winding up of companies and other corporate bodies is a very painful process. As painful as it is, there is a possibility

of people and entities that have borrowed that ultimately might lose their money and assets. Borrowing is a common concept. Even this august House has borrowed at one time or the other. We and our businesses are servicing loans and Kenyans do that in their great work as business people. In a sustained economic growth of any country, the ability to nurture business, borrow, create wealth and employment may be realised sometimes through borrowing.

The genesis of this Bill is, how do we, as a country, confront economic development, failures of business irrespective of the micro-economic environment in which business operates? Individual firms might experience financial problems. So, this Bill will deal with rescues or reconstruction. We felt it is possible that this Bill, at the end, will show how systematic, or legalistic, we can deal with the concept of liquidation.

It goes without saying that business experiences a lot of financial and economic hurdles. The constant inability to meet the obligation of creditors and deal with debtors and the constant possibility of putting businesses under receivership is a matter that this voluminous Insolvency Bill will deal with. The Insolvency Bill, 2014 deals with the Bankruptcy Act, which is Cap.53 of the laws of Kenya. This is the Act that currently governs all matters relating to insolvency. It has over time been very unsatisfactory, cumbersome, inefficient, time consuming and very costly. This Bill wants to reduce and consolidate all the laws and Acts that deal with bankruptcy, receivership and liquidation, and create one standard law that is in conformity with the best international practice and standards. It will help the common people of our country, who want to make sure that their money, assets and, of course, corporate entities are safe, know that at no time will somebody wake up and put your company under receivership without a legally binding process.

Hon. Speaker, the Insolvency Bill was developed by stakeholders in companies and insolvency partnership in collaboration with the Government and other key players. In a nutshell, because I am sure I am not going to take the 105 minutes--- If I take 105 minutes then I will talk until the recess comes next Thursday. This Bill deals with liquidating and re-organization of businesses which have failed, and gives the way forward on how to turn those businesses into efficient business entities.

Hon. Speaker, the environment in which businesses in Kenya operate must be reviewed and improved constantly for them to contribute to the health of sustainable businesses in our country. Given that background, the Insolvency Bill, 2014 is presented for debate for in the Second Reading in this House. Among the things the Bill is meant to consolidate is how to deal with the law relating to insolvency of both natural persons and corporate entities. So, it will deal with the individual who is an investor; who has put his money in a company and the corporate as an entity.

Kenyan companies are under threat from well established multinational companies with very good sources of funding at a very low interest rate. If we do not create a law to manage this process then in the years to come, our country will be taken over by multinationals and all our locally established companies will be under receivership; they will end up winding up. So, we must find a way in which we put systems in place to protect our local companies. That is the genesis of the Bill.

This Bill also provides an orderly system of managing affairs in insolvency, and insolvency is key. In the Bill we have the management systems in insolvency both in

terms of the individual and the corporate entity. This Bill will make sure that there is an efficient and equitable administration of estates and assets of insolvents. How do we manage assets and estates in a scenario of insolvency? That is what the Bill is going to give us here. Why do we need this? In managing assets and estates we must have a fair balance between the interests of the insolvents and those of creditors. This Bill will make sure that we have a win-win situation for everyone; both the insolvents and the creditors will be taken care of.

The Bill is also meant to ensure that insolvents, whose financial position is redeemable, continue operating as going concerns and there will be rules in place to achieve a win-win scenario. This is because there are situations where a company is under receivership but if proper mechanisms and management are put in place that company can come back to its original position. But we have brokers who scout around for companies that are under receivership, so that they “kill” them; they take them over, change the name and go away with everything. This Bill will ensure that not all companies, or corporate entities, that are under receivership will “die”; it creates a win-win situation.

In fact, the Bill is creating a reform system within the insolvency. It also brings together all the different pieces of legislation like Cap. 53 of the Bankruptcy Act, and many other pieces of legislation together. It harmonizes and puts them in line with the spirit and the letter of the new Constitution.

Finally, hon. Speaker, the Insolvency Bill that is before us today incorporates the United Nations Commission on International Trade Law model on cross-border insolvency. If a Kenyan company has the same business or is faced with the same financial challenge and that company is also based in Tanzania or Uganda, then this Insolvency Bill takes care of that.

Hon. Speaker, I will now go to the finer details of the Bill bit by bit, so that I can allow my colleague to second and then you will allow the many hours that the great man from Rarieda is asking for. I know he is a serious man. I served with him in the last Parliament and he is a man of *kusema na kutenda*. He is not doing it for public relations. I hope he will join the slogan bandwagon to which I belong.

Part I relates to the preliminary provisions of the Bill.

(Loud consultations)

If you allow me, there is a serious *chama* business on the far end of the House. It looks like our great ladies have started *chama* business in the Chamber, which they can do at the lounge. The ladies are busy, my very good friends.

An hon. Member: We are consulting!

Hon. A.B. Duale: Yes, consultation on parliamentary business. I am just very mischievous.

Part I relates to preliminary provisions of the Bill. Part II, and this is a voluminous Bill, introduces a new concept of insolvency practitioners. We will have people who will be the owners of that in terms of the profession. They will be called “insolvency practitioners”. It defines who an “insolvency practitioner” is, in relation to a company

and an individual. It outlines the qualifications of the practitioner and for one to qualify to belong to that category of people.

Clauses 8 to 11 of the Bill provide for the process by which a person may apply to the official receiver for authorization to act as an insolvency practitioner. You can become a practitioner, but there is a process by which authorization is granted. In this circumstance, publication may be granted or you might be refused issuance of a notice of authorization accordingly. So, as with any other professional body, there will be certain procedures and certification that you will have to go through.

Part III of the Bill deals with bankruptcy and related processes. It provides the effects of bankruptcy on a person and the alternatives such a person may have to avoid. So, if you do not go that route, then Part III of the Bill provides the alternatives to avoid bankruptcy. Part III goes on to outline the process of adjudication by court on the application of a debtor or a creditor.

Clauses 20 to 32 of the Bill relate to acts which when committed by a debtor, could amount to acts of bankruptcy as provided for under the Bankruptcy Act. Clauses 35 to 37 of the Bill provide for the effects of an execution process by either a creditor, who has made an application for adjudication of a debtor, or by any other creditor. Clauses 35 to 37 outline the court process with regard to creditor's application for adjudication. Finally, this part also outlines the process through which a debtor may apply to the official receiver to have himself declared bankrupt.

Part IV of the Bill deals with appointment of a receiver. It empowers a court to appoint a trustee as a receiver. This part also deals with the process through which this may be done. The process of appointing a receiver manager is well documented in Part IV of the Bill. Clauses 57 to 74 of Part IV of the Bill deal with the adjudication and provides for the date and time when bankruptcy commences. So, this Bill is very particular. The commencement of bankruptcy, its date and time is well documented within Clauses 57 to 64. The notification by the registrar of the court to the official receiver, the advertisement, all that process is clear.

Clauses 68 to 74 of the Bill provide for the filing of statements by a debtor. The debtor must file a statement to argue his case. The holding of meetings with trustees as well as convening of the first meeting of creditors by the trustees--- So, it documents the administrative process in dealing with the debtors, the holding of meetings with trustees and their minutes. It is a whole administrative process. Clauses 81 to 97 go on to provide the manner in which meetings of creditors should be conducted. It outlines persons who are entitled to vote and those who are not entitled to vote during the meetings and confer a right upon any creditor.

This part also provides for the manner in which a property of a person who has been declared bankrupt is to be handled. Under the new Constitution, you do not wake up one morning and take the property of hon. Gladys Wanga in Homa Bay and say that she is bankrupt. No, the process should be followed. There are many opponents of the great lady in Homa Bay and every night, they pray that this lady or hon. Duale is declared bankrupt. Once this Bill is assented to and becomes law, then those masquerading outside, who wish Kenyans to be declared bankrupt, will have their days numbered.

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

*[The Temporary Deputy Speaker (Hon. Kajwang')
took the Chair]*

Hon. Temporary Deputy Speaker, Clause 103 of the Bill provides for the manner in which payments due to a bankrupt person by the trustee should be applied. Clause 109 provides for the protection of the purchaser's property or a property belonging to a person who has been declared bankrupt in good faith, the process by which the property passes to the purchaser. Clauses 113 to 199, a large number of clauses, deal with the element of disclaimer of onerous property by a trustee, while Clauses 120 to 124 deal with disclaimer in relation to shares and other securities, while at the same time providing for effects---. So, all of those sections, 113 to 199 and 120 to 124, deal with elements of a disclaimer.

Part VI of the Bill provides for the status of a bankrupt person's property, how he should be declared bankrupt, in which case, all property that has been passed to a bankrupt person will vest in the trustee. It sets out the duties of a bankrupt person. It imposes a general duty to assist to the best of his ability the realization of his property and the distribution of the proceeds. So, even when one is declared bankrupt, this law gives him a chance; it creates a general duty on how you can be assisted to realize back your property.

Clauses 147 to 156 restrict the right of a bankrupt person to deal with a property. If you are declared bankrupt, the right to deal with your property is well documented in Clauses 147 to 155. In this regard, such a person or any other person cannot recover any property which is part of the estate or release or discharge such a property. Clause 151 confers the right of the bankrupt person to retain tools of trade and necessary effects, but this does not affect any right under security or hire purchase agreement. So, you have the leeway to retain your tools of trade under Clause 151, but that does not include hire purchase agreement in respect of particular assets.

Hon. Speaker, Part VII of the Bill confers the right upon the trustee to give an examination of a bankrupt person either before or after his discharge. So, the process for due diligence examination of a person who has been declared bankrupt is provided for in this Bill.

Clauses 164 to 170 provide for the manner in which a public examination of a bankrupt person is to be carried out by the court. So, the process in which an examination is carried out on a bankrupt person by a court of law is well documented in this Bill. Clauses 171-174 deal with how to empower the trustee, or the person appointed by him where he is authorised by a court. What does he do? He does examination of books of a company or a shareholder of a company on the affairs of that company.

Hon. Speaker, Clauses 175 to 179 provide for the status of contracts entered into by a bankrupt person prior to adjudication. They deal with his rights, rights upon the trustee to either continue with the contract or disclaim it. If I may go back, Part V relates to trustees in bankruptcy. It provides for the appointment of the trustees of the estate of a bankrupt person and the summoning of the meeting by the official receiver for this purpose. It also outlines the powers and duties of the trustees. This is also set out in the Second Schedule of this Bill. Part V relates to the Second Schedule of the Bill. It outlines

the process of appointment of the Trustee by the Cabinet Secretary and the process of his removal by an order of a court of law, or by a general meeting of creditors summoned for that purpose and a subsequent release under Clause 210.

Clause 215 of the Bill stipulates the liability of a trustee where the court, on application of an official receiver, the Cabinet Secretary or a creditor; is satisfied that the trustee has misappropriated funds, or the estate has suffered considerable loss as a result. So, it puts checks and balances on trustees who have been given powers by law to manage estates.

Hon. Speaker, Part VI of the Bill deals with the discharge of a bankrupt person three years after adjudication. It confers the right of objection on the creditor against the discharge of bankruptcy. It deals with rights of individuals as far as the discharge of a bankrupt is concerned.

Part VII of the Bill relates to individual composition, proposals, summary, instalments, orders and outlines on asset procedures.

Clauses 238 to 250 provide the process that a court will use in the execution of the deed of composition. Clauses 251 to 265 of the Bill provide for the manner in which an insolvent institution may make a proposal to creditors for payment of his debts and the procedure in meetings of creditors. It also deals with how trustees should call provisional meetings, the manner in which the court approves the proposal and its binding effect on the creditors.

Hon. Speaker, Clauses 266 to 283 of the Bill provide for summary instalment orders to provide for the manner in which an application for an order may be made, how a variation should be made, how a discharge should be effected and how appointment of a supervisor shall be done. All this is aimed at ensuring compliance by the debtor with the same order.

The part under Clauses 284 to 295 also outlines the criteria for, and the process of no-asset procedure on application of a debtor who has no realizable assets. This part outlines what should be done when the assets are not there. It also goes on to provide for the termination of no-asset procedure. It provides for what is to be done when there are no assets to trace, and the circumstances in which no-order asset traceability will be applied.

Hon. Speaker, Part VIII of the Bill outlines the acts which constitute a bankruptcy offence where a court has made a bankruptcy order and prior to the discharge of the bankrupt person. This includes non-disclosure and the concealment of the property, fraudulent disposal or dealing with the property and failure to keep proper accounts. There are people who look for what we call “artificial bankruptcy”. They transfer all their camels and goats to their relatives, their many mistresses and many wives and declare themselves bankrupt.

Clauses 423 and 424 relate to the proof and the ranking of claims and where a person declares himself bankrupt.

Part VIII of the Bill outlines which acts constitute a bankruptcy offence; examples are where you do not make full closure, where consignment of property happens, or where there is fraudulent disposal or dealings with property. One morning I own half of Nairobi, and then in the afternoon, you are told that hon. A.B. Duale is bankrupt. This part deals with those kinds of people; who are many in our country. They will not run

away. The problem is running away with shareholders' money. That is why so many housing companies are collapsing. I am happy the Leader of Minority Party is here, because the Grand Coalition Government gave him a job to deal with some pyramids. He was chair of a taskforce. I am sure he knows how some characters behave when they want to run away with shareholders' money. In his contribution, he should give us live examples of Kenyans who one morning wake and go away with all the money that people have toiled to acquire.

Part X of the Bill provides for the company voluntary arrangements; it empowers a company to make proposals to its creditors. This Bill also deals with administration orders. It empowers a court to give an order against a company which is likely to default and provides for application.

Last night I watched news of Kenyans who paid their money to a SACCO in Eldoret and Kapenguria in West Pokot. That SACCO was giving them bouncing cheques, and telling them that their money was safe. So, this Bill gives power to courts, companies, institutions which are likely to be unable to pay their debts and provides for application.

Clauses 320 to 326 of the Bill provide for the role and the powers of an administrator appointed for the management of the affairs, the business and the property of a company. Clauses 320 and 326 are basically on how the administrator is appointed, his powers in managing the affairs, the business and the property of the said company. Those powers are outlined more in the third Schedule of the Bill. It provides for the manner in which meetings to consider proposals of the administrator should be conducted; so, he cannot come up with his own rules. There is the establishment of the creditors committees, the approval of proposals and substantive revisions. All those administrative procedures are well documented.

Clause 338 of the Bill provides for the different modes of winding up. How does a company wind up? More specifically Clauses 343 to Clause 367 of the Bill before the House provide for the manner in which the winding up of a company may be conducted by a court. So, the court process and procedures are well documented. That provides even circumstances in which the winding up of a company may occur. These clauses provide for the dissolution of a company and subsequent release of liquidators.

I have a problem with some of the words; I went to school to learn English. It is not my mother tongue. So, if I do not pronounce some words well, it is not my fault. You know, I was given 105 hours; I cannot imagine using them up, but I am about to finish. I am trying to make sure I use half of them, and not to disappoint hon. (Eng) Gumbo, my good friend.

The Temporary Deputy Speaker (Hon. Kajwang'): You know you can save a lot of time because there are leaders on this other side who are waiting for an opportunity to---

Hon. A.B. Duale: I know since I was in the last Parliament with hon. Midiwo. He is a man of few words like me. He might summarize and only use 20 minutes. I am about to finish only that I do not want to disappoint my friend from Rarieda. The Procedural Motion was a serious one and he meant it. He is a man of *kusema na kutenda*.

Clauses 369 to 389 of the Bill provide for the constitution of a committee of inspection. This Bill creates an Oversight Inspection Committee. So, those clauses

provide for the constitution and a special committee for determination of the contributors and the process of payment of debts due by shareholders, as well as the application of assets of the company. These clauses also empower a court to summon persons, to order the public examination of a person or officer in this regard, or order the arrest of a director who intends to abscond, or act in a manner as to remove or conceal his property for the purpose of avoiding a call or examination with regard to the affairs of a company. This is a serious matter. There are people who form companies, tell our poor people, farmers and pastoralists to contribute money to them, and then in the wee hours of one night, they take off through Jomo Kenyatta International Airport. They are many; I can name them, but I do not want to misuse the privilege of the House.

These clauses empower the court to summon persons under public examination, officers or individual who own a company. It can even order the arrest of a director who intends to abscond, or act in a manner to remove or conceal his property for the purpose of avoiding a call of examination. There are people in this country, even when the Kenya Revenue Authority examiners appear at their doorstep, they disappear through the backdoor. Here, it is not about taxation; it is about protecting shareholders' interests.

Clauses 384 to 385 of the Bill, deal with voluntary winding up of a company, and provide for circumstances and the manner in which this may be conducted. Not all windings up of companies happen because they are insolvent. There are companies that want to wind up and merge with others. Clauses 384 to 385 deal with that kind of a scenario. They say that during a voluntary winding up of a company you must give the circumstances, and the manner in which this must be conducted.

Clause 389 to 407 of this huge Bill provide for the appointment of a liquidator, his roles and his powers in the process of a voluntary winding up. Even in a voluntary winding up of a company or assets or estates, Clauses 389 to 407 will specifically provide the powers to appoint a liquidator; they give his role and his powers; the same powers are also found under the Fourth Schedule of the Bill.

Clauses 408 to 422 of the Bill provide for both winding up by court and voluntary winding up. There are two ways in which you can wind up. You can be wound up by a court of law or you can decide to wind up yourself or your company or your assets. This must be in line with good keeping of books. The accounts must be handed over to the appointed liquidator, and his role in the process is well document in the clauses.

How do you deal with investment surplus? If a company had an interest-earning account and you are winding up, how do you deal with investment of surplus funds in an interest-earning account as well as the payment? How do you deal with payment for unclaimed assets that will go to the official receiver? How do you deal with placement of such funds to the credit of the insolvency fund? This Bill is creates an insolvency fund.

Clauses 423 and 424 relate to the proof and the ranking of claims. It is not a matter that hon. Duale and hon. Mule will wake up one day and say that they have claims to make.

There are many people in this country with false filed claims. I can see the competent former Permanent Secretary for the Ministry of Health under the Grand Coalition Government nodding his head. There are many false claimants at the National Treasury. I want to tell them that this Bill is going to deal with them. This Bill, particularly Clauses 423 and 424, has set the bar very high. The burden of proof and the ranking of claims is provided for in terms of which debts are payable in case of a

company winding up. If you hear today that company “X” is owned by hon. Duale and Hon. Mule and you come out of the blues and say that you have some claim, the standard of proof is very high. Those people who make claims had better go back to the drawing board and make sure that they have proof and all else that is required.

Clauses 431 to 435 deal with offences by officers of companies in liquidation. Officers who have been mandated as liquidators in companies must operate within the law. Where they exceed their powers, thus committing offences, these clauses have provided for how to deal with them.

Clauses 436 to 446 contain provisions relating to dissolutions. Part XI deals with receivership managers and provides for persons who may act.

I am tired and nobody is giving me water. Hon. Gumbo, you should have been giving me water because you have given me a lot of time. I will take it when I finish. He has to be magnanimous and give water to Members, because he has given us many hours.

The Temporary Deputy Speaker (Hon. Kajwang’): Leader of Majority Party, I propose we get serious on this matter.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, in conclusion, this Bill contains general provisions on general penalties. It empowers the Cabinet Secretary to make regulations under this Act. So there will be regulations.

Hon. Midiwo: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Gem, I appreciate you, but I want the proposer to be heard in silence. This is a very important Bill that we are looking at.

Hon. A.B. Duale: Thank you, hon. Temporary Deputy Speaker. In conclusion--- You know in conclusion I remembered by dear wife, but you will forgive me. It is not unparliamentary.

In conclusion, this Bill contains general provisions and provides for general penalties; it empowers the Cabinet Secretary to make regulations. So, after we pass this Bill, there will be regulations that will be brought to this House under the Act. Then there will be transitional provisions in relation to the existing Act. For all the existing Acts that this law is consolidating, there will be a transitional period. There are transitional provisions in the Bill. There will be no vacuum.

This Bill also adopts the United Nations Commission on International Trade Law, a model law on cross-border insolvency as set out in the Fifth Schedule of this Bill.

With those many remarks, I hope I have used, at least, half the time allocated. Now that he has given me water, I cannot continue. I want to ask the able Chairman of the Justice and Legal Affairs Committee, hon. Chepkong’a, to second the Bill and talk until the House adjourns. Then we will allow hon. Gumbo to use his nine hours. I call hon. Chepkong’a to second.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Member of Ainabkoi, you are the Chair of the relevant Departmental Committee. I am trying to manage my time just before you proceed. You know that at 5.30 p.m., the House has resolved to adjourn. Nobody is imposing on you a duty to finish, but it would always be neater if by the time we adjourn at 5.30 p.m., we have proposed the Question. That way, a Bill becomes the property of the House. So, although nobody is putting a limit for you, I just want to have you look at the clock, so that you try as much as possible to say

what you need to say, and so that we adjourn at a time when the Question has been proposed. It becomes neater that way for the HANSARD.

Hon. Chepkong'a: Thank you, hon. Temporary Deputy Speaker. I am suitably guided by yourself. Of course, you have been mean with your words. You probably would have said 'If hon. Chepkong'a is wise enough, he should conclude before 5.30 p.m.'" Owing to your wisdom, I hope I will do so in the few minutes remaining.

I rise to second the Insolvency Bill, 2014. From the outset, may I just say that this is, indeed, a very important Bill to this country. It will revolutionise and transform the way we do business. It will inject confidence into the economy of this country. The Bill seeks to repeal the Bankruptcy Act together with its regulations in totality. Secondly, it seeks to repeal all those provisions that relate to liquidation of companies in the Companies Act. Of course, the Companies Act will be repealed upon the National Assembly discussing and passing the Companies Bill that is queuing on the Order Paper.

This Bill also intends to amend a number of legislations. I just want to mention them because it is important for us to note them. One, it intends to amend Section 46 of the Advocates Act. It intends to amend the Arbitration Act; the Chattels Transfer Act, Section 70 of the Employment Act, the Hire Purchase Act, Cap.507, the Insurance Act, Cap.487, the Insurance (Motor Vehicle Third Party) Risks Act, Cap.405, and finally the Land Act No.6 of 2012. It is important to note these because upon the passage of this particular legislation, they will all stand amended, particularly the Advocates Act. It deprives the advocates the so-called privilege that they have been enjoying when it comes to matters to do with dissolution of companies and bankruptcy.

I will be brief. As I stated, an effective insolvency regime promotes enterprise and stimulates investment. The company law regime, as we know it and as it exists today, is a replica of the 1948 Companies Act of the United Kingdom, or Great Britain as that country is popularly referred to. This is an Act that has already been repealed in the UK; it has become a relic of the past yet in this country, we still cherish it and think that it is the most modern law that can be applied to suit the new situation as it exists in our country. The Act, in its current format, seeks to wind up companies in the old format in which it was done in the UK.

This Bill intends to reform the Companies Act and the insolvency law to make it easy to set up and to grow business. The objectives of any working insolvency system is to restore the debtor company to profitable trading, to maximize returns to creditors as a whole, to establish a fair and equitable system for the ranking of claims and distribution of assets, identify the causes of companies' failure and impose sanctions for culpable management by creditors and officers. This could not be done in the old legislation that is proposed to be repealed, namely the bankruptcy law and the Companies Act, particularly the parts that deal with liquidation. The challenge faced by Kenya is how to create an effective enforcement and insolvency system that fosters strong credit culture, and the economy to promptly respond to default in a way that promotes economic growth and competition, and which aligns local commercial practices with the modern business tactics.

An effective insolvency regime is the only possible way to foster public confidence required to fuel investment or commercial activity. Developing such a system will help respond to the financial risks. This particular legislation intends to reform and to

provide an insolvency system along with measures that are necessary in an insolvency system that is functional and economically sound.

The rationale for reforming the insolvency regime in Kenya is fivefold. One, it is intended to provide opportunity for companies and individual enterprises with an opportunity to survive and, therefore, spur economic development. Two, it is intended to maintain commercial morality and public confidence. Three, it is intended to provide a fair balance between restructuring and liquidation that will allow distressed enterprises to explore possibilities of an easy and efficient revival. Fourthly, the intention of the reformed legislation is to provide a simplified process for small enterprises during the insolvency processes. Finally, it is intended to professionalise the insolvency practice by introducing insolvency practitioners as mentioned by the Leader of Majority Party while moving this Bill.

Hon. Temporary Deputy Speaker, in developing the Insolvency Bill, we are guided by the need to facilitate what is popularly referred to as “corporate rescue”. Many people, particularly Members of Parliament and Kenyans, may have heard about what is popularly referred to in the United States as “Chapter 11”. That is corporate rescue. This particular legislation intends to introduce, not in the format of the United States in terms of what they call Chapter 11, what we call corporate rescue process in this particular legislation. It is expected that the administrator will play a significant role in the process. Accordingly, the provisions contained in this Bill will ensure that a company enjoys a moratorium, so that it can introduce processes that will assist it to be revived during the moratorium period. Further, provisions on voluntary arrangements and administration have been enhanced in this Bill with a new schedule giving detailed provisions on how to deal with voluntary arrangements and administration.

The essence of this provision is to ensure that companies that are capable of surviving are given an opportunity to do business, pay their debts and continue in business, rather than being wound up. For those companies that have no chances of survival, they will be liquidated in a very expeditious manner, so that the value of those companies and assets are rescued. The corporate rescue procedures contained in this Bill ensure that during the period when a company is in distress, a moratorium is provided and an arrangement is put in place with the debtors and the shareholders to allow the company time to recover. If this will not be possible, after a defined period, the company will be wound up.

I would like to give an example of Uchumi. Although Uchumi followed this process, these particular procedures and regulations were not in place. There were just benevolent shareholders who decided to put in place rescue procedures for reviving Uchumi Supermarket. If this law was there, Uchumi Supermarket would have been revived in accordance with the provisions of this Bill. As you know, Uchumi Supermarket survived liquidation because of the arrangement between the shareholders and the creditors. As you know, Uchumi right now, is not only on a recovery path, but on a profitability path. It has in fact, expanded not only in Kenya, but even the East African region. We would like to see many other companies being rescued. One other company that you know is currently under receivership is Jetlink. If this law was there, it would have ensured that insolvency practitioners ensure that Jetlink continued in business as arrangements were put in place to revive it and pay debts as and when they were due.

The proposed Insolvency Bill seeks also to achieve a fair balance between restructuring and liquidation. It will allow distressed enterprises to explore possibilities of an easy and efficient revival. If revival is not the solution, it will also be easy for a company to be liquidated to maximize on returns for the stakeholders. It seeks to salvage viable businesses and preserve jobs, while enabling financing institutions to prevent deterioration of assets by giving them a means to enforce claims. The reform proposed in this Bill is a regulatory framework that will be effective for those for whom the insolvency law exists.

The proposed law further introduces the office of the insolvency practitioners, who will be held professionally accountable to their clients. As you know, receivers who are appointed at the moment, the unspoken rule is to liquidate the company and not to revive it. As you have seen, many of the sugar companies, right now are ailing. Instead of those companies being revived, the receivers who have gone there have gone there to just milk the companies without the intention of helping the shareholders or the suppliers. We have also seen the example of the Kenya Creameries Co-operative (KCC). The receivers went to the KCC and sold it off. The shareholders, who were farmers, suffered, particularly in my region. The shareholders of that company, who were milk producers, lost colossal sums of money and no one could be held responsible.

With the passage of this law, every person who is appointed as an insolvency practitioner, or an administrator, of a company under liquidation will be held personally responsible. This law provides for heavy penalties against all those persons who conduct themselves in a manner as to ensure that the company does not survive and the shareholders lose value.

Currently, the process of winding up companies has been left squarely in the hands of courts and individuals who have ended up fleecing companies. Companies are at the mercy of undertakers. As you know, these receivers are no longer called receivers. They are now called “undertakers”, people who take companies to the grave. Instead of reviving them, taking them to hospital and giving them medicine, so that they can come back healthy, they go and bury them alive, that is when they still have a little bit of breadth. Very few companies in the past have survived the process of receivership. Accordingly, the establishment of the office of the insolvency practitioner aims at raising the accountability bar and responsibility, so that the process of administration is professionalized fully.

Further, where a company cannot be rescued, as I have stated, the winding up must be finalized within two years. It is now provided for. There is a time period within the law, within which a company must be wound up, if, in the opinion of the administrators, it is incapable of being revived. As for the individuals, the Bill modernizes the process of individual bankruptcy by proposing a fresh beginning for persons who are not able to meet their financial obligations. The Bill proposes that after three years, a person should be discharged from the disability of bankruptcy. As it is at the moment, when you are declared bankrupt, you remain bankrupt for a period of seven years. This law now reduces the period from seven years to three years, so that you can participate in elections. You can imagine that if you are declared insolvent for seven years, you will not vote in the next election. So, you are denied the right to participate in elections.

The Bill further provides for a simplified process known as the “no-asset procedure”, as mentioned by the Leader of Majority while moving the Bill. Individuals who have no assets can go through a simplified bankruptcy process, and be given a fresh start in life instead of the very complex process where you are held to ransom by the official receiver. The Bill further proposes the strengthening of the office of the official receiver to make the office capable and efficient in the performance of its functions under the proposed legislation. If successfully implemented, the proposed law requires a revamped office of the official receiver.

I would just like to mention a few things in the Bill. The Leader of Majority Party while moving the Bill has already mentioned a number of them. I would like to zero in on Clauses 520 to 623, which provide for the administration of insolvent companies. These provisions ensure that a company that has been placed under receivership is managed in a manner that is in the best interests of the shareholders and the creditors. It is intended to achieve a better outcome for the company’s creditors and to realise the property value, so that it does not in a way lose value because it has been placed under receivership. Many times, companies that are under receivership are sold at a throw-away price. This Bill, in Clauses 520 to 623, ensures that all properties that are sold or realised, the company or the creditors and the shareholders get value for them. It ensures that they are not sold below the market value.

In Clauses 523 to 529, the Bill provides for the appointment of administrators otherwise than by the courts. There are instances in this proposed law, where instead of going through the very expensive process of filing cases in court and paying court fees, this law provides for a simplified process in which an administrator is appointed outside the court process. The law provides for the administrators’ qualifications, how they are appointed, their duties, and status.

Clauses 603 to 615 are provisions on termination of appointment of administrators. In the past, it has been difficult to terminate those who have been appointed as official receivers because they keep filing reports, claiming that they have not done much in terms of unearthing what happened to the company and why it went into liquidation. In these clauses, the proposed law gives opportunity to shareholders and creditors to file a suit against administrators who misconduct themselves in the process of managing a company that is under liquidation. They also provide for the method in which an administrator can be removed, and where they cease to be qualified. As you know, all administrators will be expected to be registered by a particular body, and if they cease to be qualified in accordance with the qualifications set out by that body, they will cease to be administrators and will be removed as administrators of a particular company under liquidation or receivership.

I would like to mention a few clauses as you have advised, so that I can allow others to join this process. Clauses 498 to 511 create offences relating to the conduct before and during the company’s liquidation. For instance, there is a provision that takes care of insolvent practitioners who perform fraudulent acts while the company is under liquidation, or persons are under bankruptcy. Such persons will be committing criminal offences. They provide for instances when the administrator engages himself in transactions that are intended to defraud the creditors of a company. It also creates

offences against administrators who seek to falsify documents of the company in the process of liquidation, so that they hide the assets of the company.

It also makes it an offence for an administrator to make false representation to creditors of a company that is under liquidation.

With those remarks, and being cognizant of the time of the House, I would like to end there.

I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Chairman of the relevant Departmental Committee, may I ask you two questions: Do we have the Committee's Report analyzing this Bill? Is it available in the Table Office?

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, as a Member of the Committee, I respect the fact that you are sitting in as the Speaker now. We had a retreat on these two Bills, that is the Insolvency Bill and the Companies Bill. We had an overview of the general provisions. Of course, you know that the two Bills are still work-in-progress in the Committee. We hope to complete this Bill, maybe, in the next one-and-a-half weeks, so that we can file our report. At the moment, it is still work-in-progress.

The Temporary Deputy Speaker (Hon. Kajwang'): I will have to check the provisions of the Standing Orders. You know this Bill is a big one just like the Companies Bill is going to be a big one. In effect, it will be good if Members read through your report. That is why your Committee exists; it exists to help Members digest a particular report, so that there are only a few issues that Members can narrow on. I do not think Members are detailed. You know we do not look at the details; rather, we look at the general policy that the legislation is going to give. In view of the fact that your Committee is still working on the report, is it possible, even on an interim basis, that you share with the Members some draft? This is because the business of the House will not stop because you are preparing your report. Is it possible that you could share something with the Members that could help us debate this Bill from a position of information?

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I take cognizance of the fact. Of course, the Standing Orders are clear that our Committee is expected to have filed a report before the Second Reading. Unfortunately, we are not in a position to do so. The only thing I have are the notes that I made for purposes of seconding this Bill. I can make this available to Members. They provide a general overview of the rationale and objectives of this Bill.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Chairman, the hon. Temporary Deputy Speaker is sympathetic to your position. I know that your Committee is handling a fairly huge amount of legislation, but still Members must debate this from a point of information, even if you have to share with them your talking notes or something that helps simplify the Bill. I do not expect that it will be reasonable that Members start re-inventing the wheel by doing what your Committee has been doing. So, you could liaise with the Table Office after the House rises, so that you can give Members something upon which they can build their debates. There should be some general extract that the Clerk to your Committee should be able to provide to Members.

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If there are comments by the Cabinet Secretary, the Bill states that its origin is the Attorney-General's Office. I am sure there could be some notes that you could share with Members. As you know, we all come from persuasions.

Hon. Chepkong'a: I know.

The Temporary Deputy Speaker (Hon. Kajwang'): Some of us could be farmers. Others could be teachers and others could be lawyers like you. I do not expect that you want to make everybody to look at the time consuming issues when we have given you the duty as a Committee to help us. What is your response?

Hon. Chepkong'a: Maybe upon your guidelines, if you allow me, I would like to point out that at the back of the Bill, at page 1034, there is a Memorandum of Objects and Reasons for this Bill. Perhaps, Members could look at that in addition to the notes that I have. Since these are not in the House, you can, possibly, allow us an adjournment, so that we begin early on the Motion for Adjournment.

The Temporary Deputy Speaker (Hon. Kajwang'): The first one on my request list which, perhaps, I should start with is the hon. Member for Kitui West. I can see the hon. Member for Ol Jorok is ahead of you but because you are the Deputy Minority Leader, I may want to--- Sorry, you are the Minority Leader. I apologize. You need to understand that we only have 15 minutes for you, of which you can have more minutes tomorrow. That means that when we resume you must be in the Chamber when the Business is called. If you will not be in when the Business is called, then you forfeit the time. So, if we can understand ourselves, that will be okay.

Hon. Nyenze: Thank you, hon. Temporary Deputy Speaker for giving me this chance to contribute to this important Bill. Let me start by saying that the Bill is timely and I support it. I would want to say that, the Insolvency Bill, National Assembly Bill, No. 15 of 2014, has come at the right time.

We know that there has been a global economic slowdown which has affected so many countries. When this happens, very many companies experience difficulties in paying creditors and so forth hence they just collapse. This Bill is there to regulate the economy, by putting in loss which would protect the creditors, the shareholders and all other owners of the companies.

We have seen the Uchumi Supermarket which was in liquidation and we all know that the Government thought it wise to put in money instead of stopping it from operating. If it could have gone under, so many jobs could have been lost and families could have broken up, thus this Bill has come to address such things. We also know and the Leader of Majority Party alluded to this fact, that this Bill will address the problems like the ones we experienced with pyramid schemes. I was lucky to be appointed the chairperson of the committee that was investigating this matter. In fact, we came up with a report which was known as the Nyenze Report. We tabled it in this House, but because it touched on who is who in the Government, it never saw the light of day.

When a company is conned or people lose their money, there is a lot of suffering because these are savings that have taken a long time to accumulate. If you look at the current Bankruptcy Act, which is outdated, this Bill seeks to improve the conditions of creditors. We have seen cases where receivers take over banks and other fallen companies and they extend their stay. They make huge profits at the expense of the owners of the companies. The purpose of insolvency law is to create that efficiency in the

economy where insolvent companies are either resuscitated or liquidated. There are two ways just as I have said, Uchumi was resuscitated and it is doing very well today. You can allow it to die by liquidating it.

If you look at the biggest economy on the globe, which is the United States of America, when they had crisis and their companies and corporations were facing financial crisis, their government came to their rescue. They pumped in money and they never went under. In economies like Greece, where the Government never put in so much money, today, there is a lot of suffering. I want to say that, the strict rules governing insolvency in part two, will weed out those who acted as receivers and liquidators and ended up running down companies so that they could acquire their assets.

I also want to say that we need regular reports of the activities of all insolvency practitioners because they are the ones who do this, so that they do not keep these companies in perpetual receivership. When you look at most receivers in this country, they like keeping the companies in perpetual receivership. The reason is to loot those companies in the pretext of making some money to pay back the owners and the shareholders. Valuation of assets of companies and insolvency will now be done professionally and this will prevent cases where assets are sold at throw-away prices thus making the shareholders suffer losses. I want to say that the Kenyan economy has been rebased and we have been told that our economy has grown bigger than that of Egypt and Libya. The biggest economies are Nigeria, South Africa, Algeria, Ethiopia and Morocco. However, this rebasing has not ejected new money which could help us in credit worthiness as we operate internationally in the global market. It will not put food on the tables of Kenyans.

I want to say that because of the difficulties Kenyans face when borrowing money, the likes of shylocks--- Hon. Members will agree with me that in every constituency, there are so many shylocks offering money with high interest rates. There are also financial institutions that have come up to take the places of banks and they are also offering credit at very high interest rates. When you offer credit at very high interest rates and you borrow money which is very expensive, that is where insolvency comes in because repayment becomes difficult and there is likelihood of creditors losing their money in those companies. If in this Bill we introduce some amendments whereby we make credit easily available to Kenyan youth and women, then the rate of default will reduce and the economy will take off. At the moment, many Kenyans do not have bank accounts and those who do big business like my friend, hon. Musimba, borrow money at very high costs and their businesses do not grow as fast as they would wish them to.

Hon. Temporary Deputy Speaker, I was very surprised when I visited America and China. The cost of money is so cheap. The interest rates are so low and that spurs economic growth because wherever you go, it is very easy. You go to a bank and they do not ask for a lot of collateral. It is at very minimal cost. This is something that these legislators can also address. The Insolvency Bill does not completely address it but it addresses many other issues that I had interest in and that is why I am supporting it. But it is also important to take it upon ourselves to make credit easily available to especially women and the youth. Why do I say so? It has been seen and experienced and scholars have even done research that when you have many women in leadership, especially in business, the business grows faster because women steal less and they manage well. The

do not want to do something that will bring shame to them and their families. So, they are always conscious and they do a good job. That is why women become very good drivers because they are careful and do not want to cause an accident.

I do not want to digress from the point but I am saying that in my constituency, Kitui West, many people have lost their roofs. The roofs have been removed because they borrowed money from financial institutions and they could not pay back. I come from a semi arid area where doing business is risky and difficult. Even in this Bill, something could be done---

The Temporary Deputy Speaker (Hon. Kajwang’): Leader of Minority Party, is this the place you want to stop. I can see that you have a new idea.

Hon. Nyenze: I do not want to digress, but it is a new point.

The Temporary Deputy Speaker (Hon. Kajwang’): I am just asking!

Hon. Nyenze: I will hurry up.

The Temporary Deputy Speaker (Hon. Kajwang’): Nobody is pushing you except I have just seen that you have finished the thought process; you were about to begin. I was inquiring whether it is the correct place, therefore, that you want to leave it.

Hon. Nyenze: Hon. Temporary Deputy Speaker, I want to leave it there but I have the balance of minutes as you ruled.

The Temporary Deputy Speaker (Hon. Kajwang’): So, do not waste time. You can leave it at that point. When you come, you can pick from the fresh idea that you want to pick up.

Hon. Nyenze: Hon. Temporary Deputy Speaker, though this may sound unrelated, whenever we walk in our constituencies, we pick up things and bring them to this House so that they can be addressed. This may be a bit unrelated.

The Temporary Deputy Speaker (Hon. Kajwang’): I understand that except I want to use two minutes.

Hon. Nyenze: Hon. Temporary Deputy Speaker, I want to say that---

The Temporary Deputy Speaker (Hon. Kajwang’): Order! It is in the opinion of the Speaker to use the next two minutes wisely.

Hon. Nyenze: Okay.

The Temporary Deputy Speaker (Hon. Kajwang’): You will get the balance of your minutes tomorrow in the afternoon. Just prepare to come to the Chamber in---

Hon. Nyenze: Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): No, if you support then you have concluded your contribution.

Hon. Nyenze: Hon. Temporary Deputy Speaker, I have not concluded.

(Laughter)

The Temporary Deputy Speaker (Hon. Kajwang’): Chairman of the Departmental Committee, please share with me Standing Order No.127 which deals with the Bills that are committed to Committees, specifically on No.127(5). Are you there?

Hon. Chepkong’a: Yes, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): You can take it from sub-section (5).

“If for any reason, at the commencement of the Second Reading the report of the Committee has not been presented, the Committee concerned shall report progress to the House and the failure to present the report shall be noted by the Liaison Committee for necessary action.”

We are taking this seriously because in a Bill such as this, it will be very unfair if I listen to hon. Members discussing without a Committee report. I am about to make an order but I want to hear you; it will push your Committee a little more. Is it the position of the Committee that the report is not ready or is it the position that it is somewhere in the pipeline?

Hon. Chepkong’a: Hon. Temporary Deputy Speaker, I totally concur with you with regard to the interpretation of Standing Order No.127(5). Of course, as you know we are supposed to have presented this report. This matter has been pending before our Committee for some time but for other reasons that were beyond our control, for instance, we share clerks with the Committee on Delegated Legislation. It has become exceedingly difficult for us to have a full time meeting because we have to share time with the Committee on Delegated Legislation. Again, this has been a failure on the part of the Clerk’s Office to split the clerks so that we can plan our time to discuss these Bills. So, we have run into problems like even getting committee rooms. Yesterday, we could not get a committee room because the clerks were in Mombasa, all of them and no one was there to book for the Departmental Committee on Justice and Legal Affairs.

The Temporary Deputy Speaker (Hon. Kajwang’): All right, that point is noted. I, therefore, take it that it is a report from that Committee that there is failure to present the report. I will direct by way of the HANSARD that, that point be noted and that the failure to present the report be remitted to the Liaison Committee for necessary action. The substance of that order is that if you have a problem which could be staffing, logistical and so forth, the Liaison Committee should be the right place by which you are able to solve your issues so that hon. Members can get reports and can take advantage of Committee proceedings within time. The Liaison Committee through the Table Office will be sufficiently informed.

It is 5.30 p.m. and I am seized of a Motion.

MOTION FOR ADJOURNMENT UNDER S.O No.33(1)

EBOLA OUTBREAK IN WEST AFRICA

Hon. Mule: Hon. Temporary Deputy Speaker, for the benefit of hon. Members who were not in the House when we gave notice, I am moving a Motion to discuss the effect of *Ebola* outbreak in the world and especially the economic---

The Temporary Deputy Speaker (Hon. Kajwang’): May I just remind you that under Standing Order No.33, you have ten minutes to move and any other hon. member speaking has five minutes, whether it is the Leader of Majority Party, the Leader of Minority Party or the Deputy Chief Whip. Everybody gets five minutes to speak on the Motion.

Hon. Mule: Thank you, hon. Temporary Deputy Speaker, we stand guided. We want to allude to the effects of *Ebola* and what is happening in the country as leaders of

this country because we have scenarios which I am going to highlight in a few minutes of what is happening and how the country is---

The Temporary Deputy Speaker (Hon. Kajwang’): Before you highlight it, just move it in the traditional way and then you can expand on it as you want.

Hon. Mule: Hon. Temporary Deputy Speaker, pursuant to Standing Order No.33(1), I seek leave to move an Adjournment Motion for the purpose of discussing matters regarding the ongoing *Ebola* outbreak in West Africa and other parts of the world. Aware that under the Constitution the health policy is a function of the national Government, I seek to ventilate on the *Ebola* outbreak in the recent past especially as related to Kenya. This is a viral disease that is spread through contact with contaminated people and can cause quick death. In fact, already over 4,000 lives have been lost in the world to this disease in the affected countries. There is need to protect our citizens from this deadly disease, including Kenyans travelling internationally. The World Health Organization (WHO) has categorized Kenya as being a high risk area of transmission. The Government should therefore ensure that the country is fully prepared and safety measures are being implemented by all relevant stakeholders including but not limited to, screening of passengers travelling from the affected areas, training of medical personnel and health workers on how to deal with *Ebola* patients both at our ports of entry and within the country, educating citizens on precautionary measures and equipping health facilities with isolation wards to deal with this scourge.

Hon. Temporary Deputy Speaker, it is very clear that this issue is touching both the economy of the country and has infringed the human rights of some of the people who have been suspected to have *Ebola*.

The first case I want to highlight is that, we are losing at the social platform of economies. For example, parents in the United Kingdom (UK) demanded that teachers who have an exchange programme with Kenya, if they go back, they make sure that their children are withdrawn from school because of the perception that there is *Ebola* here. We know very well that the Government has assured that there are no cases of *Ebola* in this country. But the perception is that in Kenya we have *Ebola*.

Secondly, it is very saddening to hear the story of a Kenyan who left this country for Seychelles; as it will be explained by the seconder of this Motion. The authorities went ahead and treated the body with chloride to an extent that they did not even allow four hon. Members of this House who visited Seychelles to see it because it was completely destroyed.

Thirdly, we have children from this country who travelled to USA and they are being quarantined. They are being called “*Ebola* babies” by the Americans. Surely, we need to clear the perception as leaders of this country and tell the world that Kenya is an *Ebola* free country. But we all need to make sure that the Government puts in place clear measures so that we do not contract *Ebola*.

Fourthly, about a week ago, a daughter of this nation travelled to the USA to visit her mother. When the authorities at the USA realized that the lady had visited her mother and both had come into contact, the mother was sent away from her job to go back home. We want to tell the world that if there are cases of *Ebola* in Kenya, I believe the Government of Uhuru Muigai Kenyatta will announce it publicly. But what we are seeing

is purely mistreatment of Kenyans worldwide by people who are suspecting that we have *Ebola*.

It is important that we have all the precautions put in place. It is important to make sure that this country stands firm and protects the dignity of its citizens at all costs. Therefore, it is my humble plea to the Government of Kenya to come out clearly and issue statements very firmly on the actual status of *Ebola* in this country. Some of us who sit in the Departmental Committee on Health are aware that the Cabinet Secretary for Health came to us and asked for assistance; we accorded him authority to go and spend almost Kshs960 million to deal with this scourge.

We are asking the Ministry to tell us what they have done with that money and what precautions the Ministry has taken? What procurement measures has the Ministry done to make sure that this country is not seen as a country bleeding *Ebola*?

Hon. Temporary Deputy Speaker, due to time and I know many hon. Members want to prosecute this matter; I want to put it very clearly, it is the duty of the national Government to protect the citizens of Kenya, those living within and without Kenya to make sure that some of the cases we are dealing with relating to *Ebola* do not occur.

With those few remarks, I want to request my brother, hon. Maanzo to second.

The Temporary Deputy Speaker (Hon. Kajwang'): Will you please press the intervention button.

Hon. Maanzo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity---

The Temporary Deputy Speaker (Hon. Kajwang'): What are you intervening for?

Hon. Maanzo: Hon. Temporary Deputy Speaker, you asked me to press the intervention button.

The Temporary Deputy Speaker (Hon. Kajwang'): Yes, so that I could see you. What do you want to intervene for?

Hon. Maanzo: I am seconding hon. Mule's Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): No, I am afraid, on a Motion such as this, you do not have to second. Look at Standing Order 33.

Hon. Maanzo: Under the circumstance because (*off record*)

The Temporary Deputy Speaker (Hon. Kajwang'): I am sure if you wish to contribute, you will definitely get an opportunity to contribute.

(Question proposed)

Hon. Member for Makeni, this is now your time to contribute.

Hon. Maanzo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute on this matter.

If you check news in all world news channels, there is an article about *Ebola* everyday and therefore, the importance of people knowing about *Ebola* and its dangers in the country right now. But, unfortunately, the fear of *Ebola* and death which is normal to human beings has also caused pain to a lot of people, including Kenyans.

Hon. Temporary Deputy Speaker, five hon. Members, including myself recently visited Uganda. We had an opportunity to be hosted by His Excellency President Yoweri

Museveni, who is the Head of State. We have an opportunity of understanding how to deal with *Ebola*.

President Yoweri said that Uganda has been hit by *Ebola* thrice in the past and that the virus does not even last 21 days, if well managed. Therefore, some of the precautions they have taken in Uganda are good. People are not greeting each other and they avoid any contact which could be infectious. He also stated that *Ebola* could be found in forested areas because in these areas people eat monkeys. Therefore, in Uganda, they have taken steps to curb the spread of *Ebola*.

In our case here, 25 days ago, a Kenyan who works in Seychelles Victoria, in a fishing company had visited on vacation. He was a technician and he came from Makueni. Thirteen days after reporting back to work, he vomited and exhibited *Ebola*-like symptoms. But it was not *Ebola* as it was ruled out by KEMRI and South Africa, because samples were sent here before a decision could be taken by the health authorities. When four hon. Members travelled from Kenya to that place recently, I included, we met their health Minister. We were also much assisted by their Vice-President and their Foreign Affairs Minister to reach a final conclusion. We agreed that the body of the deceased could be repatriated because a case of *Ebola* had been ruled out. But still the health authorities were not convinced and they insisted that we must have a lead sealed coffin; which is very expensive for the family. In fact, before we left and we were grateful to the Cabinet Secretary for Foreign Affairs because she did all she could to assist us, we also discovered that as a country we do not have a policy on how to deal with Kenyans who suffer prejudices abroad.

You have seen recently what happens to Kenyans working in the Arab World. The authorities threatened to cremate the body if it was not collected. It was advised that if it was not cremated, then it had to be buried by other people other than the relatives. The family has been very much affected. This was a child without a father. There is a widow with seven other children and the late was a bread winner for that family. It is our culture that we bury our own people here; they cannot be buried abroad. In fact, the mother cannot afford air ticket to attend the son's funeral abroad. We had to make every effort to make sure that this very important Kenyan is brought home for a decent funeral. Following the international regulations, it was apparent that the Kenyan could not be repatriated in the normal Kenya Airways flight. We were told that we had to use a private chartered plane which had to be sprayed or the Air Force plane.

So, hon. Temporary Deputy Speaker, while supporting the Adjournment Motion to discuss this very important matter, I would like to say that it is very important as a country to take a stand on this issue. We should also stop scaring other people in the world unnecessarily. We should take care of our dead, like this particular Kenyan who suffered an unfortunate death.

Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this matter.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Ol Jorok, was this intervention for the Motion on the Floor or the other one?

Hon. Waiganjo: Hon. Temporary Deputy Speaker, thank you very much for this opportunity. Apparently, I had wanted to discuss the Insolvency Bill but I also had intention to discuss this Adjournment Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): Proceed.

Hon. Waiganjo: Thank you. I want to thank hon. Mule for introducing this Adjournment Motion, particularly because Africa is trailed by horror and this is one of the horrors we see on the face of the continent. We have travelled this route before because *Ebola* is not coming up for the first time. *Ebola* has been there and has caused a lot of deaths. Nothing was done about it and it appears it refuses to leave the western part of the continent.

We are just fortunate that it has not happened in our country or within our region but that is just by divine intervention. Otherwise, if this disease was to happen in Kenya, I am afraid to say without fear of contradiction that the escalation of the deaths would be much more than we have seen in West Africa. This is primarily because we have refused to build capacity of our people to understand much about diseases. Due to such ignorance, we still live in the past where people believe in witchcraft and where people believe that nothing good can come out of this country.

The Cabinet Secretary for Health, having received this money, probably would have posted on the website a breakdown of what he has done. This is because Kenya needs protection against *Ebola*. Apparently, health is a human rights issue and when we do not see concrete happenings on the ground or something happening to contain *Ebola* and other diseases, we get concerned. We know for a fact that this country is plagued by very deadly diseases. We still have our terminally ill people. You know we have cancer. We have not answered many questions on that disease. We still have HIV and AIDS.

So, as we give our condolences to the widows and orphans that have been left behind because of *Ebola* in the western part of the continent, we need also to say that our Government must take serious steps, not just because *Ebola* is happening just now but progressively.

Hon. Temporary Deputy Speaker, information is good because there have been a lot of rumours surrounding this *Ebola* disease. Some people say that the origin of this disease is not clear. Some say it is an invention of the Americans. There are all manner of rumours. I think it is good to dispel the rumours and concentrate on what is happening on the ground.

The other thing I would want to say is that we need to be careful when we are handling this disease. We know for a fact that a lot of money is going to be availed to fight this disease and that gives people an opportunity to also cash in or close in on such available funds.

So, hon. Temporary Deputy Speaker, I want to express my condolences to those who have been left in the wake of this disease. I also want to say that we are very fortunate in this country and that is not a reason for us to sit on our laurels and imagine that this disease cannot happen in this country. I condole and thank hon. Mule for moving this very important Motion for Adjournment.

I support this Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Rarieda.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I thank you for giving me the opportunity to contribute to this Adjournment Motion and right from the start, I think I want to thank hon. Mule for bringing the Motion to the Floor of the House. It is a bit disappointing though that an important Motion like this should be discussed when the

House is almost empty. I think sometimes it tends to give a bad picture of how we grade our priorities.

However, that be as it may, I think I do not want to go into what others have said. However, I think the question of *Ebola* preparedness is a worry for all Kenyans and as hon. Mule has rightly put it, this is a national Government function.

Hon. Temporary Deputy Speaker, we have heard our people in the medical field complaining how our *Ebola* preparedness or lack thereof is wanting. I hope when our good friend, hon. Dr. Pukose gets a chance he will probably speak to that point, more being someone qualified in that area.

However, be that as it may, hon. Temporary Deputy Speaker, I think the general disaster preparedness of our country is something that should really concern this House. Unknown to many, every year when we do the Budget we build in a lot of provisions for contingencies and contingencies really just mean just that. These are monies that are supposed to help us mitigate the effects of those circumstances that are not entirely predictable in their nature.

Hon. Temporary Deputy Speaker, a lot of time we had fire disasters, flood disasters, hunger and all these things that really ought to be within the confines of the national Government. These are things that really ought to be anticipated. These are things that ought to meet an optimal level of disaster preparedness so that they can be confronted and dealt with.

I have spoken to the manner in which we as a country tend to list our priorities. It is very sad that even as we now talk of a rebased economy, a lot of Kenyans are now still going down under the ravages of hunger and every year we hold our begging bowls to be able to meet what ordinarily ought to be basics for human life.

Hon. Temporary Deputy Speaker, so, I think circumstances such as these should of necessity make us relook at our disaster preparedness in general. How do we hope to contend with these situations? However, more worrying is the laxity that you see even on things that ought to be done. Our borders, and it is a known fact, are very porous. Those of us who live along the lake shore and those of us who have long shorelines along the lake every day worry. You may fortify the airports and the known port entries but what about places like where I come from which has beach frontages and accesses in excess of 40 places?

Generally, I am concerned about the efforts that are being made to educate the general populace on what to do and how to identify what *Ebola* would be. I think public awareness is very weak. These are things that the Government can do.

Hon. Temporary Deputy Speaker, the other day my eight-year-old son was trying to educate me on how to identify somebody who has *Ebola* and I asked him how he got to know this. It looks like it is an initiative that is coming from the school where he goes but we do not see that much initiative coming from the Government. To that extent, we are letting ourselves down and this brings the question; to what extent are we prepared to deal with this disease?

Hon. Temporary Deputy Speaker, with those remarks, I want to support the Motion for Adjournment. I urge our country to improve on the level of disaster preparedness in general.

Thank you.

Hon. Limo: Thank you, hon. Temporary Deputy Speaker for giving me this chance. *Ebola* is worse than HIV and AIDS. It is very sad to see how people all over the world fear *Ebola*. This is to the extent that they fear *Ebola* more than death. We watched a film where people were shouting *Ebola* and somebody decided to go and jump into a well forgetting that he was dying all the same.

In fact, as we speak now in this House if somebody comes into this Chamber shouting *Ebola*, I am sure that even the Temporary Deputy Speaker will not be spared. He will have to run out.

Ebola is a serious---

The Temporary Deputy Speaker (Hon. Kajwang’): The Temporary Deputy Speaker is like a captain. He dies facing forward and does not run away from calamities.

(Laughter)

Hon. Limo: I appreciate that, hon. Temporary Deputy Speaker. As brave as you are, I hope you will remain seated there. However, I am sure I will move out of this place.

Ebola is a serious problem but what is worrying us is that we are not prepared. I asked my colleague a minute ago, what are the measures that have been put in place at the airport to ensure that all the people who coming in are properly screened? I think the immediate check is on those whose cases are advanced. What about people who are coming from wherever and are already infected? We are not sure whether we are really safe. Therefore, this is a serious problem and the Government should look at the way we prepare for disasters. This is because we are not fully prepared.

The only saviour is that the Ministry of Health and the staff seem to show a lot of commitment that they are ready to undergo training. They also show commitment, that they are ready to volunteer to work in case of any disaster. However, this matter is very important. We should discuss and see how we can avoid situations like what is happening in Liberia.

It is sad that more than 4,000 people have died because of this virus which is dangerous. This is because once you are infected, you are sure you are going to die in a short while. The HIV and AIDS posed a very serious problem but at least people were assured of staying for a longer time. But this one, we are now sure that if it is not controlled or medicine to cure it is not found within a very short time, it is a very serious threat to our lives in this world.

For those people who are Christians, we know that the Bible says that when we see very many things happening, including diseases which cannot be cured then it is a sign that it is almost the end of the world. Therefore, we should be prepared. Otherwise, I hope that, again, this disease is not a creation of the Western world to start wiping out our population in Africa.

Hon. Temporary Deputy Speaker, I support the Motion for Adjournment. Let us support it and look into ways of preventing this virus from spreading to Kenya.

Thank you very much.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Now you can take professional advice for free.

Hon. (Prof.) Nyikal: Thank you hon. Temporary Deputy Speaker for giving me this opportunity. As we all know, *Ebola* is a very serious disease but at the onset it does not look as serious with common symptoms progressing very rapidly. It is highly contagious and fatal. It kills between 50 to 60 per cent of those who are infected. Because of that, it creates anxiety, makes people behave in a manner that often makes the situation worse.

What is really needed and what we would expect from the Ministry, and they have been adequately funded, is a serious national preparedness plan which the public must know. This includes training of staff.

First of all, they should be able to protect themselves while looking after the patients. The staff should be able to identify the disease in those who are infected. Strict surveillance at the ports of entry and all other possible places should be put in place.

Isolation centres where people can be treated should also be established. This is important because the disease can be transmitted and spread from those centres. The centres must be well equipped to protect the people who are looking after those who are infected with *Ebola*. As you probably know, a number of health workers have already died across the world because of this disease.

Hon. Temporary Deputy Speaker, importantly again, we expect from the Ministry a good system of contact tracing so that anybody who has been in touch with the person who is suspected to be infected with *Ebola* is quickly identified and followed up. This should be accompanied with quarantine to make sure that those who are suspected or are sick are kept in one place so that they do not move from place to place. To my view, this has been missed internationally. It is only Nigeria that applied quarantine and managed to control the disease very quickly. In our case, the Ministry must take care of that very effectively.

However, even if the Ministry is well prepared and I hope they are, it is extremely important that there is public information so that, first, people know how to protect themselves and they feel safe. We should also allay anxiety in people. This is because we are hearing about bodies being treated with chloric acid. People need that information to allay anxiety and avoid stigmatization within the country and outside. So, if we have any problem, we should know early and people are not treated in a way that makes the situation worse.

We must have information on a weekly basis on what the Ministry is doing, so that the country can be aware of how they are being protected, what we are capable of doing and what is happening at the border points in order to allay anxiety. It will help us at the international level. If it is known that Kenya is well prepared, we will not be treated the way we are currently being treated. Therefore, regular information from the Ministry is key in handling this problem. I know that sooner or later, we will get medicine. There is progress in using the serum of those who have been affected to provide some medication. However, it is not treatment that is important. It is national preparedness in the way of prevention that is required.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, hon. Pukose.

Hon. (Dr.) Pukose: Thank you, hon. Temporary Deputy Speaker, for allowing me to contribute to this debate.

First and foremost, I would like to thank my colleague in the Committee on Health, hon. Steven Mule, for requesting the House to adjourn to discuss this very important issue that is affecting the world. Viral haemorrhagic fevers are fatal in most cases. As my colleague, hon. Nyikal, has put it, one of the main points is that of quarantine. West Africa is the source of this problem. We are talking of Guinea Bissau, Guinea Conakry, Sierra Leon and Liberia. The people within the areas where the initial cases were detected should have been quarantined. If that had happened, the rest of the world would not be facing this problem today.

Having gone through all that, we know that those countries needed to have put in place exit strategies at their ports, so that affected individuals could be traced to enable authorities in countries of destination to control the spread of the virus. When *Ebola* broke out, our Committee invited the Cabinet Secretary for Health and his team. I want to give credit to Dr. Murungaru and the Cabinet Secretary for trying to do their best. However, what they have done so far is not enough. One of the biggest challenges that they are facing is securing funds from the Consolidated Fund. They were given only a half of the amount they requested for – Kshs360 million. That is not enough. The National Treasury must be listening to what we are saying.

Nigeria was able to be taken out of the global threat because of the amount of resources that they mobilised. They were able to make sure that their professionals were provided with the necessary materials. In our case, the National Treasury should give the Ministry of Health enough resources. Even the Kshs700 million that the Ministry has requested for is peanuts. It cannot assist much. That is why instead of using thermo scans, the health personnel at our ports of entry use what they call “thermo guns”. As you pass through the entry point, they point something at your ears. Those are thermo guns, whose sensitivity may not be good enough. The specificity of the gadget is not good enough to be able to pick high temperature. We need a thermo scan, through which people can walk, so that it can pick if one has a temperature of more than 38 degrees centigrade to ensure that such person is investigated for other symptoms related to *Ebola* infection.

Our medical personnel are not adequately trained. We need more funds to train them. That is the only way we can make this country safe. The Kenyatta National Hospital (KNH) has created an isolation or quarantine ward but it is ill-equipped. It is improvised. In this era, we need a modern quarantine room with a big capacity. If we suspect that certain people are infected with the *Ebola* virus, there should be sufficient room to hold them for even more than 20 days. Yesterday, there was talk of some Kenyans being airlifted back home from Sierra Leon and Liberia. They were stranded there because some of them were suspected to have been infected with the virus. Where are we going to put them? Are we bringing them here to release them to the general public? That is where we might lose some points.

With those few remarks, I urge the Treasury to support the Ministry of Health in order for them to be able to provide care for Kenyans.

Thank you, hon. Mule, for bringing this Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): Can we listen to the other gender?

Yes, Member for Siaya.

Hon. (Ms.) Ombaka: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

Firstly, *Ebola* is now a global threat, just like terrorism. The world is ensuring that the virus does not spread to their countries. What surprised me about this country is that as other countries withdrew their flights from West Africa when *Ebola* broke out, we continued to send our flights there. The Kenyan authorities did not seem to be bothered that there was an *Ebola* outbreak. They did not seem to know that it was dangerous. The risk that the Government of Kenya took surprised me immensely. When other countries were withdrawing their flights, Kenya was very busy flying there and doing business. This indicated that there was no sensitivity to the danger of the disease.

Secondly, the healthcare system in Kenya has always been very bad. We do not have enough doctors and nurses. We do not have medicines, including basic medicines like Panadol. We do not have cotton wool or syringes. We are not prepared. We need to be very serious when dealing with diseases that kill shortly after one is infected, like *Ebola*. We are still lax. We do not seem to be serious. We just talk. There is so much rumour about the *Ebola* virus. Even as an adult, I am not sure that I know how it is spread. All I know is that you bleed from all body openings once you are infected. That is the little that I know. There is no education. The healthcare system in this country is failing us. We are not informed on how the virus is spread. Everybody is talking about bleeding from the nose, eyes, ears, *et cetera*. That is all I know. I do not know other things that go with it. As an adult, I should be able to educate other people on the virus yet I also do not know much about it. That is the case with everybody here. That is the failure that we are facing. There is no information.

When the HIV and AIDS came, there was so much information dissemination on it. We got information through drama and music. There were radio talks about HIV and AIDS. There were advertisements too. Newspapers published big stories about it. Education on HIV and AIDS was quite good. When it comes to *Ebola*, there is silence. Nobody is talking about it in a manner that may educate people. Public education on the *Ebola* virus is lacking in every aspect. We need to pull up our socks and copy what other countries are doing. They keep on informing their people on what is going on. In Kenya, there is mystery around the *Ebola* virus. I am very sure that even if we have it in this country, it will not be revealed. Nobody is going to tell us that we have *Ebola*. We look like we are cheating – that we are not giving information. We may be having victims of *Ebola*, but we are not ready to admit that there are such cases.

So, we are not doing very well when it comes to *Ebola*. We may be trying in other areas. We have done very well in HIV and AIDS. It is now being said that the statistics on HIV and AIDS have gone down even though in Nyanza they are still high. The good thing is that there is a level of understanding on the spread of HIV and AIDS. It is a disease which is as scaring as *Ebola*. Now that *Ebola* is being associated with stigma, with other people chasing away Kenyans, it is a disease which is scaring the whole world. Kenya should just come out boldly and deal with it. Even though a lot of money may be given to the Ministry of Health to deal with the *Ebola* virus, it does not mean that we may be effective in controlling it. Giving the Ministry money with no education on the other hand amounts to doing zero work.

So, public education comes first and we need to be told by experts how it is spread, how we can prevent it and how it can be treated. We need to know what we should do with victims in our homes and things like those. I expect more information on this by the experts. Thank you very much and I support the Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much, Member for Kiminini.

Hon. Wakhungu: Thank you, hon. Speaker. I want to thank my friend, hon. Mule for such a wonderful idea of this Motion of Adjournment. Indeed, *Ebola* is deadly and dangerous. With such a disease, we cannot rule out the issues of discrimination and the issues of stigma. It is time the Ministry of Health should tell Kenyans what they have done in terms of preparedness. You realize that health as a function is devolved; now it is under the county. I was asking myself, if such an issue happens in a place like Trans-Nzoia, Turkana, or Busia for that matter, what is the level of preparedness? Sometimes back I spoke to the Cabinet Secretary in charge of health. Some of the issues he outlined were commendable, but how many people know that because when it comes to the issue of diagnosis, we have a big problem? Last week I went to Uganda and I saw that Uganda has put measures in place in terms of screening. We are told that in terms of screening the latest technology is the infrared thermo scans. I do not know how many we have in this country. This will be a wonderful idea if the Cabinet Secretary can give a Ministerial Statement on that, maybe through the Committee on Health, so that Kenyans can know that indeed we are safe.

The World Health Organization has ranked Kenya as one of the high risk areas and this is driving out tourists. To correct the situation, we need a lot of publicity. I went through today’s *Standard Newspaper* and I want to commend the Cabinet Secretary for what he is doing because I saw issues of public awareness. We need to know what some of the symptoms are. Before you go to issues of quarantine and isolation, the common *mwananchi* needs to know, what are these critical symptoms that this patient is supposed to exhibit?

We are about to do Supplementary Budget and this time we should give the Ministry of Health more money. We put a lot of emphasis on the security of this country and compromise our health. If health care is compromised, *Ebola* can come in as a threat to security. You can imagine, if one person gets *Ebola*, it is going to wipe out the entire generation. Sorry for my friends from Ukambani who went to Seychelles; indeed, if it was determined beyond reasonable doubt that the late person had *Ebola*, we need to know the policy guidelines. If it did happen, God forbid, I would be of the opinion that they be cremated so that they are left there instead of bringing them back to this country. Maybe that is one of the best ways forward, which we probably need to be advised.

The other issue is the level of surveillance in this country. We have border areas; I am talking of Busia, Malaba, Mandera and other regions. The Ministry of Health needs to come up with measures of preventing this disease right at the border points. What I know is that respective counties might not have that capacity. It is important that we get to know what the Ministry is doing. I know very well that the Cabinet Secretary is proactive and up to the task. The same applies to the Director of Medical Services, Dr. Muraguri. We need to know these measures. We also have television stations like KTN, Citizen, KBC and others; we need to know their contribution in terms of corporate social

responsibility. This needs to be a multi-sectoral approach. We cannot leave it to the Ministry of Health to do it alone.

I want to thank my colleague and the Health Committee for bringing up this matter. We need to know what the Ministry is doing. I know the Ministry is doing so much and Kenyans need to know that we are safe. In case of financial shortage, I think we are ready in the Supplementary Budget to give more money to the Ministry of Health. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Teso South!

Hon. (Ms.) Otucho: Hon. Temporary Deputy Speaker, I am very grateful for the opportunity to contribute to this very important Motion about *Ebola*. Coming from a border constituency and a border town, you can understand the kind of concern that I have. Definitely, our region is one of those areas that have a high risk.

As it has been said, this is a very deadly disease. It is currently the most feared disease the world over. As a nation, we have to take it very seriously. That is why we are all concerned. We need to know the level of preparedness in this country. As a nation, how prepared are we to quickly dictate and respond in case of an outbreak? Therefore, as a House, this is a matter we need to discuss. If funds have been allocated to the Ministry, it is important that people are informed of exactly what the Ministry has done.

Community engagement is very important if this issue is to be addressed. People need to be sensitised in order to control an outbreak. Issues of case management and surveillance are important. We would want to know what the Ministry is doing towards addressing the issue in case it arises. As Kenyans, we are being treated with a lot of suspicion even as we travel out there. Last month, we were in the US. While we were walking along a street, a man literally pushed his wife away from us. We wondered what the matter was. We looked around but we could not see anything strange. We thought that there was a snake. Later on, it occurred to us that he did not want us to get into contact with his wife as we were passing by each other. The issue of *Ebola* actually came to our mind.

Therefore, we need to demystify the perception that there is *Ebola* in Kenya. So far, no incident whatsoever has been reported in this country. Kenya is a safe country. However, as we plead with the world that Kenya is a safe place to come to, we also need to show the world and prove that we are doing something about *Ebola*, and that we are putting systems in place to address the situation in case of an emergency.

I would like to thank the hon. Member for bringing the Motion to the House. As a nation, we need to take the *Ebola* issue very seriously. We need to put in place response mechanisms at all the border entry points; so that in case anybody exhibits symptoms of infection, he can be screened and isolated to ensure that we prevent the spread of the virus. It is also important that we appeal to the whole world to join the World Health Organisation in helping control the spread of the virus in the affected West African countries so as to prevent the spread of the disease.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Rongo.

Hon. Anyango: Thank you, hon. Temporary Deputy Speaker for the ---

The Temporary Speaker (Hon. Kajwang): Just a minute, Member for Rongo. You know, it is very difficult in an issue such as this of national importance to get Members to speak to it because every Member really has something to say. So, you can know the kind of difficulties I am having trying to get as many of you to speak. You know that only one hour was allotted to this Motion. So, when I looked to my left, I saw a ranking Member and I recognized the Member for Rongo. It is only for the reason that he is here for the fourth time. Those who will be here for the fourth time will get that kind of privilege when I look to my left.

So proceed.

Hon. Anyango: Thank you, hon. Temporary Deputy Speaker. My contribution will be very brief. First of all, as a country, we intend to be a transport hub for the entire continent. If you look at the amount of traffic that gets into Dubai, there is no reason why we do not get that traffic coming into Kenya. It means on an issue like *Ebola*, we have to be prepared all the time and health facilities at the port have to be funded properly. It is time we sponsored a global resolution through World Health Organization (WHO) so that anybody travelling is tested for *Ebola* in the simplest way possible so that when he arrives at the place, there is some indication that *Ebola* is not there. If we are going to continue to wait until five or six people die in any one country and then the rest of the world swings into motions scaring everybody else, that is not a good global strategy that is sustainable for a long time. Just like Yellow Fever used to be treated, we should classify *Ebola* as a global disaster which has to be screened continuously and nobody should be leaving his country to any other country by air, road or rail without having been certified as free of this dangerous disease that we have.

For our part as a country, we should be able to include the *Ebola* symptoms also in the category of diseases which all our children in secondary schools should be able to identify. I am thinking in terms of why we should be able to identify this disease early enough.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, nominated Member, Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, hon. Temporary Deputy Speaker. My point of order is this: Looking at the time, is it in order to ask that everybody contributes for three or two minutes?

The Temporary Deputy Speaker (Hon. Kajwang’): Well, we have gone through that. The Standing Orders talk about five minutes. In fact, under Standing Order 95, we have agreed that if you want us to limit the time, we will do it before the Motion comes before the House. So, we will have to live with this.

Hon. (Ms.) Sunjeev: Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Rongo.

Hon. Anyango: I will, therefore, just summarize. Kenya is likely to be a global hub of transport and particularly in our continent. *Ebola* seems to have a frequent source in our continent. Every morning, we expect people coming from every other African country passing through Nairobi going East, West or South. Therefore, we should teach *Ebola* symptoms in our schools, screen *Ebola* in all exit places, sponsor a global resolution to deal with this disease and be able to diagnose it early enough, budget enough funds for our health facilities at the port so that it is not just a reaction and you

start saying there is no authority to incur expenditure. That money should be standing there all the time. We should train to be able to react quickly enough when there is an outbreak. I thank hon. Mule for sponsoring this Motion.

Drastic action needs to be taken in our country to be able to sustain vigilance on *Ebola* because it is just as bad as *Al Shabaab*. Thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, the time being 6.30pm, this House stands adjourned until tomorrow, Thursday 23rd October 2014 at 2.30pm.

The House rose at 6.30 p.m.