

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 4th August, 2016

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEMISE OF HON. MARK WARUIRU MWITHAGA

Hon. Speaker: Hon. Members, it is with deep sorrow that I have learnt of the demise of Hon. Mark Waruiru Mwithaga, HSC, OGW. The late Hon. Mwithaga, a former Member for Nakuru Town, passed on following cardiac arrest on Monday, 1st August, 2016. He was 79 years old.

Hon. Members, the Late Hon. Mwithaga was a prominent Member of this august House, and represented Nakuru Town Constituency between 1966 and 1979. He served as an Assistant Minister in the late President Jomo Kenyatta's Government, and also as a member of the Kenya Film Commission in President Mwai Kibaki's administration. He was a forthright politician who never compromised on his principles and beliefs. He was an inspiring mentor to many and influenced various politicians who came after him. As a respected Member of this House, he served in various committees, and was the Vice-Chairperson of the Parliamentary Select Committee that investigated the death of the late Hon. Josiah Mwangi Kariuki.

Additionally, he played a major role in shaping and influencing the political direction of Nakuru and its environs, having served as the Nakuru KANU Branch Chairman, and bringing much-needed development to the town. An astute businessman, he engaged in numerous investment ventures, including starting the Nakuru Transport Cooperative Society (NATCO), which was the first transport-related SACCO of its kind.

The late Hon. Mark Waruiru Mwithaga was, indeed, a hero and a legend that will be fondly remembered and greatly missed by his family, friends, Nakuru residents, this august House and the country at large. Those wishing to pay their respects should note that a requiem mass will be held in Nairobi and Nakuru at a date to be announced later.

In the meantime, family and friends of the late Member are meeting daily at the All Saints Cathedral from 5.00 p.m. His funeral will be held on Friday, 12th August, 2016 in Nakuru following a church service at Christ The King Catholic Church.

On behalf of all Members of the National Assembly, that of the Parliamentary Service Commission (PSC) and, indeed, on my own behalf, I wish to convey our condolences to his family, friends and the people of Nakuru town for this great loss. In honour of the exemplary service rendered to the nation and society by the late Hon. Mwithaga, I now request that we all stand to observe a minute of silence.

(Hon. Members observed a moment of silence)

May his soul rest in eternal peace.

I thank you.

I hope the Members whose names appear on my request list are not intending to say something on the Communication that I have just delivered.

Yes, Hon. Opiyo Wandayi.

Hon. Wandayi: Thank you, Hon. Speaker. I was just wondering if you could allow us to say one or two words.

Hon. Speaker: Indeed, you are the only one who has put an intervention. The other Members have put their names to indicate that they want to contribute to something which I do not know.

Hon. Wandayi: Thank you very much, Hon. Speaker. I want to join you and my colleagues in condoling with the family of the late Hon. Mwithaga and the community of Nakuru County as a whole.

Hon. Speaker, you will agree with me that Hon. Mwithaga stood out as a true nationalist amongst his compatriots. You will also agree with me that had it not for the efforts and contribution of the likes of Hon. Mwithaga, perhaps the democratic space that we enjoy today could not be there. As we condole with his family, we must remember that it is important for us not to lose sight of the fact that this country has come from far in terms of the struggle for the freedoms and the rights that we currently enjoy. Therefore, I join you and my colleagues in expressing my condolences.

Hon. Speaker: Yes, the Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Speaker. On behalf of the great people of Kiminini, I also want to send a message of condolence to the family of the late Hon. Mwithaga. We pray to the Almighty God that he gives them strength and comfort during this difficult time.

I thank you.

Hon. Speaker: The Member for Imenti South, you have the Floor.

Hon. Murungi: Thank you, Hon. Speaker. I also want to condole with the family and the people of Nakuru Town following the demise of Hon. Mwithaga.

I have lived in Nakuru Town and it is the way it is because of such great leaders. Hon. Mwithaga has played a key role in the development of Nakuru Town and its environs. Besides being an astute politician and leader, he had also excelled in business. He has business empires in Nakuru Town. He assisted very many businessmen who were starting their lives. Nakuru Town is doing well. I even remember when Nakuru Town was the cleanest town in East Africa. This can be attributed to the efforts that were made by Hon. Mwithaga and a clique of leaders that were there then.

Thank you, Hon. Speaker.

Hon. Speaker: Let us now have Hon. Iringo.

Hon. Kubai Iringo: Thank you, Hon. Speaker, for allowing me to join you and my colleagues in sending my sincere condolences and those of my constituents of Igembe Central to the late Hon. Mwithaga's family and the great people of Nakuru. I recall when I was in school we heard of Mwithaga because he was an astute leader and somebody who was very popular amongst his people until he won an election while he was in jail at one time. It means he was a

man of substance to his people and he loved to serve them. That is why the people of Nakuru loved him to a point of electing him while he was in jail.

May his soul rest in peace.

Hon. Speaker: Yes, the Member for Makueni.

Hon. Maanzo: Thank you, Hon. Speaker. Let me also join the rest of the Members to condole with the family of the departed former Member. I want to remember his role in the development of the cooperative movement, having participated actively in cooperative activities and having come up with the ideas of establishing savings and credit cooperative organizations (SACCOs) that relate to the transport industry. You can now see that his ideas have a lot of effect on Kenya. That is why you see many SACCOs all over today. Businessmen are no longer trading alone but they are able to put their businesses together; save together, service and repair their vehicles and be accountable to the country when it comes to transport. That is why SACCOs today are very good in relation to transport. If a vehicle causes an accident, that SACCO will be traced. It is even easier to insure vehicles. Thanks to him.

May the Lord rest his soul in eternal peace.

APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE

Hon. Speaker: Hon. Members the second Communication relates to the appointment of Members to the Mediation Committee on the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015) and the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015).

(Hon. Chepkong'a consulted loudly)

The Member for Ainabkoi, you should be listening in silence.

Hon. Members, you may recall that on Tuesday, 2nd August, 2016, this House, while in the Committee of the whole House, agreed with the Senate on most of its amendments save for amendments to New Clause 9A of the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015) and clauses 9, 72, 75 and 77; and the Third Schedule of the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015).

On Wednesday, 3rd August, 2016, the House agreed with the said decision of the Committee of the whole House. Consequently, the Bills now stand committed to a Mediation Committee in accordance with the provisions of Article 112(2)(b) of the Constitution.

In this regard, and in consultation with the leadership of the majority and minority parties in the House, I have appointed the following Members to represent the National Assembly in the Mediation Committee:-

- i. The Hon. Amina Abdalla, MP;
- ii. The Hon. Joyce Emanikor, MP; and,
- iii. The Hon. (Dr.) Wilbur Ottichilo, MP.

Hon. Members, it is advisable that in attempting to develop an agreed version of the said Bill, the Committee confines itself to the contested clauses.

I thank you.

PETITIONS

Hon. Speaker: I have indication that four Chairpersons of various Committees will report on various petitions as appears on the Order Paper. The first is the Chairperson of Departmental Committee on Education, Research and Technology.

ALLEGED MISMANAGEMENT OF MURANG'A UNIVERSITY COLLEGE

Hon. (Ms.) S.W. Chege: Thank you, Hon. Speaker. On Wednesday, 30th April, 2015, a Petition was presented in this House regarding alleged mismanagement of Murang'a University College. In the said Petition, the petitioners had prayed that the National Assembly, through the Departmental Committee on Education, Research and Technology conducts an inquiry into the representation of the local community in the University Board of Management and the entire institution. The Committee was also expected to initiate a review in the conduct of the University College Principal and the Registrar of Administration and Planning.

In consideration of the Petition, the Committee undertook a visit to the University College and held meetings with the University Board of Management and the Council of the University. The Committee also held a meeting with the Commission for University Education (CUE).

After thorough consideration of the matter raised in the Petition, the Committee made the following observations: That the Board of Management of the University is constituted in line with the Murang'a University College Statute, 2013. According to the statute, the membership of the board should consist of the Principal; the Deputy Principal; the Finance Officer; the Registrar, Academic, Research and Innovation Extension; the Registrar, Administration, Planning and Development and such other members of senior management as the Council may determine.

Up and until September, 2011, Murang'a University College was previously Murang'a Institute of Technology before it was elevated. As a result, there were several challenges experienced during the transition including rationalisation of staff establishment. When it was Murang'a Institute of Technology, majority of the staff were drawn from the local community and as such, it was not easy to dismiss them after the change of status.

With respect to the conduct of the college Principal and the Registrar, Administration and Planning, the Committee was not able to conclusively establish whether the college Principal had an integrity-related issue while he was serving as the Managing Director for Chemelil Sugar Company as alleged in the Petition.

The Committee recommended that the matter be taken up by the Ethics and Anti-Corruption Commission (EACC) for further inquiry. The Committee established that the position of the Registrar of Administration and Planning was advertised after the current Registrar of Administration and Planning had been confirmed in the position. Therefore, the Committee directed the Cabinet Secretary for Science and Technology to carry out an inquiry on the conduct of the Council on the process of recruitment of the current Registrar and take necessary action.

Allegations of nepotism were also raised. The Committee could not conclusively find any evidence indicating that some members of staff had any relations amongst themselves. In this regard, the Committee recommended that the CUE develops a general transfer policy across

public universities especially during transition from a technical training institute to a university to guard against any conflict of interest that may arise especially from the local community.

We, as a Committee, also saw a challenge when the universities are transformed from technical training colleges to universities where a university becomes a national institution. Therefore, the Committee recommended that there must be scrutiny before the institution is elevated to a university and proper procedures of the current staff in that institution should be followed before the elevation.

WITHHOLDING OF 2014 ECD EXAM RESULTS BY KNEC

This is the second Petition. On 19th August, 2015, Hon. Richard Makenga presented a Petition regarding withholding of 2014 early childhood education examination results by the Kenya National Examination Council (KNEC). The Petition was presented on behalf of candidates of Foundation Institute of Africa regarding release of 2014 ECD exam results. In the said Petition, the petitioners had prayed that the National Assembly, through the Departmental Committee on Education, Research and Technology, does a thorough research.

Therefore, after several meetings, we made the following recommendations:-

- (i) an audit of the late registration penalties and other levies charged by the KNEC be verified and their legality;
- (ii) the KNEC immediately and unconditionally releases the 2014 ECD examination results for all the affected students; and,
- (iii) the KNEC undertakes unconditional registration of the year 2015/2016 candidates in the Foundation Institute of Africa immediately and also reviews the Kenya Examinations Act with a view to making the institution more effective in conducting and managing examination in the country particularly in its imposition of fees and levies.

In considering the Petition, the Committee held meetings with Hon. Richard Makenga and the Managing Director of Foundation Institute of Africa. The Committee also held several meetings with the KNEC. After thorough consideration of the matter raised in the Petition, the Committee made the following observations:-

- (i) the KNEC has imposed a fine on the Foundation Institute of Africa amounting to Kshs16 million for late registration of candidates in 2014;
- (ii) the management had made several attempts to seek intervention of the KNEC to waive the penalty fee arguing that the Foundation Institute of Africa was a non-profit organization surviving on contribution by membership;
- (iii) the management had also sought for intervention by the Ministry of Education for the waiver. The matter was filed in High Court under JR-Case No.328 of 2015 for judicial review where the judge ordered a prohibition restraining the KNEC from canceling or deleting any matter whatsoever among others.

In view of the above judgement, the Committee had no intention of contradicting the High Court ruling and, therefore, directed the KNEC to comply with the orders of the High Court. The Committee observed that the petitioner had sought the Committee's intervention on the audit of all the penalties and levies charged by the KNEC.

The Committee recommends that the Ministry of Education, Science and Technology undertakes an audit of all the levies and penalties imposed by the KNEC. The Committee also

observed that the punishment on late registration should not be borne by students as it is the right of every person to attend the highest level of education.

The Committee, therefore, directed the KNEC to release the examination results of the 2014 ECD candidates. The Committee also directed the Ministry to review the policy on all types of levies to be levied by the examination body. The Committee notes that the Cabinet Secretary for Education constitutes a new council to ensure proper management of examinations at all levels.

As such, the Committee recommends a thorough lifestyle audit of the staff of the KNEC.

Thank you.

Hon. Speaker: The Members who had presented those petitions may wish to comment. Before I open the Floor, allow me to recognise students and pupils from the following institutions seated both in the Speaker's and Public galleries: SOS Hermann Gmeiner School, Uasin Gishu County; Two Little Angels School, Isiolo North Constituency, Isiolo County; Bright Gift School, Nairobi County; Kimase Primary School, Sotik Constituency, Bomet County; Gathara Secondary School, Nyandarua County; AIC Olchoro Academy, Narok County and Elmas Primary School, Nyandarua County. They are welcome to observe the proceedings of the National Assembly.

Before I allow the Chair of the Departmental Committee on Lands to report on his two petitions, do I get an indication that Hon. Moses Injendi wants to make a comment?

Hon. Injendi: Thank you, Hon. Speaker. I am a member of the Departmental Committee on Education, Research and Technology, where we had the discussion on Murang'a University College. I am surprised with what the Chairperson is reporting on the recruitment of the Registrar of the university. I recall in one of our meetings, these facts were to be verified. It was alleged that the position of the Registrar was advertised when he was already confirmed in the position. However, the fact on the ground was not correct. In fact, I am wondering whether my signature is on that Report. That fact is not correct.

Hon. Speaker: The Member for Kaiti, you have the Floor.

Hon. Makenga: Thank you, Hon. Speaker. I would like to take this opportunity to comment on the Petition I had brought. Though it has taken one year for the Report to be tabled, I am satisfied with the recommendations by the Committee. The results which were being held by the KNEC are in the process of being released. The latest information I have is that a printout has already been prepared. They are in the process of releasing the results.

I also learnt that the registration of candidates who had not been registered for the subsequent year has been done. I want to thank the Committee for the job well done.

Hon. Speaker: Yes, the Member for Ugunja.

Hon. Wandayi: Hon. Speaker, I want to comment on this Petition particularly on the matter of the then principal of the college. In the course of the inquiry by the Committee, the then principal was promoted to the position of the Vice-Chancellor of Maseno University. Therefore, I presume that due diligence has been done on his conduct and his undertakings. Therefore, the recommendation that the matter surrounding his performance at the college be referred again to the EACC has been overtaken by events. For him to have been promoted to that very high position of Vice-Chancellor, all due diligence must have been done on him and he must have been found to be fit to hold that very high position.

Thank you.

Hon. Speaker: Hon. Members, let me welcome and recognise students and pupils from Kiptororo Mustard Seed Primary School and Kipkoris Primary School both from Kuresoi North

Constituency, Nakuru County. Welcome to observe proceedings of the National Assembly. The Chair of the Departmental Committee on Land, Housing and Urban Development, you have two petitions to report on.

Hon. Mwiru: Thank you very much, Hon. Speaker. The Committee on Lands received a total of 18 petitions for the period between 2013 to Thursday, 4th August, 2016. The Committee was able to dispense with nine petitions two of them being the following:

ALLEGED GRABBING OF PUBLIC LAND BELONGING TO
CHUKA TOWNSHIP PRIMARY SCHOOL

On the Petition by Hon. Muthomi Njuki, MP, regarding alleged grabbing of public land belonging to Chuka Township Primary School, Tharaka Nithi County, the petitioners prayed to the House that the Ministry of Land, Housing and Urban Development urgently fast-tracks issuance of title deeds to the Chuka Primary School and intervenes to ensure that the petitioners' plight is addressed. The school does not have a title deed. The Ministry of Land, Housing and Urban Development had conducted a survey in June to confirm the boundaries of the school and established its acreage to be 4.996 acres; and the planned area as per the two plans was set aside for public institution. The school borders Family Life Centre to the north - a private institution - a road to the south and Chuka Girls' High school to the west. There is no dispute between the school and Chuka Girls.

The Committee recommended that the NLC should allocate the land to the school and the Ministry of Land, Housing and Urban development issues a title deed for the school within 30 days. I cannot report how far that has gone but maybe, the Committee on Implementation can.

COMPULSORY ACQUISITION OF LR.NGONG/NGONG/1959

On the Petition by the residents of Kajiado West Constituency, Kajiado County on the inquiry into the compulsory acquisition of LR.Ngong/Ngong/1959, the petitioners prayed that the House, through the Departmental Committee on Lands investigates the circumstances under which part of the community land that was set aside for the Veterinary Department was illegally allocated to private owners and titles issued.

They urged the Government to compel the Veterinary Department to surrender the entire land back to the community for adjudication and redistribution to its original owners in keeping with the provisions of Article 63 of the Constitution and the Land Act, 2012 regarding community land.

Hon. Speaker, after meeting with Hon. Moses ole Sakuda, Kajiado West MP; Hon. Joseph Manje, Kajiado North, MP; the Cabinet Secretary, Ministry of Land, Housing and Urban Development Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries; the Chairman, NLC; the residents of Kajiado West Constituency; the residents of Kaputiei and Ngong community, Kajiado North Constituency, the Committee observed: -

- a) In 1957, the Government vide Gazette Notice No.890 allocated 1400 acres to the Veterinary Department for training purposes. However, only 459 acres are used by the said department. The remainder of the land is uncommitted and has been encroached by various private and public institutions which are not using the land rationally, productively and sustainably.

- b) There are illegal/irregular allocations of the land against the original purpose for which the land was set aside with various public institutions on the land with no Cabinet Memorandum authorizing the change of the user for the Government land previously allocated and in custody of the Veterinary Department.
- c) The Veterinary Department has some limited activities on the land contrary to the original purpose of veterinary training and the department has shown laxity and complacency by not raising any complaint to various private and public institutions who have encroached and are actively using part of the land which is uncommitted by the Veterinary Department.
- d) On 8th October, 2012, Hon. Mohamed Kuti, EGH, MP, while the then Minister for Livestock Development warned the then Commissioner for Lands, Mr. Zablon Mabeya against allocating Government land to institutions or individuals without following due process which entail issuance of Cabinet Memorandum countersigned by the Minister for Lands, and such land can only be allocated after the Cabinet has discussed and authorized the same. The Minister further warned of possible cancellation of all allocations of Government land under the custody of the Ministry of Livestock Development.
- e) There are various groups like the Gikuyu na Mumbi claiming to be members of Kaputiei Clan of the Maasai community, and a group of people from Kajiado East and Kajiado West among others who appeared before the Committee and claimed to be the original owners of the said land.

Hon. Speaker, as to the first prayer, the Committee recommended that the Ministry of Land, Housing and Urban Development in collaboration with the NLC should conduct survey on L.R.Ngong/Ngong/1959 to establish its actual size and review all irregular/illegal allocations and depositions of grants to private and public institutions with a view to establish if the correct procedure was followed in the reallocation of the said land, and if the procedure was not followed to immediately cancel such allocation pursuant to the Ministerial directive dated 8th October, 2012 and conduct adjudication and redistribution of the said land to its original owners.

Secondly, that the Ministry probes the private and public institutions which irregularly and unprocedurally were allocated part of Ngong/Ngong/1959 to establish if they are sustainably utilizing the allotted parcels with the intention of varying such allocations with a view to reverting the unused parcels of land to the community and carrying out an adjudication and redistribution of the said land to the original owners.

Thirdly, that the Ministry investigates the claims by the various groups with a view to establish the genuineness of their claim and those found to be genuine be included in the list of the people to be allocated land.

Forthly, the EACC and the Criminal Investigation Department (CID) conduct forensic audit of documents in possession of private entities occupying Ngong/Ngong/1959 with a view to prosecuting individuals who acted illegally and unprocedurally in that transaction.

Hon. Speaker, as to the second prayer, it was granted by the Committee that the Ministry of Land, Housing and Urban Development and the NLC compel the Veterinary Department and any other Government institution regularly and procedurally allocated a parcel of land on Ngong/Ngong/1959 to surrender all the land which is unused and uncommitted back to the original inhabitants for adjudication and redistribution in keeping with the provisions of Article 63 of the Constitution and the Land Act, 2012 with regard to community land.

Hon. Speaker, that is the Report on the two petitions that were before the Committee. Thank you.

Hon. Speaker: Hon. Members, this is a new system which has been adopted so that Members are on their own and the House is kept abreast of developments with regard to petitions. It is not necessarily meant to elicit debate but it is also fair for the Committee, particularly the Departmental Committee on Lands to appreciate that whatever you do, because this does not seek a resolution of the House, is a mere recommendation. Some of them are directed to the NLC.

The NLC being a constitutional body is independent, and in the exercise of its functions is not subject to the direction or control of anybody or any authority. So, even our own Committee on Implementation, in pursuing this kind of recommendation, must be accordingly aware that if the recommendations prove impractical to the persons to whom they are directed, then those bodies can indicate the reasons why they may not be able to implement but they are not compelled to.

It is fair that the House gets to know that this is a new system and, therefore, Members are encouraged to be looking at the back of the Order Paper on Thursday afternoons to note when their petitions are being reported on, so that they are able to raise comments if any.

I noticed that the two Members are conspicuously absent from the Chamber and because of some other urgency and for the convenience of the House, I think it is fair I announce that there are certain businesses appearing some of which require mediation and we need to put the Question. I will, therefore, in exercise of my discretion not allow comments on this one because I can see a few of us attend the House for 25 minutes and they take leave. This will enable us to put the Questions on those other Motions. For the Members who had indicated interventions, allow me not to permit you to comment at this stage because very soon we will be unable to have the necessary numbers to put the Questions on some of those Bills. Since I am also alive to the fact that the other House is having a Special Sitting tomorrow, it is fair we put this Question so that should there be need for some further Mediation Committee then we will be within time.

Next Order!

PAPERS LAID

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

The Report of the Departmental Committee on Energy, Communication and Information on its consideration of Senate Amendments to the following Bills: -

The Energy Bill, National Assembly Bill No.50 of 2015; and,

The Petroleum (Exploration, Development and Production) Bill, National Assembly Bill No. 44 of 2015

NOTICE OF MOTION

SETTLEMENT OF SQUATTERS AND COMPENSATION OF PRIVATE LAND OWNERS

Hon. Sumra: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware of the dire plight faced by slum dwellers in Nairobi County as exemplified by the housing and sanitation woes they face daily in addition to

risks of fires razing down their houses that are crumbled together; further aware that the Government is in the process of implementing its policy on settling the landless; cognisant of the fact that granting legal land occupancy status to squatters will create confidence in locals and investors for sustainable investment and development that will transform the slums into developed estates; and concerned by the large number of squatters in Mukuru kwa Njenga, Mukuru kwa Reuben, Kibera, Maili Saba, Mathare, Mukuru Kaiyaba, Chokaa, Kware, Soweto, Utawala, Sinai and in other slums countrywide, this House urges the national Government to settle squatters in the lands they currently occupy and compensate private land owners either financially or through the provision of alternative land beginning with Nairobi County, and progressively extending to the rest of the country.

Hon. Speaker: Let us move on to the next Order.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING 9TH TO 11TH AUGUST, 2016

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

Hon. A.B. Duale: Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a) and on behalf of the House Business Committee (HBC), I rise to give a Statement regarding the business appearing before the House the week beginning Tuesday, 9th August, 2016.

Hon. Speaker, the HBC met on Tuesday this week at the rise of the House to prioritise the business for consideration. On Tuesday, next week, the House will consider the Senate Amendments to two Bills namely the Fisheries Management and Development Bill (National Assembly Bill No.20 of 2014, and the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.44 of 2015).

I urge the Departmental Committee on Energy, Communication and Information to expedite the consideration of the Senate amendments to the Energy Bill, 2015; the Access to Information Bill, 2015; and the Petroleum (Exploration, Development and Production) Bill, 2015 and table their reports. I am happy the Chair tabled the reports except the Access to Information Bill, 2015.

On the same note, the Departmental Committee on Agriculture, Livestock and Co-operatives should also finalise consideration of the Fisheries Management and Development Bill, 2014 which has been pending for a long time.

Hon. Speaker, also scheduled for Second Reading next week are the following Bills:

- (i) The Civil Aviation (Amendment) Bill, 2016.
- (ii) The Universities (Amendment) Bill, 2015.
- (iii) The Persons with Disabilities (Amendment) Bill (Senate Bill No.24 of 2014).
- (iv) The National Youth Service Bill (Senate Bill No.26 of 2014).
- (v) The County Early Childhood Education Bill (Senate Bill No.23 of 2014).
- (vi) The Kenya Regiment (Territorial Force) (Repeal) Bill, 2015.

Hon. Speaker, the HBC has resolved to prioritise all-year five Constitutional Bills which ought to be passed by 27th August, 2016 which is just 23 days away. Priority will also be

accorded to the consideration of the various Committee reports and several Private Members' Bills before this House.

In the same week, the House will consider the Finance Bill, 2016, which should be concluded on or before 28th September, 2016. September is a month for recess so we should conclude that Bill before then.

Following communication from the presidency, there will be a Cabinet Meeting next Tuesday, and in consultation with the Office of the Clerk, we felt that there will be no Cabinet Secretaries appearing before Committees on Tuesday, 9th August, 2016. We will try and see whether we can slate many Cabinet Secretaries the following week.

Finally, Hon. Speaker, the HBC will reconvene on Tuesday, August 9th, 2016 at the rise of the House, to consider business for the coming week.

Hon. Speaker: I hope various Chairs of Committees will note the Reports that will be given priority. We have to finalise Bills with constitutional timelines. If you look at our Public Finance Management (PFM) Act, you will find that the Finance Bill must be passed within 90 days, which will expire on 28th September, 2016. According to our calendar, this House will be on recess in the month of September. The House is urged to move with speed and show the usual agility in considering the Finance Bill before the end of this month.

The Member for Ugunja, you are terribly active.

Hon. Wandayi: Hon. Speaker, I was asking if I could raise my issue after the next two Orders because they require numbers.

Hon. Speaker: Very well. Let us move on to the Next Order!

Hon. (Eng.) Gumbo: On a point of order, Hon. Speaker.

Hon. Speaker: Hon. (Eng.) Gumbo, I feel inclined not to allow you to claim to rise on a point of order. You have formed a habit of raising administrative matters on the pretext that you are raising matters of order. More particularly, take this from me, the Chair takes it very unkindly that you can approach a Chair to raise a complaint, who promises to investigate and make corrective actions. As if that is not enough, when the Chair has gone to address the matter, I observed from my office that, you still raised the same matter. Do you just want to talk for the sake of talking? You approached me on the question of yesterday's Order Paper, and I promised to take corrective action. While I was addressing that, I noticed that you again raised it for consideration by the Deputy Speaker. Make up your mind on what you want to do. You went ahead to write a long letter. Why do you place yourself above other Members, that you are extremely an active Member and raise many amendments unlike the rest? The tone of that letter was in bad taste. It is like to suggest that the other Members are passengers in a bus that is driven by the Member of Parliament for Rarieda. Do you want your issues to be addressed administratively or here? Even when you raise them here, we can only deal with them administratively. Do not tell me about people who are inspecting vehicles because that is not a matter for order. You cannot raise that in the Chamber. The HBC has already considered the reports of the Public Accounts Committee (PAC). This is what is making you think that you are above other Members. You are not. You are just a Chair of a Committee like others.

Let us proceed. Next Order!

MOTIONS

APPROVAL OF THE MEDIATED VERSION OF THE LAND LAWS (AMENDMENT) BILL

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015), laid on the Table of the House on Thursday, 28th July, 2016, and approves the Mediated Version of the Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015).

(Hon. Mwiru on 3.3.2016)

(Debate concluded on 3.3.2016 – Afternoon Sitting)

Hon. Speaker: Hon. Members, debate on this Motion was concluded. What remains is for me to put the Question. I confirm that we have quorum.

(Question put and agreed to)

Next Order!

APPROVAL OF THE MEDIATED VERSION
OF THE COMMUNITY LAND BILL

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Community Land Bill (National Assembly Bill No.45 of 2015), laid on the Table of the House on Thursday, 28th July, 2016, and approves the Mediated Version of the Community Land Bill (National Assembly Bill No.45 of 2015).

(Hon. Mwiru on 3.3.2016)

(Debate concluded on 3.3.2016 – Afternoon Sitting)

Hon. Speaker: Hon. Members, similarly, debate on this Motion was concluded.

(Question put and agreed to)

Hon. Speaker: Before we get to the next Order, the Member of Parliament for Ugunja Constituency has something. Noting that he has been out for a long time, he wants to say something before we go into the next business.

POINT OR ORDER

DELAYED SUBMISSION OF SPECIAL AUDIT REPORT
ON EUROBOND SAGA

Hon. Wandayi: Thank you for your indulgence, Hon. Speaker.

I rose on a point of order yesterday to raise a matter but, unfortunately, there was no member from the Public Accounts Committee (PAC) who could have responded to it.

The matter was that the PAC issued a directive to the Auditor-General (AG) some months or so ago. It was to do a special audit on the Eurobond matter. Since then, there has been no report by the Committee on the matter. You will recall that this Eurobond matter raised a serious storm then. It is a matter we need to dispense with. But more fundamentally is the question that arises: What constitutes a special audit? If a special audit can take eight, nine or 10 months or one year, it basically turns out to be a normal routine audit. We need comments from the PAC as to the status of this special audit.

Hon. Speaker: Like I said, the Member for Ugunja has been out of the House for some time. I encourage him to re-read the Standing Orders and appreciate that the Speaker does not micromanage Committees of the House.

If a Member has any issue before a Committee, you appear before it and raise the matter there. Except for the fact that I suspect that you need Kenyans and the people of Ugunja to hear you speak more often, you know that you are out of order. I cannot allow the debate which should be before the Committee become the debate in the plenary when there is no Report.

So, you are out of order but you are advised to appear before the PAC, not as a Member. You should appear before the PAC to raise the issue with them. They should address it. If need be, make a Report to the plenary. But, you are now asking of Member of the Committee to start commenting. Commenting about what? We must follow these Standing Orders. For the time being, they are the ones that must guide us.

That is a matter before the Committee.

Hon. Wandayi, kindly approach the Member for Rarieda who chairs that Committee. If you want him to comment, he can comment even in the village or when you are having tea. That is because you will not be allowed to comment here because the matter is not yet before the plenary. You can raise it before the Committee. Because it is all you want, comments can be made anywhere out there. We want him to comment here only after he has put in a Report, Hon. Wandayi. But we obviously appreciate the few months you were away. You might have grown rusty.

Let us hear from the Mover of this Motion. Hon. Jakoyo Midiwo, the Member for Gem and the Deputy Leader of the Minority Party.

MOTION

SELECT COMMITTEE ON BETTING AND GAMBLING

Hon. Midiwo: Hon. Speaker, I beg to move the following Motion:-

THAT, aware that the betting and gambling industry in Kenya has attracted a lot of public interest in the recent past, leading to its exponential growth; further aware that the services of betting companies like *Sportpesa*, *Elibet*, *Betway*, *Betin Kenya* and *mCHEZA*, among many others are now easily accessible via online and mobile platforms; deeply concerned that the industry is facing a myriad of challenges such as weak and insufficient regulatory and institutional frameworks, proliferation of betting and gambling activities and attendant negative societal impacts; also cognizant of claims of malpractices in

some of the betting, gaming and casino businesses in form of tax evasion, tax avoidance, money laundering, manipulated disclosures and misrepresentation of information; appreciating the fact that the Government has a role in strengthening the licensing and collection of tax revenues from the industry while ensuring its sustainability; further noting that while the Fourth Schedule of the Constitution has devolved the functions of betting and gambling to the county governments, Articles 95(2), 189(2) and 191(1) and (2) of the Constitution obligate the national Government, through Parliament, to resolve issues of concern to the people and pass law to ensure uniformity of action across the country; mindful of the fact that in several developed jurisdictions, betting and gaming activities are regulated in the same manner as other financial sectors such as insurance, banking and stock exchange with regard to disclosures of information, conflict of interest, enforcement of age limits of participants, audit, regular financial reporting, licensing and taxation; this House resolves to:

- (i) establish a Select Committee to inquire into all the activities of the betting, gaming and gambling industry with regard to tax compliance, claims of financial impropriety, identifying the common irregularities and lacunas in regulation, benefits to the society and the country; identify best practices from other jurisdictions on the management of proceeds from betting activities; and report its recommendations to the House, including and proposals for remedial measures and legislation, within a period of fourteen (14) days; and,
- (ii) Approve the appointment of the following Members to the Select Committee:-
 1. The Hon. Jakoyo Midiwo, MP - Co-Chairperson (Deputy Leader of the Minority Party)
 2. The Hon. Aden Duale, EGH, MP - Co-Chairperson (Leader of the Majority Party)
 3. The Hon. Thomas Mwadeghu, MP;
 4. The Hon. Kanini Kega, MP;
 5. The Hon. Roselinda Soipan Tuya, MP;
 6. The Hon. Samuel K. Gichigi, MP;
 7. The Hon. Samuel Chepkong'a, MP;
 8. The Hon. Dorcas Kedogo, MP;
 9. The Hon. Daniel K. Maanzo, MP;
 10. The Hon. Benjamin Langat, MP; and,
 11. The Hon. Mary Keraa, MP.

Hon. Speaker, last week we requested you and the Leader of the Majority Party to step down a Bill which was brought here by the Government to try to regulate these industries but which when we looked at it, we saw was a weak legislation. So, we want, first of all, to thank you for agreeing to let us step down that Bill so that this Committee will go through this industry and try to correct what is obviously a serious societal misnomer. I will be increasing the time I am requesting for this investigation from 14 days to 60 days. After consultations, we realise that this industry falls under the Departmental Committee on Administration and National Security of this House. After consultation, I have also been advised to increase the number of Members from 11 to 13.

Therefore, I want to move that the number of days be increased from 14 to 60, and further add on the list the name of Hon. Mohamed Bady Twalib and Hon. Asman Kamama as the Chairman of Departmental Committee on Administration and National Security.

I realise there are many Member who would wish to be part of this investigation. I want to plead with members that whatever we investigate will be a product of this House. All that matters is that this industry and whatever its effects to our society cannot go unchallenged by this Parliament.

Article 95 of our Constitution requires this House to deal with issues that affect the society. I know that this is an issue that seriously affects our society. We are talking about issues of transparency in this sector. The little that I know that we stand to investigate is that the internet platform and phone networks that are being used--- We do not know if anybody audits them. We want to call them so that they can tell us.

The issue we must deal with is that of the regulator. Who regulates this gambling industry? Who regulates the sports industry? There is somebody on payroll who is supposed to have been on duty to make sure that things did not get to where they are now.

It is not possible because, if listening to Kenyans, there is somebody who is not the Government that has the ability to raise Kshs3 billion a day and not report to the Government. It is not possible. If those issues are true and we must investigate, we must know what the share of the Government is and what this money is used for. There are even allegations that some of these gambling companies have their ownerships offshore. They are people who could easily pass for *mafia*. Somebody can easily topple our Government if you gave them that kind of money and you do not know what they are using it for.

So, we want to know how much money is going through which hands and where it is going. We will be going to these companies. We want to know how many they are and where they are. We want this Committee to visit those places. We want the Committee to know how it works. We also want to know the involvement of the phone companies and the media. What is the media doing?

About three days ago, I looked at a newspaper. It was talking about some football match of teams I have never heard of. That only proves that the interest in this thing is not sports but money. Our country cannot become a gambling nation as we watch. We cannot have a scenario where you are told that a school kid has committed suicide because they gambled their school fees away. We cannot have this scenario. It is not possible that people are told freely in the media that they can get rich quickly without working. This country must work.

I know our founding father, Mzee Kenyatta abolished these things and allowed Charity Sweepstakes because the Government knew where the booths were and the pay-outs were known. I am now told in the estates somebody who is not regulated is having some booths where you can stick Kshs10 to Kshs100 with the hope that you are going to get payback or with the hope that your money is going to be multiply.

Hon. Speaker, you know as much as we do and even seen Members of Parliament who are addicted to gambling. I have seen it in the other Parliament.

(Laughter)

Hon. Members: This one!

Hon. Midiwo: Even this one!

Hon. Members: Yes!

Hon. Midiwo: Hon. Speaker, we are dealing with a problem which is a disease. We must deal with addiction to gambling. If this House does nothing else, it can, at least, do the simple things by working with this industry to establish rules that stop a 12-year old from gambling. How do they know that somebody sitting in Mbita or Moyale is of majority age? Is it just interest in money? We do not want to put them out of business but we must put the wrong things they are doing out of this platform. We must even know who these people are. You cannot have a scenario where somebody has so much money that they can use even to take over Government. We cannot agree to that.

We will be looking through this industry with a toothcomb. There are some things which you can use charity money to establish in society. It is a lot of money and we are a poor nation. We are just a developing country. I know two sports heroes. One is Abass - Kenya One - the goalkeeper. There are many people like him. The people who made soccer to be what it is and what it was in Kenya are out there and somebody is using proceeds from soccer and sports to support foreign teams.

Hon. Speaker, did you know that Francis Kadenge is a taxi driver and yet somebody wants to give a British team, Hull City money? Something is not adding up. Where is Kadenge supposed to go? He cannot be poor, and he is not the only one. How come we do not hear the foundation of Mr. Kipchoge Keino, which is trying to sustain sports, being supported? The Jubilee Government in its manifesto pledged to build stadia. Which is logical? Is it to build a stadium in Kakamega or to give Arsenal money? Something is not adding up. Parliament has a duty to deal with this matter. We can use some of this money to help the Mulembe conscience.

Looking at this whole industry, a few things must happen. We must establish a charity fund which this country can use to help the people of this country. We must also look at the issue of tax evasion. We must have a tax reporting system. Since this money comes from our constituents, what I want is a reporting system that involves Parliament of Kenya directly so that we know that on such a date so much money was collected at a certain place and it is going to the Government of Kenya. You cannot have so many governments. What is happening now is not tenable.

Yesterday, Sen. Kagwe called me and said: "I really love what you are about to do." There are booths everywhere in Nyeri. Gambling has replaced going to the farm. This is a serious thing. On the day I raised this issue here, immediately I left, I was told that a boy from my home committed suicide because he gambled away his Kshs9,000. It is just not funny. We must do something. We cannot have our children exposed. In this, the betting companies must come back to us, as a House, and say; "this is when and how we advertise; this is the effect of it and this is how we will cure the addicted people who may be harmed in this process." We can do that, as a House.

Under Article 95 of our Constitution, we can agree with these people. I know there are bad elements. We want to know the people importing the booths which, I am told, are all over Kayole, Mathare and Kibra. Who is putting those booths on street corners and shops? People used to go to casinos. You cannot have casinos in estates where people live because there are minors. We must make it difficult for somebody to sell their conscience and be addicted to gambling.

Hon. Speaker, I have said enough and I will say more when we bring a report. I beg to move and ask my colleague, Hon. Chepkong'a, to second.

Hon. Speaker: The Member for Ainabkoi, you have the Floor.

Hon. Chepkong'a: Hon. Speaker, I rise to second the very important Motion that the Deputy Leader of the Minority Party, Hon. Jakoyo Midiwo has brought. I thank him for raising this issue last week when we had a very animated discourse. We agreed that he comes in this format, which he has done. I congratulate and thank him for the manner in which he has moved this Motion which is very important.

I know that very many people, in their mind, ask why this Motion was not referred to a particular Committee. The issues that this Motion is dealing with cross-cut a minimum of three Committees, including the Departmental Committee on Finance, Planning and Trade; the Departmental Committee on Administration and National Security; and the Departmental Committee on Justice and the Legal Affairs. We thought we should have a Select Committee because we wanted this to be done fairly quickly. If we were to bring together all those three Committees, we would have a Committee of about 90 members. That will not be manageable. We need a few people who can deal with this matter in a more expeditious manner.

This issue has exercised the minds of Kenyans. What we knew as Charity Sweepstake looks like a nonstarter as we speak right now. No one thinks about it anymore. It is now a totally different ball game. We are now talking about new gambling companies like *Sportpesa*, *Elibet*, *Betway*, *Betin Kenya*, *mCHEZA* and many others that have booths all over the place, as has already been said by the Mover. This has become the new business in town, where you do nothing but buy something and win. People have been fixated to something that is not productive.

As the Mover has just said, a company by the name *Sportpesa* is proposing to sponsor a football club in the United Kingdom (UK) by the name "Hull City" to the tune of about Kshs6 billion. We are no longer witnessing brain drain. We are witnessing money drain from this country to another country which has a lot of money. I do not know whether we call this development or we are retrogressing.

In fact, we should expect money to come from those countries, having taken away our raw materials without paying for them. Secondly, we served as slaves in those countries for free and they have not paid up to date. We now have fellows who want to ship our money to those countries. This is neo-slavery, where our hard earned money is being taken away from this country. We cannot accept this. This is not the way to develop a country. We develop a country by engaging in productive activities. There is nothing productive about *Sportpesa* and gambling to the extent that you can spend Kshs6 billion to just gamble that whoever will win this time is not going to be this other new club that won the premier league.

We have seen very many things happening in this country. We have seen people die because they have gambled away hard earned money which they were given by their parents. We have people who have sold their vehicles or property to get money to gamble. That money disappears and some people are unable to explain. They do not even know how to reconcile themselves with that loss. The only thing they are engaged in is plotting on how to take themselves out of this world to avoid the shame they have brought unto themselves.

Hon. Speaker, we are encouraging people to commit suicide. People are seeking ways of acquiring money, including gambling and stealing from others. There is something which is popularly referred to as *kupiga mtu ngeta* in the rural areas, which is very popular. Many people will be waiting for us in dark alleys. I am afraid. Although Hon. Kamama is in charge of security, he will lose security very quickly because of this gambling. Many people will be timing him round the corner and gamble him away by taking away his very good vehicle and then sell it. We must discourage gambling. There is no regulation today. The legislation which was

brought to this House was tailored towards these particular companies which are gambling in this country. It is important for us to come up with a committee to quickly examine existing regulations, so that we can put in place robust regulations and laws to guide gambling in this country. I know the regulations do not exist.

Anyone between the age of 0 and 150 can gamble right now. A child of about 10 years can gamble and win Kshs6 billion. You know what it means to that person. He can be killed so that the money can be taken away from him. So, we must have regulations. There is no way someone can earn money before the age of 18. Otherwise, that will be child labour. Gambling is child labour. We must stop child labour from continuing in this country. In this regard, it is important that we put in place legislation to deal with these issues. This is the largest bank ever established in this country. You require Kshs1 billion to set up a bank in this country yet somebody is sponsoring a football club to the tune of Kshs6 billion. This is an unregulated bank. The Central Bank of Kenya (CBK) does not know that there is a bank known as *Sportpesa*, which has Kshs6 billion. They can give you money as they desire. That cannot happen in this country.

What we know as foreign exchange has since ceased because we do not know how they will transport this money out of this country. If they are going to send that money to sponsor a club, how do they intend to send it there? Do they have a proforma invoice? Before you send money outside this country, you must have a proforma invoice to show the intended purpose of the money. How do they intend to send Kshs6 billion to Hull City? This is a very serious matter. We should not take it lying low. We are the representatives of the people. This is one of the things which call upon us to act and resolve the concerns of the people. This is a major concern of the people. In fact, students are hanging themselves. As I said, last week, one student was betting one club to win and the other one to lose. He placed Kshs40,000 on both of them. Unfortunately, the two clubs drew. It was not anticipated in the gambling that there would be a draw because this was a quarter final. He lost Kshs80,000. He had pegged all his hopes to win on either club or loss on the other. He lost the entire sum of Kshs80,000 and his life. We must stop people who are attracting students to gambling. We must stop this business. It is not for students to gamble, but to go to school. That is what the laws of this country say.

With those remarks, I support the Motion.

(Question proposed)

Hon. Speaker: What is your point of order, Hon. Makali Mulu?

Hon. Mulu: Thank you, Hon. Speaker, for giving me this chance. I require your direction on the matter that I am raising. Our Standing Orders provide for formation of Departmental Committees which are charged with the responsibility of addressing matters of national interest, like the one we are debating. I seek your guidance on this matter, which falls squarely under the Departmental Committee on Administration and National Security, why a matter which can be addressed by a Departmental Committee is taken over by a Select Committee? I want to hear your opinion and direction. What message are we sending to the Departmental Committees of this House?

Secondly, for the last one week, we have been encouraging the Chairs of Committees to form sub-committees, so that the work of this House can be done within a very short time. This Select Committee has 13 Members with the inclusion of the ones you have read. The Departmental Committee on Administration and National Security has 29 Members. It is even

more surprising when I see the Chair of a Departmental Committee being included in a Select Committee.

I want your direction on this matter because it can send a wrong signal in terms of how Departmental Committees of this House will operate. I do not want us to down play this matter because it is very serious. How we deal with it might be tricky and can influence the operations of Departmental Committees.

Hon. Speaker: Hon. Members, he rose on a point of order. I do not think this is a contentious matter because Departmental Committees of the House are provided for in the Standing Orders and their respective mandates are spelt out. The issues raised in this Motion, and I hope Members will internalise them, touch on the respective mandates of about four of our Departmental Committees, namely the Departmental Committee on Labour and Social Welfare, Departmental Committee on Finance, Planning and Trade, Departmental Committee on Justice and Legal Affairs and the Departmental Committee on Administration and National Security, among others.

Therefore, I see nothing absolutely wrong with the Motion and that is why I approved it. But more importantly, it falls on the shoulders of this House to approve Departmental Committees and to even approve Motions seeking establishment of Select Committees.

Indeed, I am sure Hon. Makali Mulu is quite alive to the fact that this House, just recently, about three or four weeks ago, approved the establishment of a Joint Select Committee of both this House and the Senate to deal with this matter. As we appreciated, it would ordinarily fall on the shoulders of our own Departmental Committee of Justice and Legal Affairs.

This is not an issue. But Hon. Makali has indicated that he wants to hear my opinion. My opinion, while I am sitting on this Chair, does not count. When I am out in the village, maybe, it would count. But while I am seated on this Chair, my opinion is of no value because Article 122 of the Constitution clearly states that a Speaker of either House of Parliament has no vote. This opinion you want to hear is not going to be of much value. Except, perhaps, it might help you to make a decision in one way or another, to either approve the establishment of the Select Committee and the Members as proposed or reject it. There is no need of seeking my opinion.

It is also fair that Hon. Makali has asked for my opinion, so that people can know that while I am on this Chair, I am not like a judge of whatever court. Judges listen and make judgments. Here, I just control and regulate the way debate is conducted, so that you do not abuse each other and walk aimlessly in the gangways and do other things. For now, since the Motion has been moved and seconded, I will leave it to you as a House to decide whether you want to establish this Select Committee.

I have clearly indicated that, indeed, these issues are cross-cutting. Some of them could even have been handed by the Departmental Committee on Justice and Legal Affairs, the Departmental Committee on Finance, Planning and Trade, the Departmental Committee on Labour and Social Welfare or the Departmental Committee on Administration and National Security.

Indeed, it is up to you, as Members, to decide, having listened to the Motion as moved by Hon. Midiwo, whether you want to set a special Select Committee to deal with the issues as raised or reject and maybe refer the matters to either of the four or five Departmental Committees to which the various issues concerned would fall.

Having said so, I do not think that my opinion will count. The Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. First, I want to state that this is one of the Motions sponsored by CORD.

Hon. Speaker: The Leader of the Majority Party, one second. Allow me to interrupt you. I want to recognise the presence of students and pupils from the following schools:- St. Mary's Boarding Primary School, Igembe Central Constituency, Meru County and Ikalaasa Secondary School, Mwala Constituency, Machakos County.

Welcome to the National Assembly.

Hon. A.B. Duale: From the look of the Motion, I can see that it is maybe one of the few good things that have come from that coalition. I want to thank them and support it. For the first time, they are addressing issues concerning the people of Kenya. This matter is serious and before this House, there is a Bill from the National Treasury, namely, the Betting and Gambling (Amendment) Bill, which the House Business Committee has shelved, so that we can discuss this matter. It is supposed to do many things including coming up with regulations. I hope this Committee, if the House agrees and approves it, will enrich the Bill before the House, which is in its Second Reading.

Gambling and betting were the preserve of the rich. They used to be involved in the establishment of casinos which were in all the flash locations within the city, but today, gambling and betting has become part and parcel of the Kenya society, from the middle-class to the poor.

Basically, anyone with a mobile phone can gamble in Kenya, particularly, sports betting, which at times has little or no subscription fees. We are dealing with a matter of disclosures as it relates to online gambling. Gambling is a major international commercial activity with a legal gambling market totaling to an estimated value of Kshs40 trillion. When it comes to gambling, many jurisdictions in the United States of America (USA) and Europe have very strong, stringent regulations and licensing policies. The question is whether this is found in the Kenyan market. Is there disclosure on the part of those who get involved in online gambling?

Every child in our families has a mobile phone. At night, you will find your children in a room with their phones betting, particularly on a major sporting activity. As Hon. Chepkong'a said, it is very tricky because you might bet for a team to win or you decide to bet for both to win. Ultimately, the teams draw, the match goes to extra time and there are penalties. You end up losing because you did not anticipate that.

There must be strict regulations and legislation requiring that all gambling devices that are used are ratified by certain institutions. Kenya should join countries that have created very good regulations. Looking at the history of Kenya, the only thing I found was that the Ministry of Sports created the Kenya Sports Betting Fund. Up to now, there is nothing in that Fund. The operators include *Sportpesa*, *Betway*, *Oxygen 8*, *Justbet*, *Betin Kenya* and many others.

The regulatory framework for sports betting is incorporated in the Betting Lotteries and Gaming Act, Cap.131 of the Laws of Kenya. This is the Act that establishes the Betting Control and Licensing Board, which is tasked with licensing and regulating the gaming industry in Kenya. My problem with this sector is regulations. We must table regulations in this House to deal with this matter. We dealt with the matter of interest rates. This House passed a law on interest rates which is awaiting assent by the President. We are fighting interest rates, so that we can secure the hard-earned savings of the people of Kenya. If we, as a House, have come together and decided to deal with the matter of interest rates, then, this is a more serious matter.

People get huge sums of money online with no disclosure to the taxman and no regard for the Financial Reporting Centre and institutions that are created by the law to deal with what goes

on in the financial sector. All the money that moves in the financial sector in our country can now be monitored. This Parliament and previous Parliament created specific legislation.

Today, as a country, we are proud of the Financial Reporting Centre, the Asset Recovery Centre and the Anti-Money Laundering Advisory Board. Do these institutions, which look at the movement of money and proceeds, have any disclosure or information on the kind of money that moves within these betting and gambling institutions? No, they do not. We must have regulations.

The other problem is money laundering, terrorism and drug financing. We have put in place stringent regulations and created institutions that will look at how money, whether it is corruption, drug or terrorism, moves within the financial sector in our country. There is a likelihood that the source of the betting proceedings, which I call proceeds of crime until and unless the relevant institutions say otherwise, can be traced. That is why the stakeholders in this business are Kenyans. We are under obligation to protect the taxes Kenyans pay and make sure that Kenya is not used as a conduit for money laundering, drug and terrorism financing.

The 60 days for this Committee is too long. This is a matter that can be completed within 14 or 21 days and a report is brought back to this House. The report before the House will be used to create very strong regulations and legislative mechanisms to protect the people of Kenya, regulate this industry and make it one of the industries that can earn the Exchequer more revenue.

As we near the end of the term of this Parliament in a year's time, CORD has woken up. They have decided to analyse what ails the people of Kenya. We expect Hon. Jakoyo Midiwo and his leader, Hon. Nyenze, to table more Coalition-sponsored Motions like this one that takes care of the people of Kenya. They have spent more time politicking outside and forgot about what kind of Motions and Bills to table. They have never tabled any Bill but, at least, now we have a Coalition-sponsored Motion. As the Leader of the Majority Party, I had no obligation to oppose a Coalition-sponsored Motion.

The Leader of the Minority Party is asking whether he was consulted. He rarely comes to the HBC. He is always represented by Hon. Jakoyo Midiwo and the Chief Whip of the Minority Party. He should, please, come back to the HBC. He has not been there for the last six months. This shows how CORD is in disarray.

The Leader of the Minority Party is opposing a Motion signed by his deputy. This is good because you will be like this during the elections. You will be confused and in tatters and you will lose the elections. I will be very happy if the Leader of the Minority Party disagrees with his Coalition's Motion. It has never happened anywhere even in the House of Congress. As his counterpart, I urge Hon. Nyenze to come back home.

I will be a happy man if the Coalition Motion is defeated and goes back to the Departmental Committee on Finance, Planning and Trade, the Departmental Committee on Administration and National Security or the Departmental Committee on Justice and Legal Affairs, whose Chairs come from my Coalition.

I support the Motion in the interest of the people of Kenya. Out there, our clubs have no resources and our country has no stadia yet *Sportpesa* is giving Kshs6 billion to a club in the United Kingdom (UK). There are a number of questions to be asked when Kenyans are gambling and betting online and a disclosure is not made to the Kenya Revenue Authority (KRA). We do not know how much they should pay. How much was KRA supposed to collect from the Kshs6 billion given to Hull City? For once, I support the CORD sponsored Motion.

I want to congratulate Hon. Midiwo because in the absence of his leader, he has shown leadership and that he cares for the interest of the people of Kenya. When *Baba Nyenze* was away, you perfectly put on his shoes.

I second.

Hon. Speaker: Hon. Mwachugu.

Hon. Mwachugu: Asante, Mhe. Spika. Ninaomba nitoe maoni yangu kuhusu Hoja hii ya mchezo wa kamari. Ni mchezo ambao umezua hisia mseto kwa wananchi wa Kenya hasa ikibainika waziwazi kuwa watu wengi wamepoteza fedha kupitia mchezo huu. Nchi hii ilihalalisha mchezo wa kamari kitambo kwa madhumuni ya kusaidia shughuli kadhaa wa kadhaa za nchi na hasa wale ambao hawana nafasi nzuri ya kujiendeleza aidha kimasomo, kikazi au kibiasara. Baada ya muda, imebainika waziwazi kuwa mchezo huu umechukua mwelekeo mpya na umekuwa tatizo kwa familia nyingi kwa sababu umekuwa sasa ni uraibu. Watu wamefungwa vifungo vya ajabu na mchezo huu kwa sababu ya uraibu na kuwa wasipoucheza, wako tayari kuiba na kunyanganya familia zao pesa. Wanafunzi wakipewa karo, hawalipi bali wanaingiza katika mchezo huu na mara nyingi wanazipoteza fedha hizo. Hata katika familia, watu wamejitia vitanzi, Mhe. Midiwo na Mhe. Chepkong'a wamesimulia juu ya kijana ambaye alikuwa na uzoefu wa kucheza kamari na baada ya kupoteza shilingi 80,000, aliona njia rahisi ni kujiweka kitanzi. Hapo tumempoteza kijana na fedha. Imekuwa kero kwa nchi tukizingatia kuwa nia hasa hapo awali ya kuhalalisha mchezo huu ilikuwa nzuri.

Kuanzishwa kwa shughuli za mtandao kumefanya kila mtu aliye na simu ya rununu kuwa na uhuru wa kucheza kamari bila kulipa chochote. Mara nyingi tunaona vijana wetu wakijibana nyumbani na kujifungia katika vyumba vyao na hauwezi kujua wanachofanya. Mara nyingi, wanacheza mchezo huu wa kamari na hawashughuliki na masomo au kulipa karo.

Nyumba nyingi zimevunjika na watu wengi wameshindwa na majukumu yao. Mhe. Midiwo alisema kuwa kuna Wabunge wa zamani ambao sasa wamekuwa maskini kwa sababu ya mchezo huu wa kamari. Tunaomba Bunge lije na sheria ambazo zinafunga njia hizi zote. Benki zetu zina sheria ya kutunza fedha za watu, kufanya malipo na kupokea fedha.

Wenye michezo hii hawajulikani. Fedha zinazotumika hazina hesabu. Hakuna mtu anayeweza kukuambia wanaoshughulika na huu mchezo, mwezi huu au mwaka huu, wamepata fedha kiasi gani na wamelipa kodi kiasi gani. Faida iliyosalia wamefadhili shughuli kadha wa kadha na hamna stakabadhi zozote zinazoonyesha vile fedha hizi zimetumiwa. Mradi tu, wanapopata pesa wanazitumia vile wapendavyo. La kustaajibisha ni kuwa juzi, *Sportpesa* wamepeana shilingi billioni sita kwa klabu moja ya mpira Uingereza. Hatujui hizi fedha zitafuata sheria gani kutolewa nje. Je, zitafuata sheria ya nchi ama zishapeanwa? Maswali ya kujiuliza ni mengi. Je, Benki Kuu ya Kenya inahusika wakati fedha hizi zinatolewa nje, ama zinatolewa kiholela?

Tukiendelea kuiwacha nchi hii ivamiwe na watu wa kila aina, watu wafanye biashara za kila aina vile wanavyotaka, tutajikuta katika shida na baadaye tutakuwa hatuna taifa. Tuna majukumu kama Bunge kuangalia kuwa tunawalinda vijana wetu na kupitisha sheria za kulinda nchi hii na fedha zake.

Uraibu huanza kimchezo. Huenda ikawa ni kunywa pombe, kuvuta sigara au kucheza kamari na baadaye inakita mizizi katika fikira zako kiasi kwamba ukikosa kulifanya hilo jambo, hauna raha na amani na hata katika familia italeti kero.

Ombi langu ni Bunge kupitia Kamati hii, lifikirie kwa makini jinsi litakavyo chambua kwa undani na kubainisha chanzo cha mchezo huu na tatizo hili limetokea wapi na tunaelekea wapi. Ni tabia gani wakenya wameanza kufuata? Je, ni ya kigeni na si ya Kiafrika? Kwa nini

imekita mizizi na wengi wanalifurahia na kuuona ndio mchezo wa kufuata? Wengi wako tayari hata kukopa pesa kwa benki kufadhili mchezo huu.

Ninaomba kuweka tamati kwa kupendekeza kuwa ikiwezekana, Wabunge watunge sheria ya kutoa mwongozo katika mchezo huu wa kamari. Hivi sasa, sheria haziko, mradi tu mtu anapewa cheti, ako huru kufanya vile anavyotaka. Hakuna sheria ya kueleza kuwa ni mtu mwenye umri fulani ambaye anaweza kuingia katika mchezo huu wa kamari. Mradi tu uwe na uwezo na uamue kule uliko ukiwa mwanafunzi au mtoto mchanga, wao hawana haja ya kujua. Kuna sheria zinazowalinda watoto. Je, hivi sasa, vile hali ilivyo, mchezo huo unawalinda watoto au la? Ni wazi kuwa mchezo huu hauwalindi watoto. Kwa hivyo mtoto wako akiwa na rununu ana uhuru wa kufanya lolote awezavyo. Hii ni kuepuka na kuvunja sheria ambazo zinalinda masilahi ya watoto.

Ninaunga mkono.

Hon. Speaker: Hon. Kanini Kega.

Hon. Kanini Kega: Asante, Mhe. Spika kwa kunipa nafasi kuchangia Hoja hii ya Mhe. Midiwo. Kwa hisani yako, ningependa kutoa risala za rambirambi kwa jamaa na marafiki wa aliyekuwa Mheshimiwa wa Nakuru Mjini, Mhe. Mark Mwithaga, aliyeaga dunia. Ningependa kufariji familia yake na ninaomba Mungu awafariji.

Hoja hii iliyoletwa na Mhe. Jakoyo Midiwo ni ya maana sana. Ukipekua magazeti matatu ya kitaifa leo, katika kurasa tano za mwisho, utapata yanawaelezea Wakenya vile watavyokuwa matajiri siku moja na kutoka kwa ufukara.

Nimeangalia mambo haya na nimeona kuwa tumepoteza mwelekeo. Mataifa yanastawi kwa sababu watu wanafanya kazi. Tukiambia wananchi kwamba kuna utajiri bila kufanya kazi, tutakuwa tunaharibu nchi hii.

Mhe. Spika nimesikia kuwa mchezo huu unaitwa kamari, karata na wengine wanaita bahati na sibuni. Kwa hivyo, ni kubahatisha. Hakuna mambo ya kubahatisha katika maisha haya. Hili ni janga la kitaifa maanake wanaohusika katika mchezo huu ni watu ambao hawaelewi. Wanafunzi walio na simu za rununu wanashiriki katika kamari. Katika mataifa ambayo yameendelea na kunawiri, wanaoshiriki katika mchezo huu ni watu wa mapato ya kati na juu. Lakini, ukiangalia katika taifa letu, watu wanaoshiriki kamari ni watu wa mapato ya chini. Utakuta ni kina mama mboga na vijana wanaondesha *boda boda*.

Ninaomba tuweke sheria ambazo zitatoa mwongozo katika biashara hii, ambazo hatuna. Vijana na watu wetu wametaabika. Walioongea mbele yangu wamesema kuwa kuna watu wengi ambao wameshiriki katika kamari na kupoteza fedha nyingi. Wengine wamejitia vitanzi na familia nyingi zimevunjika.

Hon. Member: On a point of order.

Hon. Speaker: Continue.

Hon. Kanini Kega: Asante Mhe. Spika. Ningetaka kusema kuwa wanaoshiriki katika kamari sana sana ni watu wa mapato ya chini sana. Tunafaa kuweke sheria zitakazodhibiti hali hii. Wakati huu, tumeona ukora. Kuna watu ambao wanafanya biashara halali, lakini kuna wengine ambao ni tapeli. Kuna kampuni zaidi ya 20 ambazo zinafanya kazi hii.

Yangu ni kusema kuwa Kamati hii iundwe mara moja na ipewe muda, hata kama ni siku 30, ili izunguke taifa hili. Hata ikiwezekana watembea katika mataifa ambayo yamekuwa na biashara hii ya kamari ili waone vile inavyofanywa ili Wakenya wasitapeliwe na wanaofanya biashara hii.

Kwa hayo mengi, ninaunga mkono Hoja hii. Ninaomba Bunge hili litunge sheria na tufanye hima ili tulete sheria ambayo itawakinga Wakenya kutokana na matapeli ambao wanawachukulia Wakenya kiholela.

Hon. Speaker: Hon. Leader of the Minority Party.

Hon. Nyenze: Thank you, Hon. Speaker, for giving me an opportunity to contribute to this very important Motion, which is of great importance to the people of Kenya.

I wanted to put a correction that this is not a Motion sponsored by CORD. It is a Private Member's Motion. So, let the Leader of the Majority Party, Hon. A.B. Duale, not mislead the House that this is a party sponsored Motion. It is not. I am the Leader of the Minority Party and any party sponsored Motion has to pass through my signature. I have to sign it unless my signature was forged.

I want to start by saying that the Motion is very timely.

Hon. Speaker: Hon. Nyenze, I am being told that you are saying that this is not a party sponsored Motion.

Hon. Nyenze: I have not signed it, unless my signature is forged. It is not a party sponsored Motion. I have asked Hon. Mwadeghu and he has not signed. I am the one who signs. All of us are here and so, it is not a party sponsored Motion.

(Loud consultations)

That is a correction I wanted to make. Hon. Mwadeghu is here and I am here, unless someone is trying to usurp our powers. I oppose the Motion.

(Applause)

If you look at this purported Select Committee, it is comprised of who is who in the leadership of this House. Gambling has a lot of money and people use their common sense. We have not seen the leadership, either in the Minority Party or the Majority Party, in Select Committees, but when it comes to gambling, all of them have put their names there. You do not have to go deep to know why.

Hon. Dido: On a point of order.

Hon. Speaker: Hon. Rasso, what is your point of order.

Hon. Dido: Looking at this list, this Motion has gone through the HBC. Is it right for the Leader of the Minority Party to mislead the House by saying that this Motion is not properly before the House?

Hon. Speaker: The Motion was balloted for in the HBC. The Leader of the Minority Party was not present. The record will show he was not present. That is also a fact.

(Loud consultations)

Hon. Members, stop that. The Leader of the Minority Party was not present in the HBC. He has not been present in a number of meetings. It is a fact. He may not be aware that the Motion was brought.

Proceed.

Hon. Nyenze: Hon. Speaker, because there are structures in this House, the Motion is very timely because of what is happening in the country.

*(Hon. Abongotum and Hon. Alfred Keter
consulted loudly)*

Hon. Nyenze: But one thing has to be clear. If you protect me from my friend, Hon. Asman Kamama and Hon. Keter, I will be very happy.

I do not want to support the introduction of a Select Committee. Hon. Makali Mulu sought your opinion on this. You answered very well that you are not a judge, but you control us so that we do not abuse each other. You are our leader. There are Departmental Committees that can deal with this matter in this House. You said it in your response to the inquiry from Hon. Makali. I strongly feel that while gambling is a big problem because it breaks families, people spend money.

Hon. A. B. Duale: On a point of order.

Hon. Speaker: What is your point of order, Hon. Leader of the Majority Party?

Hon. A.B. Duale: The matter that is raised by the Leader of the Minority Party is serious. It touches on the functions and the composition of the HBC, which you chair.

On Tuesday this week, the HBC balloted this Motion. The leadership that is supposed to be in the HBC is automatically the two leaders of the two coalitions. It is Hon. Nyenze and I. The record and the minutes of the HBC will show that Hon. Nyenze has not been attending the HBC. I am ready to table them. He has not been attending the HBC for more than three months now. Just like when the substantive Speaker is absent, the Deputy Speaker takes charge, in his absence, his deputy represents him unless *CORD*, in Parliamentary Group minutes given to you, has removed Hon. Jakoyo Midiwo as the Deputy Leader of the Minority Party. Hon. Midiwo has been attending the HBC diligently. He signed that Motion as a party sponsored Motion and it was balloted. In fact, our Standing Orders provide that party sponsored Motions are not even balloted. They are given precedence. Hon. Mwadeghu was in that HBC meeting on Tuesday.

Hon. Speaker, it is very dishonest, mischievous and against the integrity of the Leader of the Minority Party to come to the Floor of the House and mislead the House when he has not been attending the HBC. He has not been consulting his deputy and the other leadership. You cannot violate the Standing Orders and treat the House as a *kiosk*.

I never served in the KANU Government. That is where Hon. Nyenze served where there were no rules or procedures and people were grabbing land everywhere in Kenya. Big barons were evading paying tax. This matter is very serious. Hon. Nyenze is on the HANSARD saying that he is the leader and that this Motion did not go through the HBC. He has said that it was not signed by the Deputy Leader of the Minority Party. We need to stop the debate now for you to make a ruling to see whether Hon. Nyenze is culpable. He has slept on the job. He is not leading his troops. That is why Hon. Jakoyo Midiwo and Hon. Mwadeghu have taken over the leadership.

Hon. Member: On a point of order, Hon. Speaker.

Hon. A.B. Duale: I am on a point of order.

(Loud consultations)

Hon. Speaker, if you leave a flock of sheep as a pastoralist to hyenas and lions, another pastoralist will come and take care of them. He is imputing improper motive on the HBC which you chair, on his colleague, the deputy, the leadership and the entire HBC. This Order Paper was

printed by the Office of the Clerk and not me. It reads at the top “Party Sponsored”. I did not print it. There are only two coalitions, namely, Jubilee and CORD. This House is not a diaper or a toilet paper. You cannot use it the way you feel like. If you do not attend the HBC, then go to the Clerk’s Office and read the minutes of the HBC. That is why every day, at the rise of the House at 6.30 p.m., before we start the agenda, you read the minutes of the previous meeting to confirm them.

So, the matter the Leader of the Minority Party has raised is of grave concern. It is a privilege and it is about the Standing Orders. He cannot just come in from his constituency and tell the House that this Motion is not party sponsored. If it is not a party sponsored Motion, who sponsored it? I never sponsored it. It is not an individual Member Motion.

It is immoral, uncalled for and unparliamentary. It is not based on leadership and integrity. If he was in my coalition, there would have been a Parliamentary Group meeting tomorrow for his removal. This man should be removed.

(Loud consultations)

This man is like a soldier. The CORD leadership can give us a better leader who can attend the HBC meetings. They can give us a better leader.

I beg to move and if they do not want the Motion, we do not want it. The House also does not want it.

(Hon. Nyenze consulted loudly)

Hon. Speaker: Hon. Nyenze, before you rise in your place, in fairness, remember I had already drawn your attention to the fact that, indeed, you were not in the HBC on Tuesday this week. In terms of our rules, party sponsored Motions are not even balloted for. That is in the rules. This Motion, I mentioned to you, was signed by your deputy. If you come and claim, in your place, that it is not party sponsored, as you did, what you should have done is to seek to withdraw it. The only reason why it was fast-tracked in keeping with our Standing Orders is because it was signed by your deputy as a party sponsored Motion and it received priority as is the normal practice.

As to the other issues which I have already addressed and I am sure you heard me, you are perfectly in order, Hon. Nyenze, to oppose the Motion. But I explained to Hon. Makali Mulu that it is less than a month since this House, in its wisdom and that of the other House, passed a Motion establishing a Joint Select Committee to deal with a matter that was perfectly argued by a number of Members here to belong to the Departmental Committee on Justice and Legal Affairs. But because both Houses were so minded to pass it, that went on. Again, it is for the House to decide on the fate of each Motion. So, you are perfectly in order to express yourself in disapproval.

(Hon. Abass walked along the aisle)

Hon. Abass, this is not a village. You cannot start walking around here pointing fingers at people threateningly. You could be a pastoralist, but surely, pastoralist matters are not being canvassed now. I know you are not necessarily very pastoral.

Hon. Nyenze, you are perfectly in order to oppose and to express yourself in opposition. On the issue of party sponsorship or not, given the fact that you were not present at the meeting of the last HBC, it is, indeed, casting aspersions even on the Committee. We know for a fact and it is on the record of this House and, indeed, of the Parliamentary Service Commission (PSC) that the Deputy Leader of the Minority Party is Hon. Jakoyo Midiwo. Unless you now want to inform the House that your deputy has no such authority. We need to know if, indeed, your deputy has no such authority.

Hon. Members: Yes.

Hon. Speaker: Why are you excited? Hon. Nyenze, it is fair for you to clarify these points that your deputy has no authority to sign Motions in which case, henceforth, we shall not accept his signature on Motions. Indeed, you can explain to us what else he is not supposed to sign, so that we can deal with him that way that he has no such authority to sign Motions in the absence of the Leader.

(Laughter)

It is still within your right to give us this. Tell us that and address the issue you have raised about party sponsorship. I will allow you all the time, Hon. Nyenze. It is your right to oppose the Motion even when it is party sponsored although it is a very unusual thing that the party is sponsoring and the leader of the party that is sponsoring is opposing. Nevertheless, as the Member for Kitui West Constituency, you can say you oppose since it may not be furthering the interest of Kitui West people, whom you ably represent in the House. Tell us whether your deputy has any such authority, so that we will be accordingly informed.

Hon. Nyenze: Thank you, Hon. Speaker. I have consulted with my deputy. My deputy has authority, in my absence, to sign. We have a very good rapport.

Hon. A.B. Duale: On a point of order, Hon. Speaker.

Hon. Nyenze: Hon. Speaker, protect me from Hon. Duale. Hon. Nyenze came to Parliament after being elected by 50,000 voters. Hon. Duale was elected by 5,000 voters and he comes here to shout at me. He should show respect. Some people should keep quiet when others are speaking.

(Laughter)

It is good for Hon. Duale to know that he cannot treat us the way he treats Jubilee Members. We are the Opposition and we respect ourselves. My deputy, Hon. Jakoyo Midiwo, has all my blessings and we get to know each other. There is a reason why I do not attend the HBC evening meetings and he attends them on my behalf without fail. If he fails, he informs me so that Hon. Mwangi can attend. We have an arrangement and we work very well. I cannot oppose my deputy when we have agreed, but we do not want confusion from someone like Hon. Duale, the Leader of the Majority Party, who was elected by 4,800 people while I was elected by 50,000 people. I never attack people. You have seen since I came to this House that I restrain myself from attacking people. When I was a Minister, Hon. Duale was still in primary school. I feel very bad.

(Laughter)

Let me say that this is a very timely Motion and I have changed my position after consultation. Gambling has broken so many families. It has contributed a lot to even the strikes that we have seen in schools because children are given school fees and instead of going to pay, they spend it on gambling and they do not have anywhere to go. Most likely, they cause trouble, so that they do not reach schools. It could be contributing to the burning of schools.

This timely Motion will help Kenya. In developed economies, gambling has contributed to an increase in tax revenue because they have a lot of control and laws are in place. They do not get into the dangers that we get into. In gambling, there is always a loss and the loss does not come just because of loss of money. People live on false hope that they will win something and they end up spending all the money they have. That wrecks families because if a man or woman who is the breadwinner gets into gambling, they lose money and get into problems.

We have also lost productivity. When people engage in gambling, they do not engage in productive work like farming and industry. For developing countries like Kenya, gambling should be controlled. This Motion has come at the right time and I support it.

Gambling increases crime, fraud, theft, domestic violence and even suicide. It works hand in hand with money laundering. So, gambling has not helped any country. There are some cities like Macau in China where gambling contributes quite a large amount of money to taxes, but we have never seen any country that has developed through taxes from gambling.

At some point, we have to bring some amendments because there are Committees in this House. The reason why Hon. Duale was attacking me directly is because he put himself in that Committee. He knows I am against gambling. Let us reconstitute that Select Committee or we give this work to a Departmental Committee which is devoid of House leadership. Gambling has a lot of money and I do not want to impute improper motives on my colleagues. I want Members to think about this. I am an old man who can give advice and it is good for the young legislators to listen. I can smell a rat.

(Laughter)

In this one, I have seen a lot of interest. That is why Hon. Nyenze is being attacked. I support the Motion 100 per cent. It has come at the right time.

Hon. Dido: On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Rasso has a point of order.

Hon. Dido: Hon. Speaker, I am a first time legislator and I am learning a lot by sitting in this House listening and also contributing. From what the Leader of the Minority Party has said from the beginning, I think he is not just passing improper motives on this Select Committee, but also on the integrity of this House. If he goes along that line, as one of the senior leaders in this House, there is something wrong. I do not know what happens to a leader who just says that whatever this House is doing is not acceptable. It is also showing a very wrong picture to the people of this nation who are listening to this debate.

Hon. Speaker: Hon. Rasso, fortunately, you said you are a first time Member, but you are now in your fourth year. When you rise on a point of order, you indicate what is out of order. You raise and cite the Standing Order on which you claim to say something. This is because the Leader of the Minority Party, as I said, is at liberty to express himself and say that he supports, does not or he thinks that if it is passed this way, we shall be making a mistake. That is said every day. There is nothing wrong with that. Therefore, to that extent, I cannot rule him out of order. When you claim to rise on a point of order, you must seek to persuade me that what has

been said is out of order. So, what he is saying is within his right as the Leader of the Minority Party to say that if the House passes this, it will be making a mistake. We have passed many laws here where Members have said: "No, if this passes, we are taking the country to the dogs." We have heard those kinds of statements, but that has not prevented the House from passing them and the country has not gone to the dogs. So, let the leader say what he wants to say.

Hon. Nyenze: Thank you, Hon. Speaker. I have seen wise people, but that class of yours is very wise.

(Laughter)

Some of these first time Members should listen and learn from us instead of rising on points of order and they do not know what they are saying. I support the Motion because it is timely. This House should not be pushed into a corner in the establishment of this Select Committee. I have seen the names in the Select Committee. Those people who are opposed to what I am saying have been put in that Committee. We have Departmental Committees in this House. We can reconstitute this Committee so that it is devoid of the House leadership. My question is very simple. We are entitled to debate anything in this House as long as we do not infringe on other people's rights. I do not violate anybody's rights. I am opposed to this Select Committee as it is constituted for the reasons I have given. If there has to be a Select Committee instead of a Departmental Committee, let it be reconstituted afresh and we will accept it.

Gambling is a multi-billion shillings industry. I had posed a question, but I never imputed improper motive on anybody in the House. I am surprised the leadership of the House, including the Leader of the Majority Party, Hon. Aden Duale, have put themselves in the Select Committee. Why have they put themselves in a Select Committee on gambling? That is not imputing improper motives. We have so much work and we can delegate. Let us refer it back to the Departmental Committees or reconstitute the Select Committee afresh.

(Applause)

With those few remarks, I support the Motion.

Hon. Speaker: Member for Igembe Central.

Hon. Kubai Iringo: Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Motion. I support the Motion.

Gambling, lotteries and other ways of making money easily have become the order of the day. I imputed in this House that Kenya is becoming a gambling nation. People have become lazy and are not working. The people who are working are committing their salaries into funny gambling, until you find somebody getting out of his mind. I have an example from my place. Somebody spent all the money he got after retirement and he ran mad.

Most of the radio stations, vernacular and English, and newspapers are talking about gambling. There is Lotto and others where you are told to deposit Kshs50 and then you can earn Kshs1 million. If you place Kshs50 and get Kshs10 million, I do not know what percentage of profit that is. Many people are gambling because of that kind of enticement. This makes people lazy. They do not work. They expect simple handouts. They do not even calculate to know how many people are getting this money. At the end of the day, some people become very poor and a few become rich. That becomes a problem to many people.

Secondly, as the Motion has put it clearly, we need to know whether the money that is circulating through *MPesa* or whatever formula they use with electronic media, is taxed. Does the Government get anything out of it? Who are gaining from it? Many people out there are unknown because lotteries and gambling are done in some dungeons, which are not very well pronounced. People make money from those places. Gambling has gone up to the villages. A certain gadget is being sold and they put it in bars and other social places in the villages, where young people go and gamble. Some win and others lose. They spend day and night doing the same. Crimes and other immoral things are generated there. Students have stopped going to school because of gambling. Therefore, this Motion is timely. I support the idea of having a Select Committee because gambling cuts across the board. It has social, financial and legal aspects. If we commit the inquiry into the betting and gambling industry to a certain Departmental Committee, we might find that some aspects touch on other Committees. We cannot mix Committees. Because of the sensitivity of the issue and the way it has been taken, I support the Select Committee. It will be ideal because it will have a timeframe within which to work.

The constitution of the Committee is being challenged by some Members. I do not know who came up with these names or how they were generated. However, I support the idea. The Committee should move in expeditiously to correct the issue. If we reconstitute the Committee, we will delay. Even if we reconstitute the Committee and there are fears of some billions lying somewhere, the same fears will be there. So, I support the Members who are in the Select Committee. They should go on board, do the job and bring us the results. We are watching the Members and the people out there who are running these cartels or the gambling houses. If they are waiting for this Select Committee of 13 Members to see them somewhere, so that they can produce a favourable report we, as a House, are also watching them.

We already know what is happening out there. If the Committee brings us something which is cooked or compromised, we will challenge it. We can get in touch with the gamblers and casinos to know what is happening down there. A town like Maua has many gambling places. We know what transpires there. If the Committee brings us anything opposite of what we know, we shall challenge the same. I support the establishment of the Select Committee. The Members who have been selected should bring results.

Hon. Speaker, you read that the Select Committee has been given 60 days to inquire into the betting and gambling industry. The Committee has been given 14 days on the Order Paper. I do not know which one is correct. That notwithstanding, even 30 days are enough. Let them bring that report for us to look at it. We shall save our children, families and people who are already addicted to gambling, so that they can earn their livelihoods in normal and respectable way without looking for easy money, which is dangerous. It is said that when the deal is too good, you should think twice.

I support the Motion.

Hon. Oyoo: Thank you very much, Hon. Speaker, for giving me the opportunity to contribute. From the outset, I want to say that I oppose this Motion because I believe that Kenya is not a failed State. We have Departmental Committees in the National Assembly. I believe this problem would easily be dealt with by the relevant Departmental Committee. I believe that before all these gambling companies enter into the prospect of their gambling business, they apply for registration, where they undergo a rigorous vetting process and their addresses are received. The particulars of the people who are involved are known. Their passports spell where they come from, who they are and what they have been doing. Our able national security

agencies delve into their background and know who they are, what they have, what they are coming to do and then they are licensed. They are given authority to start their businesses. Before they open any business anywhere, they get mandatory licences from either the national Government or county governments. This says that these people are doing genuine businesses. I fail to understand why our able Government agencies cannot be urged to do their job properly. If we have cheats from among those prospective gamblers or businessmen, they can be arraigned in court and the institution remedied at a cost. I have heard arguments from the speakers who have taken the stage and most of them, unfortunately, are members who are going to sit in this Select Committee. They have advanced quite possible arguments that those people are not paying taxes and are putting gadgets in estates, therefore, posing insecurity.

I am just wondering: If it is not all about taxes, Kenya today would be like the old Eastern Bloc. Even with your own money in the bank, when you want to pay manual workers an amount of Kshs.1 million, you have to write an essay to show where the money is coming from and where you are taking it and why it must be cash. I believe that the business that those people are transacting is in Kenya, the money is either going abroad or from one bank to another. We have all kinds of government agencies, and the very equal to task new Governor of Central Bank. I do not see how money can be transferred from an account of a gambler to that of a winner somewhere without the Central Bank and the Government alert agencies detecting that something wrong is happening.

Those people are businessmen. My own cousin was recently announced a winner of a major rotary and he got Kshs.20 million after spending Kshs.50. He is now a millionaire, marrying aimlessly, eating a good diet and building many good houses. He paid taxes because the properties accruing from gambling are now taxable. So, those people are doing a legitimate business. There is also this element of enabling young boys and girls - school going children by involving them in this gambling business when they are under age.

I sit in the Departmental Committee on Labour and Social Welfare. I believe we have delved into this business and we are perfecting the Bill better to make it workable. I am wondering why we also want to kill business and the economy of this country for people who are coming to pay taxes, so long as they are doing genuine business. There are a few of them who are not genuine, but we cannot blame them. We only need to bring proper mechanisms or make sure that anybody who is doing business in this country obtains the mandatory licences and goes through the correct procedure and must put his house and acts in order.

My boss, the Leader of the Minority Party, has made a lot of noise and brouhaha over a few things that did not go right. Some of us who went to the University of Harvard, where people are taught how to be streetwise, I think there is more than meets the eye in this. This might not just be an opportunity where my political mentor, the Leader of the Majority Party, wants to laud CORD for waking up belatedly to present a very good Bill. We can construe something more than just the expression he made. I do not want to impute the wrong motive. I admire Hon. Duale and his abilities.

Hon. Midiwo: On a point of order.

Hon. Speaker: What is your point of order?

Hon. Midiwo: Is it in order for the Hon. Member to continue with the line which you warned against, the thing about casting aspersions. I do not think it is fair. I raised this issue of gambling on this Floor and I should be congratulated by my colleagues as opposed to somebody trying to impute an improper motive. Further, we discussed this issue in the HBC and the Members unanimously agreed that there is a problem with gambling.

It would be fair if the Member read the Motion that there is insufficient regulatory and institutional framework. He is a very good MP and is always here. The Bill we stood down came to this House in 2014. If anybody is to cast aspersions, the Committee where this Bill went should be the one receiving the aspersions. I am trying to do something that a Parliamentary Committee has been defeated to do since 2015. Kenyans are committing suicide and students are gambling their monies. I plead with you to guide debate so that it must be about insufficient regulatory and institutional framework. If he knows of an existing framework, he needs to tell the House that we are debating something which is in existence.

What is going on and looking at the messages that are coming in is that we may have conspired. We did not even ask Members to give us their names. Right is right and wrong is wrong. If they do not want it, they should defeat the Motion because it is not about my children, but the children of Kenya. Article 95 of the Constitution requires us to deal with this issue. It is good to inform the nation that there was a Bill attempting to do this since 2015. What you are seeing is concerted lobbying. Some Members have called me since yesterday, saying that they must be here. That means they are seeing something we are not.

Why do some Members think they are better than others? What is wrong with Hon. Duale being a Member of a Select Committee? He is a member of this House. Let us debate the substance of the Bill. This gambling thing is not small. The amount of money being laundered is too much, unless somebody is not following it. It is good to oppose but Motions are about substance. This is something which I have researched. You do not rubbish me and cast aspersions on my person. It is not fair. That is not right.

Hon. Speaker, I plead with you.

Hon. Speaker: Point well made. The Member for Muhoroni, you have heard it for yourself. Do not cast aspersions but debate the merits and demerits of the Motion.

Hon. Oyoo: Thank you, Hon. Speaker. I congratulate you because you are known to be a persuasive and rational Speaker, who makes his own judgment. I have no intention of casting aspersions against Hon. Washington Jakoyo Midiwo, who is my very good friend as anybody here would testify.

This is a House of records and one of these days, this thing may turn to haunt us. I do not want to be counted among those people who had an upper hand in gambling. We have enough oversight Departmental Committees which can deal with this aspect blow by blow if we mean business. We have very serious Government agencies; the Jubilee Government has not failed and Kenya is not a failed state. We have agencies. For whatever reasons which have been advanced on this Floor, we have various agencies working. They are very alert and can deal with this properly.

Hon. Speaker: Member for Saku.

Hon. Dido: Thank you, very much Hon. Speaker. I rise to support this Motion. I also want to congratulate Hon. Jakoyo Midiwo for bringing it to this House. Last week, when we were debating the Bill, he raised substantive issues.

(Hon. Njomo consulted loudly)

Hon. Speaker: Hon. Member, even if you are from Kiambu Town where you may be saying other things, please, let us hear Hon. Rasso.

Hon. Dido: Thank you, Hon. Speaker for protecting me. Hon. Jakoyo Midiwo raised substantive issues with regard to that Bill. That Bill was not adequate to address the issues of

gambling, money laundering and all those vices that are almost bringing down this country. Through the Select Committee, we must establish if this is related to drugs, alcohol and substance abuse. This Motion and the law that will eventually come out of it are about protecting the youth of this country. It is not an easy thing. I have read that there could be individuals who have gambling dens and theirs is to defeat this Motion on the Floor of this House. This House should not accept that.

Last week, I visited the Post Bank headquarters. I was not familiar with the area. I entered a place where I saw so many youth. I found so many youth on a whole floor. This gentleman approached me and asked what I wanted to bet on. I asked him on what bet. He said that all the guys there were betting. As I looked at the screen, I saw so many things. I thanked him and said that I was not looking for easy money but was just visiting the banking hall. That was at 11 a.m. There were over a hundred youths in a hall, watching the screen and betting. There is no easy money. If the Kenyan youth want to make money, they must work for it as many of us worked for our money and that is why we are in this House.

The Committee should also assist us in establishing the effects of betting on institutions. The burning of schools is said to be related to gambling and drugs. We cannot run away from the reality of the times. *Sportpesa* raised Kshs6 billion, which is thrice the amount of money that the Ministry of Sports and Culture is given in the national Budget. That is the effect or the numbers that are out there. Numbers do not lie. Young Kenyans support clubs like Manchester United, Arsenal and Barcelona. Those are the clubs they know. They do not know Gor Mahia or AFC Leopards because they are looking at where money is. That is where money goes.

This House, under Article 95 of our Constitution, discusses matters of importance to our people and concern to the nation. Those are matters of concern. The President and the Deputy President are always out looking for foreign direct investment and yet, we throw out that money through the window. That is not acceptable. This House should not accept that. The idea of giving this function of betting and casinos control to the counties must be relooked at. Do they have a strong institution to police and supervise those facilities in the counties? If individuals in those countries suddenly realise that there is a lot of money coming their way, they will make sure that they open dens to get money. This is an important Motion and it must be treated with the importance it deserves.

I support.

Hon. Speaker: Member of Parliament for Bondo.

Hon. Ogolla: Thank you, Hon. Speaker. At the outset, I want to say that I support the substance of this Motion. We should remember where we came from. There is an old adage that once bitten, twice shy. We have witnessed this before in this country with the pyramid schemes. There were no regulations, legislation or laws. You could not even place those pyramid schemes anywhere because they were not Savings and Credit Cooperative Societies (SACCOs) nor banks. They were operating in this country as though the nation was asleep. Many people lost their lives and others lost huge amounts of money. The Government is still required to pay some of the people who were dealing with pyramid schemes. The Leader of the Minority Party is reminding me that this is exactly what is happening. If we are not careful, we are going to lose a lot. We are without a regulation in the face of a lot of money in the hands of people who are not in the Government. There is a big danger that we are facing a bad situation.

It has been said by my colleagues that huge amounts of money are flying around. This is why some of us do not see the direction those monies are going to. Some of us are even worried how we can put in some controls in terms of how that money is flying. We cannot allow a

situation like the one with the pyramid schemes. We cannot allow individuals to operate huge monies outside the Government domain. Through betting, those firms collect more than what the Government has. The Government needs to look at this issue.

We have unemployment in this country. Betting can be exploited by anyone. It is tempting and if we are not careful, our youth will start looking for cheap money. This issue must be deeply looked into. Our young people are now getting money beyond what we can imagine. Those are some of the things that we are witnessing in schools. Sometimes, it is beyond examinations that are being advanced as to why we have arson in schools. Our young people are looking for cheaper ways of making money. They want cheap engagements to make quick money.

The other thing that has come out is the membership of the Select Committee. There is a concern that Members selected are in the leadership of the House and the Committees. Members are concerned about the time and space they will have for purposes of running around to check whether the Select Committee works well. This concern from Members needs to be looked at.

I support.

Hon. Speaker: Member of Parliament for Kipipiri.

Hon. Gichigi: Thank you, Hon. Speaker for giving me this opportunity. It is important for Members of this House to understand where this Motion came from. The Leader of the Majority Party brought an amendment to the Lotteries and Gaming Act to target the tax component. We need to introduce tax on those gaming firms. I sit in the Departmental Committee on Labour and Social Welfare that oversees sport issues, and early last week, we received concerns on this issue. I had even asked the legal counsel to research on the law on lotteries in other jurisdictions to see how we can improve it. We should look at this legal framework and make serious changes and additions so that we can deal with this issue.

Hon. Speaker, I have seen my name in this list and I do not know how it got here. I am extremely uncomfortable when I hear imputations on certain motives made by certain Members. Most of us came to this House to try and make a difference and improve the Kenyan citizenry. Some of us intend to do a task whenever we are given.

There is no doubt that we need a law that bans lotteries and betting by minors who are not of a majority age. That must be done.

The licensing framework for betting firms is weak. We should be very careful when it comes to licensing. We must strengthen it to make sure that a person or a firm is properly vetted before it is given a licence to carry out those activities.

Some of us have previously received information that some of the betting firms are run or associated with senior officials in the Ministry of Sports, Culture and Arts. The Sports Act created the national lottery and the intention was to ensure that profits made out of that activity go towards sponsoring sport activities in this country, in the spirit of the Kenya Charity Sweepstake. Almost 100 per cent earnings of the Kenya Charity Sweepstake were supposed to go to charitable and sporting activities.

As we speak, we must come up with a law that limits profits that go to the pocket of any person. Betting is not an investment. That is simply playing around with the minds of Kenyans. Have the owners put in any money there? If you are collecting Kshs1 billion per month, and only giving back 10 million to the winners, what sort of investment is that? That is robbery. You are robbing members of public. We must ensure that there is proper accountability of that money and serious transparency on how people win. Who is overseeing how the winner is determined? We know those things are arranged. If one million people are betting, how is it that only 10 people

win? We were recently treated to some drama when we were told that there was a lottery for a company we were investing shares in, only to later realise that all winners came from the same family. Some of those things must be dealt with. We must get a system that identifies winners in a transparent manner.

This so-called investment is money that is collected from Kenyans and then taken somewhere. We must ensure we regulate it. I suggest we have a law that says this money must be retained in the country. We cannot allow money that has not been earned properly or just collected from Kenyans to be taken outside the country. We must ensure that it is retained in this country. If there are charitable activities that are sponsored, they must be within this country and not outside.

Hon. Speaker, we must also guard Kenyans against scams. There are very many people who are pretending they can fix those bets. They are also pretending they can assist the people who pay their money to win. They tell you “put your money in this or put your money in that”, and yet, they have no clue of what is happening. That is another layer of crooks who are carrying out scams.

As I wind up, the law that was brought here or the amendments that we had suggested here were for collection of taxes. Even as we deal with the wider issue of betting, I would have suggested that the proposed law on the Kenya Revenue Authority (KRA) collecting tax is dealt with, we pass it and KRA starts collecting tax that is not being collected, and then we can deal with the other issues of a regulatory framework on betting.

I hope every person who has been suggested in this list like me intends to help this country. If this Motion is passed, that is what some of us will insist on. We will make sure the report that comes here is helping the country against the vice that has caught the population out there. Something like a juke box or betting machine in the estate that is attracting children and other people who have no clue what is happening must be banned. We must have something that is formal, betting that is well informed and a legal framework that is dealing with dissemination of information and sensitisation of the public as to what it is.

Therefore, I support this. I agree that maybe the leadership of this House ought to have brought more Members, the rank and file of this House to populate this Committee. That would have been a better idea. We would not be having the challenges we are having.

All in all, this is a Motion I support.

Hon. Speaker: Hon. Member for Awendo.

Hon. Opiyo: Thank you, Hon. Speaker for giving me this opportunity to contribute to this Motion.

I register my support for the Motion. As many other colleagues have indicated, the issue of gambling in this country has reached a crisis level. Without a framework to control it, it will just move from very bad to worse.

We have heard of stories on the media of school-going children who are gambling their money and dropping out of school or committing suicide thereafter. Even in my village, you sometimes find people just sitting instead of going to work. They sit in small halls seeing which team will win and which other will not. Given that this thing is done online especially using phones, the country must come up with a mechanism and framework upon which it can be controlled.

This is big business. The country wants money to run its sports, youth empowerment and other social development works. We cannot sit down and see a few people organise themselves

into cartels and groups to sleaze Kenyans under the guise of legitimate business, while there are no frameworks to catch up with them so that they can pay tax on the business that they do.

The only thing I have with the Motion is that we have many Members in this House. Actually, many of us have been on record as saying the House is too big. I plead with my brother Jakoyo who is also the Deputy Leader of the Minority Party to agree and amend this list of Committee members so that the entire House can speak and agree on the way forward with regard to this Motion.

For a select committee that will be going round in less than 14 days and come and compile a report and we see the names of the able Leader of the Majority Party, Hon. Aden Duale, Hon. Thomas Mwadeghu and Hon. Benjamin Langat and Hon. Samuel Chepkong'a, I think that is not good, unless we do not know what we are talking about as a House. There are many Members on both sides. It is not easy to campaign among people and voters in the villages and find yourself in this House if you are not competent enough.

(Applause)

I plead very much with my brother Jakoyo Midiwo to consider that. All of us, from what I have been listening to, really feel that, that sector should be under regulation. A lot of them have fear that we are under-utilising certain Members and over-using others. Hon. Duale is practically everywhere everyday in this House. He is always trying to bring reports and answer questions that are being raised. Then, we want him to run around and come up with a report from this Select Committee. Let us have all our Members adequately utilised. This one must be taken seriously. Hon. Jakoyo has left. I wish he was around so that he makes amendments so that we can pass this Motion.

My biggest fear is that I have read the thinking of the Members that if this list is not amended, we run the risk of shooting this Motion down.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Member for Tiaty?

Hon. Abongotum: Thank you very much, Hon. Speaker for granting me the opportunity to support this Motion.

I want to start by saying that betting has become a craze in this country. If you go round, you will find very young children using their phones to bet. As a country, those are not values we should inculcate in our children. The culture of betting and gambling is very bad for small children.

The first time I attended an economics class, I was told there are four factors of production. They are land, capital, labour and entrepreneurship. If those factors are not combined, you will get zero production. We have deviated and are using unorthodox and very funny ways to create wealth. This culture has to end. I have told my children that for one to create wealth, they must work hard, save, then invest and create wealth. You do not start by creating wealth first and then saving.

Hon. Speaker, this Motion has come at the right time. The gravity of betting in this country is no longer tolerable. I want us to support this Committee so that it can start its work very soon. Of course, you all know that the Betting Control Board is under the purview of the Departmental Committee on Administration and National Security. But, as you all know, this cuts across many Committees such as Departmental Committee on Labour and Social Welfare, Departmental Committee on Finance, Planning and Trade, Departmental Committee on Justice

and Legal Affairs and Departmental Committee on Administration and National Security. So, it is not possible to have more than 120 Members in one select committee handling this issue.

We should consider benchmarking with other countries that have better policies on lottery, betting and gambling. Those are countries like the US, Britain and the Nordic countries. Let us benchmark and get the best rules and policies to govern this industry.

We should recommend that those people should pay high taxes to the Kenya Revenue Authority (KRA) because they are making a lot of money so that Kenyans can get more money to support many sectors.

The issue of licensing must also be addressed because at the moment, I do not think they use a lot of money to get licences. We should also consider that part.

On the age limit of children, we should not consider children below the age of 18. They should not participate in gaming and betting because, at the end of the day, they will not be reading. They will just be betting from Monday to Sunday. They will end up becoming thieves. At the end of the day, it is parents who give out the money and they use it to bet. When they do not achieve their goals, some of them end up committing suicide.

So, we should control the industry. Of course, we should also make sure that this is not a game for very rich people. Cascading it to the very poor in the villages is also not good. We must consider having limits in coming up with better policies on this.

Generally, we should consider the players in this industry. We are even told we have foreigners with questionable backgrounds in this industry. We must know who the players in *Sportspesa*, *Elitebet*, *Betway*, *Betin Kenya* and *mCHEZA* are. That has to be established.

From the security perspective, we do not want to encourage money laundering. If regulations are not in place, some players can be tempted to practise money laundering and you can have money for terrorism entering this industry and even drug money. We must control so that criminals do not hide in this industry.

Generally, I call upon the House because we are all in agreement that this industry is almost destroying our children, to act. So, let us in one accord support so that this Committee can start working.

I see my friend Hon. Mwashetani smiling. With those few remarks, I beg to support.

Hon. Speaker: Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Speaker, for giving me this opportunity to discuss this Motion. When I came here, I was extremely excited to support this Motion, but issues have been raised that have made me a bit discouraged. Still, I support the principle of the Motion.

The issue whether it is a party Motion or not has been canvassed, although I do not like the way the Leader of the Majority Party did it. There was no decorum and there was no respect. But we can resolve that within the party.

There is an issue in the composition of Members. There are very many people in this who are very busy. It is important if we can amend it and look at the Members.

On the issue of ulterior motives, if every time we, as Members, want to do something and we impute improper or ulterior motives on our colleagues, remember outside there, it includes all of us. We start to show that we do not have faith in Parliament as a whole. If they were to do wrong things, we can come here and reject whatever they bring. That is not the way. Some Members who are committee Members working for 14 days will bring an issue.

Regarding the Bill, I have looked at the Bill that was stood down. It is basically talking about taxation. It does not touch on regulation at all. Why I would not like this to be killed other than having amendments made of the membership, betting and gambling is additive. There is no

difference between betting, gambling and drug consumption. Alcohol is the same. People get addicted. They actually have to be treated and counselled. So, we need to look at the destruction it is causing in people's lives, particularly the young people. We really have to do something about it.

On tax evasion and money laundering, we have read in the newspapers that huge monies are getting out of the country. In what form is the money getting out? This must be foreign exchange. We know we have a liberalised economy where people can actually walk to a bank, change money and take it out. That is something we need control over.

The gambling we are talking about that has raised a lot of problems in my mind is gambling through IT platform using telephones. This is high risk and difficult to control. Even banks are now losing a lot of money through the IT platform. It needs serious protection of data. It even lends individual people's data to a wider space that we do not know. As it is now, our cyberspace law is not in tandem and is not at the level of the actual whole IT capacity that is available out there. So, if we get gambling which is in an IT platform, we are in grave danger. We need to look at it thoroughly so that we put in place control measures. Some of it will be extremely technical.

There is need for regulation. We have to protect the participants, particularly young people. We need something to be done. We have to say who gambles, where it is done and who owns the gambling equipment. With alcohol and other drugs, we are clear that there is an age limit to which drugs can be sold. Are we going to leave it open in gambling when we have an IT platform coming in through our mobile phones which are basically computers? We need to look at that and see that we get some control.

On top of that, there are excessive advertisements on gambling particularly the ones that concern us. The betting houses, the times of betting and the age at which people bet. We know that public officials would not be expected to take part in gambling. When we have this IT platform where people sit in their houses and huge monies are involved, we are in danger.

The area of sports that has been targeted is an extremely popular area. If you look at the amounts of money that are being gambled, they are small amounts in an extremely popular area and in a game that is extremely addictive. Our Constitution has indicated that the role of regulating gambling and betting has been devolved. As I have indicated, gambling in an IT platform is extremely complex. It is now devolved. We have a problem with devolution even with government programmes and functions that are structured. If we put gambling to those governments which have no capacity, we are in grave danger.

In my view, we really have to protect our people, particularly the youth. The Committee should bring a completely new Bill that brings in very extensive regulations that particularly look at the IT platform. In my view, 14 days may be short. What do we do with the IT platform? How do we control it? The cyber space law is just like the law of the sea some years back. I think that even as we are doing this, the departments of Government that are involved in this should look at areas where they can put a stop immediately and start protecting people. There are always positions in Government and in law that if something is of public interest, there are provisions where you can stop it immediately and then put all the structures in place.

So, I appeal to the Mover of the Motion that we reconsider the Committee. This is an important thing. I do not want it to die because we have not agreed on the membership. The principle is extremely important. I suggest that we amend the Motion and I will support the amended version, particularly concerning the membership of the Committee.

Hon. Speaker: I just want to say that when the Motion was moved by Hon. Midiwo, it was moved with some amendment that where it reads “14 days” it reads “60 days”. The names include Hon. Mohamed Bady Twalib and Hon. Asman Kamama in number 12 and 13 respectively. That is just for information because I realised you are looking at the Motion as originally drafted in the Order Paper. Next is Hon. Grace Kiptui.

Hon. (Ms.) Kiptui: Thank you, Hon. Speaker. I rise to support the Motion. At the outset, let me say that as a mother, I feel distraught because this gambling issue is affecting the young people. The youth of this country, including our children who are in universities and colleges, are affected. How it came to the level that we licensed so many gambling institutions until now that we realise things have gone very far is unfortunate. We see the signs when we see children committing suicide as a result of their money having been blown away in gambling. Sincerely, those are not the values that we would want to inculcate in our youth. We tell them that we have to sweat to earn a living. However, this other activity shows them that they may sit in their room and become millionaires overnight.

In the television and radios, we see and hear people being declared millionaires. They scream with happiness. They say what they are going to do with their money. Those values are going to destroy the hardworking skills that we want to inculcate. What am I saying? I am saying that it is important for us to look at it wholesomely and come up with regulations that will ensure we streamline their operations. Those could be challenges of the technological age where people gamble and you do not even know the age of those people. In the United States of America (USA), for instance, a state like Las Vegas has liberalised that and they gamble 24 hours seven days a week. Even at the airport as you board a plane, you find somebody gambling right next to the door of the plane. However, they know how to regulate it so much that when a person wins, taxes are deducted immediately, but in Kenya we are waking up to a rude shock because things seem to be happening so fast for us.

So, I support the Motion. This gambling practice is encouraging many other things. For instance, people call others on their mobile phones and tell them they have won some money and that they should tell them their telephone number. It encourages other side shows where criminals are taking advantage. God knows where all this money comes from. So, as I support and as my colleagues have said, the timeframe is good. I think they will manage to give us a genuine, concise and well researched report using technology. They should be aware that the Government can monitor using the cyber technology we have to see what is exactly going on. So, I do not think they will have to go to the country side, knock doors and ask questions. It can be dealt with technologically.

For the membership, Hon. Speaker, you can pay attention to the mood and feeling of the other colleagues. We need to have a team that can give us a report that can be passed without a lot of stress when it lands on the Floor of the House.

Thank you, Hon. Speaker.

Hon. Speaker: It is not me to pay attention. Hon. Christine Ombaka.

Hon. (Ms.) Ombaka: Thank you, Hon. Speaker, for giving me this opportunity. I support the principle behind this Motion. Betting and gambling are popular games worldwide and those who are involved are so much thrilled. They are very excited. It is like a form of entertainment because they expect to get a lot of money out of that, but they do it outside working time like in the evenings and at night. So, part and parcel of the work of betting and gambling is also part of entertainment, but it has its own risks – the risk of spending money in a big way to an extent that one can become broke and bankrupt. The excitement of getting more

money as you put little money makes one keep on playing it all the time hoping to win. By the end of the day, they spend so much and end up being broke and bankrupt. That is the beginning of family problems because it has a lot of effects on family life.

One thing that is very clear is that it comes in different ways. When I was growing up, I used to see things like bingo, jackpot, lucky dip and the slot machines. There were lottery tickets. There was betting in different ways. Today, we have internet gambling, the casinos and the street cards or dice that you cast and so many young people surround you as you play it on the streets.

Casinos are very dangerous and insecure places. They are situated in dangerous places where people die sometimes. They fight and kill each other because they have lost, and they are drunk. There is also prostitution among people who visit the casinos to gamble. It is a terrible place which requires regulations. We require regulations in the casinos because nobody cares who walks in there. Young girls and boys walk in there to drink and enjoy themselves as others gamble. We need to control the people who go into gambling houses, because we are exposing them to very dangerous areas. This is very bad. Although gambling is popular with many people who want to get as much money as possible, it is a very addictive game. It is very difficult to get people out of it. So, we need to look for ways of getting rid of gambling. Gamblers get addicted and become very dangerous members of the society.

I do not want to say very much because a lot has been said by the speakers who spoke before me. However, I want to highlight the fact that *pata potea* businesses invest little money. Some of the people who win on television are not genuine. They are doctored. Nobody wins those things. You cannot pay Kshs50 and come out with a Mercedes Benz. The winners are doctored. How do people win? You have all cast your dice here in Nairobi, but a winner comes from Mombasa, another one from Nyeri, and Kisumu. It is well distributed geographically. Why do people win in such a very logical geographical arrangement? You get winners from every sector and community in that order? It looks wrong. I do not believe that people win like that. The winners are doctored. Lotteries and betting are not genuine. We are being exploited.

I have received messages in the internet many times telling me that I have won a lot of money and yet, I have never gambled anywhere. They tell me that I have won millions of shillings, and they want my full name, address and bank account. There is total theft going on. There is a lot of corruption and exploitation in the betting and gambling industry. There is need to control it. This country is very poor. We cannot afford to have such kinds of games where we have billions of shillings, but people are so poor. The industry must be controlled. Taxation and restrictions must be put in place. We should either remove gambling completely or we regularise it in such a manner that it is done well so that nobody complains.

I support this Motion, Hon. Speaker. Thank you.

Hon. Speaker: Hon. Peris Tobiko.

Hon. (Ms.) Tobiko: Thank you, Hon. Speaker. This Motion could not have come at a better time. I thank Hon. Midiwo for bringing it to the Floor of the House. The Motion is relevant and important. This House needs to take it with the seriousness it deserves. We have seen our children gambling, and wasting time trying to pursue what is not there. Kenyans lose money. The betting and gambling industry has become like a pyramid scheme. Kenyans have lost money, families have been broken, and a lot of pain has been caused to people. People lose money, and children lose school fees and they kill themselves out of frustrations. This Motion needs to get results in legislation, policy and in operationalising those policies and the necessary laws to protect Kenyans.

The previous speakers have raised a lot of issues. I do not intend to take a lot of time because there is a colleague who is giving me pressure to take one minute, so that he can also contribute. Hon. Midiwo and the Leader of the Majority Party, Hon. A.B. Duale, and all those others who have included themselves in the list can only do an honourable thing to review the list because it looks like another portion of a different game plan. When we speak here, the leadership of the House, Leader of the Minority Party and the Leader of the Majority Party, should listen to us. This list should have the face of this House. It should include Members who are not as busy as those ones who are included in the list. It should also involve a majority number or at least a fair number of those committees which are relevant on betting and gambling industry. The Departmental Committee on Labour and Social Welfare has a lot to do with the betting and gambling control. There is a Bill which would have been enriched by this Motion and debate. Hon. Midiwo can bring a lot of information to the Select Committee, so that there is value addition on the Bill. However, when it looks like there is a selected group and it raises eyebrows, then it will be fair you address the concerns of the Members.

I support the Motion, but Hon. Midiwo and the leadership of the House, including the Speaker, should review the list of the Select Committee. Thank you.

Hon. Speaker: Hon. Members, I keep on repeating this point. According to Article 122 of the Constitution, I do not have a vote. You can address the leadership, but you must leave me out.

Member for Mathare.

Hon. Stephen Kariuki: Thank you, Hon. Speaker, for giving me this opportunity to contribute. At the outset, I support this Motion, but with a lot of reservations. I support it in terms of the laws of this country being not strong enough to look into this industry. If you look at the best practices globally where we have international markets and economies which deal with those types of funds, this gaming industry is controlled by the same bodies that control the banking and the financial services sector. In Kenya, I believe we have reached that level where we have strong organs that control the banking and financial services sectors. The same organs should look into this industry. However, I have two reservations.

One, the Select Committee which will be formed should not be used to settle business rivalries among the firms that are participating in this industry. We have heard of rumours and sentiments which are being poured out that this Motion is being sponsored by one firm against the other. We request that whoever sits in that Committee does what is good for this country, our children and the future of this nation.

Most importantly, this House should not be used to curtail businesses of Kenyan origin that have come a long way. My good friend, the Deputy Leader of the Minority Party, Hon. Jakoyo, mentioned that *Sportpesa* has sponsored Hull City in the United Kingdom (UK). This is a Kenyan company that has broken international barriers in marketing. *Sportpesa* supports Kenya Football Federation (KFF), Kenyan Rugby, AFC Leopards and Gor Mahia. Those are companies that are competing in the big leagues. They are about to reach the levels of Safaricom, which collects money from Kenya and sends the revenues or profits back to the United Kingdom (UK) to Vodafone. I have not seen anyone standing up here to complain.

Most importantly, let us not curtail this business that is employing Kenyans indirectly through the big marketing budgets they have. They are also in one way or another giving back to the community. Let us put laws in place that can be used to make sure that the right people gamble and participate consciously. Believe it or not, even before those companies came about, Kenyans were still gambling. If you go to places where people play pool, they bet Kshs.200 for a

game. Also when football games are showing, they still bet with or without those platforms. Let us make sure that those platforms are controlled by the right organizations and laws are put in place to ensure proper functioning.

Thank you, Hon. Speaker, I support.

Hon. Speaker: Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, Hon. Speaker. I was on a race against time and was really hoping that I would get a chance. I am thankful to God for having been given me this opportunity. I stand as a concerned person, because when you look at the Motion, the wording has got positive intentions. We are all in agreement of that fact. The problem here is the Members of the Select Committee.

I feel that by passing this Motion, in this House of rules, we might be losing out on something that is very important for our country. When I looked at the list, I saw Hon. Mary Keraa who is no. 11. Last night, one of the news houses reported that she is a nominated MP. I was surprised because I know all the nominated MPs in this House. I did some research and it turns out that the Member has had less than 15 appearances in this House. I am glad that she has been given this opportunity because she is a member of one Departmental Committee just like me. I thought it is probably a good thing to give her an opportunity to be in this Select Committee.

It would have been prudent to have this Motion undertaken by a relevant Departmental Committee. It would have more information. It would have carried out more in-depth work than this Select Committee. We are in a country where the dependency ratio is 81.5 per cent. That means certain people carry the burden of providing for other individuals and that puts them under a lot of pressure. What does an individual do when he has a lot of pressure to provide? He seeks out unscrupulous means which is basically wrong. This tends to form a bad society. Gambling is a social vice, it is unacceptable and we cannot have it in our culture.

We are having many companies entering this country. But it gives me a lot of pleasure when I see those companies being associated with international firms. That means we are doing very well, creating jobs and building the economy. I know there is pressure of time but please allow me. I am getting pressure from my colleagues who are giving me daggers and I am feeling very warm.

When there is an advertisement saying that drink more beer or alcohol so that you can win something, it sends the wrong message to the society and this should not be allowed. Every business should be responsible for bringing up responsible citizens. A lot has been said. I support this Motion but the membership of this Select Committee should be reconsidered.

Hon. Speaker: Member for Kitui East.

Hon. Muluvi: Thank you, Hon. Speaker for the opportunity. The concept of the whole thing is okay but I oppose the Select Committee Members. I know there is a Departmental Committee which should be responsible for this. It should hold public hearings because our Constitution is people-centered. I do not think the leadership of the House should be included because they cannot spare two weeks to be away from this House to meet other commitments.

It is important for this Select Committee to be reconstituted so that, at least, other people can also be involved and allow the leadership to take full responsibility of championing this House. I wanted to say in the presence of the Leader of the Majority Party that it is important for him to respect other members. I took great exception of how he tried to belittle the leadership of the Opposition.

Hon. Speaker: Member for Lugari.

Hon. Angatia: Thank you, Hon. Speaker for giving me the opportunity. I will only utilize one minute to comment. This Motion is well placed before the House because matters of betting and gambling have not been well regulated in this country. That is why we find piracy money going through casinos where it is cleaned and that amounts to money laundering. That is why we have brought this good Motion that will bring regulations and help this country.

Secondly, the CBK regulations are that you cannot withdraw more than Kshs.1 million unless you fill a form to declare the source of that cash. In casinos, they use pirate money so as to clean it. In politics where we also gamble, we have IEBC that regulates us. Why should we not have regulators for gambling?

Hon. Speaker: Well, there being no other Member contributing, can I call upon the Mover to reply?

Hon. Midiwo: Thank you, Hon. Speaker. I wish to donate half a minute to Hon. Richard Tong'i. I know we are pressed for time.

Hon. Speaker: Yes, Hon. Tong'i, you have half a minute.

Hon. Tong'i: Thank you, Hon. Speaker. At the outset, I would like to mention that gambling and betting are unbiblical. God does not provide for easy money. A culture of saving must be inculcated in our people. Leaders must set that example.

Hon. Midiwo: Hon. Speaker, I rise to thank everybody who has contributed to this Motion. I took great exception with some of the utterances by the Leader of the Majority Party over the Leader of the Minority Party. I want us to forgive each other. This is not a small problem and we need to do this for the sake of our country. If the selection of Members to this Committee offended some Members here, as the sponsor of the Motion, I apologise. We need to move and find a solution for our country.

I beg to reply.

Hon. Speaker: Hon. Members, for obvious reasons, I will not put the Question.

(Putting of the Question deferred)

ADJOURNMENT

Hon. Speaker: The time being 6.32 p.m., this House stands adjourned until Tuesday, 9th August 2016 at 2.30 p.m.

The House rose at 6.32 p.m.