

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th February, 2014

The House met at 9.00 a.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, we do not have quorum. I, therefore, order that the Division Bell be rung for ten minutes.

(The Division Bell was rung)

Hon. Members, we now have quorum. The ringing of the bell may now stop.

NOTICE OF MOTION

ADOPTION OF REPORT ON TERRORIST ATTACK

Hon. Abongotum: Hon. Speaker, I wish to give notice of the following Motion:-

THAT, this House adopts the Report of the Joint Sitting of the Departmental Committee on Administration and National Security and the Departmental Committee on Defence and Foreign Relations on the Inquiry into the terrorist attacks at the Westgate Mall and other terror attacks in Mandera and Kilifi laid on the Table of the House on Thursday 5th December, 2013.

Hon. Speaker: I hope there are sufficient copies made available for Members. Given the nature of that Report, it is only fair that every Member be encouraged to acquaint themselves with it so that debate begins and we deal with the issues appropriately.

Hon. Speaker: Leader of the Majority Party!

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER NO. 40(3)

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

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THAT, the business appearing in today's Order Paper be exempted from the Provisions of Standing Order No.40(3), being a Wednesday morning, a day allocated for business not sponsored by the Majority or the Minority Party or a Member belonging to the Majority or the Minority Party or business sponsored by a Committee.

Being the second day of the Second Session of the 11th Parliament, and in cognizant of the fact that Private Members' Bills have expired and have to be renewed for this Session, the House Business Committee (HBC) did not have any Private Members' Motions---

Hon. Speaker: I think it is Motions, not Bill!

Hon. A.B. Duale: Hon. Speaker, I mean Motions, and given that we have a number of Procedural Motions, I urge my colleagues that today we use this sitting for the agenda on the Order Paper. I, therefore, ask hon. Wakhungu to second.

Hon. Speaker: Hon. Wakhungu, your card is not in yet. Yes, now it is!

Hon. Wakhungu: Thank you, hon. Speaker. I rise to second. It is true that indeed, because of the collapse, most Private Members' Motions are being renewed now. I second.

Thank you.

(Question proposed)

(Question put and agreed to)

PROCEDURAL MOTION

Hon. Speaker: Order Members! Just to remind you, those who have the gadgets, kindly switch them off, or take them out! Leader of the Majority Party, take the Floor!

LIMITATION OF DEBATE ON BILLS

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4); this House orders that each speech in a debate on any Bill, be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and replying, a maximum of twenty (20) minutes for the Chairperson of the relevant Committee (if the Bill is sponsored by the relevant Committee) and a maximum of ten (10) minutes for any other Member speaking, except the Leader of Majority and the Leader of Minority, who shall be limited to a maximum of fifteen (15) minutes each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon Speaker, this is also in accordance with Standing Order No.97(4) which we need to do at the first Session of every House. It is to set the rules of the game from day one. So, I will ask the Minority Deputy Whip, hon. Wakhungu, to second.

Hon. Wakhungu: Thank you hon. Speaker, I second.

(Question proposed)

Hon. Njenga: Hon. Speaker, I do support this Procedural Motion though, according to me and the way I see it, it should give the Mover more time to explain whatever he is telling the country and the House. When we give the Chairpersons such ample time, we also give debate direction. I believe that Members should also realize that we are many and if you exhaust whatever you are telling the House, the country and the world, then you give chances to others. All the same, I do support this Procedural Motion.

Hon. Speaker: Hon. Wamunyinyi!

Hon. Wamunyinyi: Thank you hon. Speaker. This is a straightforward Procedural Motion which has been considered in detail by the House Business Committee. It gives the Mover good time to give an overview and a summary of any report which should enable Members also to pick the issues and make informed contributions. This and all the other Procedural Motions were considered in detail by the Committee and we think it should be straightforward, so that we are able to move on with the business of the House.

With these remarks, I thank you and beg to support the Motion.

Hon. Gichigi: Hon. Speaker, I also rise to support this particular Motion. I wish to state that this House has very many Members these days, and it is important that we share the little time that we have among ourselves. I also urge my colleagues that it is not a must that one must exhaust the actual time that has been allocated. Just go to the point, so that we can give every person in this House a chance to contribute to the debate in this nation.

I support.

Hon. Mulu: Hon. Speaker, I also join my colleagues in supporting this Procedural Motion. I think the time allocated for Bills is adequate and if we use the time well, we will be able to do justice to those Bills. It should be noted that most of these Bills are actually discussed by the House Committees. I have observed that when these Bills come to the Chamber, there is a tendency from majority of the Committee Members to get a lot of time to contribute. I think we need to think of a way where, since Committee members have time to discuss these Bills at the Committee level, other Members who do not belong to those Committees are given time to give their contribution. Let them give an independent opinion other than the Committee's opinion.

With those remarks, I support the Procedural Motion.

Hon. Speaker: Hon. Members, since those who have spoken on this Procedural Motion have spoken in support, of the various requests that are pending, can I get an indication as to those with contrary views? Hon. Bunyasi!

Hon. Bunyasi: Thank you, hon. Speaker. I have had difficulties with this Procedural Motion, although I know that Parliamentary inertia is such that it will

probably go through; I found it very frustrating during the previous Session. The amount of time normally available for debate is very limited. As a panic reaction, we have agreed, from time to time, to limit the amount of time that may have been provided for Procedural Motions.

I was wondering if the committee can take a cue from this and go forward and find a way in which there is adequate participation from the Floor, by virtue of limiting the amount of time available right from the Movers all the way down, so that we can get the richness of the diversity of the membership of this House as they contribute to the debate.

Thank you, hon. Speaker.

Hon. Speaker: I think it is also important to note the contribution by hon. Gichigi. Indeed, in as much as every hon. Member contributing to a Motion or a Bill is given a maximum of ten minutes, if one had not really researched on the particular Bill, he may not necessarily take the ten minutes. Indeed, even the Movers could take less time. It is good to be fair; that we have some limit upwards. But, nevertheless, your point is noted. Remember the House is at liberty at any time to make amendments, depending on the mood in the House and the interest shown in any particular Bill. That is always available to the House.

May I get contribution from hon. Eng. Nicholas Gumbo?

Hon. (Eng.) Gumbo: Thank you, hon. Speaker, for giving me the opportunity to contribute to the Procedural Motion.

I do not wish to repeat most of what has been said by my colleagues, but what I would like to request is that, a lot of times, as you are aware, research capacity that we have in Parliament is not that much and most times hon. Members do research on their own. We have requested before that when Bills are listed on the Order Paper, or when the Leader of the Majority Party gives programmes for the week, we try as much as possible to have the input from the relevant committee so that when we embark on doing our personal research to debate on the Bills, it does not become wasted effort. This has been frustrating because sometimes you come hoping to contribute to a particular Bill and then you find that, either because of lack of preparedness of the committee or because the input required has not come in, you are not able to proceed as had been listed.

Along that line, we had requested your office to intervene to ensure that more hon. Members are enabled to have personnel that can help them in conducting research on a particular Bill, and particularly Bills that are technical in nature or have a lot of impact on our work as Members of Parliament.

Hon. Speaker: I think that is an important observation and of course the Commission is hopeful and is determined that every committee shall have not less than three clerks and researchers assigned to it; hopefully, in the next few weeks.

Hon. Ekomwa: Thank you, hon. Speaker. I stand to support the Motion. In order to ensure that all hon. Members participate in Bills and Motions, I was of the opinion that instead of being given ten minutes to contribute, we make them five minutes so that most hon. Members can actually participate. You understand we are many and we are representing constituencies. We want our constituents to hear that we are raising their issues.

It is unfortunate that sometimes a whole session ends without some hon. Members getting opportunity to talk just because every time the Leader of the Majority Party and the Leader of Minority Party are dominating discussion. We are also representing constituencies and we want to talk.

Thank you.

Hon. Speaker: It is unfortunate that the House has to have some traditions. We cannot do away with the office of the Leader of the Majority Party or the Leader of the Minority Party, the chairpersons of committees and whips. I am sure, hon. James Ekomwa, is going to make it a second time so that he can begin assuming some of those positions. But your point is noted, hon. Ekomwa. Again, what I said is that the House, from time to time, will be at liberty to make adjustments to some of these proposals depending on the interest shown in a Bill or any Motion that is before the House. It is very useful to hear about it at the beginning of the session.

Hon. Ochieng: Thank you so much hon. Speaker. I wish to support this particular Procedural Motion.

As I do so, I just want to encourage hon. Members because it is always saddening to see hon. Members on television saying: "We did not pass that Bill, I did not read that content, I do not know what we passed." It makes hon. Members look bad. I think giving hon. Members time, like we have done and giving Movers time to elaborate on the Bills they bring before the House, is good. If hon. Members are attentive, we will understand the Bills we pass before this House. We are a House; there are no two National Assemblies in this country. It is only one. If hon. Members take time to listen to each other when we are moving Bills; if hon. Members take time to research on the Bills that are brought here, time will be well spent.

Hon. Speaker, you need to take charge. If any hon. Member of this House, once we pass a Bill, goes out there to disown it, it will be wrong. I sit on the Minority Party but I know this is a single House. So, if my side of the House has an issue with the Bill, the best thing to do is to bring amendments and work on the Bills to look better. The idea of hon. Members, whether on the other side or this side, disowning Bills passed in this House is confusing this country. Therefore, if hon. Members are bringing Bills, I want them to note that they have enough time to research and present before this House the ideas, so that we understand and go along with them. When hon. Members are contributing, they must ensure that they read and understand what the movers are moving because we have enough time to move forward as House and move this country forward.

Thank you.

Hon. Speaker: Hon. Members, if we were in the Judiciary - hon. Florence Kajuju and other hon. Members in legal practice will attest to this - sometimes we have what is called "obiter" --- Hon. Maanzo is here to confirm. Sometimes some of the dissenting views that you come across are usually so strong that they end up becoming the majority views later on. Of course, at every stage, majority opinions may carry the day, but they are not necessarily right or the correct thing always. Your contribution is worth noting.

Hon. Members, I do not see anybody giving contrary views. Can I put the Question?

Hon. Members: Yes!

(Question put and agreed to)

PROCEDURAL MOTION

LIMITATION OF DEBATE ON MOTIONS

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order No.97(4); this House orders that each speech in a debate on any Motion, including a Special Motion, shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Speaker, three hours have been allocated to this Motion. If the Chair has been allocated, let us say 20 minutes, he does not have to exhaust all this time. He can move in ten minutes. Where a Mover has been allocated 40 minutes, he does not have to exhaust all the time. He can leave time so that every Member of the House can get an opportunity to contribute and this way, enrich our quality of debate.

Hon. Speaker, I am sure under your guidance the up-scaling of resources and staff of committees will help Members. They can utilize those resources to do research and then debate on Bills and Motions. However, I am sure, the less you explain a point, the better it is expounded. In fact, when you get one hour, you get mixed up but if you are given ten minutes you can do a very nice summary. I urge my colleagues to remember that this is a Procedural Motion. We have a heavy agenda of three serious Bills. So, we can dispose of the Procedural Motions and go to the substantive matter.

So, I will ask hon. Chris Wamalwa to second.

Hon. Wakhungu: Hon. Speaker, I second.

Hon. Speaker: Hon. Barre Shill and your colleagues who are trotting in--- Hon. Members, it is not fair that you are in the House and you are just walking out. That is how people say what hon. David Ochieng said, that “that Bill was never passed by the National Assembly of the Republic of Kenya” but it was. You can see another one doing that.

(Laughter)

(Question proposed)

Hon. Members, this is a Procedural Motion to cover Members’ Private Motions. Indeed, I think it is fair to explain that when a Member has already proposed a Motion, and I know

they are very many, they be accorded sufficient time to explain the rationale and substance of their Motions. So, the first Member contributing is hon. Julius Ndegwa, Member for Lamu West.

Hon. Kariuki Ndegwa: Thank you, hon. Speaker. I stand to support. It is fine to have adequate time and also to limit time in order to have every Member contribute in this House since we are all equal. We also want to contribute so as to make sure we learn House procedures. We need to contribute to any Motion that will benefit our country.

So, hon. Speaker, I stand to support.

Hon. Speaker: Hon. Kajuju!

Hon. (Ms.) Kajuju: Thank you, hon. Speaker. I stand to support the Procedural Motion before the House today and also to note that when a Member brings a Motion before the House, most of the issues that are presented before the House are matters of national importance. Therefore, the recognition by this House that such a Motion should have at least three hours for engagement by the House and for purposes of participation by the Members is very important and it gives an opportunity for Kenyans to express their views through their elected representatives.

Hon. Speaker, you also find that in Motions that have been presented before the House, the issues that have been raised are cross-cutting. Therefore, it is important that we have the three hours that have been allocated to such Motions for purposes of debate.

Hon. Speaker, in the last Session we saw situations where Movers of Motions donated time to Members who unfortunately had not got time. We appreciate that there are challenges in terms of the numbers, but we cannot lock out Members who might have very important ideas to share with this Chamber and the rest of Kenyans. I, therefore, support that three hours is adequate time. Debate can be participatory and the public can know that their representatives are actually addressing the issues that are affecting Kenyans.

I, therefore, support hon. Speaker.

Hon. Speaker: Hon. Maanzo.

Hon. Maanzo: Thank you, hon. Speaker. I also rise to support this Procedural Motion but go on to point out that under the new Constitution the Membership of Parliament was increased. So, I still support the idea of five minutes for other Members. When you have sufficient research officers and library assistants, especially given that we can use Information and Communication Technology (ICT), it will be easy for a Member to present his argument in five minutes. Even in the High Court or international courts, judges limit contribution of an advocate, which is very vital, to close to five minutes. So, I still think five minutes will be good because that will mean enough Members from all over the country will be able to contribute.

Hon. Speaker, I support.

Hon. Speaker: Hon. Njagagua.

Hon. Njagagua: Thank you very much, hon. Speaker for giving me this chance to contribute to this Procedural Motion. My position is that I would oppose this Motion for reasons that have been articulated by my friends. You realize that the membership is 349. In the last Session, just before we broke for Christmas some people said that there were Members who had not even made their maiden speeches and a couple of others had never spoken for more than two times. I believe that was because of limitation of time to speak.

We know as parliamentarians that the key role of parliamentarians is not just talking inside the Chamber. We go to committees. We attend to our constituents. We go to our constituencies, but many of these voters imagine that the Member who does not speak inside the Chamber is actually not doing his core job. So, to avoid a situation where many of the Members will not have spoken by the end of the Session, I propose that the Mover takes ten minutes, the Secunder another ten minutes and other Members five minutes. We will share time equitably if we do that.

Hon. Speaker, in any event I have sat here for almost one year and I have noticed that very few of the Members actually exhaust their ten minutes. So, instead of putting it at a maximum of ten minutes, I humbly request that Members find favour with my argument. We do it for five minutes and the Mover takes ten minutes.

Thank you very much.

(Applause)

Hon. Speaker: Hon. Joseph Manje!

Hon. Manje: Thank you, hon. Speaker, for giving me this chance. I want to take this opportunity also to support the Motion, maybe with amendments, if possible. I found that when you get little time, it is not enough for you to express yourself. In a previous sitting, we reduced the time to one minute. If you are given one minute to articulate what you have researched for quite a long time, that becomes very unfair to you. I thought it could have been better, just as the way the Member from Mbeere had said, for the Mover to get at least 10 minutes and the others five minutes. When one is given less than five minutes, it becomes irrelevant; it becomes a Motion that one does not get enough time to articulate his arguments on.

Hon. Speaker, this is a House of records and what we say here is normally stored for posterity. If you are not given enough time--- For example, if you stand and the microphone goes off, then it means your views will not be captured. We want to offer very good and serious debates in these sittings. I know very well that this is an information age, where we usually go to the internet and engage people to get a lot of information. It can only be fair if we come to this House and we are given time to articulate issues.

I would also request that, in the management of House debates, everyone be given equal chance to participate, so that other Members also can be heard. We can change debates in this House if new Members are given chances as opposed to where maybe it is only the Leader of the Majority Party or Leader of the Minority Party and others who are given opportunities. We want all of us to be heard, so that we can change conditions in this country.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, it is also important to appreciate Members who come up with Motions, some of them may be so technical or seek approval of this House to undertake some fairly technical things. It may well be that if the Mover is not given sufficient time to explain themselves, the House could very well reject some very noble ideas coming from Members, on account that they were not able to understand the import of the proposal.

Since all that this Procedural Motion is seeking to do is to set the upper limit and the House has from time to time in its wisdom lowered it, depending on the interests and the number of Members desirous of contributing to a particular Motion, it is important that you really preserve some reasonable amount of time for Members. Maybe a Member speaks for three minutes; the House does not lose. It means that the balance of time will be taken over by the other Member speaking thereafter. Clearly, it is good to have an upper limit that will enable Members to sufficiently explain themselves.

I also want to inform Members that the House Rules Committee is also considering other avenues of ensuring that Members are able to be seen by the electorate doing a core function of representation here in the Chamber and not in Committees. It is true that when you refer everything to the Committees, as hon. Njagagua pointed out, the public out there does not know about it.

If, for instance, a Member has sought some Statement here and his or her constituents are very happy that the Member has raised the issue on the Floor, but then the matter is referred to a Committee, when the Member goes back to their constituency and the constituents ask what happened to the matter and you start saying that it is before a Committee, your constituents will wonder what you mean because they are not used to this.

There is need for us to think proactively and innovatively at ways that will enable your constituents appreciate that you have their interests at heart, that, indeed, you are doing work of representation, legislation as well as oversight. I will be encouraging as many members as possible to float new ideas about how we can go about this. Some have come through; we are also trying to borrow from other jurisdictions, and see what is best for Kenya. Certainly, Kenya is not in the United States of America (USA); Members of Parliament in the National Assembly of Kenya will always raise some issues which, in other jurisdictions, will appear very inconsequential, but here they are very serious and pertinent.

Indeed, these are the issues captured in the Constitution of Kenya, Article 95(1) as of concern to the people. So if you are not given the chance to also show them that you are actually participating in discussing matters of concern to them sufficiently, I do not think whether--- It is not in the interest of anybody, least of all myself, to see so many of you not coming back on account that some constituents thought that you were not doing your work of representing them. I also want to encourage that we continue thinking about how best to get particularly instant responses to the issues that Members raise. I do appreciate that they are issues of concern to the people you represent. This is just a Procedural Motion on Motions themselves. Can I hear one or two more contributions on this particular Motion, or can I put the Question?

Hon. Members: One or two more!

Hon. Speaker: I will deliberately pick Members who have not spoken.

Hon. Members: Yes!

Hon. Speaker: So, if you get a chance to speak, because there are several other Procedural Motions--- If you get a chance to contribute to one, please allow the others also to be given a chance.

Yes, hon. Limo!

Hon. Limo: Thank you, hon. Speaker, for giving me this chance to speak. I appreciate what you have actually just explained about representing the constituents in the Chamber. We actually appreciate that there is direct correlation between marketing and selling in the Chamber. It is important that we get a chance to sell our ideas to the whole Republic as well as to our constituents.

I actually support this Procedural Motion because it gives sufficient time, for both the Mover and contributors, but I want to urge that we retain the tradition which we had in the last Session, where the Speaker, in his discretion will actually reduce the time.

I want to urge that this time round, we do not take a lot of time; maybe, depending on the interest in the Motion in this House, we do not give many Members a chance to speak. If we reduce the time, we will have very limited time for the others to contribute. What I propose is that depending on the number of Members who have requested to contribute, we can reduce the time to, say five minutes, so that many Members contribute.

Hon. Speaker, I was also hoping to get time to speak when we were discussing the Procedural Motion on Bills. It is important that when we are contributing to Motions and Bills, we have all the details from the necessary support staff. We have had very many cases in the past where analyses of Bills were not available. I hope this time round we will have analyses ready in time, so that they will improve the quality of contributions in this House. It is important that we note that there were cases where we passed Motions and Bills here and later on Members disowned them because of the fact that in the Second Reading most Members contributed good ideas which were not incorporated in the Bills because of non-appearance in the Third Reading. I would like to say that as we move on, we should put a lot of emphasis on the Third Reading.

Thank you, hon. Speaker. I support.

Hon. Kombe: Ahsante Mhe. Spika.

Kwanza, ningependa kuchukua nafasi hii kabla ya kuunga mkono Hoja hii kuwatakiwa Waheshimiwa wote mwaka mpya mwema na wenye mafanikio.

Ninaunga mkono Hoja hii kwa sababu unapoandaliwa chakula, si lazima ule chakula hicho chote kama kimekuzidi. Kwa hivyo, si lazima utumie wakati wote mwingi ambao umepewa. Unaweza kutumia dakika moja kusema hoja zako na uachie wakati mwingine watu wengine. Hivyo ilivyo inastahili kabisa kwa sababu mwenye kuwasilisha Hoja, anahitaji wakati wa kutosha ili aweze kujieleza na aweze kueleweka ndipo wengine wapate fursa ya kumuunga mkono au kumpinga baada ya kuelewa Hoja hiyo.

Kwa hayo machache, ninaunga mkono Hoja hii vile ilivyo bila mabadiliko.

Hon. Cheptumo: Thank you, hon. Speaker, for giving me a chance to contribute to this very important Motion. The maximum time given to this Motion is three hours. The Mover is given only 20 minutes. This means that most of the time will be given to Members to make their contributions. Twenty Minutes for the Mover is, indeed, reasonable time in my view. This is because a Motion really addresses very important issues of concern to a Member. To limit that Member from 20 minutes to 10 minutes would deny him or her a chance to comprehensively address the issues.

Hon. Speaker, 10 minutes for a Member is, in my view, sufficient. If you reduce it to five minutes, my opinion is that you deny that very Member a chance to comprehensively raise the issues that he wanted to raise as he debates the Motion.

I want to agree with hon. Members that we have had a serious problem that because of the numbers in the House now most Members do not have time to contribute. I think the proposal that you have given to this House this morning that efforts are being made to create more opportunities for these Members to have a chance is the right way to go. I was in the Tenth Parliament where I served as the Assistant Minister for Justice and Constitutional Affairs.

At that time, we were able to give direct undertakings to Members of this House. Even as we move forward, Members will still remind us as a Government why we have not been able to undertake the promise we gave. That is the way we need to go. We need to look for a way to enable these Members to address the issues affecting their constituencies.

On the Procedural Motion, my proposal and my appeal to my colleagues here is that we allow the three hours so that the Mover of that Motion will have enough time. Members of the House will equally and adequately address the Motion.

Hon. Speaker, I want to support this Motion as it is and congratulate you for the assurance to the House that efforts are being made to give opportunity to Members to address their issues in a better and comprehensive way.

Thank you, hon. Speaker.

I support.

(Several Hon. Members started withdrawing from the Chamber)

Hon. Speaker: The Members withdrawing from the Chamber, please remain where you are! When you come into the Chamber or leave the Chamber, it is good to, first of all, observe what is happening so that you are also within the rules.

(Question put and agreed to)

PROCEDURAL MOTION

LIMITATION OF DEBATE ON COMMITTEE REPORTS

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order No.97(4); this House orders that, each speech in a debate on a Report of a Committee, including a Report of a Joint Committee of the Houses of Parliament or any other Report presented to the House, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Hon. Speaker, this is a report. First and foremost, reports of committees do not fall within the three-hour limit given to the Motions of Members. So, a report of a committee can go for a number of days of parliamentary proceedings.

Secondly, to make it very clear, if it says; “A maximum of 60 minutes for a Chair”, he can even speak for 20 minutes. Where a Member has a maximum of 10 minutes, that does not mean that the Member should speak for ten minutes. If he can expound his ideas and points in even two minutes, it is okay. That is why the Standing Orders have put the capping at “a maximum of 10 minutes”. To make it more clearer, at times we do in-house changes depending on the Speaker in the Chair so that Members can agree that we reduce the time for contribution.

However, because this is a report of a committee and we can compare it with reports from Public Accounts Committee which hon. Ababu Namwamba chairs, it will need more time. When he brings the audited PAC reports here, you will see that he will need even more than one hour. He might even need two sittings of Parliament. So, reports are very important. From the few reports that we saw in the last session of this Parliament, a lot of evidence has been coming up. So, the Chair must convince the House with data and evidence. The element of “maximum” is very important. Even when the Leader of Majority Party or the Leader of Minority Party has 15 minutes, if he can do it in five minutes, the other balance can be given to the other Members.

Hon. Speaker, this is a Procedural Motion which comes up in the first Session of any sitting of the House. I request my colleague, hon. Chris Wamalwa, the Deputy Minority Whip to second.

Hon. Wakhungu: Thank you, hon. Speaker. I rise to second the Motion.

Hon. Speaker, as my colleague has clearly put it, many a time, the committee reports that are brought here are of critical importance. If one is given 60 minutes and he prioritises, that time is good enough.

With those remarks, I beg to second.

(Question proposed)

Hon. Speaker: Yes, hon. Pukose!

Hon. (Dr.) Pukose: Thank you, hon. Speaker. May I take this opportunity to wish you well in this Second Session, and wish my colleagues a fruitful engagement in the House.

Hon. Speaker, I want to support the Procedural Motion and it is also upon your office to make sure that it is operationalised. In the past, we have had problems with the Office of the Clerk of the National Assembly in terms of provision of the materials that are supposed to assist us, and more so reports of committees. Last year, we could come to the House to debate a matter even before looking at the relevant report. The report would be distributed here as debate on its subject matter progressed. So, hon. Members would not have had adequate time to look at such a report. Therefore, at the end of the day, we would not achieve what we wanted.

It is, therefore, prudent that we have efficiency in the Office of the Clerk of the National Assembly so that committee reports can be provided to hon. Members a day or two before they are debated in this House. That will enable us to have adequate time to

go through such reports and carry out adequate research, so that we can contribute positively to matters that come here. The time provided is adequate because all of us come from diverse backgrounds. Ten minutes for each Member is adequate enough because, in addition to what is in the report, one will be able to look at its relevance both in the Kenyan context as well as in the context of one's constituency.

With those remarks, I beg to support.

Hon. Speaker: Yes, hon. James Nyikal!

Hon. (Prof.) Nyikal: Thank you, hon. Speaker for giving me the opportunity to first of all say "happy new year" to my colleagues – I have not seen many of them this year – and also wish you well in the task ahead of you as well as give the people of Seme an opportunity to know that their Member of Parliament has dutifully reported for duty.

What I have just said also underlines some of the discussions that we had. I rise to support the Motion because there are two issues here. Whether we are talking of Motion or Bill or report, we need to look at the issues in detail and substantively for the benefit of the people of Kenya and allow hon. Members make their contributions and be seen to be doing so by their electorates.

I have also realised that the work we have has two aspects. One is the perception of the people and the other one is the reality of what we can achieve for the people of this country. The reality of what we can achieve depends on the time we put in looking at an issue and discussing it. The perception may take only a few minutes – we are seen to be acting.

Therefore, I support the Motion as it is. I also support the position taken on Bills and reports. However, we must balance the two issues very carefully. We should put more time in the substance that we put in. Therefore, when we need to reduce the speaking time for Members, as we sometimes do, the reduction should not be less than five minutes. Quite often, people just stand up and even before the camera captures them, their time is up. In such a case, no work will have been done. The Member's constituents will not have seen him on television. He will also not have contributed. So, the minimum speaking time should be five minutes.

With regard to reports of committees and other reports, there has been a limitation in the past. Reports come late. In many instances, we received reports as we entered the Chamber. Some of the reports were voluminous. I find difficulty in substantively discussing a report that is brought to the House as its debate starts. There should be maximum effort to make sure that we get the reports earlier and digest them so that we can make substantive contributions. We need to plan our contributions so that we can make good use of the limited time that we will be given. My last point is probably the most important. I will be really grateful if we get every report in good time.

With those remarks, I beg to support.

Hon. Speaker: Yes, hon. Samuel Ndiritu.

Hon. Ndiritu: Thank you, hon. Speaker. May I also join my colleague in wishing you a happy new year.

In supporting the Motion, I would like to point out the fact that even this morning, Mr. Speaker asked whether there were sufficient copies of a certain report that is supposed to be discussed in this House. So, I would request that as much as we want a lot of time set aside for reports, committees provide enough copies of their respective

reports, so that hon. Members can read them in advance. In the last session, all the time for Private Members' Motions was taken away. Debates of some Motions started but they kept on hanging and being postponed until some of them lapsed. So, as much as we would want to have a lot of time to discuss committee reports, we would not want them to take up all the time of Private Members' Motions.

With those few remarks, I beg to support.

Hon. Speaker: Yes, hon. Chea.

Hon. Chea: Thank you, hon. Speaker for the opportunity. I rise to support the Motion.

Ordinarily, a report of a committee is of national significance. It is, therefore, important that Members are given sufficient time to debate it. I have absolutely no problem with the order in which submissions are supposed to be made by parties. However, my main concern, which I would like to point out at this stage, is that at times we tend to think that there are two chambers – one to the right and another one on the left of hon. Speaker.

As I contribute to this Motion, I sincerely urge the Speaker and all those who have the opportunity of sitting in that very important Chair to sometimes look at this side, where we sit, so that we also get opportunity to contribute. I also wish to commend all the previous committee chairpersons who have been embracing the concept of donation of time to hon. Members. It is the desire of each and every Member of this House to contribute to debate. So, I would like to urge hon. Members who get opportunity but who are not able to exhaust their time to be considerate enough and donate it to other Members who would wish to participate in debate.

With those very few remarks, I beg to support the Motion.

Hon. Rop: Thank you, hon. Speaker for giving this opportunity to contribute to this Procedural Motion. This Motion is good. We want to allow the Mover of the Report 60 minutes. This is because we require quality reports that are well researched, detailed and, probably, very accurate. You understand that, as a result of the current Constitution, Ministers do not appear in this House. Therefore, we expect reports generated by Committees to be very accurate so that we can discuss them. We need to speak to those reports.

I would like to urge hon. Members that when they get time, they should summarize whatever they have. Let us avoid story telling; let us be very relevant. This is because this Motion is setting the maximum and we are not setting the limit. So, when we say that a Member will get a maximum of ten minutes to speak to a Motion, you could as well take three minutes and pass your message well. So, I want to believe that if each one of us can summarize whatever he or she has, we will have ample time for Members to speak to Motions.

Hon. Speaker, when we go out there to meet our constituents, sometimes, they marvel whether we are in this House or not and yet, we sit here from morning to evening at 6.00 p.m. We are not seen to be speaking to Motions and yet, it is not our wish. I want to humbly request you, hon. Speaker, that this time round, you change the tactics. Let us leave out those who are known all the time. Please, give room to those who rarely speak in this House like hon. Rop, so that people can also know that I am there. You know, you can press this button and then sit the whole day without getting a chance and yet, hon.

Mbadi, who is my dear friend, will always be seen. Some constituents were telling me that I should speak frequently like the Leader of the Majority Party because he is ever there. However, they do not understand that the Leader of the Majority Party is different; he is not like me. So, they quarrel with me that I do not speak to the Motions raised in this House and yet, I am not really given that time.

So, hon. Speaker, change your tactics so that you give room to those who have never had enough time in this House to be seen. We can also tell the constituents that we are there and we are representing them well!

(Laughter)

Hon. Speaker: Well spoken, hon. Rop! For that reason, I announced that we are thinking outside the box to see how we can best address this issue. I am sure that sooner than later, most Members will tell me whether that thinking was well advised. You will obviously then have an opportunity of not just speaking to Motions, but also doing some other things which we are intending to introduce. But just watch this space.

Hon. Members, we still have three other Procedural Motions and Bills. I am saying this because I said that I will be giving a chance only to those who have not spoken to the previous Procedural Motions. I can see I have 28 requests. I think it would be fair that I put the Question on this one so that the others can also be able to speak.

(Question put and agreed to)

LIMITATION OF DEBATE IN COMMITTEE OF SUPPLY

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order No.97 (4), this House orders that each speech in a Committee of Supply on a Motion that “The Speaker do now leave the Chair” shall be limited to five minutes, excluding the Mover who shall be limited to a maximum of twenty (20) minutes in moving and ten (10) minutes in replying and the Chairperson of the Budget and Appropriations Committee who shall be limited to a maximum of 15 minutes.

Hon. Speaker, this is more to do with the budget-making process and I am sure that hon. Members are aware of what the Committee of Supply is. Similarly, we could use the same provisions during the Vote on Account.

I would like to ask hon. Opiyo of Awendo Constituency to second.

Hon. Opiyo: Hon. Speaker, I rise to second this Motion and, in the same breath, wish all Members a prosperous 2014.

(Question proposed)

Hon. Speaker: Hon. John Mbadi Ng’ongo!

(Loud consultations)

Hon. John Mbadi is a Member of this House!

(Laughter)

Hon. Ng'ongo: Hon. Speaker, since the beginning of this Session yesterday, this is the first time I am making a contribution in this House.

(Laughter)

Let me wish my colleagues a happy new year; a fruitful 2014.

Hon. Speaker, whereas I would not wish to oppose this Motion, I believe that the Committee of Supply has actually been overtaken by events. As we think of reviewing our Standing Orders, I think we need to remove the Committee of Supply completely. If you look at Article 221 through to Article 226 of the Constitution, they clearly spell out the budget process and, therefore, do not give room for Committee of Supply. But because it is still in our Standing Orders, we will pass this Procedural Motion. But as we review our Standing Orders, that is an area that we need to look into.

Hon. Speaker: I want to invite hon. Members to give us proposals. Perhaps, that is why I needed to hear hon. John Mbadi. Hon. Members, you need to look at the provisions of the Constitution especially starting from Article 221. These are the procedures to be followed and they are clearly spelt out there. Some of them could surprise you; what the substance of the full implication of applying them would mean, especially Article 221 even in the cases of an impasse.

Hon. Leonard Sang!

Hon. Sang: Thank you, hon. Speaker for giving me this opportunity to contribute to this Motion. I also want to wish my colleagues a happy new year and a really fruitful engagement during this particular Session. I wish to support hon. Rop in his sentiments. That is because we have pressed the button on several occasions but, unfortunately, we have not been recognized. Fortunately, now is the first time I am being recognized by you. This is the first time you are giving me an opportunity to speak since I came to Parliament!

(Laughter)

An hon. Member: It is called a Maiden Speech!

Hon. Sang: Hon. Speaker, I have spoken before; it is not a Maiden Speech. It is maiden on your side. Thank you, hon. Speaker. I support this Motion.

Hon. (Ms.) Ghati: Thank you very much hon. Speaker. I want to send new year greetings from my people of Migori to Members of this House. As hon. Mbadi has said, I think if the Committee of Supply has been overtaken by events, then I would like to use this opportunity to request that even as you look around your gadget and as you check on who should speak, it is also fair that this year, you also look at the fairer gender. That way, even as we line up in your card there, you are able to see an hon. lady Members of this House.

Having said that, I also want to say that this House, having over 300 hon. Members of Parliament, I beg that we do things differently. We should give opportunities to the not-so-common faces so that our people are able to see that we are making very serious contributions in this House.

Thank you.

Hon. Iringo: Thank you, hon. Speaker, for giving me this opportunity. Let me extend my new year greetings to you and to my fellow colleagues. I thank you for giving me this opportunity to contribute to this Motion, which I support.

Hon. Speaker, I find the time limits which have been set in this Procedural Motion and many others adequate, as my other colleagues have said. Sometimes, debate can be quite interesting and many hon. Members would like to contribute. In that case, the Chair can use his discretion to assess the situation. We can be adjusting according to the need in each debate. If a Motion has to be moved and the Mover has exhausted his contribution, he does not have to continue talking. You give your points and after you are done, you can then give time to other contributors. If there is need and the Motion has got a lot of interest, the Chair can use his discretion so that we can agree. I saw it happening in the last Session. We agreed to reduce time so that many hon. Members could contribute. Other times, there are very few hon. Members who would want to contribute to a Motion. The few who contribute give a lot of information which enlightens some of us who are new in this Parliament. We learn from those who have more experience and we would like to hear them contribute.

Therefore, I support the Procedural Motion.

Ms. Emanikor: Thank you, hon. Speaker. I rise to support the Motion. Most of the discussions in many Motions are characterized by repetitiveness which really limits the time for many hon. Members who want to contribute. We would advise that repetition is avoided so that we are able to capture the diversity that the hon. Member mentioned earlier.

We are also advising the Movers to split their discussion points with their Seconders and that way, we will be able to give more time to many other hon. Members to contribute. We need to devise efficient ways of using our time in the House and being more productive.

I stand to support and thank you.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker. First of all, I would like to take this opportunity to wish every hon. Member a happy new year. Also, those who had birthdays, I wish them belated birthdays.

I want to say that when we passed the new Constitution, one of the things that we did not foresee is the effect of the increased numbers on House procedures. I want to urge that, as a matter of urgency, the House Rules Committee needs to re-look at our Standing Orders. I am saying that because this is a House of debate and records.

I am actually horrified when I hear hon. Members say that we can speak for five or three minutes and everybody will hear. I am equally horrified when I hear hon. Members tell you that you should not give time to hon. Members who have spoken, like hon. Ng'ongo. He has a mandate from the people of Suba. I know sometimes he gets more opportunities than me, but he has the mandate from the people of Suba to speak. Therefore, he also needs a chance. What I would want to suggest is that this House needs

to expand the time so that every hon. Member who wants to speak can speak as much as the time allows. Indeed, for those of us who served in the last Parliament, ten minutes is actually enough when you are contributing to a substantive issue.

If you ask members of the public out here, they are saying that the standards of debate in the house have gone terribly low because there is no time to say anything substantive. Even if you have researched and you have very serious issues, sometimes you cannot say anything serious in three minutes. Therefore, I want the Procedures and Rules Committee, as a matter of urgency, to sit and relook at the rules so that--- Even in the old Parliament, we took three hours; we need to move it to six hours. Where we took three days for a Bill, we need to push it to six days because it was not ordained by God that this House must pass all these Bills in this country. If we do not finish, the next House will pass the rest.

So, let us prioritize the ones that are urgent, but let us give every hon. Member a chance. I want to agree with what hon. David Ochieng said earlier that you see hon. Members disowning what has been agreed upon in this House. Even if you are in the Minority, I would find it easier standing by what was agreed upon, if my voice was heard. But if my voice is not heard in the House, it will be heard outside there. So, let us desist from that and enable the House sustain its dignity by enabling every hon. Member to speak on the Floor.

Finally, while we are looking at that, I want us to also look at the issue of ranking. All of us who were in the last Parliament knew that there are certain hon. Members, even if they were given priority, we did not complain because it is a historical fact - ranking. Therefore, let us take that into account. If I see hon. Ng'ongo speaking ahead of me, I do not complain because it is an issue of ranking.

Thank you.

Hon. (Ms.) R.K. Nyamai: On a point of order, hon. Speaker. I am just getting worried when I hear my friend and my mentor, hon. (Ms.) Odhiambo-Mabona, talking about ranking of hon. Members. I thought all of us have equal opportunity. She has really tried her best.

Hon. Speaker, you are like a principal of a secondary school with 349 students. Therefore, I would like hon. Odhiambo-Mabona to give us an explanation because we really want to feel that we are equal, even for those of us who are here for the first time.

Thank you.

Hon. Speaker: Well, hon. Odhiambo-Mabona, you do need to explain since you had already concluded your contribution. But hon. Ms. Nyamai, who happens to be the Chairperson of a House Committee obviously, if you were paying attention to the previous Procedural Motions, they would give priority to the Leader of the Majority Party, Leader of the Minority Party and the Chairperson of the relevant Departmental Committee. That is part of the ranking.

We cannot do away with that because if a Motion that is being debated touches on the mandate of the committee which you chair, in all fairness, you should be given priority in contributing. That is because, perhaps, as a Committee, you have sat and deliberated on the issues and the House will be enriched by the contribution that will come from your committee. It is for that reason that, for instance, the chairpersons of committees must get some priority in speaking.

It is not discriminatory; it is just like what you call pecking order out there. So, it is not something that you should be worried about.

(An hon. Member raised his hand)

The hon. Member raising his hand up there! Is that hon. Paul Bii?

Hon. Bii: Correct, hon. Speaker.

Hon. Speaker: Do not raise your hand. Just do that.

Hon. Bii: Thank you very much, hon. Speaker. Throughout last year, we were listening and watching so as to learn. The experience we have is what hon. Odhiambo-Mabona has said here. There are some hon. Members who contribute more than others and they have got the mandate from the people of the constituencies that they represent. If we are saying that those who speak more often are fine because they represent their constituencies, what about the other hon. Members? I think each one of us represents a constituency.

Hon. Speaker, if I was very keen, the kind of presentation the hon. Member was giving will confuse you. I was trying to feel that this honourable House---

Hon. Speaker: Hon. Bii, just stop where you have reached! Are you contributing to this Motion or are you are picking a quarrel with her?

Hon. Bii: Hon. Speaker, I was raising a point of order.

Hon. Speaker: Now that she has completed her contribution there is no point of flogging a dead horse.

Hon. Bii: Thank you, hon. Speaker. Let me now contribute to this Motion.

(Laughter)

Hon. Speaker: Please do!

Hon. Bii: That surely--- Hon. (Ms.) Odhiambo-Mabona, do not tempt me!

Hon. Speaker: The hon. Millie Odhiambo has a point of order!

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker. Now that the hon. Member has clarified that he is contributing, I would want to ask if he is in order to mislead the House. I did not say that the only people who keep speaking are the ones who should speak. I have actually been very categorical that even the Members who do not speak - and I always hear Members complaining--- In fact, yesterday, while people were talking here, a Member who was sitting next to me told me to, please, come and ask you if you can give him a chance to speak for the first time! I am saying that we need to expand time so that every Member can speak. Hon. Mbadi who is always speaking, must continue speaking because then you will be discriminating against him and the hon. Member for Chepalungu who, maybe, does not speak as much should also be given a chance to speak as much. So, is he in order to mislead the House as to what I am saying even on the issue of ranking?

Hon. Speaker, I have been seeing you even shying from being categorical on what ranking is. If we want to depart from that procedure, let us depart through written procedures. On ranking, that is a practice in all parliamentary systems that we have copied, that is why we have hon. A.B. Duale speaking all the time and that is why other

Members are asked why they are not speaking like hon. A.B. Duale. However, this is because he has that ranking and the other leader who is our Minority Leader has that ranking. However, once you leave those officials, the other pecking order is in order of when you joined Parliament. Mbadi joined Parliament ahead of me. Yes, that is the practice. I want to be very categorical that that is parliamentary practice. It is not Millie who has established that and if we want to depart from it, we can only depart by a conscious amendment of our procedure where we indicate that even though this is the parliamentary procedure but, in the Kenyan Parliament, we want to depart from it. We want to ignore seniority. Even in the legal practice, it is done that way. You will find the person who signs the roll ahead is always your senior. So, that is why you find people who are senior to me in Parliament, but I am senior in my legal profession. So, if we want to depart from it, we must put it in our Standing Orders. But so long as Kenya is part of that system, then it is a practice. So, we must consciously make a choice.

Hon. Speaker: Well spoken! The hon. Millie Odhiambo, the only correction is that the Speaker is not shying away. The Speaker would want to encourage every Member to look at all the documents that you have been given, starting from your Standing Orders and Speaker's Rules so that you can understand what this pecking order is and what this ranking order is. It is only fair that way because I can see that it is obvious that a number of us have not read them so that what the hon. Millie Odhiambo is saying, I thought, should not even be news to us in the Second Session of the Eleventh Parliament. I think I would want to encourage ourselves to refresh. Just go through the various booklets that were supplied to each Member, hopefully, when you joined Parliament and you will clearly understand that what the hon. Millie Odhiambo is saying is not new. Indeed, a departure would mean that then we want to be an island in the parliamentary democracies that we know of in the world; both the ones with the premiership and the ones with the presidential systems. So, I do not even think that it is new and I am sure if Members have read through what hon. Millie Odhiambo has explained, it should not be agitating anyone of us. So, please, I want to discourage that we should get agitated by that contribution so that hon. Bii can speak but, please, be brief. There are still two others before we go to the other business. There are three Private Members' Bills and I thought, perhaps, we could spend more time debating those ones because I am sure they have far-reaching implications on the people who you represent.

Hon. Bii.

Hon. Bii: Hon. Speaker, I think it is not even clearer even though I do not want to go back to what hon. Millie Odhiambo has said.

Hon. Speaker: Please, just contribute to the Procedural Motion!

Hon. Bii: Hon. Speaker, I want to support the Motion because as per our numbers--- You know what is disturbing us is when the Press reports: "Throughout the year, these were the active Members of Parliament who took time to speak on behalf of their people." Our constituents will not understand and that is why we have problems. I want to support this because of time so that a great number of us can speak. In spite of copying other democracies, I want us to nurture our own democracy so that all our constituents are on the same level. If we go to this issue of categorizing, we shall also be talking about age here. All the citizens are the same.

Hon. Speaker, thank you and I wish you the best this year.

(Laughter)

Hon. Speaker: Very well. Hon. Members, parliaments the world over are institutions of traditions and precedents. So, we are going to be guided by our own traditions and precedents that have been set in the past. But let me put the Question on this.

(Question put and agreed to)

Hon. Speaker: Next Order.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON PRESIDENTIAL ADDRESS

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Standing Order No.97(4); this House orders that debate on the Motion on the Address by the President be limited to not more than five (5) minutes for each Member speaking, twenty (20) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of the Minority Party.

Hon. Speaker, in every new Session like this, the President would make an Address to Parliament where he will expound his legislative agenda and his Government policies for that Session. After that Address, the House will debate a Procedural Motion that is based on that Address where Members will be guided on other debates in terms of allocation. However, I want to repeat again that it still talks about “maximum”. So, nobody will force you to stick to your 20 minutes even if you are a Mover. If you can finish it in less than those minutes, then you give that remaining time to the other Members.

Secondly, on the controversy by the hon. Member for Chepalungu, I would like to say that he represents a constituency where the predecessor in the last Parliament was a very vocal debater. He is one of the people we have missed. We miss hon. Isaac Ruto and hon. (Dr.) Bonny Khalwale. If you ask hon. Mbadi, you will find that we used to have a club. However, political lines and positions have now divided us.

So, we need to create that strong Back Bench this Session. I am sure that the Speaker will make sure that each and every one of us gets an opportunity to speak. That is because it is important for all our Members to debate and represent their people on the Floor.

I will request my colleague now that he is back - that is because I woke up early and he has just come to the Chamber - the Minority Leader, to second this Procedural Motion.

Hon. Nyenze: Thank you, hon. Speaker. I rise to second the Procedural Motion. While seconding the Motion, I would like to urge hon. Members that if we stick to the five minutes, everybody will get a chance to speak.

I appreciate what the Member for Chepalungu has said. Though we are governed by traditions and practices, and we have to go by that, it will be unfair for the new Members if they do not get a chance to speak. So, when we contribute to the President's Address, I urge that if there are Members who have been elected to this House many times, for the sake of new Members not to be seen not to participate, they can break from the tradition a bit so that they give the new Members a chance to speak. That is because their constituents are watching.

Hon. Speaker, I beg to second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Do I hear that I should put the Question?

An hon. Member: *Wacha watu wawili wachangie!*

Hon. Gikaria: Thank you, hon. Speaker. I know that the other side does not want to hear this Motion. I would like to thank you, hon. Speaker, for giving me an opportunity to contribute to this Procedural Motion.

One of the core issues that a Parliamentarian is supposed to do is representation. When we came to this House, what happened is that we were trying to get all sorts of ways to "catch the eyes" of our constituents. I remember one of my colleagues told us that the best place to sit is behind the Majority Leader so that we can be seen on the television all the time.

(Laughter)

That did not work very well for me because most of the time, I was sleeping. So, every time they would watch television, they would tell me: "*Tulikuona wewe.*" This was until I was given some ideas by the Majority Leader that I need to get time to be speaking. That is when - and I want to thank you for giving me countless minutes in the last Session - that I was able to contribute. Actually, you did the change. When I went back to my constituency, they were telling me that I was doing a good job. I did not know how valuable they were, the few minutes that you were giving me. Hon. Speaker, I want to thank you very much.

Secondly, the President's Address gives the roadmap for the whole year on Government policies and what the Government wants to do. However, that must be given more time unlike this. I want to say that the Members of the Jubilee should be treated like Movers and they should be given more time to be able to---

Hon. Members: Aah!

Hon. Gikaria: Hon. Speaker, we need to be given time to be able to defend the President---

(Loud consultations)

Hon. Speaker: Hon. Members, do not get agitated by those remarks. Unless you are a Mover, you will be treated equally.

Hon. Gikaria: Hon. Speaker, I beg to support but---

Hon. Opiyo: On a point of order, hon. Speaker. Is the Member in order to mislead this House? He is on record as saying that Members from the Jubilee Coalition should be given special treatment as Movers whenever they rise to speak in the House. I think it is proper for the Member to withdraw that and apologise.

Hon. Speaker: Hon. Opiyo, it is not everything that goes on record that is out of order. You are entitled to your opinions and they will be on record as long as they are expressed here. However, they are not necessarily correct. Every Member speaking will be accorded equal time unless you are the Mover. It does not matter whether it goes on record or not. It can go to the record as many times as possible but it will not change the rules.

Hon. Gikaria: Thank you, hon. Speaker. I stand guided that the rules are very clear that there is only one Mover but, maybe, the Mover then can be contributing more minutes to the Jubilee Members. All the same, I rise to support the Procedural Motion.

(Question put and agreed to)

Hon. Speaker: Next Order!

PROCEDURAL MOTION

LIMITATION OF DEBATE ON MOTION FOR ADJOURNMENT

Hon. A.B. Duale: Thank you, hon. Speaker. I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that the debate on any Motion for the Adjournment of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, shall be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Provided that, when the period for Recess proposed by any such Motion does not exceed fifteen (15) days, the debate shall be limited to a maximum of thirty (30) minutes and shall be strictly confined to the question of the adjournment.

Hon. Speaker, this is when the House wants to go on recess and the Motion for Adjournment is presented. If the proposed recess that the Motion is anticipating does not exceed 15 days, then that debate will be limited to a maximum of 30 minutes. But if it is the contrary, the debate will be there for three hours with not more than five minutes for each Member. This means that you can do two or three minutes, but five minutes is the maximum allocation.

Now that the Leader of Minority Party has again disappeared and I am short of the leadership from the CORD Coalition because the Leader of Minority is not there neither is his Deputy, Whip, the Deputy Whip, it is now my discretion to pick the Seconder. I will pick the most senior, hon. (Eng.) Gumbo, to second this Procedural Motion.

Hon. (Eng.) Gumbo: Hon. Speaker, first, I would like to thank you for giving me the opportunity to second the Motion.

As it has been espoused by my friend, the Leader of the Majority Party, the Motion is straightforward. It deals with issues of adjournment. However, we have had occasions in this House when it was not possible to dispose of a matter within the three hours allocated. When sometimes we adjourn, there are issues that need to be canvassed. So, maybe, as we go forward, it will be important that when a Motion for Adjournment is put, we try as much as possible to stick to the three hours, so that we can canvass the issues that Members would want to talk on as they proceed on adjournment.

With those remarks, I beg to second.

(Question proposed)

Hon. Speaker: Yes, hon. Erick Keter.

Hon. E. Keter: Thank you, hon. Speaker. First, I must say that this Motion is very straightforward. What we are confronted with is the number. We are now a big House that is competing for time. So, I do not know whether we have to really take into account the fact that we need to extend the time of sitting, so that as many Members as possible can be accommodated. If we give five minutes to each Member speaking and have 100 speaking on a matter, the number of sitting hours will be more. So, we should think of extending the normal sitting hours to beyond 6.30 p.m. so that we can accommodate as many Members as possible. Otherwise, the quality of the Bills that will be passed here will be compromised. Therefore, I urge that we review the sitting hours and look at this matter more seriously.

With those remarks, I beg to support.

Hon. Speaker: Yes, hon. Rose Ogendo, Member for Kisumu County.

Hon. (Ms.) Nyamunga: Thank you, hon. Speaker, for giving me the opportunity. My official name is “Rose Nyamunga”. That is the name I would prefer.

Hon. Speaker: Member for Kisumu County, I only read what is on the screen!

Hon. (Ms.) Nyamunga: Hon. Speaker, I have corrected that thing several times. Even yesterday, I had an issue with the Office of the Clerk of the National Assembly.

Hon. Speaker: I know that “hon. Rose Nyamunga” is the Member for Kisumu County. I have no quarrel with that. However, what I see on my screen is “Rose Ogendo”.

Hon. (Ms.) Nyamunga: Hon. Speaker, that name is giving me problems with my constituents because they think that I am no longer “Mrs. Nyamunga”.

(Laughter)

Hon. Speaker, it is a cultural issue. I would like to take this opportunity to wish everybody a happy new year and let you, hon. Speaker, know that I have now come back to the House in my full colour, and that I really want to participate in this House. I do not want to be a “flower girl” on the ground. We are “flower girls” on the ground, as we are referred to. I do not want to extend that perception to the House. I want to participate very actively in this House.

I would like to urge you that we all need time to participate. That is why I have even changed my sitting position in this House. I have moved from where I normally sit to a seat near you, so that I can “catch your eye”. I hope that the strategy will work for me.

As articulated by previous speakers, the Motion is very straightforward. We do not need to repeat ourselves on issues. We do not need to have a lot of time. If somebody is supposed to retire at the age of 59 but on attainment of that age he starts complaining that he has not finished educating his children or that he has not done certain things, that is not an excuse. If you cannot make one important point in two minutes, you cannot make it even in one hour. So, we do not need to be given a lot of time to repeat ourselves.

I remember that when I was in primary school, we used to have very articulate debates. You would make your point, and it would never be repeated. It would only be repeated if there was real need to do so. In this House, we need to do much more than this because there is a lot of walking around. There is a lot of disruption, with people having their personal discussions at very high volumes that are very disturbing. The whole of this morning, I have been disturbed by some Members who have been speaking very loudly behind me. I am not even concentrating!

An hon. Member: Name them!

Hon. (Ms.) Nyamunga: You can see them! I cannot name them!

(Laughter)

Hon. Speaker, we need to put all these things in place. We need to be more serious. We need to do the work that we are supposed to do in this House.

Hon. Speaker, with those remarks, I would like to urge you to remember me always. The people of Kisumu are complaining.

Thank you.

Hon. Speaker: Hon. Members, let us hear a point of order from hon. John Mbadi.

Hon. Ng’ongo: Hon. Speaker, even though our dressing code was removed from the Standing Orders, it is very clear in the Speaker’s Rules. The Speaker made a pronouncement on how we should dress. I remember that in that pronouncement, it was clearly stated that if you are coming in a Kaunda suit, it must cover up to your wrist. The Member for Awendo is someone I respect a lot because I happen to have gone to one of the schools in his constituency. However, the way he is dressed is inappropriate. He has left a bigger part of his hands without any cloth covering them. So, I would urge that you rule him out of order and order that he dresses appropriately for business in the House.

Hon. Speaker: Hon. Jared Opiyo, maybe, you could be upstanding so that we can see you.

(Hon. Opiyo stood up in his place)

Hon. Opiyo, you are not being thrown out but you are kindly advised and requested to withdraw from the Chamber to go and dress appropriately. You have been very active in the Chamber this morning.

(Hon. Opiyo withdrew from the Chamber)

Hon. Speaker: Yes, hon. Abdulazizi.

Hon. Farah: Thank you very much, hon. Speaker. Let me also wish you and all my colleagues a happy and prosperous 2014.

I support the Motion as it is. I have no problem with the timing. As the Member for Kisumu County has said, if you have a genuine point, you can make it in two minutes. I support that idea. I do not like repeating myself. The only request that I would want to make to the Speaker is that during the last Session, some of us were a little bit irritated in this House in the sense that when some of the Members that people are complaining about in this House speak, they do speak their minds. The Speaker will not cut them short. However, if a new Member strays a little bit as he speaks, the Speaker will shout him down. So, I request the Speaker to correct that bit, so that we can be sailing in the same boat.

With those remarks, I beg to support.

Hon. Speaker: Hon. Abdulaziz, the Speaker will always administer the rules of the House. I am sure that it cannot be doubted that, that has happened. It will continue to be done. We will want people to stick to the rules of the House.

Yes, hon. Michael Onyura.

Hon. Onyura: Thank you very much, hon. Speaker. I rise to support the Motion.

For this type of Motion, the time that is allocated is quite adequate because it is a Motion where we will be discussing whether we should adjourn the House or not. So, it is not the kind of Motion where we will be going into some very serious technical issues. For me, the time indicated is quite adequate.

Hon. Speaker, since you have assured us that you will ensure that everybody has a fair chance of speaking, and that you will not go the ranking way, I am quite happy. The only thing I would want to add is that the House Business Committee should ensure that it gets its priorities right, particularly when we have very critical and disturbing issues in the country such as matters of food shortages like what we are experiencing at the moment; matters of security and other key areas of concern. The issue of security and other areas of concern should be prioritized, brought to the House and given adequate time because after all, hon. Speaker, you also have the discretion - and I have seen you exercise it - to allow more time for debate when the need has arisen, including well beyond the limited time that ends at 6.30 p.m. Maybe, that gives me comfort that based on your own discretion, you will always create time for Members to contribute.

Hon. Speaker, I support.

Hon. Speaker: We have a new Member who is now next on the line. The hon. Joel Onyancha.

(Applause)

The Member for Bomachoge Borabu (Hon. Joel Onyancha): Hon. Speaker, let me thank you for this opportunity and use this occasion to make my Maiden Speech as well.

I would like to support this Motion and also thank God for enabling me and the people of Bomachoge Borabu that I represent to go through a grueling election. It has happened for a long time.

Hon. Speaker, I was elected for the first time to this House in 2002. I was re-elected in 2007 and went out in 2009 for another by-election; that was my third participation in elections which I lost. I was re-elected in March, 2013, but that was disputed and I went back for a by-election and I was re-elected.

(Applause)

Hon. Speaker, what has happened to me is something I would not wish any Member of this House to go through. I have participated in five elections and I have won four of them and yet, I am doing my second term.

(Laughter)

So, I want to thank my electors, the people of Bomachoge Borabu for sticking with me for four rounds. There have been issues about the Judiciary in terms of how they have resolved election disputes in this country. Mine is a classic example. In all the petitions that I have gone through, it has always been the IEBC that has been found to have problems and that is why I have been allowed to participate in the elections. I want to urge the Departmental Committee on Justice and Legal Affairs to, please, sit down and find out if there is something wrong with the judicial decisions on electoral disputes in this country.

I have my case in mind. The reason we went for a by-election in Bomachoge Borabu is that in one polling station, there were no counter foils found in the ballot box and this is something that was not even pleaded for by the petitioners. But the judges made it a point to nullify the election of the people of Bomachoge Borabu. Now, compare that with a similar case in Matungulu Constituency where they had a similar allegation of counterfoils missing in the ballot boxes. Matungulu went for a by-election, but in the subsequent appeal in the Court of Appeal--- In fact, the judges found out that Matungulu should not have gone for a by-election. They were saying, "Look, counterfoils are not supposed to be in the ballot boxes, rather they are supposed to be handed to the Returning Officer separately."

Look at the example of the Governor of Lamu. It was the same matter of counterfoils and the High Court found that it was not proper to hold that the election was not properly conducted simply because the counterfoils were not there. Why am I giving these examples? We make law in this House. We go for elections and there have been disputes. Let us sit down and find out if, indeed, there is something wrong with how judicial decisions are arrived at in those electoral disputes.

Hon. Speaker, once you have been elected, people look forward to development and support from both the county government and the national Government. We have appropriated money to county governments. We are the people who appropriate money to county governments. There is a lot of money now lying in the Central Bank of Kenya that should be able to develop our counties. I want to appeal to hon. Members here that we be vigilant. That is because, at the end of the term, you will either be re-elected or not elected. You could also be rigged out depending on the leadership that you provide. I am prepared to support the people of Bomachoge Borabu and I expect support from my party TNA and the Jubilee Alliance. I expect, at least, sympathy for that constituency which has lagged behind because of going to elections through and through.

If hon. Mutava Musyimi was here, I would request that, that road I have been fighting for be given allocation so that the people of Bomachoge can breathe with relief and say, "We have elected Joel Onyancha and he has raised our issues." If you go to my district headquarters, Kenyanya, you cannot access it. My party Chairman is here. He campaigned in that constituency and he knows what it is. So, I want support so that we can tarmack Mogonga-Kenyanya-Riokindo-Magenche Road. That way, when you tell the people of Bomachoge Borabu that it is good to be in Jubilee or Government, they will understand the language. Do not let me run out of ideas next time as I go to address those people. I am running out of political tools to tell the people of Bomachoge that it is good to be in the Government or Jubilee. So, I want to support. Hon. Mutava Musyimi, put that money there. The Cabinet Secretary in charge of Infrastructure and Roads, please, do something about it.

Hon. Speaker, we want to work together as a country. In my constituency and in many others, there is something called clanism.

Clans are killing our political vision. That is the microcosm of this country where tribalism as well is killing the political vision of this country. If we are appointing people to positions of leadership in this country in terms of applications that people make, please, let us not go that route of clanism and tribalism because it does not work. Why should number three, a person who has undertaken an interview for a Chief Executive Officer position, a person who becomes number three--- I know there are all these provisions about gender, affirmative action and representation. But surely, if you are number three and I am number one, and then number three keeps on getting the jobs, this kills the morale of Kenyans in terms of what they look forward to.

I want to appeal that, as much as we have been elected here to serve our people, let us work together as a country. In support of the Motion in front of me, I want to say that this is a House of rules where, if we do not want to say how much time each Member of Parliament will require when making contributions, some people will not contribute. Some people in my constituency know me as a good speaker and I go out there and I speak to them. But if I do not get an opportunity to speak to issues in this House, then they will think that either I have absconded or I have failed them: They will not understand that we are too many here and that you have to use discretion on who should speak to any Motion at any time.

I want to thank you for this opportunity and support this Motion but overall, thank the people who have stood with me, my party and the people of Bomachoge Borabu in Kisii County.

Thank you very much hon. Speaker.

(Applause)

(Question put and agreed to)

Hon. Speaker: Next Order! As I invite hon. Sakaja to move, I think it is fair to remind Members about the decision we have taken since morning, particularly on Procedural Motion No 9. This is one such Bill. that a maximum of 45 minutes for the Mover in moving and replying, a maximum of 20 minutes for the Chairperson of the relevant Departmental Committee if the Bill is not sponsored by relevant Committee and a maximum of 10 minutes for any other Member speaking, except for the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each and a priority in speaking be accorded to the Leader of the Majority Party, Leader of the Minority Party and the Chairpersons of the relevant Departmental Committee in that order.

This is the commencement of that decision that you have taken this morning and, therefore, I wish you fruitful deliberations. Hon. Sakaja.

BILL

Second Reading

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL

Hon. Sakaja: Thank you very much hon. Speaker. I beg to move that the Public Procurement and Disposal (Amendment) Bill, National Assembly Bill No. 31 of 2013 be now read a Second Time.

I am well aware that the House has provided for this morning that a Mover of a Bill can speak for a maximum of 45 minutes. I would like to assure the House that I will not take 45 minutes, because this is a matter that I am sure that many Members would like to contribute to.

The purpose of this Bill, if Members have received or collected a copy from the Table Room, really is to make necessary amendments to the Public Procurement and Disposal Act, 2005, so as to ensure that, at least 30 per cent of the annual procurement and that is annual value of procurement by all public entities is allocated to the youth in accordance with such conditions as the relevant Cabinet Secretary may provide.

This Bill is really giving to effect the provisions of our Constitution in Article 55, that states that,

“The State shall take measures, including affirmative action, programmes, to ensure that the youth -

- (a) access relevant education and training;
- (b) have opportunities to associate, be represented and participate in political social, economic and other spheres of life;
- (c) access employment; and

(d) are protected from harmful cultural practices and exploitation.”

This is a Bill - and I would like Members to be aware - that actually concerns county governments. It would be the first Private Members' Bill in this House that will have to go to the Senate. That is because we must be able to commit the county governments to give those procurement opportunities to the young people. In the local context, that is where the real action is. We want young people to be able to participate in procurement at the county level. I think the case for the youth is well known by all our Members. Young people in this country - and the Constitution defines the youth as between 18 years and 35 years - make up 54 per cent of this country. It is sad that 70 per cent of the youth have no jobs and have no access to Government procurement opportunities. Even the 30 per cent, who are economically active in one way or the other, have no access to Government procurement opportunities. I think we all know the danger of having a huge number of young people in this country who are hopeless, jobless and who are disillusioned. There are a lot of challenges facing the young people in this country, and I am glad that in the 11th Parliament, the Young Parliamentarian Association which has been revived has 47 Members who are keen on ensuring that issues of young people are going to be addressed. This is just one of those Bills that are coming to address issues of young people. We want to assure the young people and we want them to know that they are actually represented in this House and in the Senate. That is because, part of the issues they are facing really, apart from the joblessness, is even a poor transition rate within our schools. This is something that I have discussed with the Chair of the Committee on Education, Research and Technology and other policy makers.

Every year, more than 300,000 young people drop out at Class Eight. In 2005, 1.3 million children joined Class I. By the time they go to Class Eight, there were only 800,000. From there, only 600,000 have received opportunities to go to secondary school. I think we must be alive to the fact that this is a very dangerous trend in our country. It is a poor excuse for lack of investment in education. If all the students who did Kenya Certificate of Primary Education got 400 marks, the ones who got 399 would be told that they are too stupid to go to Form I because we have not invested in secondary schools.

(Applause)

This is just one of those challenges. This Bill seeks to address one aspect of economic life which really is procurement. It is a dream of every parent in this country; it is the dream of every mother; the dream of every father, that their child will one day amount to something. Parents around this country sacrifice so much to educate their children, put in a lot of effort to take their children to school, some of them sell their land, sell all their resources, sacrifice their life earnings to only find that when those children finish schooling, they have no opportunities. We know so many young people who are staying at home; who are sitting in every part of this country at a jobless corner. We have seen it.

I would like to tell this House that the biggest threat to security in this country is unemployment. That is the reason why our young people have decided to take up arms;

that is the reason why some people are being radicalized to participate in *Al Shabaab* activities.

[The Hon. Speaker left the Chair]

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

They have no opportunities. That is why this Bill is a priority.

The Government has really shown that it cares about the young people of this country. I know we are yet to finalise the *Uwezo* Regulations as they went to the Senate. We have the Youth Enterprise Development Fund and the Women Enterprise Development Fund. What these provisions do is to provide opportunities for young people to start business but the Government is the largest procuring entity. Unless we safeguard and provide that whatever these young people get through *Uwezo* Fund or through the Youth Enterprise Development Fund, or through whichever other means is actually sustainable, we will not be helping them. They should be able to procure opportunity from Government.

Hon. Temporary Deputy Speaker, in a budget of Kshs1.6 or Kshs1.3 trillion, there exists about Kshs200 billion worth of opportunities for young people, if we pass this Bill. This translates to more than Kshs2 billion annually in general supplies and stationery services. This translates to more than Kshs10 billion in the purchase of furniture and other equipment. We know that we are trying to take this country to double digit growth, but if we keep importing furniture and fittings, even tooth picks, how will our young people ever participate in the economic level of this country?

Hon. Temporary Deputy Speaker, at some point we will need to definitely outlaw non-essential imports into our country. The Kshs200 billion includes Kshs2 billion for communication services for the youth. I will not belabor the point because I think we all know that the youth of a country are the trustees of its posterity. A disillusioned youth will be the biggest threat to the development of that country.

Hon. Temporary Deputy Speaker, all of us are politicians. Wherever we go, we keep telling our young people to take advantage and come together in groups to register businesses, but we have not provided the legal framework through which they can actually access these opportunities. We devolved almost Kshs210 billion in the last financial year and this year we will probably devolve a higher amount. It is important for us as the National Assemble to ring-fence a certain amount of money or a certain amount of this value for the young people in Gwassi, Kisumu, Central Kenya and Nairobi to be able to procure.

Hon. Temporary Deputy Speaker, I would like to point out that we know that the Government has actually put in place regulations to effect 30 per cent of procurement opportunities to the youth, women and people living with disability. But we all know that regulations do not have the same force of law as an Act of Parliament. We all know the challenges that we have seen since 2012 when the former President, hon. Mwai Kibaki, provided for 10 per cent of procurement opportunities for young people. Very few young people got, if any.

Last year, 2013, in his address to this House, His Excellency the President stated that the 30 per cent must be provided. We have seen the Cabinet Secretary doing her best trying and struggling. Many of these procuring entities, if they get an excuse, are actually ignoring these provisions. We must put it in law so that it becomes an actual offence, if a procuring entity cannot justify why they have not given young people 30 per cent of procurement opportunities.

Hon. Temporary Deputy Speaker, we need to provide as well a monitoring and regulatory framework to ensure that PPOA and the Cabinet Secretary of the relevant Ministry report to the relevant Committee of this House twice a year to tell us to what extent all these procuring entities have included and integrated young people. I know the issue of capacity will come up, but I think that is an excuse. We must, first of all, create those opportunities. Any good economist will tell you that in certain cases, supply creates its own demand and we must be able to get our young people into the economic life of this country.

Hon. Temporary Deputy Speaker, we do know that there have been cases and there might be cases going forward of unscrupulous businessmen trying to take advantage of young people, by making them register companies and giving them token shares. Even if it is a majority, it is token because it amounts to nothing. We must criminalize because this will give the perception that the young are actually being engaged or that the young people are actually benefiting while they are not; which is even worse than not having created those opportunities for the young people. We know that you do not address the issues of young people by giving them money because that will not sort out the issues. You do not sort out the issues by telling young people to come together in groups of nine or 15 people. That cannot be the end, it is not sustainable. We must be able to secure and ring-fence these allocations of businesses to our young people in this country.

Hon. Temporary Deputy Speaker, the jobs that our young people actually deserve may not necessarily all be found within the borders of this country. We must really raise them to a level where they can compete globally. We are moving to a global economy even by technology and information. Unless we actually, in an affirmative way, bring the young people to that level, we will really be doing the young people of this country disservice. This Bill, as I have stated, defines a number of officials. You will find that it still defines “local authority” because the mother Bill needs to be amended to that effect. I know there is a raft of amendments coming.

Hon. Temporary Deputy Speaker, the Public Procurement and Disposal Act, as it is right now has been one of the greatest impediments to development in this country. We know that is why every year Ministries return so much money. There are a lot of bottlenecks and bureaucracy involved in public procurement. I know that more holistic and comprehensive amendments will be brought by the Government, but before they come, please, I want to urge this House, let us ring-fence and provide for our young people at least, 30 per cent procurement opportunities.

Hon. Temporary Deputy Speaker, this Bill also wishes to state and provide that exclusive preference shall be given to citizens of Kenya, if the funding is 100 per cent from the Government of Kenya or a Kenyan body. We have seen far too many times the money that is raised by our taxpayers benefiting foreigners in this country, whereas the skills are in this country and the services can be provided by our young people in this

country. This Bill will seek to provide that where there is 100 per cent funding from the Government of Kenya, it must be exclusive. Meaning that we cannot even consider foreigners where there is evidence that, that good or service can be provided by the people of this country.

Hon. Temporary Deputy Speaker, a prescribed margin of preference may be given to candidates offering manufactured, mined, extracted and goods grown in Kenya. Also, we will expect the Cabinet Secretary to ensure that any part of the administrative process that serves as an impediment to the young people is removed. We must be digital. If we want all young people to come to Nairobi to register so that they can get these procurement opportunities, that actually serves as an impediment to the young people who are coming from Turkana, Mombasa or wherever else. They must be able to do it anywhere in this country. They must be able to register at their county headquarters and Constituencies Development Fund offices. They must register their businesses and they must be able to show that, indeed, they are young people.

Hon. Temporary Deputy Speaker, at some point it might also be necessary for this House to think through the Public Finance Management (PFM) laws to see how we can provide for certain level of pre-payment for youth owned businesses once they win these contracts. This is because that also serves as an impediment. Sometimes young people can win contract to supply goods and services worth Kshs100 million, but they do not have money at that point. Sometimes banks might be averse to loaning the youth. This Government must task the youth enough to provide pre-payment, at least, 20 to 30 per cent in some of these services and goods being provided.

Hon. Temporary Deputy Speaker, it will be important for us going forward to think of how we can assist the young. I am very confident that these provisions can actually work. We need to think of how the Government can sensitize the private sector to replicate these provisions within their supplies of goods and services. I would like to state at this point that I know certain issues might come up, especially because this Bill is speaking strictly about young people. I have heard the plea by a lot of hon. Members that indeed, we must amend it at some point in the Third Reading to include women at the county level and at the national level. I am open to that; at that stage we should be able to do it. We should also be able to ensure that monitoring is done. Sometimes many young people might not be able to compete with women of a certain level or women of a certain level may also not be able to compete effectively with the youth of a certain level. For example, if hon. Ochieng who is an endowed young person is competing with women who might be 40 or 50 years from a village, it might not be a fair level playing field. That is why you need to have serious monitoring and evaluation.

I have heard hon. Ng'ongo saying that I should not compete with women in the rural areas. We must ensure that these Bills that we pass really make it easier for the intended recipients or beneficiaries of these provisions. I would really want to urge hon. Members--- Young people of this country are watching and would want to see who will stand for them. Please stand with the young people of Kenya because they are our last frontier of hope. They are the trustees of our posterity. I would also like to encourage this House to support the work of the Young Parliamentarians Association because the challenges are real. I know we are going to be launching our strategic plan soon and soon I will be asking the Secretary to second this but really this is a caucus that has severe

challenges based on the fact that one, many of the Members might be new. Many of the Members might not be able to push through a lot of the issues but we want to ask the National Assembly to support it. It is through this Association and through this House that young people of this country will really feel represented.

Hon. Temporary Deputy Speaker, as I promised earlier I will not take the entire 45 minutes. I think I have made clear the points and objectives of this Bill. I will ask Members to kindly get a copy of this Bill and come and see me. I am available for any amendments that you would wish to bring that will actually bring into effect and strengthen the provisions of our young people. Again, I laud the Government for the initiative but I think it is our responsibility to anchor it into law because this is the House of legislation.

Hon. Speaker, with those very few remarks, I would like to ask the Secretary-General of the Young Parliamentarians Association, hon. Ochieng of Ugenya to second this Bill.

The Temporary Deputy Speaker (Hon. Kajwang'): I understand that you are the Secretary-General of the Young Parliamentarians Association. Yes, you may proceed. They are still the young people of this nation. Could you just press your intervention button so that I can see you?

Hon. Ochieng: Thank you so much, hon. Temporary Deputy Speaker. Happy new year to you and all the Members! There are 47 Members of this National Assembly and the Senate that are below 35 years old and I am their Secretary. Now, I want to start by congratulating Mr. Sakaja for bringing this very important Bill that will ensure that the youth of this country will at least not have some promises on paper but in actual law that will ensure that they access 30 per cent of all procurements available in this country.

Hon. Temporary Deputy Speaker, the Mover, hon. Sakaja, has ably talked about why he thinks this Bill is very important. He has spoken to this National Assembly. He has spoken to the secretaries. I will speak to the youth as I second this particular Bill. The youth of this country have been cheated for a long time to the point that, to me, they have become so lazy in expecting that they will be given something by the Government and that something will come from somewhere and their lot will be better. Now, this earlier move by the hon. Member is to ensure that they can actually access 30 per cent of all procurements being done by the Government in this country.

Hon. Temporary Deputy Speaker, the youth then must take the first step that is required to make them access these particular procurement opportunities. They must register companies as required. They must build their own capacities as required so that they are able, when given the opportunity, to deliver. Whether it is services or goods, I want to implore the youth of this country that this is being done for you but it will not succeed and you will not benefit unless you prepare yourselves well to do so.

Hon. Temporary Deputy Speaker, the rules and regulations are very clear that you do not need to have a very big thing. You just need to form an enterprise and avail yourself for these opportunities. I know that the system now for registering youth is not very effective but we are asking the Cabinet Secretary for Finance in this country to ensure that the process of accreditation of youth and companies owned by the young people is fast tracked so that these people are able to access these opportunities.

Hon. Temporary Deputy Speaker, these opportunities will not come to the youth if again the Government does not institute cogent mechanisms to ensure that the capacities of the youth are built. Currently, the amount required to register a company in this country could be as high as Kshs100,000 or could be as low as Kshs30,000 . Most youth cannot afford this and I will be requesting, urging and persuading the authorities concerned to see to it that in the spirit of this particular Bill they also reduce the amount required to register a company by 30 per cent so that the youth pay only 30 per cent of the money required so that they can register the companies by tomorrow. This is because most of them cannot afford the amount required by the Government to register these companies.

Hon. Temporary Deputy Speaker, these opportunities must be accessed by genuine youth. We do not want hustlers with jets, so to speak to access these opportunities. We want the real young hustlers to access these opportunities and they will not do so if we are not hawk eyed as Parliament. If the authorities concerned are not hawk eyed---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member, do I hear you to be referring to youths as hustlers?

Hon. Ochieng: Hon. Temporary Deputy Speaker, most of them are.

The Temporary Deputy Speaker (Hon. Kajwang’): I am not so sure whether that term is very parliamentary.

Hon. Ochieng: Hon. Speaker “hustler” is an English term for that person who is just trying to survive.

The Temporary Deputy Speaker (Hon. Kajwang’): What does it mean if you just remind me?

Hon. Ochieng: Hon. Temporary Deputy Speaker, a hustler, the last time I checked, is a person who is trying to hustle.

(Laughter)

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you and I will allow you to go on.

Hon. Ochieng: Hon. Temporary Deputy Speaker and that is why I said it should not be hustlers with jets. It should be hustlers that are real hustlers. These are people who actually would benefit from these benefits.

Hon. Temporary Deputy Speaker, I want us to draw parallels with what is happening in South Africa as a country. They have something called BEP and that is the Black Empowerment Programme and there are a lot of reasons for that programme about the challenges and the opportunities. We do not want this particular law to produce 10,000 very rich young people and leaving a whole 30 to 40 million young people without anything. We must be hawk eyed to ensure that the real youth are able to benefit from these opportunities.

Hon. Temporary Deputy Speaker, as we speak we see companies and Government entities advertising for tenders and the only ones they put aside for the youth are supply of flowers, milk, toothpaste and so on. These are things that do not have money. I have seen so many of them coming out where they say: “Oh, the ones for

flowers have been left for the youth. The ones for milk have been left for the youth.” We want the youth to access real tenders – the ones that have money. We have one going on now – the one for laptops. I think most of the people who are involved in Information Technology (IT) are young people. Why do we not allow them to access these tenders? Why do you want to confine them to milk and flowers and yet they have the capacity to basically do anything that is required of them?

Hon. Temporary Deputy Speaker, what we are doing today is not something that we are doing as a matter of goodwill. The Constitution requires us, as the Mover said, under Article 55 that we as a Parliament must take steps to ensure that these people named under that particular Article are able to access opportunities, be they economic, social or cultural. That is why I want to urge Members in this House to ensure that as we pass this Bill, we also accompany it with the necessary mechanisms to ensure that we are not just throwing good money after bad money. That is why I want to speak to the counties now.

This is the area where you now have most procurements being done. Most of our young people live in the rural areas where counties are located. If these county governments do not take it seriously, and that is why I am happy that this is a national law, you have heard about devolution of corruption and I see this happening a lot. If we do not discipline the county governments to ensure that they follow this law, our youth will not grow. I am very sure in my mind that 80 per cent of the youth stay in the rural areas in Siaya County, Kisumu County, Nyandarua and Makueni County. That is where they are and if these county governments cannot take steps to ensure that the youth access these particular tender procurement opportunities, we will be doing something that will not benefit them.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Ochieng, could it be the reason that the county governments are not following this law because we have not amended Section 3(c) in defining “public entity”? I see it being defined as a local authority under the Local Government Act. So, the county governments really do not fall within the ambit of this Act.

Hon. Ochieng: Hon. Temporary Deputy Speaker, I stand guided and I am sure the Mover is listening. He has heard that but that alone cannot be the reason because this is the national law and I want to encourage our bodies not to find a reason not to follow the law. They should look for a reason to follow the law. They should not look for a reason not to follow the law because we know that we no longer have local authorities in this country. So, they should not have county governments looking for reasons not to follow the law. They should follow the law as it is and ensure that---

Hon. Temporary Deputy Speaker, the coalition that I belong to which is CORD takes devolution very seriously and that is why we do not have our Governors trying to get routes and means to try to discourage youths from accessing opportunities. They must take steps to ensure that they do so.

Hon. Temporary Deputy Speaker, I do not want to take so much time on this. With those so many remarks, I beg to second. Thank you very much.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang’): Who is the relevant Committee Chair, are you in the Chamber? Is this the Finance, Planning and Trade Committee? The Chief Whip tells me that the Chair is not here, because if he was there, he would have taken the first opportunity.

Hon. Chris Wamalwa, you are the Deputy Whip, you have caught my eye. Can you get the intervention button?

Hon. Wakhungu: Yes, thank you, hon. Temporary Deputy Speaker, I rise to support this Bill. I would like to thank hon. Sakaja for bringing such an amendment. We all know that in terms of law, we have the Constitution, which is the supreme law. You go to a statute and then a regulation, but if we leave it at the regulation level as we usually put it, any person might come and change it. But if it comes in as a statute, it will actually put in a lot of force so that in case of any amendment, it has to be done through this Floor.

In line with the Constitution, Article 1 talks about sovereignty of the people, represented by its elected people. This is the right place to bring that amendment. So, indeed, it is important that this statute must be in place. Research has shown that 70 per cent of the unemployed people are the youth and we know very well that if we take good care of the youth, we are going to have posterity as far as the economy of this country is concerned. Majority of the people who are languishing in poverty and disease are the youth. So it is a critical issue that we must look at in terms of security of this country.

I went round checking how the county governments have been awarding these tenders and I found that 90 per cent of these tenders were not only coming from the youths within the county, but from other counties as well. A lot of big problems are in the villages and we want to put this clear, that when you talk of 30 per cent, it must be described. Are we talking of 30 per cent in terms of the volume or in value terms? Unscrupulous people might come and say they are going to give 33 of the items, and if you look at 33 of the items, maybe in value terms, it is only Kshs.1 million and the rest is worth billions. So, it is important, as we talk of 30 per cent, to realize that it is not just in terms of volumes but also in terms of the value terms.

If all the contracts are worth Kshs.100 billion, so when you talk of 30 per cent we are talking about Kshs.33 billion to go to the youth. It will be very important for hon. Sakaja, that we consider this aspect, because really if we leave it hanging we are going to have big problems as far as this issue of the youth is concerned.

The Public Procurement Oversight Authority (PPOA) is the one that is supposed to look at all the aspects of procurement, but unfortunately it has been behaving like the Auditor-General’s office, whereby it deals with history. We want to call upon PPOA to be involved from the time the tender is being advertised or opened to ensure that this 30 per cent that we are talking about for the youth is put into consideration.

When you talk about the youth, the definition is very clear; they must be less than 35 years old. We are going to see unscrupulous business people, those who are even 50 years and above. We have seen them saying they are the youth. So we must make it clear, when we talk about the youth, they are different from young people. We have people who are 40 years, they are still young but they are not youth. We have people who are 35 years, they are still young, but they are not youth. The law is very clear; they must be less than 35 years.

As we move on, it is very important that we give a clear description of the youth that we are talking about. When we talk about the youth, it is both male and female. So, what I am trying to put across is that PPOA must cascade itself up to the county level because this is where we are having problems. In the Constitution of this country, the main objective is devolution and a lot of money is being devolved to the county level. Right now, we know it is a minimum of 15 per cent; we are striving to increase it to 40 per cent. So, it will be important for the PPOA to cascade itself to the county level, to ensure that all this county level projects, which are going to come in, comply with this law.

When you look at the public procurement law, we have mainly three aspects of procurement. We have the open, restricted and direct. Many times when these tenders are floated, you are told you must have ten years of experience. You can imagine a youth who has just left university and you are told to have ten years of experience, where are you going to get those ten years of experience? You are also told to give a bank account that is ten years old. Where are you going to get it? You are unemployed.

There are success stories in this country of some people who have never even been employed, but they have had businesses, for example hon. Deputy President of this country, hon. William Ruto. Looking at him, he has never been employed anywhere, but has gone through this business aspect and is where he is because of his businesses. He has employed many youths. So, if such an opportunity has been given to the youth, it is not a must for them to be employed. Let us look at this youth in terms of business and when it comes to the procurement law, we must amend further the conditionalities that are in place.

Having been a consultant of World Bank, at one time when I was bidding for work, I was told I must have 15 years of experience. When I was given a chance to make a presentation -I had only five years' experience - I did the job very well more than many people who had 30 years of experience. To me, the issue is not about the number of years one has worked, but the fact that those conditionalites are tailored to suit some youth.

Somebody like Ketan Somaia, when you read about him, at the age of 22 years, the man was flying a plane. When I asked him how he made his money, he said it was through business. In many of these projects, they are talking of collateral and bid bonds, but it will also be nice to go further and amend those conditionalities to suit the youth.

When it comes to security bonds, we have seen many of our financial institutions are not willing to engage the youth. They will ask for experience. It will be good to approach financial institutions and ask them, in terms of providing security bonds and bid bonds, if they can be tailored to suit the youth. We can put this into the law but when it comes to execution that is a different thing. Public procurement needs to be reengineered. This public procurement process has brought more problems.

Recently, we had an issue of the governors; they had been given money and did not spend it. Within a month or two you cannot spend the money. The public procurement has rules; some of them are actually working against the development of this country. So, it is high time we amended the public procurement law. You can have the money but you cannot spend it.

The youth are told they are the future leaders, but we are having many old leaders coming back just because the youth are not empowered politically. We want the youth to take political positions. You cannot take political positions if you cannot run logistics. So, if such projects are going to be put in place, the youth are going to have employment and employ one of their own. We do know that “birds of the same feather flock together”. If a youth has opened an enterprise, it is obvious that there is a high probability; he is going to employ a fellow youth. If it is an old man, we saw it in the Kibaki Government, majority of those who were coming in as ministers, were old, because “birds of the same feather flock together”. In the same way, if we are going to have the youth running these enterprises, the fact is they are going to get more jobs from their fellow colleagues.

Thank you, hon. Temporary Deputy Speaker, Sir, I support.

Hon. (Eng.) Gumbo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important Bill.

As has been said by the Mover of the Bill, the current procurement law is actually a major impediment to progress in our country. Although the amendment we are proposing today is only looking at the youth, I think as Parliament, we must put pressure that we comprehensively look at the procurement laws in this country because they are taking our country back. In a way, I want to think that that law is not domesticated enough to be able to apply to the issues that affect Kenyans on a daily basis. Having said that, I do not want to talk on the issues that have been raised. As Leaders, it is incumbent upon us that even as we apportion contracts for the youth, we also give them hope.

Hon. Temporary Deputy Speaker, we have to accept that in the life of a human being, greatness can only be acquired in three ways. You can be born great, you can have greatness thrust at you or you can acquire greatness. Many of us including yours truly, the Member for Rarieda, is relatively great on the basis of acquired greatness.

What stops many of our youths from being great is that many times, we do not tell them that acquired greatness comes through perspiration or through back-breaking hard work. To me, this is the only way to do it. Many times, when we engage with our youths, we do not come out and tell them not to let the fear of losing be greater than the excitement of winning.

Hon. Temporary Deputy Speaker, it is said that if I lose a thousand times, I should not look at it as a loss but I should look at it as a thousand experiences on how not to do it. I think this is how we should go about engaging with our youth. It is also important that we tell our youth at all times that in most times it is choices and not circumstances that will determine success that we achieve in this life.

Many Kenyan youths, and we engage with them even from the constituencies where we come from, give up before they try. In my view, when you give up before you try, you chose to see the thorns in the roses and not the roses in the thorns. We must tell our youth that every rose has a thorn but try to see the roses in the thorns and not the thorns in the roses.

Many times, our youth engage in procrastination. They have good ideas but they do not go beyond conception. It is a common norm that some of us grew up in the rural areas and sometimes you are tasked with going to plough in the fields, but you will never

plough a field by turning it over in your mind. You have to tether the cows and take them to go and plough the field. I think this is important.

Hon. Temporary Deputy Speaker, finally, as we engage with the youths, we should tell them candidly that excuses always are the nails used to build houses of failure. This is because this candid engagement is what will open up our youth. I am glad that this Bill has come through the Chairman of TNA, my good friend because he is very progressive in his thinking. A while back we engaged here and we were looking at related laws that can open up opportunities for our youths. We looked at the entertainment and the art industry and we said that let us secure 40 per cent for our youth. Why some people in this country did not want to have that secured in law, I will never tell. This is because if we do that, I can tell you today that well known Kenyan artists who are the youth like Size 8, Jua Kali, Juliani, Jarang'o, Churchill and Nameless - you can name all of them - we will be on the way to making these people billionaires.

The Temporary Deputy Speaker (Hon. Kajwang'): One of them is called Nameless!

(Laughter)

Hon. (Eng.) Gumbo: Well, we have an artist called Nameless. That is his stage name and he is a very famous artist in this country.

The Temporary Deputy Speaker (Hon. Kajwang'): Well, I just wanted to confirm that for the record.

Hon. (Eng.) Gumbo: Yes, that is his stage name. Jua Kali comes from my place and that is his stage name and that is how he is known. Having said that, we must also be candid as leaders of this country. Let us look at systems of governance and the traditions that have held back this country.

At Independence, we set out to fight the three enemies which were poverty, ignorance and disease. How have we not achieved that 50 years later? It is because along the road we introduced deliberately three other enemies which were bad governance, tribalism and corruption. These vices have completely held back achieving the promise of Kenya. Hon. Temporary Deputy Speaker, in the process, what have we done?

Today, Kenya, and I am not afraid to say, instead of having a country where people can feel that they truly have a stake in their own country, we have very few oligarchs and plutocrats. These are people who are only concerned in preservation of the *status quo* and keeping everybody else away. As long as people or Kenyans do not feel that they have a stake in their own country, even these good legislations that we are bringing here will come to nothing.

As I conclude, this country is mourning today because one of the most brilliant sons of this country passed on. That was the first African to become a professor in East Africa. That is Prof. David Wasawo. It pains me that Prof. David Wasawo, out of considerations other than competence and qualification was not the first vice-chancellor of a Kenyan university. I want to appeal to the Chairman of TNA that please ask the President to condole with the family of probably one of the most brilliant sons this country has ever produced. That way, we will rise above sectarian considerations because some of us feel that if there was indeed anybody who ought to have been the first vice-

chancellor of a Kenyan university, it was not out of any other consideration other than brilliance and ability. This is because they say that genius is one per cent inspiration and 99 per cent perspiration. However, in the case of Prof. David Wasawo, genius was 99 per cent inspiration and one per cent perspiration.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you.

Yes, hon. Antony Kimaru from Laikipia East.

Hon. Kimaru: Thank you, hon. Temporary Deputy Speaker. I would also like to extend good wishes to you and all the Members of this House. I would also like to thank all those who sent me goodwill wishes when I had an accident earlier on in the year.

I would like to support this Motion, knowing the potential that the youth have. Despite all this potential, we have seen the youth becoming hopeless not because they do not have the ability but because they have not been accorded the opportunity. I have had time to see some youth excel. This year, I had a couple of very young people who came up with an idea of doing a calendar for me. They did not have the capital but they had the brilliance. Although I was not prepared to do the calendar, out of their sheer determination, I decided to do it. They did not have the capital. It was not much money. It was about Kshs50,000. I gave them the opportunity and at the end of the day, they came up with a very beautiful calendar.

That is just an example of what the youth can do. They have been disadvantaged throughout time because they are not well connected. Those who have been in the systems wanted to maintain the *status quo*. They wanted to continue making gains out of the systems that are there – the systems that respect so much the *status quo*. When we talk about such matters, we should not forget the fact that while the procurement process does not favour the youth, it is more often corrupted. That is why we always talk about the standard gauge railway, which is a very good idea but which is clouded with mystery. It is about the kickbacks that we have always talked about. People get kickbacks and the country ends up not getting the full value of the procurement process.

Today we have the issue of the Central Bank of Kenya (CBK), amongst others. These are issues we need to address so that procurement can be done properly for the benefit of Kenyans generally. Look at the opportunities that we create every day, there is also a section of people who are being sidelined. These are the men. We talk of the youth and the women all the time. I tend to wonder whether men have ceased to exist.

Looking at the *Uwezo* Fund, you find that most of the people in the *boda boda* industry have probably surpassed the 35-year age limit. They also have a right to be given an opportunity to contribute to wealth creation in this country. So, even as we propagate for the youth and women, sooner or later, we need to have a special fund for disadvantaged men. They constitute a great percentage of men. The men who have the means and those who hold high positions do not constitute even 10 per cent of the total population of men.

We have about 90 per cent of the men not being accorded the opportunity to prove their worth in this nation. Talking of opportunities, we also have institutions which have skewed ways of tendering. I am talking about tenders being given to outsiders, and not benefiting the Kenyan people. Jobs that can be done by Kenyans are given to foreigners. Talking of domestication or devolution of such benefits, where I come from,

we have the British Army. More often, the British Army gives tenders to people from outside our area. They employ Kenyans alright but we should have the first priority in terms of benefiting from what goes on in that area.

When it comes to procurement, tenders are given to people from outside. Even garbage collection is still being done by some old people when the youth could easily carry out that task. I do not think it requires any genius to collect garbage. It does not require quantum physics to do so. So, such opportunities that can easily be taken by the youth are still being given to another category of people.

So, I would like to thank the Mover of this Motion. I am sure that with time, there will be some tidying up. Maybe, the concerns that we are all raising will be taken care of.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Thika Town. Are you here, hon. Alice Wahome?

Hon. (Ms.) Wahome: I am here, hon. Temporary Deputy Speaker. I am the Member for Kandara Constituency.

The Temporary Deputy Speaker (Hon. Kajwang’): Why do I read from my screen that you are Member for Thika Town?

Hon. (Ms.) Wahome: Hon. Temporary Deputy Speaker, that must be sabotage. It is not a technical error because even when the reports about those who have contributed most in this House were published, there was still an error. I am happy that you have noted that anomaly. The Member for Thika Town is Alice Ng’ang’a. There is confusion but we need to harmonise this. I have also drawn some benefits because I have received some money---

Hon. Ichung’wah: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kikuyu, I will not allow you to raise a point of order because you have just walked in. Get a sip of some water, relax your system and just cool down.

Continue, Alice.

Hon. (Ms.) Wahome: Hon. Temporary Deputy Speaker, I am grateful for the opportunity to add my voice to this debate and support the Public Procurement and Disposal (Amendment) Bill. I am happy that hon. Sakaja has thought of this. I am, however, disappointed because while he ably presented the Bill, he also noted that there is need to include both persons with disability and women in this Bill. Therefore, I will be one of those people who will be engaging him, so that we can include other people who have previously not benefited from public procurement. I say this on a very serious note because even when he asked for somebody to second him, you will recall that his seconder was a very able hon. Member, hon. Ochieng, who has since left the Chamber.

Provision of opportunities to the youth, women and persons with disabilities is an issue that we must consciously and continuously remain alive to. I would have been very happy if the Secretary-General of the Kenya Young Parliamentarians Association (KYPA) was actually a woman because I know that there are young women who fit into the category that they have in mind. One of them is seated next to him. The other one is seated behind him. You will see that even in the KYPA, the most important positions of the Chairperson and Secretary-General are occupied by one gender.

I can make an intelligent guess that the Treasurer is possibly a woman. These are things that we must, as leaders, stop applying and practising. I am happy that they have even come up with an association but for the same reason for being here, looking for---

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Ndhiwa, what is out order?

Hon. Oyugi: Thank you, hon. Temporary Deputy Speaker. First, I would like to take this opportunity to wish hon. Alice Wahome and all other Members a very happy new year.

Hon. Temporary Deputy Speaker, I will not sit here and let hon. Alice Wahome misinform the House. The process of coming up with the officials of the KYPA was elaborate. Hon. Members were invited for a retreat on a weekend. The elections were done in a free and fair manner.

The Temporary Deputy Speaker (Hon. Kajwang’): Can you come to what is out of order?

Hon. Oyugi: Hon. Temporary Deputy Speaker, is she in order to allege that even in associations like the KYPA, women are not given a fair chance when the election process was free and fair?

The Temporary Deputy Speaker (Hon. Kajwang’): You do not have to respond to that one, Alice, because it was an expression of your opinion on the matter.

Hon. (Ms.) Wahome: Thank you, hon. Temporary Deputy Speaker.

The reason as to why we are here seeking to amend the Public Procurement and Disposal Act is because of Government’s failure to be alive to gender issues as well as youth issues and needs. So, as leaders, we must take these issues seriously. We will not be belabouring the point here. As we think of this mechanism, the evaluation and monitoring mechanisms are also very important. The practice has been that procurement officers in our public institutions have continuously engaged in business as usual. You will find that two or three people will be having a bid here and another tender there. They will be successful bidders here and there. I think even the number of times one particular person bids and wins a public tender should also be an issue. If we are talking about spreading the scarce resources, our rules should be able to highlight that and limit the amount of money I can procure from the public.

You will find that from the 1980s, it is the same people who have benefitted. They use some mechanisms that are not necessarily open and transparent. Therefore, the youth who have no clout, no political positions, no family background to influence the tenders, no networks, no connections--- It is the same thing with women. Possibly, even before you get that tender you walk into an office looking smart and then considerations other than your tender documents will speak before you actually succeed!

Therefore, I support, but I want to see a situation where we include women and persons with disabilities. That way, we shall have complied with Article 27(8) which gives the Government the mandate to come up with mechanisms and measures to ensure that the youth and women benefit from all these public institutions and jobs.

I can see the light turning yellow. I would like to wish you, hon. Temporary Deputy Speaker and others, a happy new year. I think I am the fifth person to speak. I was looking forward to speaking and I hope that another person of the same gender will get the opportunity to speak.

The Temporary Deputy Speaker (Hon. Kajwang’): Unfortunately, that group of gender will have to wait for hon. Yusuf Chanzu from Vihiga!

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. I also wish to join my colleagues to wish my colleagues here a prosperous new year and welcome them back.

This is a very important Bill. I would say that it has been long overdue. There have been quite a number of attempts by successive Governments, but whatever was done was not properly organized, co-ordinated and documented. However, I think the new Constitution has helped us a great deal by being specific on a number of issues, for example, the issue of the youth and gender and so on.

When I look at the issue of the youth, I think there are a number of factors that have contributed to what seems to be going on. They seem to lack opportunities. The *Jua Kali* sector would have gone very far if we had proper legislation and mechanisms in place. I think it was done in a haphazard way. We still have places like Gikomba where you will find some boxes, but there is no standardization. The effort now, by the leader of the TNA Party to bring up this Bill will go a long way in assisting to put everything in harmony so that there is a way it can be done.

There was *Jua Kali* and later on the Kibaki administration came up with the Youth Enterprise Development Fund. These are some of the things that came up because of the campaign pledges and sometimes they were not properly planned. So, when you found some Kshs50,000 given to a group--- One had to form a group of about ten or 12 youth so that they could get the Kshs50,000. To bring together a group of about ten to 12 young people so that they can get Kshs50,000 is difficult. It is difficult for even two people to work together. I find Kshs50,000 to be ridiculous!

Hon. Temporary Deputy Speaker, later on the requirement changed so that once they had paid satisfactorily, then one youth could get Kshs50,000. This still could not work. Therefore, I believe that once we put legislation in place like this one, it will be able to assist. The only thing we need to address is facilitation because accessing funds in this country is a big problem. We talk about a huge amount of money in banks but how to access this money is a problem. Even if you look at the banks today, there are some which are helping some of the students who have passed examinations to go to secondary school. You see that money on paper, but to access it is problem.

Hon. Temporary Deputy Speaker, for example, the Co-operative bank here, every parent who has been going to that bank must belong there in order to get money. So, if we can address the issue of facilitation such that we have adequate funding somewhere where the youth can access funds, it can be good. Then again the issue of conditions is something that needs to be addressed in order for them to operate. Otherwise, the law will be there favouring them but they will not be able to operate.

Hon. Temporary Deputy Speaker, there were efforts which were made to devolve a number of projects even before the new Constitution. For example, we have got Constituencies Development Fund (CDF) which has worked very well. A number of statements have been made; even the President has made statements several times that the youth should be involved in these projects to be able to earn their living, but without legislation, it has not been possible. Therefore, this is quite important as far as that is

concerned that we have, at least, some law or amendment that is going to make it possible for the youth to be able to participate.

Hon. Temporary Deputy Speaker, the issue of training is also another problem. I support the idea of us having youth polytechnics all over the country. Although it is a devolved function with the governors--- I can see a number of them are spending a lot of time taking care of themselves, travelling and incurring all these expenditures. If we can have a way of reviving youth polytechnics so that they can accommodate particularly those who were not able to continue with their studies, it can be good. They can join youth polytechnics and then the Government can establish colleges for them where they can acquire diplomas and then those who want to continue to university can do that.

Hon. Temporary Deputy Speaker, jobs like supervision of road construction and water projects require technical skills. You do not need to have papers like Doctor of Philosophy and so on. You only need to have basic knowledge on what should be done. Therefore, training is going to be a very important element of this scheme. I think if all those factors are taken into consideration and we are sincere, we provide an enabling environment and not make political utterances, the youth should get 30 per cent and more can be done as they mature.

With these few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Can we have the Chair of the relevant Departmental Committee? This is the Member for Ainamoi!

Hon. Langat: Thank you very much, hon. Temporary Deputy Speaker for giving me this opportunity. I want to first and foremost congratulate my very good friend, hon. Sakaja, who also happens to be my member in the Departmental Committee on Finance, Planning and Trade.

Hon. Temporary Deputy Speaker, when this Bill came for pre-publication scrutiny, my Committee did not hesitate to give it the necessary approval because of its importance. Therefore, I want to say that the chairman TNA, who actually happens to be in this House because of affirmative action in terms of the youth agenda, has actually proven himself that truly he represents the youth in this House and I want to really congratulate him.

Hon. Temporary Deputy Speaker, if you look at all the political parties which were contesting in the last elections, both Jubilee and CORD were talking about the youth because they are the problem in this country. In fact, they are a time-bomb and if we do not address them, they will be a serious challenge in this country.

Hon. Temporary Deputy Speaker, we have spoken about the *Uwezo* Fund which targets the youth. If you give youth money and then again you do not give them the opportunities, we are not going to achieve results. So, I think this Bill serves to tie up the two strategies and that is the strategy of the *Uwezo* Fund which is actually giving them the capital needed to perform the business. We are now saying we must give them the big opportunities to be able to do business and be able to repay these funds.

We must take affirmative action for our youth and this is the Bill that is going to solve that problem. I like the Mover when he said that even the county governments must be told that they must consider the youth in the contracts they are giving in their counties. I really want to say that we must make it a mandatory requirement that all tenders must comply with this law. I am very confident that this House will pass this law. My

Committee, if necessary will reconsider any other proposals from stakeholders and we will make further amendments which will improve the Bill because we want the best out of this Bill.

Hon. Temporary Deputy Speaker, this country is associated with a vicious cycle of poverty. Those children who were born in rich families continue being richer and richer. Those who are born in poor families end up being poorer and poorer and I think this is one Bill that is going to break that vicious cycle of poverty because we want opportunities. Because of the way the structure is done, they are unable to access them. Therefore, for us to be able to resolve the vicious cycle, the youth must be given this opportunity and this Bill comes in very handy.

Hon. Temporary Deputy Speaker, as we debate this Bill we must also build the capacities of our youth and I want to say that our youth who are graduating from various polytechnics, universities and colleges should form groups and register them. We want to encourage the Registrar of Companies to devolve his or her functions. It beats logic for somebody who wants to register a company in Kericho to be told to come and do it in Nairobi. They must have their branches in Kericho or Mombasa and those who want to register should do so where they are. In fact, it is saddening and I think we need to address it. It is saddening that our Registrar of Companies is still very analogue. You want to search a company and you are told that it will take three days. I think it is time systems were put in place so that if you want to search for a name, you can do it through your mobile phone because technology is here.

Therefore, as a House, we need to pass this Bill. My Committee will facilitate other very good amendments from good Members so that we make it a very refined Bill and we tie it to the *Uwezo* and Youth Funds.

In fact, I anticipate a situation where part of the *Uwezo* Fund will be LPO financed so that some of the monies held there--- Those who have got contracts from various Government agencies are told to present the LPO, they are given money, they do the job and they repay the money instantly.

Hon. Temporary Deputy Speaker, I would like to say that our youth must now be ready to take off. This is the time for take-off for our youth with this Bill and the *Uwezo* Fund. I look forward to a very bright future for the youth in this country and for Kenyans in general because very many good things are coming up. The future of this country is very bright.

Hon. Temporary Deputy Speaker, with those few comments and on behalf of my Committee, I support this Bill. We will fine tune it because hon. Sakaja is also a Member of my Committee so that it really addresses the issues that need to be addressed to enable our youth to access opportunities in the public sector.

I support the Bill, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Alego Usonga, you have only four minutes. Are you able to deliver that in four minutes?

Hon. G.W. Omondi: Thank you, hon. Temporary Deputy Speaker. I also rise to support this amendment to the Public Procurement Act. When His Excellency the President talked about 30 per cent of the procurement money going to the youth, I remember my concern was that unless the law is amended very little will be achieved.

Hon. Temporary Deputy Speaker, as it stands today, the law is being amended and I am very happy that our youths will benefit from what His Excellency the President had told us in this Parliament.

It is true that the future of any nation depends on its youth. Therefore, the world over it has become necessary for many developing economies to insist that for a step to be taken forward, the youth must be empowered. Secondly, together with the youth, for changes to take place in any economy, women interests must also be taken into account. I only hope that at some stage we will find time and technical ability to come up with a Bill which will also recognize women.

Hon. Temporary Deputy Speaker, this Bill removes what I refer to as welfare mentality from our youth. This is because what happens now is that most of our youth sit in market places even with their degrees and expect those who are able particularly politicians to give them handouts. I think that mentality for those youth who want to work will disappear with this Bill.

As the Mover had said before, further amendments will be required to this Bill to make the procurement laws more youth friendly because the Procurement Act that operates in Kenya was actually conceived from the international donors such as the World Bank and the International Monetary Fund (IMF) and the local situations were not taken into account. This may have to be looked at again.

I also want to say that we may amend the Bill but if we do not put in monitoring mechanism both at the national level and at the county level, we will achieve very little. It is important that we come up with measures that will make sure that, at least, as has been said 30 per cent of the business is given to the youth.

What are we also trying to do with this Bill? We find many youths falling into crime---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang’): I am sorry the Member for Alego Usonga. Now that you are beginning a new point, is that not the best place to keep your points for the next sitting?

Hon. G.W. Omondi: Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): You will have a balance of eight minutes on Wednesday, next week. So, come to the Chamber early enough so that you can utilise the balance of eight minutes that you still have.

Hon. Members, we have come to the end of today’s sitting. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.