

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 5<sup>th</sup> May, 2016

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### NATIONAL PRAYER BREAKFAST

**Hon. Speaker:** Hon. Members, there is an amendment to the announcement made yesterday regarding the National Prayer Breakfast. Further to my Communication yesterday regarding the National Prayer Breakfast to be hosted by the Kenya National Assembly Prayer Fellowship Group at the Safari Park Hotel, I wish to inform Members that the date of the function has been rescheduled from 26<sup>th</sup> May, 2016 to Friday, 3<sup>rd</sup> June, 2016. All Members are requested to take note of the change of the dates.

*(Several Hon. Members stood up in their places)*

Those Members who are making their way should take their seats. Hon. Kevin Wanyonyi, please take your seat.

### PETITIONS

#### AMENDMENT OF THE BANKING ACT TO DISBAND CREDIT REFERENCE BUREAUS

**Hon. Speaker:** Hon. Members, I have two Petitions to convey. As you know, Standing Order No.225 requires that the Speaker reports to the House any Petition other than those presented through a Member. I wish to convey to the House that my office is in receipt of two Petitions signed by Mr. Peter Kimani Runo.

In the first Petition, the Petitioner proposes amendment to the Banking Act in order to disband the Credit Reference Bureaus (CRBs). The Petitioner avers that the CRBs have listed more than 700,000 individuals in their database as defaulters. He claims that this is causing a lot of anguish to the listed individuals as they are unable to access financial facilities from local banks and other financial institutions.

In the Petition, he prays that the National Assembly, through the Departmental Committee on Finance, Planning and Trade initiates the process of amending the Banking Act and any other relevant laws to disband the CRBs.

## ESTABLISHMENT OF MEN ENTERPRISE FUND

In the second Petition, the Petitioner alleges that the Government has neglected the male gender, in particular men, who are over the age of 35 years.

*(Applause)*

The Petitioner cites the need to empower men to enable them cater for the needs of their families. He is praying that the National Assembly recommends the establishment of a revolving fund for men to be referred to as the “Men Enterprise Fund” similar to the Women Enterprise Fund and the Youth Fund.

*(Applause)*

Pursuant to the provisions of Standing Order No.227, the two Petitions stand committed to the Departmental Committee on Finance, Planning and Trade. I am aware that the Committee is considering the Kenya Uwezo Fund (National Assembly Bill No.65 of 2015). The Committee may attempt to address the concerns raised by the Petitioner during its consideration of the said Bill.

**Hon. Member:** Put the Question!

**Hon. Speaker:** Hon. Members, there is no Question being put.

## ALLEGED CORRUPTION AT SAFARICOM COMPANY LIMITED

The Petition is signed by Mr. Michael Ngugi regarding corrupt practices and dealings by the management of Safaricom Company Limited. The Petitioner contends that Safaricom Company Limited is a corrupt institution and that there have been many cases of malpractices with regard to procurement of goods and services, in particular tender processes, tender awards, unethical practices and governance challenges.

The Petitioner, therefore, prays that the National Assembly recommends that:-

(i) with immediate effect, the Ethics and Anti-Corruption Commission (EACC) investigates the matter and takes action against any official found culpable of the malpractices; and,

(ii) forensic audit be conducted with regard to all tenders awarded in the last two years.

Hon. Members, you will agree with me that the prayers sought by the Petitioner are, indeed, justifiable before any court, and may also be dealt with by the Public Procurement Oversight Authority. However, Article 95(2) of the Constitution provides that the National Assembly deliberates on and resolves issues of concern to the people of Kenya. That Article obligates the House to also attempt to address such matters with a view to resolving them or making recommendations as would be appropriate.

This Petition, therefore, stands committed to the Departmental Committee on Finance, Planning and Trade for consideration. The Committee is requested to consider the Petition and report its findings within 60 days, in accordance with Standing Order No.227(2).

Thank you.

Hon. Members, there is another Petition by Hon. Peter Weru. If you are not ready, can we have the Petition by Hon. Khatib Mwashetani?

#### DEMOLITION NOTICE OF BUILDINGS IN LUNGA LUNGA

**Hon. Mwashetani:** Hon. Speaker, I have a Petition by the residents of Lunga Lunga Constituency on the intended demolition of buildings due to expansion of the Likoni-Lunga Lunga Road.

I, the undersigned, on behalf of the residents of Lunga Lunga Constituency, draw the attention of the House to the following:-

THAT, aware that Lunga Lunga Constituency is a tourist attraction area and the food basket of the coastal region in Kenya;

THAT, aware that there are major investments in form of recreational establishments and businesses in the Lunga Lunga area, and in particular Kanana area that facilitate economic activities;

THAT, the Kenya National Highways Authority has issued an eviction and demolition notice to land and business owners in regard to buildings erected along the Likoni-Lunga Lunga (A14) road reserve, especially at the Kanana area;

THAT, the buildings in question are constructed on legally acquired land and the land owners have valid allotment letters from the Ministry of Land, Housing and Urban Development;

THAT, some of the buildings marked for demolition are located more than 20 metres from the road reserve, therefore are not eligible for demolition or eviction;

THAT, the intended demolitions and eviction will render these residents squatters and deprive them of their means of livelihood;

THAT, the matter in respect of which this Petition is made is not pending before any court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:-

- (i) intervenes to have the expansion of the Likoni-Lunga Lunga (A14) Road effected without demolition of the buildings in Lunga Lunga Constituency; and,
- (ii) recommends and ensures that the Kenya National Highways Authority halts the proposed demolitions.

Thank you.

**Hon. Speaker:** Hon. Members, the Petition stands committed to the Departmental Committee on Transport, Public Works and Housing.

Next petition, Hon. Weru!

#### DELAYED DISBURSEMENT OF FUNDS TO MAINTAIN ROADS IN MATHIRA

**Hon. Kinyua:** Hon. Speaker, I am presenting a Petition on behalf of concerned residents of Magutu and Iria-ini wards in Mathira Constituency regarding the dilapidated state of the section of the Karatina-Jambo Road, the loop that goes through Ihwagi, Giakaibe and Kagochi to Karatina University through Gitunduti and Gaikuyu and back to Karatina Hospital.

I, the undersigned, on behalf of concerned residents of Magutu and Iria-ini wards in Mathira Constituency, draw the attention of the House to the following:-

THAT, a proper road network is essential for accelerating economic development in any region and the country at large by opening up investment opportunities and facilitating access to economic resources and social amenities;

THAT, not only does Mathira Constituency have agricultural potential but is also home for Karatina University, a national university with a population of over 6,000 students from all over the country;

THAT, the road loop connecting Karatina Town via Ihwagi, Giakaibe, Kagochi to Karatina University and the sections through Gitunduti, Gaikuyu to Karatina Hospital have over time degenerated to impassable state;

THAT, during the past graduation ceremony, in December last year, at Karatina University, an unprecedented traffic congestion locked many people, including graduands, from accessing the university while others were stuck in mud well past midnight;

THAT, the poor state of the road is to blame for over five fatal accidents which have occurred along the road in the past two months leading to loss of lives and property;

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Hon. Rasso, for the time being, you must sit. Hon. Wanga and all Members, take your seats. I do not know why there is excitement in the Chamber. We are not able to transact business. Let the Member finish and then you can begin doing those things you want to do.

Proceed, Hon. Weru.

**Hon. Kinyua:** Thank you, Hon. Speaker, for coming to my rescue.

THAT, at the beginning of 2016, the Cabinet Secretary for Transport and Infrastructure undertook to allocate Kshs307,000,000 for re-carpeting the dilapidated tarmacked section and upgrading the earthen section to bitumen standard, but the process is yet to commence;

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

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Housing and Public Works:-

(i) investigates the circumstances behind the delay in disbursement of the funds meant for re-carpeting the dilapidated section and upgrading of the earthen section to bitumen standard;

(ii) intervenes with a view to ensure that the dilapidated section of the said road is speedily re-carpeted and the section tarmacked to avert any further loss of life and property through accidents; and,

(iii) it makes any other orders or directions that it may deem fit in these circumstances.

Your Petitioners will forever pray.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## PAPERS LAID

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

The Report of the Auditor-General on the Financial Statements in respect of Jomo Kenyatta University of Agriculture and Technology, Cooperative University of Kenya, School Equipment Production Unit, the Water Trust Fund and the Judiciary for the year ended 30<sup>th</sup> June, 2015 and the Certificates therein.

The Annual Report and Financial Statements of the Kenya School of Government for the year ended 30<sup>th</sup> June 2014.

Tom Mboya University College Order 2016 and the explanatory memorandum.

A list of the eighth batch of nominees to 11 Constituency Committees of the National Government Constituencies Development Fund.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairlady of the Departmental Committee on Health, please, proceed.

**Hon. (Ms.) R.K. Nyamai:** Thank you, Hon. Speaker. I beg to lay the following Reports of the Departmental Committee on Health:-

The 8<sup>th</sup> IAS Conference on HIV Pathogenesis Treatment and Prevention held from 19<sup>th</sup> to 22<sup>nd</sup> July 2015 in Vancouver, Canada;

The 2<sup>nd</sup> EAC Health Ministers and Parliamentarians Forum on Health and Symposium on Reproductive Maternal, Newborn and Child Health held from 25<sup>th</sup> to 27<sup>th</sup> March, 2015, at the Kampala Serena Hotel, Uganda; and,

The 68<sup>th</sup> World Health Assembly held from 18<sup>th</sup> to 26<sup>th</sup> May, 2015, in Geneva, Switzerland.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Lessonet, what is it? Is it at this stage you are giving the Notice of Motion?

**Hon. Lessonet:** Yes, Hon. Speaker.

**Hon. Speaker:** Please, proceed.

## NOTICE OF MOTION

### LIST OF NOMINEES TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT COMMITTEES

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

THAT, this House adopts an additional list of nominees to the following 31 Constituencies Committees of the National Government Constituencies Development Fund, laid on the Table of the House today, Thursday, 5th May, 2016:-

Mandera South, Lamu East, Turkana North, Likuyani, Kabondo Kasipul, Mandera North, Kesses, Central Imenti, Bomet East, Narok South, Moiben, Kilgoris, Chepalungu, Bureti, Kapseret, Kajiado Central, Mandera East, Ruaraka, Mathare, Kiaru, North Mugirango, Buuri, Mwea, Gichugu, Garsen, Mwatate, Kandara, Mbooni, Samburu East, West Mugirango and Matuga.

Thank you.

**Hon. Speaker:** Hon. Njoroge Baiya, table yours.

**PAPER LAID**

**Hon. Baiya:** Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:-

The Report of the Constitutional Implementation Oversight Committee on its consideration of a Petition by Maj. (Rtd.) Joe Kiprono Rop concerning the need for Parliament to harmonise all existing proposals for amending the Constitution into one hybrid draft Bill for referendum.

Thank you.

**Hon. Speaker:** Proceed to also give Notice of Motion.

**NOTICE OF MOTION**

## HARMONIZATION OF EXISTING PROPOSAL TO AMEND CONSTITUTION

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

THAT, notwithstanding the provisions of Standing Order No.227(2), this House notes the Report of the Constitutional Implementation Oversight Committee on its consideration of Petition by Maj. (Rtd.) Joe Kiprono Rop concerning the need for Parliament to harmonise all existing proposals for amending the Constitution into one hybrid---

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! These consultations are too loud. I am sure you have had enough time – a whole week. They cannot be so loud that we cannot transact business.

*(Hon. Nassir stood up in his place)*

The Member for Mvita, do you have problems sitting? If you have problems sitting, we can allow you to go somewhere in hospital and lie down there!

*(Hon. Nassir resumed his seat)*

Take a seat, like that. You can see you are now comfortable.

*(Hon. Njenga consulted other Members)*

The Member for Gatundu North, let us allow the Chairman of the Constitutional Implementation Oversight Committee to give notice of Motion.

**Hon. Baiya:** Thank you for that protection, Hon. Speaker.

I beg to give notice of the following Motion:-

THAT, notwithstanding the provisions of Standing Order No.227(2), this House notes the Report of the Constitutional Implementation Oversight Committee on its consideration of Petition by Maj. (Rtd.) Joe Kiprono Rop

concerning the need for Parliament to harmonise all existing proposals for amending the Constitution into one hybrid draft Bill for referendum, laid on the Table of the House today, Thursday, 5th May, 2016.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order!

## STATEMENTS

### IRREGULAR HIRING OF CONSULTANTS BY IEBC

**Hon. Kuria:** Hon. Speaker, I rise to request for a Statement on the matter of irregular hiring of partisan consultants at the Independent Electoral and Boundaries Commission (IEBC).

I request for the statement because this is a matter of utmost national importance. It has come to my attention that a large number of consultants at the IEBC, who are being funded by the UNDP and other donors, are of questionable and partisan political standing. Some of them are active political players. In this regard, I request the Attorney-General to investigate the following and report back to the House:-

- (i) whether it is true that the UNDP is funding and sponsoring staff at IEBC;
- (ii) whether the Chief Executive Officer (CEO) of the IEBC, Mr. Ezra Chiloba, is directly or indirectly a former employee of the UNDP;
- (iii) whether the staff contracted include one Mr. David Makali as a communication consultant; and,
- (iv) whether Mr. Makali contested for the Senate seat in Bungoma County in the last general election.
- (iv) to provide a list of all the staff whose salaries are being paid directly or indirectly by UNDP and other donors.

I seek your guidance. Thank you.

**Hon. Speaker:** The issue you are raising should be best addressed to the Departmental Committee on Justice and Legal Affairs. They should be the ones to investigate and report to the House.

*(Hon. Ng'ongo consulted loudly)*

The Member for Suba, I cannot share this responsibility with you; you have yours. So, allow me to guide the Member. Hon. Kuria, approach the Office of the Clerk so that the proper Question, seeking proper directions, can be addressed to the Departmental Committee on Justice and Legal Affairs.

**Hon. Kuria:** Hon. Speaker, I stand guided. I will do exactly that.

**Hon. Speaker:** Including but not limited to what appears to be questions or inquiry being transformed into a Petition.

**Hon. Kuria:** I stand guided and ask the Member for Suba not to show too much enthusiasm and anxiety.

**Hon. Speaker:** Order, Hon. Members. We have with us today, in the Speaker's Gallery, the following distinguished guests:-

- 1) The Hon. Mukitale Birahwa Steven, MP.

- 2) The Hon. Mulindwa Patrick, MP.
- 3) The Hon. Kasile Mika, MP.
- 4) The First Secretary, Uganda Embassy in Nairobi.
- 5) Two staff officials from the Ministry of Agriculture.

Hon. Members, the Delegation is in the country to share experiences and broaden its understanding and knowledge of the workings of our Parliament. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful undertaking during the course of their stay in the country.

I also wish to extend this welcome to all other members of the Kenyan public who have attended today's deliberations.

#### BUSINESS TO BE ACCORDED PRIORITY AFTER RECESS

**Hon. A.B. Duale:** Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement: As usual, the HBC met on Tuesday this week. From the outset and without anticipating debate, I wish to remind Members that the House is scheduled to proceed for a long recess commencing tomorrow as per our Calendar that was approved by this House. Since the House is scheduled for that recess, the HBC has not scheduled any business for next week. The following business will be accorded priority after the recess in the month of June:-

1. Consideration of the Budget Estimates for the Financial Year 2016/2017. I am sure that during the period of the recess, the various departmental committees will have the opportunity to scrutinise the Budget Estimates as presented by the Cabinet Secretary for the National Treasury.
2. We shall give priority for the consideration of all stages of the County Allocation of Revenue Bill, 2016, having passed the Division of Revenue Bill.
3. We will consider the Committee of the whole House on the important Controller of Budget Bill, 2015.
4. We will consider the Committee of the whole House of another important budget-related Bill; The Miscellaneous Fees and Levies Bill, 2015 among many other bills.

I now wish to lay the Statement on the Table of the House.

Thank you.

*(Hon. A.B. Duale laid the document on the Table)*

### BILL

#### *Second Reading*

#### THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 4) BILL

*(Hon. A.B. Duale on 22.3.2016)*

*(Resumption of Debate interrupted on 21.4.2016 – Morning Sitting)*



**Hon. Speaker:** Hon. Members, including those ones making their way out, given the nature of business to be transacted under Order No.8, and because it is the Question to be put and this is being done a second time, I cannot proceed to do that until the Quorum Bell is rung for 10 minutes. Thereafter, I may proceed to establish whether or not the House is properly constituted for purposes of taking the vote.

I direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Members! Hon. Members, resume your seats. Order, Members! The Member for Fafi, I can see you are walking in very excited. The Serjeant-at-Arms, close the doors and draw the bars.

*(Loud consultations)*

Hon. Members, I am aware that everybody knows the reason we are here today. But to remind ourselves, the business before the House is the Constitution of Kenya (Amendment) (No.4) Bill, National Assembly Bill No.38 of 2015. We are at the stage of putting the Question in the Second Reading.

We need to remind ourselves of the specific provisions of Article 256(1)(d) of the Constitution. It states:-

“A Bill to amend this Constitution—

(d) shall have been passed by Parliament when each House of Parliament has passed the Bill, in both its second and third readings, by not less than two-thirds of all the members of that House.”

The Members of this House are 349 and I am not one such. Therefore, I do not count for purposes of the two-thirds which is referred to there.

Hon. Members, a clear reading of the current Standing Orders brings out some gray area regarding the procedure. Fortunately, those of you that had the privilege of serving in the Tenth Parliament removed a particular procedure under Standing Order No.62 which used to be in the former Standing Orders for those of you who have got memory of that. At this stage in the former Standing Order, the Hon. Speaker needed to establish that there were in the House, at least, 233 Members. That requirement was removed from the current Standing Orders. Under Standing Order No.62, all that is required is that the Hon. Speaker may direct on the first occasion that a further vote be taken on the particular Question and the further vote should be taken within five sitting days from the day the first vote was taken.

Finally, Sub-section 3 of 62 states:-

“ If the Speaker does not so direct any further vote, or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negated.”

It, therefore, means there is no way I can ascertain that we do not have numbers unless there is a vote taken. So, we will not proceed in the manner that we did last week. After putting the Question, everybody shall log out. After we are given the go ahead we will vote, for me to establish whether we have attained the fixed majority.

Hon. Members let me draw your attention to this fact. During the last vote on this Motion last week, our Information and Communications Technology (ICT) officers detected some Members voting for others who were not in the Chamber. It does happen. The ICT Department is able to tell whether you are in the Chamber by checking the list. When you go and append your thumbprint there, they are able to tell if you are present.

*(Laughter)*

Therefore, the ICT officers have requested me to pronounce myself on that malpractice and request that it may not be repeated. Otherwise, it will be disorderly to do that. Hon. Members without much ado, I will read the Question. For the same reasons that I explained last week, I consider this Motion to be very important. I am going to exempt those of you who have the habit of forgetting their cards or have malfunctioning cards, have lost them or have left them with their spouses for those that may have spouses or any other such place---

For whatever reason that you think you may not vote electronically, I will give you a chance to still vote manually. Hon. Ken Okoth you can remove your card for the time being.

Hon. Members, those of you who do not have cards please come up here.

*(Loud consultations)*

Hon. Members, the assumption is that everybody who is here has no card or has a malfunctioning card. You may log in now.

Hon. Members, those that wish to abstain, please you must record your abstention.

Hon. Members you may vote now.

*(Members voted)*

**Hon. Speaker:** Order, Hon. Members! I should appreciate you because we took some time on this Motion and we want to be absolutely sure of the figures. As you noticed, four of our colleagues' cards malfunctioned and were allowed to be counted as having voted manually. I know them by their names as Hon. Lempurkel, Hon. Oner, Hon. David Ochieng and Hon. Mbarire. Those are the Members who had cards initially, but the cards malfunctioned.

Hon. Members, the results of the Division are as follows:-

**AYES:** Electronically – 159. Manually – 19. Total - 178.

**NOES:** Electronically – 13. Manually – 3. Total - 16.

**ABSTENTION:** Electronically - 5.

Hon. Members, the result, as provided for under Standing Order No.62(3), is that the Motion is negatived.

*(Motion negatived)*

**AYES** (Electronically): Ms. Chae, Ms. A.W. Ngangá, Ms. Wahome, Ms. Abdalla, Ms. Gathecha, Ms. B.N. Nyaga, Ms. Ngétich, Ms. Ombaka, Messrs. Bady, Midiwo, Mulu, B.K. Bett, Mwamkale, Ganya, Gimose, Wakhungu, Wambugu, Kubai Iringo, Anyango, Mtengo, Maanzo, Katoo, Were, Ms. Ghati, Ms. Kedogo, Messrs. Lagat, J.K. Chege, Ngare, ole Kenta, Ms. Gathogo, Ms. Mathenge, Ms. Ngeny, Ms. F.I. Ali, Ms. F.M. Mutua, Ms. Kajuju, Messrs.

Kilonzo, Nyenze, Waititu Francis, Njenga, Outa, Odanga, G.W. Omondi, Theuri, Ms. Nyasuna, Ms. Kipchoim, Ms. Chepkwony, Ms. (Prof.) Sambili, Ms. Kiptui, Ms. Duri, Messrs. Kombe, Mwanyoha, Dukicha, Osman, Kiptanui, Rop, Opiyo, Macharia, Ababu, Mukwe, Eng. Rege, Messrs. Kimaru, Baiya, Prof. Nyikal, Mr. Kamau, Ms. Machira, Ms. Wanyama, Ms. Teiya, Ms. Mbalu, Messrs. Kipyegon, Waiganjo, Kobado, Nakara, J.M. Nyaga, Ms. Mwendwa, Messrs. Naicca, Mlolwa, Memusi, Lomwa, Múthari, Manje, Magwanga, Owour, Ms. Lay, Ms. Emanikor, Ms. (Dr.) Laboso, Messrs. Nuh, Kajwang', Murungi, Muluvi, Okoth, Mwashetani, J.O. Omondi, Ms. Leshoomo, Ms. Keraa, Ms. Otucho, Ms. Mbugua, Ms. Shebesh, Ms. Munene, Ms. Seneta, Messrs. Oyoo, Ngóngo, Onyura, Ms. Khamisi, Messrs. M.D. Duale, Huka, Eng. Mahamud, ole Sakuda, Aburi, Lessonet, Ms. Tuya, Chea, Ms. (Dr.) Shaban, Ms. Ibren, Dr. Oginga, Messrs. Aluoch, Otaalo, Simiyu, Otuoma, Musimba, Kingóla, Dawood, Farah, Bii, A.B. Duale, Rotino, Ms. Kanyua, Ms. Tobiko, Ms. R. K. Nyamai, Ms. Amolo, Ms. Katana, Ms. Muia, Ms. Changorok, Ms. R.N. Wanyonyi, Ms. Mitaru, Ms. Shakila Mohamed, Ms. Mumo, Ms. Nyamunga, Ms. S.W. Chege, Messrs. Makenga, Masadia, Bunyasi, Gichigi, Isaack, S.S. Ahmed, Onyango, Karani, Mule, Wetangula, Abdinoor, Ndirangu, Dr. Ottichilo, Messrs. Cheptumo, Chanzu, Ms. Chidzuga, Ms. Sunjeev, Ms. Muhia, Ms. W.K. Njuguna, Ms. Musyoka, Ms. Kering

**AYES** (Manually): Messrs. P.E.O. Anyanga, Nassir, Simba, Kaluma, Mwadeghu, Omulele, Waititu Ferdinand, Sakaja, Njuki, Chepkong'a, Limo, Barua, Koech, Ochieng, Ogalo, Lempurkel, Ms. Korere. Ms. Odhiambo-Mabona, Ms. Mbarire.

**NOES** (Electronically): Messrs. Andayi, Otsiula, Wekesa, F.K. Wanyonyi, Koyi, Robi, Kuria, Ngunjiri, ole Ntutu, Wangamati, Letimalo, Dr. Pukose, Wamunyinyi.

**NOES** (Manually): Messrs. Eng. Manga, Serut, Weru,

**ABSTENTION** (Electronically): Messrs. Banticha, Koinange, Murgor, Aden, Moi,

**Hon. Speaker:** Hon. Members, in the upshot, the business appearing as Order No.9, which was to happen with the leave of the House--- That is if only one Member stood to oppose the proceedings, you cannot go to the next stage. I am saying this for your information. We do not have to get to Hon. Simba Arati to say 'no'.

*(Laughter)*

The business appearing as Order Nos.9 and 10 is, therefore, lost because it was riding on the results of Order No.8. The next Order will be the Motion by Hon. Lessonet.

*(Order Nos. 9 and 10 dropped)*

## MOTION

**Hon. Lessonet:** Thank you, Hon. Speaker. I seek your permission in accordance with Standing Order No. 48 to move that the Motion be amended as follows:-

THAT, the following additional 11 constituencies be part of that Motion:-  
North Mugirango, Buuri, Mwea, Gichugu, Garsen, Mwatate, Kandara, Mbooni, Samburu East, West Mugirango and Matuga constituencies.

THAT, that this House adopts the additional list of nominees to the following 57 constituency committees of the National Government Constituencies

Development Fund (CDF), laid on Table of the House on Thursday, 5<sup>th</sup> May 2016.

This brings the total number of compliant constituencies that are ready to operate to 239. This leaves us with 51 constituencies which will be probably prosecuted after this House resumes in June.

I want to thank the Members for promptly complying and bringing their nominees. Noting that we had already debated this Motion yesterday, I would like to request Hon. (Ms.) Millie Odhiambo to second the amended Motion.

**Hon. Speaker:** Hon. (Ms.) Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Speaker. I rise to second the amended Motion even though I know it is coming after a disappointment for us. We were hoping to get the requisite numbers, but we did not. I want to thank all the Members who voted for and against this Bill, and those who abstained. We will live another day to persuade our Members who were not with us and to re-strategise on how we can come back because we must be inclusive as a nation for women, youth and young persons.

I want to thank the Chairman of CDF for bringing this Motion. It is unfortunate that we still have about 51 constituencies that have not brought the names of their committees. That is because as a country, we know that CDF has spurred economic growth.

I want to discourage members of the public who are still going to court over CDF. Our role as Members of Parliament has been curtailed and has largely become oversight. I want to encourage those who are going to court to see the much that CDF has done in the country to help the poor and marginalised areas like where I come from. I am happy that Mbita Constituency is included and henceforth, we will be able to support our people as we go on recess.

I was supposed to be in the Pan-African Parliament from Thursday last week and, by virtue of the Bill that has just failed, I have been here. I am happy that as we go down in history as having lost, it is only a temporary setback.

*(Several Hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Members, please take your seats. I think we should have a place for Members to be lying down because so many of you have a problem sitting. I hope you were listening to the amended Motion that has just been moved by Hon. Lessonet. The number of the constituencies in the Order Paper should read 59. Hon. Lessonet, is that true?

**Hon. Lessonet:** Hon. Speaker, it should read 57 constituencies.

**Hon. Speaker:** The initial figure was 46, plus an additional 13; which gives us 59 constituencies. You gave us this list.

**Hon. Lessonet:** The initial figure was 46 plus an additional 11, which gives us 57 constituencies.

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

### PAPER LAID

**Hon. A.B. Duale:** Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:-

The ninth batch of nominees to 20 Constituency Committees of the National Government Constituencies Development Fund (CDF).

**Hon. Speaker:** Hon. Lessonet, with the additional 13 constituencies, can you clarify what the figure should read?

**Hon. Lessonet:** Hon. Speaker, in accordance with Standing Order No. 48, allow me to revise the number of constituencies. The new number should read 70 constituencies plus 46 constituencies plus an additional 11 and another additional 13 constituencies.

**Hon. Speaker:** Hon. Member, it does not happen that way. For avoidance of doubt, without reading the names of the individuals, let me read the names of the constituencies concerned in this ninth batch. They are Rongai, Kasarani, Hamisi, Nyali, Butura, Sabatia, Gatundu South, Lamu West, Jomvu, Narok West, Suna West, Cherangany and Mwatate constituencies.

Hon. Lessonet, do you confirm that this is the ninth batch of the constituencies concerned? The list, therefore, goes to 70 constituencies.

**Hon. Lessonet:** Yes, Hon. Speaker. I can confirm that, that is the brand new list, which brings the total to 70.

Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** The next Order is a request that was made by the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I was looking for the Chairman of the Departmental Committee on Justice and Legal Affairs because the election laws are very important. We cannot finish them. I asked him in the morning if we can defer them, and then deal with them when we come back. People have a lot of interest in the election laws. They need more consultations. So, with your permission, if the Chair agrees with me, we will discuss the election laws in June, when we come back.

**Hon. Speaker:** Hon. Chepkong'a

**Hon. Chepkong'a:** Thank you, Hon. Speaker. There is a lot of interest in this matter. Even my neighbour here is telling me to say 'no'. You know that I work with the Leader of the Majority Party. So, it is not possible for me to turn down his request. We organise Government business in that manner. In light of what the Leader of the Majority Party has said, and with a lot of sadness, I decline my neighbour's prodding. I agree with the Leader of the Majority Party.

Thank you.

**Hon. Speaker:** Hon. Members, like the business we had under Order Nos. 8, 9 and 10, I know there is a lot of interest in the election laws. There is need to allow as many Members as possible to read through this Bill. Please, read through it carefully. It has momentous proposals which could spell doom to many Members. Therefore, build consensus around the proposals, so that when you go into the Committee of the whole House, you do not have to debate so much. Try to build consensus because I know some of the proposals are weighty. They can cut short the parliamentary lives or hopes of many Members, both sitting and aspiring.

Hon. Members, with that request, I drop the business on the Election Laws (Amendment) Bill to be debated when the House resumes in June.

*(The Election Laws (Amendment) (No.3) Bill deferred)*

Next Order!

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

*[The Deputy Speaker (Hon. (Dr.) Laboso) took the Chair]*

## MOTION

### CONSIDERATION OF SENATE AMENDMENTS TO THE WATER BILL

**Hon. (Ms.) Abdalla:** Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, this House considers the Report of the Departmental Committee on Environment and Natural Resources on the consideration of the Senate Amendments to the Water Bill (National Assembly Bill No. 8 of 2014).

This House passed this Bill on 7<sup>th</sup> July, 2015 and was subsequently forwarded to the Senate, which passed it. They sent a Message to this House on Thursday, 31<sup>st</sup> March, 2016. My Committee has considered and looked through the amendments. I am happy to report that out of the 20 amendments proposed by the Senate, my Committee agrees with 13 of them, and disagrees with seven of the amendments. I will quickly go through the Senate Amendments that we rejected.

We rejected the Senate Amendment to Clause 2, which is adding a definition on wetlands. Our justification is that “wetlands” is a word which is not used in the body of the Bill. We, therefore, considered it unnecessary to define the same.

We have also rejected the Senate Amendment to Clause 8, in which they are trying to add the words “domestic use” as a consideration for the inter-basin transfer of water. We believe that it makes the clause ambiguous. We also disagreed with the Senate on their amendment on reducing the review period for the water strategy to three years. Another clause of the same Bill gives five years as the lifespan of a water strategy.

We agree with the Senate in Clauses 19, 24 and 25. We also rejected their amendments on Clause 30. They wanted to give the National Water Harvesting Authority the power to make rules and regulations. This is power that lies with the Cabinet Secretary. We agreed with the Senate on Clause 63 because their amendment dealt with an error. We disagreed with the Senate in Clause 64. It brings issues on who can chair a water agency. They proposed that it should be somebody from that county. This brings ambiguity on whether it is the county where the headquarters of that water agency is based or the entire basin. We will urge the Senate to agree with us that the Chair should come from any of the counties in a basin.

We want to congratulate the Senate for their amendments on Clauses 72 and 73. They are proposing that we replace the word “accreditation” with “licensing”, which is more formal and appears more appropriate. We want to thank the Senate for those amendments.

However, we disagree with the Senate on Clause 75. Their amendment makes it mandatory for every county to establish one water service provider. This is creating a monopoly, and should not be entertained.

Hon. Deputy Speaker, on Clause 102, we further disagree with the Senate in wanting to replace a “licensee” with a “water user”. You can only deal with a formal entity. A water user is anybody, including domestic users. We think the Senate is giving us a word which is too broad and cannot be monitored.

We agree with the Senate on Clause 109, where they are adding the word “geo-referencing”. That makes national monitoring to be cross-referenced. We congratulate the Senate for being a bit more “digital”, despite the fact that it is a House of the elderly.

We reject Senate Amendments on the inclusion of community schemes. That is because the term “community schemes” is not defined. As such, we would not be able to know who will be responsible for the issue of grants being received by the Water Trust Fund (WTF).

I am very passionate in rejecting the amendment of the Senate to clause 115. This House had agreed to give the WTF monies from the Equalisation Fund and the county governments so that the Fund will be able to attract donor funding for marching up activities. The move by the Senate to reject the same is making the county governments less responsible for a function that is devolved. It is also denying members of the community who are eligible for the Equalisation Fund from using those funds as marching funds to get activities and water projects that serve the under-served and for water projects that are economically not viable. I urge the House to reject this Senate Amendment because it is making the already irresponsible counties not to join in funding activities for under-privileged and deserving areas.

We agree with the Senate on the amendment to Clause 117. It merely deletes unnecessary words. We further agree with the Senate on Clauses 130, 139, 140, and 154.

I beg to move that this House do agree with my Committee’s consideration of the Senate Amendments. We urge this House to approve the Senate Amendments to Clauses 19, 24, 25, 63, 72, 73, 74, 109, 117, 130, 138, 140 and 154. I urge the House to reject the Senate Amendments to Clauses 2, 8, 8(b), 30, 64, 75, 102, 114 and 115.

I ask Hon. Chachu Ganya to second.

**Hon. Ganya:** Thank you, Hon. Deputy Speaker. I gladly second this Motion on Senate Amendments to the Water Bill. I appreciate our Senators. For sure, they added value. They even brought in some new concepts like “geo-referencing” to the Bill. When we say we reject this or that, it is to ensure that we tidy up the Bill and ensure that there are no ambiguities within the Bill. When we have the mediation meeting, I am sure we will agree and they will see the sense as to why we felt differently.

We felt that the chairmen of the proposed basin authorities should come from within those counties. We strongly felt that the counties in which the rivers or lakes pass have more stakes when it comes to such resources than other counties.

In terms of water service providers, the Senate felt that we should leave it to one entity. We felt this will create some monopolistic tendencies. We felt it should be left open so that others also provide that service, instead of limiting it to a single entity.

We disagree with the Senate on the position it took in the sense that they felt the funds that are to be resourced to the WTF should not consider resources such as the Equalisation Fund or those of the county governments. When we do major water projects like dams, we need to raise billions of shillings to do that. Funds from the county governments or the national

Government may not be enough. It may require co-financing by donors and even county governments. We felt that using the Equalisation Fund and other resources from the county governments may enable us to achieve the targets to ensure most Kenyans have access to clean water. We hope we will convince the Senators that there is value to this during the mediation process, so that they allow such funds to be used as co-financing or marching-up funds in those water projects.

The Senate came up with a definition for “wetlands”. In the entire body of the Bill, “wetland” is not mentioned anywhere. We felt there is no need to create a definition that is not within the content of the Bill.

Those are a few issues. We have sat with our Senators in mediation before. We have always seen issues in a way we accommodate and understand each other. I am very sure that this Bill will see the light of day as soon as we sit with them and agree on some of these issues. They are not weighty at all. It is just a matter of meeting of the minds.

With those few remarks, I support and second the Motion.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Ababu Namwamba.

**Hon. Ababu:** Hon. Deputy Speaker, I support the Motion by the Departmental Committee on Environment and Natural Resources. I applaud this spirit of our two Chambers of Parliament, making contribution to legislation. Strengthening the two Chambers, as I have said a million times, where the National Assembly and the Senate substantively and comprehensively play their roles of legislation, oversight and representation, it can only be good for this country.

This Bill is extremely important. It is pleasing that areas that seem not yet agreed upon between the two Chambers are not major issues of disagreement. They are issues of definition and sources of financing. These are issues which should easily be resolved through the constitutional mechanisms of mediation. I urge the Senate, because the Committee of this House ably chaired by my eminent sister Amina has had time to consider these issues at length, to agree with us. I believe this Committee has a very good reason for the position they have taken. Take the example of the question of definitions, it makes no sense for any piece of legislation to define a term, terminology or phrase that is not directly referred to in the legislation.

The matter that the Senate may be concerned about as regards definition is one that may well be addressed in another related piece of legislation. These are issues which should not hold up this Bill. I want to urge the Mediation Committee to expedite the resolution of the outstanding issues so that this Bill can be enacted into law.

Even as we move forward to enact this Bill into law, let us also start thinking broadly and substantively of how we can better manage water resources that are of a regional and international nature. Those of us who live by the shores of Lake Victoria, for instance, have recently noticed a phenomenon that is causing growing concern. The waters of Lake Victoria have sharply been rising in recent months to an extent that right now, many homesteads, farms and properties adjoining the lake are at risk.

I was in my constituency yesterday and visited a village in the southern part of the constituency which is at a serious threat of being submerged by the rising waters of Lake Victoria. The villages are called Musoma and Mabinju in the southern zone of Budalangi Constituency. Therefore, I want to urge the Committee that even as we support this Bill, and as



we expedite the passing of this Bill, please, find a solution to how the waters of regional water bodies like Lake Victoria can be utilised in a manner that is absolutely beneficial to the country and to our people.

Allow me to use this opportunity to request the Committee, through the able Chairperson, Amina, to urgently look into the allegations that the water levels in Lake Victoria are rising sharply because there is interference with discharge of the water through the Nile. It is a matter that may bring in the Nile Basin Authority that is responsible for the management of the Nile Basin. Ultimately, if indeed there is a construction of a dam or any facility along any point of the Nile that is interrupting the discharge of the waters from Lake Victoria which, as a consequence, is causing the waters of Lake Victoria to rise, displace our people and destroy property and homes, it is a matter of regional concern.

I would wish that this Committee, through Hon. Amina Abdalla, would take the initiative to establish exactly what is going on. As I speak, I speak for many Kenyans who live along the shores of Lake Victoria all the way from Migori County, Homa Bay County, and Siaya County all through to Busia County and, specifically, Funyula and Budalangi constituencies in Busia County.

Colleagues in Tanzania will also confirm that the same situation is being experienced by people living along Lake Victoria on the Tanzanian side of the Border. It is a matter of urgency. I know we are going on recess. I would have wished to bring a substantive Motion to discuss the matter but since we are going on recess, I am requesting the Committee to look into this matter.

Otherwise, I support this Bill but most importantly, I support the collaborative effort between the Senate and the National Assembly to bring this Bill into being and I urge the Mediation Committee to expedite the process to ensure that this Bill is enacted as soon as we return from the one month recess. Hon. Amina Abdalla, Chairperson, I hope that the request of the people of Budalangi and the people of Kenya living along Lake Victoria will receive the due consideration of your Committee.

I support.

**Hon. ole Kenta:** Thank you, Hon. Deputy Speaker. I would also like to join my colleagues to support this Motion. I would like to identify with the submissions of the Chairperson. Indeed, the issues are not weighty as my colleagues before me have said. But they are very important all the same. There are issues of definition, for example, the “wetland” which is not in the body of the Bill. That is why we rejected the amendment. That is something that is supposed to be addressed at the mediation level.

The Senate has done a good job because they have introduced issues like the georeferencing and monitoring information systems. That is something that we agreed on. It is a very important thing. We do not necessarily need to disagree on that one.

When it comes to the establishment of water resource committees, the county assemblies have been given a leeway to ensure that they are the ones who approve. That is very important because we are giving the powers to the people who are supposed to have it. The introduction of the chair being a member of the community within the water basin is very important because this brings the management of the resources to the people themselves. Since it does not affect the CEO, it is something that should be agreed on. The only thing is that it should be very clear. The issue of the definition was the only problem. I think it will be resolved.

The other problem that cropped and which we witnessed was an attempt to give regulation-making powers to an authority that it did not have. We did not agree because that is

supposed to be done by the CS as already provided by Section 40 of the same Bill. It will be wrong for us to take powers from that Authority to another authority which is not supposed to have it.

The other issue is an attempt to monopolise water service providers. The Senate wanted each county to establish a water services provider. That is wrong because it will amount to monopoly. It is something that should be discussed and sorted out.

The other issue is the community schemes. We said that they should be defined because benefits, for example, loans and things to do with water provision, are supposed to be divided between the national Government, the county government and the communities. If you call them community schemes and you do not give the community the leeway to carry out their own activities, somebody else might do it or fail to do it, and still say that he is carrying those schemes. We thought that is something that should be clarified.

The other issue is the Water Scheme Trust Fund. Some communities which have been marginalised for a long time were given the Equalisation Fund. One of the places that this Fund should go to is provision of water. The counties are also supposed to provide water for their people. If you lock out the County Fund from providing water for the people through the Trust Fund, it will be a dangerous thing. The benefit that those people will derive from that is that they will match dollar by dollar such that when the Equalisation Fund gives one dollar, that money that is supposed to come from counterparts should also be one dollar. It will have a multiplier effect.

The Committee did a good job. We scrutinised the amendments by the Senate. These amendments should be resolved so that our people can benefit from this very important Bill.

**Hon. Deputy Speaker:** Let us have Hon. Wilber Ottichilo.

**Hon. (Dr.) Ottichilo:** Hon. Deputy Speaker, I rise to support the recommendations that have been presented to this House by the Chair of the Departmental Committee on Environment and Natural Resources.

First, I congratulate the Senate for the good work it has done. In fact, the Senate has given very good proposals that will enhance this Bill and make it more applicable and user-friendly. I thank the Senate for the good job it has done to improve this Bill.

Secondly, this is a very important Bill. It is one that has generated a lot of consultations with stakeholders. It is extremely important at the county level because water is important for human survival. Therefore, every effort must be put into the provision of water both for domestic and other commercial uses.

The proposals that have been presented by the Senate, which are very useful, have been earlier elaborated on by my colleagues. I do not intend to continue doing the same. I want to look at some of the proposals which we rejected. For example, in the Bill, we had proposed that the Ministry enacts a water resource strategy every five years and that strategy be reviewed after every three years. Unfortunately, the Senate proposed it the other way round which was going to be very difficult. That is an area which, during mediation, we shall agree on very easily.

Their proposal that the rules and regulations for water services be enacted at the county level is not right because that is a national task. Therefore, it should be undertaken by the Ministry. In fact, in Clause 140 of the Bill, it is very clear that the rules and regulations will be formulated by the Ministry in collaboration with all stakeholders.

The other area that the Senate did a good job is in the area of licensing. In the earlier Bill, we had used a wrong terminology. Instead of using the term “licensing” we had used the term

“accreditation” which is not right. I thank the Senate for going through the Bill. There are a number of clauses that have had to be amended such that, instead of using the term “accreditation” we are now substituting it with the term “licensing”. This is a very good and important improvement to this Bill.

Finally, I want to highlight the issues that have been raised by the Chair and my other colleagues with regard to Clause 115. This Clause is very important in that it provides a provisory for funds to be availed for the improvement of the supply of water. This is an area where donor agencies will need counterpart funds. The Senate proposal that neither the Equalisation Fund nor the county governments contribute to this negated the whole purpose of this clause since it will be very difficult for donors and people who are willing to give grants to improve water services at community level to give money. Many times, donors always want counterpart funds. Therefore, we propose that this should be maintained. We hope that during the mediation period, we shall be able to convince our colleagues in the Senate that this is extremely important. We need the counties to be responsible so that they can provide water services to their respective communities.

With those few comments, I strongly support the Report of the Committee.

**Hon. Deputy Speaker:** Let us have Hon. George Ogalo.

**Hon. Ogalo:** Thank you, Hon. Deputy Speaker for giving me an opportunity. I rise to support the Report of the Committee. At the outset, water services in this country are a shared function between the national Government and county governments. The Water Bill stipulates mechanisms within the water services sector. Therefore, as per the Constitution of Kenya, the Senate and the National Assembly must both concur on the final text of the law before it proceeds to the President. This system enriches legislation.

In 13 clauses, we agree that the amendments by the Senate enrich the Bill that we are legislating. The reasons we have advanced for rejecting the seven clauses as a Committee are very clear. Some are very minor, including definitions of words which are not used in the Bill. This is unnecessary. It was an oversight by the Senate staff.

The other one which we have rejected is Clause 8 where the Senate wanted to insert the words “domestic use” immediately after the words “water works”. If you insert the words “domestic use”, it will create ambiguity in the entire clause. Those are little things that will not be difficult to solve when we go to mediation.

There is a rejection that, as a Member of the Committee, I want the Committee Members to relook. This is the one which requires the county governments to establish a water services provider. I agree that using the very strong term “shall establish” is not in order but by virtue of Schedule Four of the Constitution, a county government must provide water services. It does not need to be stated that they should create a water services company. They are under constitutional obligations to create a water services company through which they are going to supply the residents of their counties with water. We may want to avoid a situation where the county refuses to agree with the regulatory authority to allow other water services companies to offer services where the county has not been able to with their water services company. With regard to Clause 75, when it comes to mediation, the principle of give and take should be applied such that we allow the county governments to establish water services providers.

The other issue I would like to talk to is the choice of the word “license” as opposed to “accreditation”. This is in order and gels well with other legislations we have done where

licences are to be granted or where people have been granted licences to perform certain services.

Hon. Deputy Speaker, I join my colleagues in completely rejecting the proposed amendments by the Senate on Clause 115. The Water Sector Trust Fund funds small networks that support water service accessibility in areas where many other water service companies would not see value or return on investment. So, if you say that the Equalisation Fund, which is supposed to enable areas which have been left behind by the ordinary systems of economic programming to be brought to equal levels with the rest of the areas, cannot be used like the Water Sector Trust Fund, then you are beating its constitutional purpose. One of the things the national Government should use the Equalisation Fund to do is to provide basic services like water. So, if it cannot be used with the Water Sector Trust Fund, I do not know what rationale one would have for keeping the Equalisation Fund.

As I said, at the outset, the Constitution and our Standing Orders require that after we adopt this Report and adopt the amendments, the ones we reject will go for mediation. When you look at these clauses which are rejected, there should be no serious contention and we expect a speedy resolution by the Mediation Committee and a Report of the Committee to be brought to the House as soon as possible. This is so that the water sector can get this progressive law to begin to regulate water resources on one hand and water services on the other.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Gikaria.

**Hon. Gikaria:** Thank you, Deputy Speaker. I rise to support the recommendations by the Chair regarding the mediation and the water issue. As it has been said, water is a very important thing and we need to look into matters that surround it. I agree, as it has been said by the Chair, that some of the recommendations that have been made by the Senate are very much in line and make a lot of progress in the Act.

I wish to note some issues. One of them is their desire to have one water service provider. In Nakuru County, we have many issues regarding water. Having one water provider will be tedious. They will create a monopoly and I do not know with what intention. In Nakuru, for example, we have many people who have sunk their boreholes to provide water. Of course, they are supposed to be licensed. Whenever they apply for licensing, they are denied and yet, there is an acute water shortage in some areas within Nakuru County. It is very pathetic. Imagine if they only have one water service provider? That would not be a very good thing. It would create unnecessary increase in water tariffs as it has happened in Nakuru. We only had one company that provided water before they passed a law where they allowed licensing of many others. It is important to have many players in water service provision.

Secondly, the fact that the Senate wants to remove some powers of the Cabinet Secretary which have been given in the Constitution and in the subsequent Acts, is not fair. Water regulations are pertinent issues. As it is, the Cabinet Secretary prepares and circulates the regulations. If we give these powers to the Water Harvesting Authority, we will remove some critical functions from the Office of the Cabinet Secretary. I do not agree with the Committee regarding that service.

One contentious issue I want to raise, although the Chair has put it clearly, is about water works. You find that many people in many places, not only in Nakuru, polluting water upstream. They do not care that the water is used at the lower stream. This has really affected people. You

may find other people using the river for washing, making illicit brews and dumping the residue in the same river.

The Senate proposed that the water user may enter into an agreement. It is about the water works, but without looking at the water works. There are those rivers and streams where water flows down. In such an area, we do not have a lessor who we can enter into an agreement with. It is important for us to think in line with what the Senate thought.

Regarding the Water Trust Fund, it is unfortunate that with the passage of the National Government Constituencies Development Fund (NGCDF), some functions like provision of water have been removed from what used to be catered for by the CDF. This is something that is going to hurt locals so that they cannot access funding that can help in water provision.

Water provision has been devolved. As much as it has been devolved, we need to think broadly of how other players can come in. I know other rural areas where NGOs have played a huge role in supplying clean water. Recently, the Committee on Implementation visited Wajir. We saw the good work the Governor had done regarding water. His intervention has really reduced animal deaths due to drought. These are issues we need to consider regarding funding of water provision.

We agree with the Committee's definition of a "wetland" and "domestic use". I totally agree with the disagreement of the Committee on the water strategy which the Senate wanted to reduce to three years. That is because there is another legislation which has set it to five years, instead of what the Senate has recommended.

With those remarks, I support the recommendation by the Chair and re-emphasise that, as much as we have had many issues with the Senate in the past, it is also a House that has put some meat into the bone regarding the water issue.

**Hon. Deputy Speaker:** Hon. Samuel Gichigi.

**Hon. Gichigi:** I rise to support these amendments. The Report by the Committee is giving us proper guidance. We all know that the function of water is shared. Where necessary, it is important that we involve the counties and as suggested by the Committee, give representatives in those committees.

There are very many water providers in my county. The suggestion by the Senate that there only be one water provider in the county is not going to work and it can cause chaos and a lot of challenges. If they just go and look from the 30 or 100 water providers who are there and say that it is this one that is going to be providing water in the entire county, it is not going to be possible. Most of the assets that are owned by the water providers were contributed by the members of those water providers. So, it is not going to be possible to divest that ownership from them to another entity. So, I support the rejection by the Committee.

I support the position of the Senate on the issue of licensing as well as the Committee. Let us give the counties the necessary powers. When it comes to regulations, if we leave every county to come up with its own regulations, we are going to have all sorts of chaos. It is important that we have uniformity while the projects can be different based on the different areas. The issue of policy is the role of the Cabinet Secretary (CS) and we should reject the proposed amendment to be the counties. When it comes to the issue of inter-county waterways, those are areas that we should leave to the national Government. If necessary, the various counties can be brought together at the auspicious of the ministry so that we do not have any tussles.

*[The Deputy Speaker (Hon. (Dr.) Laboso) left the Chair]*

*[The Temporary Deputy Speaker (Hon. (Ms.) Mbalu) took the Chair]*

Hon. Temporary Deputy Speaker, I wish to say this as we look at this law; the water catchment area has not received a lot of emphasis. As we speak, most of those water catchment areas have been destroyed and the few remaining ones are getting depleted by the day. Perhaps, the policy implementers, especially the ministry and the counties which are dealing with the provision of the water, that is the legislation that is required for water provision services. Let us not just think about consumption of water. Let us go back to the water catchment areas, rehabilitate them and protect what is remaining. I see a situation where we will find our children and grandchildren having to go to the ocean to get water and purify it for consumption. Otherwise, I support subject to the amendments proposed by the Committee.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let me have the Hon. Member for Shinyalu.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. I support the sentiments that have been raised here on the amendments by the Senate. Underlining the fact that water is life, the management of it should indulge all citizens in an affordable way. Access to water is very crucial and that is why we had the water reforms that were very ably coordinated by the former Minister for Water, Hon. Martha Karua. It will not be wise for us to get away from the structures established through those reforms because the established institutions were strategic to indulge everyone and to create a sense of sharing and synergy amongst communities and across the board. I urge that we should not limit this to counties. They may have their part to play as companies, but they should not have an overall responsibility for that sector because water resources are shared across the country. We cannot create the aspect of boxing in a few water resources that would otherwise be utilized by the people.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Member for Shinyalu! Hold on so that I can get a point of order from Hon. Ababu.

**Hon. Anami:** Much obliged.

*(Hon. Kabando wa Kabando walked into the Chamber)*

**Hon. Ababu:** On a point of order. Hon. Temporary Deputy Speaker. Is the Hon. Member for Mukurweini in order to escape from this House when we were making a very important vote? He basically disappeared and then reappeared behaving like an elder exorcising spirits on top of Mount Kenya. Is he in order? Or is he celebrating the collapse of the two-thirds gender Bill?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member for Mukurweini, I will not give you time. If that is the way to catch the Hon. Temporary Deputy Speaker's eye, I say capital NO! I did not know men can catwalk raising hands. I thought cat-walking was for ladies. Unless that is how you walk, it is out of order. Otherwise, you looked to be in high spirits! I thought something was wrong. I would have sent the Hon. Leader of the Majority Party to investigate your cat-walking in the House. Let us have the Member for Shinyalu. I will add you one more minute because of the interruption.

**Hon. Anami:** Thank you. That was a very good interlude from the Hon. Member for Mukurweini. I do not want to speculate where he is coming from. I think the good spirits around him---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Hon. Temporary Deputy Speaker can only assume that he is mourning.

**Hon. Anami:** I want to emphasize - and indeed the Hon. Member for Mukurweini will support this because he has been in the water sector for a long time. He is one of the people who introduced water reforms. They created some of the institutions. During his term, a lot of good work was undertaken in the management of water supply. But now, this seems to be going back to the dogs because of the county government's intervention. We need to control this. We need to ask the ministry responsible for water to strengthen the institutions that have been established because we know that those institutions have the opportunity to co-operate with the international community in facilitating water supply which is very essential. The management of wetlands will call for synergy between many institutions; which will include the Ministry of Environment and Natural Resources, Ministry Forest and Wildlife and country governments. We would like to invite everyone for synergy. I would like to agree with the Senate on the proposal of the broader term "accreditation" rather than "licensing". It is better that the definition of the same is revised so that it serves the same purpose.

There is also the aspect of giving very many functions to county governments. Indeed, county governments are overwhelmed. Let us not be anxious to give all functions to county governments or even allow them to have them when they ask for them. The reasons for which they ask for these functions is not always above board and sincere. They need to be helped so that they can build capacity and have the right focus in terms of policy and management of these resources.

Water as a shared resource should remain that way on a universal basis. On that account I would like to support the idea of revisiting the agreements that we have between nations on sharing of water resources.

With those few remarks I support the amendments by the Senate.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You support the amendments by the Senate. The Nominated Member Sunjeev Birdi.

*(Loud consultations)*

**Hon. (Ms.) Sunjeev:** Thank you very much, Hon. Temporary Deputy Speaker. The loud *baraza* noises coming from the Floor of the House are confusing my thought process.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your language is not acceptable. Leader of the Majority Party and the Member for Kisumu, consult in low tones.

**Hon. (Ms.) Sunjeev:** Hon. Temporary Deputy Speaker, I stand to contribute to the Senate Amendments to the Water Bill and consideration of the same. It is by evidence and extension that the Committee on Environment and Natural Resources which I am Member has brought lots of legislation on the Floor of this House which has benefited the environment of this country which we all live in and are leaders of.

I wish to attest to the fact that many a times when a leader, Member of Parliament, Senator, Governor or Member of County Assembly (MCA) does projects on the ground in constituencies, very rarely do the members of that area give the leader a positive vote because

environment activities are not necessarily counted as development in this country. It is sad and I wish they could be counted. What is counted is when you see tangible evidence of maybe infrastructure. When somebody sees a dam, they do not know it takes a lot of time for the positive effect of the dam to be felt. People do not relate the positive effects of a dam with something good in the community.

I want to commend the committee for the good work they have done in alliance with the Senate. Despite the rejected amendments, this Bill can obviously be discussed and we come to an agreement at the end of the day. I also want to say it on the HANSARD that I feel that this particular Bill is like having an intelligent conversation with the Senate. In cases where people do not agree, we should not pick up the whistle and blow it across the Floor of the House. We are actually making intelligent conversation and bringing positivity here.

*(Loud consultations)*

Hon. Temporary Deputy Speaker, I am sorry there is a lot of confusion on the Floor of this House and I am not able to construct---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Sunjeev, we are listening to you and of course no one is disturbing you. You are protected from the Speaker's Chair. Hon. Members, let us hear what Hon. Sunjeev wants to communicate to the House.

**Hon. (Ms.) Sunjeev:** If I may go on. In the end I would like to say that the Water Bill brings life into the positive legislation and every part of this county. It is good to begin working on it. I hope that it comes into place sooner rather than later.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, you have not consumed your 10 minutes.

**Hon. (Ms.) Sunjeev:** Hon. Temporary Deputy Speaker, to be honest with you I am actually frustrated by the noise levels on the Floor of this House, especially, by the able Leader of the Majority Party. He he has confused by thought process. I have said it so many times and it is really unfair.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Leader of the Majority Party has confused you?

**Hon. (Ms.) Sunjeev:** I might as well just keep quiet and let them go on with their meeting and let them say what they have to say.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, it is important for her to be listened to. The Leader of the Majority Party you are being accused of confusing the hon. Member.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, there is nothing absolutely wrong what Hon. Sonia Birdi has said. Since my days in school I confused women. So, I am happy that even now in the Chamber, I have some people I can confuse.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You are on admission that you have confused her. Hon. Member for Budalangi, I am sure this is on a light note.

**Hon. Ababu:** Hon. Temporary Deputy Speaker, Hon. Sonia should know that Members of this House are incapable of getting confused. They may divert their thought process, suspend or pend their thinking but, they are not capable of confusion of any kind or shade.



So, Hon. Sonia only suspended her thinking and if the Member for Garissa Town is in the habit of confusing maybe that happens elsewhere, but not in the Chamber.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): So the word should be changed. The Parliamentary word is “diversion”. Of course, the Leader of the Majority Party is accepting to have confused her. Hon. Sunjeev, are you through with your contribution including the confusion?

There is an intervention by the Member for Suna but before that let me have the Member for Molo. What is out of order or you also want to confuse?

**Hon. Macharia:** On a point of order, Hon. Temporary Deputy Speaker. I just wanted to echo what Hon. Ababu has said. Members of Parliament do not make noise, they consult.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): They consult, thank you. I think we are being reminded as per our Standing Orders that Parliamentary language is very important. Anyway on a light note, let me have a point of intervention from the Member for Suna East.

**Hon. Nuh:** On a point of order, Hon. Temporary Deputy Speaker. Will I be in order to request for closure of debate? You can see that Members are even getting confused because of repetition. As you can see, the Leader of the Majority Party today is very well dressed and went to a barber shop, I think this morning. So, when the Hon. Member looked at him, she got confused for reasons that you and I know.

Hon. Temporary Deputy Speaker, kindly call for the closure of debate.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Junet, thank you for your observation but of course pursuant to Standing Order No.96, you can only request procedurally for adjournment of debate and not the Mover to reply.

**Hon. Nuh:** Hon. Temporary Deputy Speaker, I request under Standing Order No.96.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Please, just go on record.

**Hon. Nuh:** Hon. Temporary Deputy Speaker, I stand under Standing Order No.96 and request you to issue orders to close this debate until further notice.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): For adjournment of debate. Order, Members! Hon. Junet, you cannot place a request and still be the noisiest Member in the House. Pursuant to Standing Order No.96, Hon. Junet was in order to request for adjournment of debate on the Bill. Therefore, the Speaker can only put the Question.

*(Question, that the Debate be adjourned,  
put and agreed to)*

Hon. Members, it is important to know our procedures. The reason as to why we are adjourning the debate is that the Mover is not here to reply. That is why it was in order for you to request for adjournment. For convenience of the House, Order No.14 is a Committee of the whole House on the Water Bill (National Assembly Bill No.8 of 2014). We are not in a position to conclude. We just adjourned the proposed debate. For the convenience of the House, we will not deal with Order No.14.

*(Debate adjourned)*

*(Consideration of Senate Amendments to the Water Bill  
in Committee of the whole House deferred)*

Next Order!

### SPECIAL MOTION

#### APPROVAL OF FINANCING FOR DEVELOPMENT OF SECOND CONTAINER TERMINAL PHASE II

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move the following Special Motion:-

THAT, this House notes the Sessional Paper No.1 of 2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II, laid on the Table of the House on Thursday, March 10, 2016 and pursuant to the provisions of Article 213 of the Constitution, and sections 50 and 58 of the Public Finance Management Act (CAP 412C) approves the Government of Kenya Guarantee against a loan of Japanese Yen (Y) 32.116 billion, equivalent to Kshs27.30 billion at the current exchange rate, to be borrowed by the Kenya Ports Authority (KPA) from the Japan International Cooperation Agency (JICA) negotiated at the rate of 0.11 per cent per annum and repayable in thirty four (34) years, with a six-year (6) moratorium, to finance Phase II of the development of the Second Container Terminal at the port of Mombasa as part of the Mombasa Port Development.

Hon. Temporary Deputy Speaker, after consulting with the Chair of the Departmental Committee on Finance, we agreed that I move debate on this Motion and have it seconded, so that when we come back from recess in June the House can debate it to conclusion.

In accordance with the provisions of Section 5(1) of the Guarantee Loans Act, Cap. 461 Laws of Kenya, which has since been repealed, the House, on 24<sup>th</sup> July, 2008 approved Sessional Paper No.1 of 2008 on the Kenya Government Guarantee of Japanese Yen (Y)26.7, equivalent to Kshs.16.18 billion for Kenya Ports Authority (KPA) for the development of Phase I of the Second Container Terminal. With the full support and indulgence of the Government of Kenya, KPA has successfully negotiated for a loan of Kshs27.3 billion from the Japanese International Cooperation Agency (JICA) for Phase II of the development of Second Container Terminal.

The Port of Mombasa is the gateway to East and Central Africa. It is also the central seaport of the region. As gazetted under Schedule Two of the KPA Act, Cap. 391 of 1979, the primary function of KPA is the management of the seaports in Kenya. These include the ports of Mombasa, Vanga, Shimoni, Mtwapa, Kilifi, Funzi, Malindi, Kiunga and Lamu. Cargo handling, as specified in the KPA tariff, constitutes its core activity. What this approval is doing is that KPA, as an institution, has the capacity to pay its loan. The National Treasury is only giving the guarantee. This is a deal between KPA and JICA.

The main objective of this project is to expand the container handling capacity to match the current and expected growth of container tariff throughout the Port of Mombasa. We are very happy to report that the Port of Mombasa has handled the highest number of container traffic in 2015, when they reached the mark of a million containers. Container traffic is expected to grow from the current 1 million for the 20-foot equivalent units per year to 1.5 million by 2017. This is a projection. They are now handling a million containers annually. For them to handle 1.5

million 20-foot containers annually by 2017, there must be expansion in the facilities for handling containers. That is why this project is expected to commence as soon as the law is approved and procedures are completed. This will take a maximum of four years to complete, and it should be operational by 2020.

Hon. Temporary Deputy Speaker, the scope of this project, according to KPA specifications, will include limited dredging of quarry sites and the turning of basins, civil works for Bath 22, construction of a wharf measuring 15 metres long and 250 metres wide and related building facilities, reclamation of the sea to create container-taking yards, including construction of more roads behind the berths, a track road at the back of the container terminal, among many other amenities that come with terminals.

The loan bears an interest rate of 0.11 per cent per annum on KPA. It carries a six year moratorium, which is the grace period, and has a repayment period of 34 years. This negotiation was done by KPA, in terms of interest rates, grace period of six years and in terms of the repayment period, which must be within the sound financial position of KPA because the Government is not putting anything, and will not increase the levies and the charges. Within this percentage of interest rates, they will be able to pay. This is because KPA has shown exemplary financial performance. There is no doubt, after the KPA's books were looked by a reputable firm, that the KPA will be able to meet its entire debt obligation.

The current total contingent liabilities of Kenya, under Section 58(2) and (f) of the Public Finance Management (PFM) Act, other than those specified in the Schedule to the Act, amount to Kshs47.96 billion and with the guarantee of a sum of Kshs23.7 billion, this will take the total to about Kshs75.3 billion. For the port of Mombasa to be the port of choice, we need to increase its efficiency, increase its container handling capacity to 1.5 containers by 2017. That way, the KPA will contribute to our country's economic growth. The KPA management must have considered the corporation's best interest and their financial position. They need these resources for the construction of the Second Container Terminal Phase II.

Hon. Temporary Deputy Speaker, with the foregoing assurances, I beg to move that pursuant to the provisions of Article 213 of the Constitution and Sections 50 and 58 of the PFM Act (*CAP 412C*), this House approves the Government of Kenya Guarantee against a loan of Kshs27.30 billion.

I will leave the rest to the Chair of the Departmental Committee on Finance, Planning and Trade, who visited the site with his Committee. I am sure that he had a discussion with the Managing Director (MD) and the Board of Management of KPA, who must have talked to the Permanent Secretary (PS) in the Ministry of Transport and Infrastructure, and the Cabinet Secretary (CS) for National Treasury.

He is in a better position to second but I will ask for your indulgence because of the numbers that we continue debating even after we come back from the recess.

I beg to move and ask Hon. Benjamin Langat to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Member for Ainamoi.

**Hon. Langat:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to second this Motion. As it has already been indicated by the Leader of the Majority Party, we are still finalising the report on this Motion. As we have agreed that the debate will not be finalised today, I believe the first day when we come back from recess, we should be able to table the final report of my committee. I will give the status report not the final report.

In 2007, the Kenya Ports Authority (KPA) got into an agreement with the Japan International Corporation Agency for a loan Yen26.7 billion for development of phase one of the Second Container Terminal. Phase two was supposed to follow. The first phase took four years and was completed in 2016. My Committee Members visited Mombasa and we noted that virtually, it is completed. They are working on the machines so that the terminal can start operation. We are now talking about phase two because phase one has been completed. As I have said, the first phase was supposed to be operated by an independent operator on concessionaire but there were issues and the KPA decided to operate it on their own. They told us by mid next month, they will operate the port. The port has been trying to enhance its capacity so that they can handle the increased containers, both for the local imports and exports and for the transshipment containers destined to Uganda, Rwanda and other countries. This is meant to enhance our capacity. The second phase is important to make Mombasa Port competitive considering that we have competition from Tanzania and South Africa. Our ports should be enhanced so that we can move to compete.

This loan which is equivalent to Kshs27.3 billion is expected to be used to construct the phase two terminal. The total cost of the second terminal is expected to be about Kshs35 billion. The other amount is expected to be raised by the KPA so that the counterpart bit should be at least above 15 per cent, as per the Public Finance Management (PFM) Act which requires that for any loan guarantee, the borrowing entity must raise a minimum of 15 per cent. We worked it out and it came to around a figure of 22 per cent which the KPA is supposed to contribute as counterpart contribution to this project.

The interest rate and repayment period of the loan is unparalleled. I have never seen a loan that we repay at 0.11 per cent annually, a moratorium of six years and a repayment period of 34 years. Compared to what we have been seeing locally, I would say this is the best.

Looking at the capacity, we have to consider that this is a guarantee and it does not mean that the Government of Kenya is borrowing directly. It is guaranteeing the---

**Hon. Tonui:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Tonui, you cannot rise on a point of order when the Motion is being seconded. Wait until we propose the Question.

**Hon. Langat:** Thank you, Hon. Temporary Deputy Speaker. Looking at the terms of the loan, I would say it is unparalleled.

We should also check the capacity of the borrowing entity to repay the loan so that we do not borrow a loan which ends up being paid by the national Government.

Looking at the financials in terms of the capacity, the 2015/2016 Financial Year Report of the KPA shows that their total revenue was Kshs39 billion, gross profit was Kshs9.8 billion, retained earnings after they paid a dividend of Kshs441 million to the Government of Kenya was Kshs5.4 billion. We also inquired about the annual repayment and we were told it will be slightly above Kshs20 million per year. When you look at Kshs20 million versus what is being generated annually, we can confidently say that there is a capacity to repay. On that score, I would say it is still a better deal.

I know it is going to impact on the Kenya's public debts although it is going to fall under guarantees. Recently, we discussed the levels of public debt and we generally agreed that it is within 46 per cent of the Gross Domestic Product (GDP). In some countries, the public debt versus the GDP is almost 74 per cent, including Japan.

Hon. Temporary Deputy Speaker, this will not interfere with our debts, and the total guarantees. I have already talked about the ability to repay. I am also saying that because I know Members will raise so many questions. They will ask why we want to construct the second container terminal before we use the first phase. It is good because it takes five years to build it. We will not wait until it is late to start. I want to support the construction of the Second Container Terminal Phase II on that score.

I want to second this Special Motion, and the gentleman's agreement between the Leader of the Majority Party and me. The members of my Committee will have an opportunity to contribute either way.

I second the Special Motion.

*(Question proposed)*

I will give opportunity to Hon. Nassir.

**Hon. Nassir:** Thank you, Hon. Temporary Deputy Speaker. I hope that as a Member of the Departmental Committee on Finance, Planning and Trade, I will not be denied my chance to contribute. I am simply congratulating the gentleman's agreement between the Leader of the Majority Party and my Chairperson. As a Committee, we are yet to table our report that will give each and every Member an opportunity to contribute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You still have the freedom to debate, Hon. Nassir.

**Hon. Nassir:** That is what I am saying, Hon. Temporary Deputy Speaker. I would like an opportunity to debate the Motion when other Members will have a chance to contribute. I was simply congratulating the Leader of the Majority Party, and my Chairperson for the gentleman's agreement.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Nassir, the Speaker's record will show that you have already spoken on this Motion.

Member for Suna East, are you on an intervention?

**Hon. Nuh:** Yes. I stand under Standing Order No. 96. Will I be in order to request you to order for adjournment of debate because this matter is very weighty? The amount of money involved is Kshs27 billion. With the Jubilee Government, this kind of figure requires a lot of investigation. I would like to request that we adjourn the debate, so that we can discuss it when we are fully prepared for it.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You have stood procedurally under Standing Order No.96. This is for the advice of the House. Before I go to the Leader of the Majority Party's point, I will dispose Hon. Junet's point of order. He has raised it procedurally as per our own Standing Order No.96 on adjournment of debate.

*(Question, that the Debate be adjourned,  
put and agreed to)*

Hon. Members, before we go to the next Procedural Motion, we cannot just move and decide that the House should not debate. We have to follow the procedure. Order No.15 has been adjourned.

*(Debate adjourned)*

Next Order!

## **BILL**

### THE KENYA ROADS BILL

#### *Second Reading*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Leader of the Majority Party, are you ready?

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, the Chair of the Departmental Committee on Transport, Public Works and Housing and his Vice-Chair are not here. It is good to move the Second Reading of the Bill when the Chair and the Vice-Chair of the Committee are here. So, I will ask that we adjourn the debate on the Roads Bill until when we come back from recess.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You are not ready because they are not here. Order No. 16 remains stood down because the Leader of the Majority Party and his Committee are not ready. The Leader of the Majority party is not ready on Order No.16. It is stood down. There is nothing out of order. Let us go to the next Order.

*(Second Reading of the Kenya Roads Bill deferred)*

Hon. Members, having been through with the business in the Order Paper, we will move to the Order on the Motion for adjournment of the House, in the accordance with the calendar of the National Assembly, 2016.

Leader of the Majority Party!

## **MOTION FOR ADJOURNMENT**

ADJOURNMENT TO A DAY OTHER THAN  
THE NEXT NORMAL SITTING DAY

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I can see the Chair of the National Government Constituencies Development Fund (CDF).

*(Hon. Nassir talked on his mobile phone)*

The Hon. Member for Mvita is on telephone. That is against the procedure of the House. He is behaving like the Hon. Member who grows sugarcane.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): It did not catch the eyes of the Hon. Temporary Deputy Speaker. Carry on, Leader of the Majority Party.

Member for Mvita, you know what our procedure is.

**Hon. A.B. Duale:** Hon. Nassir is a son of a great man. I do not know why he has not learnt from his father.

I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, 7th June, 2016, in accordance with the Calendar of the Assembly (Regular Sessions).

At the outset, I would like to commend all Members for their dedication and commitment during this part of the very busy Session. This is a sad day for me and the women of Kenya. It is sad for me because this is the first Bill I have ever lost as the Leader of the Majority Party in the 11<sup>th</sup> Parliament. Though I have lost it, I thank the Members who came and gave us 195 votes on Tuesday last week and those who gave us 177 votes today. Goodwill has been shown. I was in the 10<sup>th</sup> Parliament and my elder brother, Hon. Jimmy Angwenyi, was in the 9<sup>th</sup> Parliament. He remembers what those Bills went through. They were not even read for the First Time. At least, the “Duale Bill” went through the First Reading. It is at the Second Reading where it faced some small hiccup. I thank the former Prime Minister, Hon. Raila Odinga, for being here this afternoon.

*(Applause)*

I thank the President for urging people to vote.

From the top leadership of our political parties to the membership of this House, we have done a good work. All is not lost. We will go back to the drawing board when we come back. We will look at other Bills which are in the pipeline, including the one by Hon. Chepkong’ a.

Before I go there, we must also analyse people who have just come back. They were not in the House when this vote was being taken. They need to tell us what other business they were doing, more so, those from the Coalition for Reforms and Democracy (CORD). Where were they when their principal was sitting at the Gallery? If our principal was on the Gallery, the whole of Jubilee would have been here.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Leader of the Majority Party, just get back to the debate.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, while on the Adjournment Motion, the Standing Orders allow me to speak on anything under the sun. That is provided for by the Standing Orders. I am right on this one. I can even talk about my family.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Do not mention people who are not in the House.

*(Laughter)*

**Hon. A.B. Duale:** You are one of the people who helped me to lobby people. You know there are people who have just come. They are led by the Secretary-General of the Kenya Union of Post Primary Education Teachers (KUPPET). They were not in the House. They include my friend, the sugarcane farmer, who is the Member for Muhoroni.

**Hon. Oyoo:** I am not the Secretary-General of KUPPET!

**Hon. A.B. Duale:** I mean his deputy and the able Member, Hon. Tonui. You were not in the Chamber.

As you are aware, we resumed from a short recess on 12<sup>th</sup> April, 2016. Since then, we have passed several crucial Bills. That shows how serious the Members of this House have taken their work. We have passed the Seeds and Plant Varieties (Amendment) Bill, Appropriation Bill and reports, the Private Security Regulation Bill, the Energy Bill, the Mediated Version of the Climate Change Bill, 2014 and the County Governments (Amendment) Bill, 2014. We have also passed the Judiciary Fund Bill, the Anti-Doping Bill, the Vetting of Judges and the Magistrates Bill which have been assented to. That is a serious workload.

We have forwarded the following 10 Bills to the Senate relating to the implementation of the Constitution:-

1. The Petroleum ( Exploration, Development and Production) Bill which was passed yesterday;
2. The Constitution of Kenya (Amendment) (No.2) Bill of Hon. Kaluma;
3. The Health Bill;
4. The Access to Information Bill, 2015;
5. The Community Land Bill;
6. The Protection of Traditional Knowledge and Cultural Expressions Bill;
7. The Forest (Conservation and Management) Bill;
8. The Land Laws Bill;
9. The Political Parties (Amendment) Bill and many others that we have forwarded to the Senate.

The President, in his powers, has assented to the following Bills that were passed during this period:-

1. The Mining Bill
2. The National Drought Management Authority Bill
3. The Statute Law (Miscellaneous Amendments ) (No.2) Bill of 2013
4. The national employment authority Bill
5. The Legal Aid Bill
6. The Small Claims Court Bill
7. The Vetting of Judges and Magistrates (Amendment) Bill, 2016
8. The Anti-Doping Bill, 2016

When we resume from recess, the House Business Committee will give priority to all Bills with constitutional timelines of 26<sup>th</sup> August, 2016. I want to confirm to the House that all the Bills that have constitutional timelines have been completed in all stages and have been sent to the Senate. We are going on recess knowing that we have done our bit in the implementation of the Constitution. Now, we shall give priority to the consideration of the Budget Estimates for the 2016/2017 Financial Year

*(Hon. Angwenyi, Hon. Lessonet and  
Hon. Limo consulted loudly)*

Hon. Jimmy Angwenyi is a senior elder. If he wants to consult with the Chairman of the NCDF and Hon. Limo, they can consult in low tones. They can go to the far end. He is a man I respect. He is a man who made us get what we have in the Parliamentary Service Commission. We will deal with the Budget Estimates for the 2016/2017 Financial Year and the County Allocation of Revenue Bill, 2016 once we receive it from the Senate. These and other budget-



related Bills will be considered and given priority within the stipulated time when we come back. We will also consider in the Committee of the whole House, the Controller of Budget Bill, 2015 and of course the Miscellaneous Fees and Levies Bill, 2015.

I want to thank Members for rising to the occasion in making sure that legislative work is given priority as a key function of the National Assembly. I also want to thank the leadership of both sides of the House and indeed, the Members for their invaluable work.

I want to thank the Speaker, Clerk, the various clerks of committees, the Serjeant-At-Arms Office, all members of staff who work in the Administration and Finance Department and all those who provide services to the National Assembly by making sure that the legislative function and the oversight function of Members of Parliament is fulfilled.

Finally, I will not sit down until I have my take on what is happening. Currently, with regard to the reconstitution or the clamour for a new Independent Electoral and Boundaries Commission (IEBC), I want to go on record in the HANSARD that nobody, including the President has the power to reconstitute and bring in a new IEBC without following the due process of law. We passed a Constitution and even our foreign friends said it yesterday. If you want to do anything, you must do it within the powers provided in the Constitution.

Finally, if you allow me one more minute there is talk that you can use Article 1(1) of the Constitution to behave the way you want. You cannot read that Article in isolation. That Article goes further to say that the people will exercise their authority through the following organs: The Legislature, Judiciary and the Executive. With the exception of the Judiciary, the Executive and the Legislature get their mandate from the people. The President who is the head of the Executive and his deputy get their mandate from the people. The Legislature which is made up of 349 Members of Parliament and our colleagues in the Senate get their mandate from the people. Who are these people who are now saying that Hon. Benjamin Langat of Ainamoi will not speak for them and that they will use Article 1(1) of the Constitution? The people of Garissa Township do not want to use Article 1(1) of the Constitution. They brought me to Parliament to make sure I represent them, legislate and do oversight. The people of Garissa Township have elected their leaders.

I thank all Members and wish them well. We have passed the names of nominees to 252 Constituencies Development Fund Committees. I expect the Chair to gazette those names tomorrow, the day after or on Monday. You need to walk to the Office of the Attorney-General, and I am ready to walk with you, to gazette those names so that we can use our Constituencies Development Fund for the benefit of our people.

I do not know who these people going to court are. Is it because we denied some people some money? I want to go on record that the mileage we get is used for monitoring and evaluation. If you give money to another group for monitoring and evaluation then we must also get that money. We should not equate leadership with resources. Leadership is about representation and legislation. I beg to move. The Motion for Adjournment has no one to second it. There is no procedure to second it. It is the discretion of the Speaker to give a chance to the next person to contribute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let the Member for Muhoroni be the Seconder.

**Hon. Oyoo:** Thank you very much, Hon. Temporary Deputy Speaker for catching my eye. I am very grateful. I have come in good time to correct a few flagrant mistakes that were

made by my good friend, the Leader of the Majority Party. Sugarcane is very good for the economy of this country. It is a cash crop. We do not have cash crops in this country.

We are proceeding on recess after working hard from the period we resumed. We have a lot on our plate as responsible Members and representatives of the people who brought us to this House. It is time for us to put our act in order and be close to our electorate who expect a lot from us. We expect maximum cooperation from Government officers. This Parliament has done very well. There are several Bills which this House has worked very hard on, as has been articulated by the Leader of the Majority Leader. We have cooperated very well.

Hon. Temporary Deputy Speaker, my biggest regret, as we proceed on recess is that the women of Kenya who were expecting a lot from this House were not able to get their right or achieve their competition because of real politics. I saw my good friend, the Leader of the Majority Party who was supposed to represent the interest of the deserving women of Kenya celebrating when the Motion was defeated. So, I started wondering aloud whether it was the scheme of the Jubilee Government to float this for public relations and pull it by the other side to bring it down. I leave that to the very many intelligent Kenyans to do proper analysis and know whether the Government was really for this debate or was not for it.

All the same, with new National Government Constituencies Development Fund (NGCDF) Bill being passed, I implore the Chairman to use his good office to make sure that gazatements are done immediately and monies that were pending because the board had not been constituted should be factored into various accounts so that people use it.

I remind my good friend, the Leader of the Majority Party, that it is not the first day he lost a Bill on the Floor of this House. There was a Bill when we were shooting down the Ethics and Anti-Corruption Commission (EACC) Bill. We thought that they were not equal to the task. He stood firm and ground and we floored him. He was only saved when the President refused to sign. He had foreseen that the President would not sign. Now that the Jubilee Government is telling Kenyans they are interested in making sure that Kenya is a corruption free country, we say that since the EACC is fully factored, we want the President to make sure that the Executive we complained about is sent home so that we have correct people who are equal to the task. The EACC should help with the fight.

In conclusion---

*(Hon. A. B. Duale spoke off record)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let him conclude.

**Hon. Oyoo:** I do not want hecklers. When they were talking, I was quiet. This man is respected outside; he should not relegate himself into a heckler in the House. He is revered outside. I do not want him to have that title in this House.

I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let me give the Leader of the Minority Party the Floor.

*(Hon. A.B. Duale and Hon. Oyoo consulted)*

**Hon. Midiwo:** Thank you, Hon. Temporary Deputy Speaker, for protecting me. This is the first time we have seen on the Floor of this House the Mover and the Seconder having altercations. One is opposing.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Leader of the Majority Party said that he can say anything.

**Hon. Midiwo:** I want to be brief because I know many of my colleagues want to talk.

As we go home, first of all, thanks to this House and the CDF Committee. Most of the constituencies now have CDF Committees. We only want to appeal to the Chair to make sure that gazattement is done overnight so that when I get to my constituency, I can patronise or oversee the first meeting. But, we also want to appeal to people who have development, who are anti-CDF to slow down the venom of anti-development on CDF. It is the only thing working in Kenya.

Without CDF, we would not be recording the kind of economic growth we have. It is the only thing which is corruption free in a country where both the national Government and county governments are corrupt. There is corruption going on in the counties. It is only the National Government Constituencies Development Fund which is an enclave.

*(Applause)*

So, we must plead with whoever keeps going to court that it is unnecessary and retrogressive. They should be suggesting that the NGCDF formula that has worked for three Parliaments be applied in the use of county funds. When we talk about devolution, let us talk about devolution of resources. The governors can still be there. This House can help us have governors as the heads of the political government in the county governments. However, the NGCDF is the proven formula that can be applied in the use of our resources. We must do that to help our people so that we can slow down the noises about corruption. We have the answer on a working fund.

Having said that, my appeal to both sides - I am happy my friend Hon. Duale is here – is that the noise that CORD, the church and civil society are making about the Independent Electoral and Boundaries Commission is not good for the development agenda of this country. When we say that IEBC must go while the country is still laughing, we mean it. We are saying---

**Hon. A.B. Duale:** *(Inaudible)*

**Hon. Midiwo:** The Coalition for Reforms and Democracy can go because you keep stealing their elections. You keep stealing elections and that is why we are not doing things right. Please, let us be a nation where we can talk to each other.

Let me just say this very briefly and Members of Parliament must listen to me: When IEBC says they are registering people to vote in the Diaspora, many of you here will go home. Hon. Jimmy let me tell you, if the Kisiis in New Jersey and Minnesota decide that you are going home, they will all vote for your opponent? The issue of IEBC and elections needs dialogue.

I want to thank the Hon. Leader of the Majority Party for seeing the sense which he did not see last week, that this Elections Act needs to be looked at soberly. You cannot rush it. When we come back, we need to all sit down and say: “This country belongs to all of us.” Let us listen to one another. Let us hear one another. How can that be so difficult? I think the country is headed towards---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Members, I have a communication to make to the House.

Members of the National Assembly together with the Senate will tomorrow 6<sup>th</sup> Friday, May 2016 visit the family of His Excellency Mwai Kibaki to condole with him and the family at their Muthaiga home. Members will assemble at Parliament Buildings at 9.00 a.m. and leave at 9.30 a.m.

Hon. Members, using my discretion, I want to allow the Hon. Leader of the Majority Party to lay a Paper on the Table of the House.

### PAPER LAID

**Hon. A.B. Duale:** The Member for Kitutu Chache is misbehaving.

Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House:-

Additional List of Nominees to Six Constituency Committees of the National Government Constituencies Development Fund.

These Constituencies are:-

- (1) Moiben
- (2) Mathira
- (3) Kacheliba
- (4) Embakasi East
- (5) Embakasi Central
- (6) Mvita

I beg to table the document.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members he is just tabling the Paper. We are not debating it.

Back to our Adjournment Motion, let me have Hon. Junet.

**Hon. Nuh:** Thank you, Hon. Temporary Deputy Speaker. We are discussing the Motion for Adjournment and yet we are tabling Papers.

I want to support the Motion because it is very important for us to go home and rest. In this Session, Parliament has done a good job and passed many Bills. Today was a very important day for this nation, we were passing the two-thirds gender Bill. This was a big day for this nation and for the women of this country to the extent that my party leader came to Parliament to give moral support to Members of Parliament to pass this Bill.

I would like to urge the women of this country not to lose hope. They have been in leadership before and they will be in leadership again in the future. When Grace Onyango came to this Parliament, the former Minister Tom Mboya was not supporting her. Phoebe Asiyo came to this House when the retired President Moi and former Attorney-General, Njonjo were totally opposed to her. Women like Chelagat Mutai served in this Parliament.

So women must have hope that one day they will succeed and overcome - the Member for Muhoroni is making noise here, is this sugarcane market or we are in Parliament? Surely, how do we transact business like this?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Junet, good observation. The Member for Muhoroni, please consult in a low tone. Hon. Nuh, you are already protected by the Speaker you do not need to raise this.

**Hon. Nuh:** Moving ahead, I would like to urge the House to show leadership as has been said by the Leader of the Majority Party. Let us not belittle this issue of IEBC because it can lead to many bad things in this country. The cancer this country has been suffering from for quite some time now is about bad elections. The only credible election this country had was in 2002. Any other election is as bad as you may think.

We are saying, let us talk. The other time we said, let us talk at Uhuru Park, the Leader of Majority Party said people were looking for half *mkate* and quarter *mkate*. We were not looking for that. We wanted dialogue and talk to our people. The Leader of Majority Party has said you cannot invoke Article 1. The sovereignty of this country belongs to the people. If the Members who are exercising delegated powers through the Constitution are unable to dialogue and come up with laws that can help this country in terms of elections, then people have to get back their power and exercise them through picketing, like what we are intending to do on Monday next week. It is going to be the mother of all picketing in this nation that has never been seen before.

I saw yesterday the diplomats have said that we need to--- These are the same diplomats who were being castigated the other day. We do not listen to *Wazungu* anymore. They are the same people who took our people to the International Criminal Court (ICC). We are not going to listen to what *Wazungu* are saying anymore. Those are cheap people who do not have votes in this country. Who are they to advise us? The sovereignty of the people of this country belongs to the people of Suna East and the people of this country; not some three *Wazungu* who are selling cars and equipment to this Government. They do not know the wrath Jubilee is going to face in 2017. Let us dialogue. If they do not come to the table to negotiate on the election, Hon. Duale will not come out of Garissa; I assure you.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I hope that is not a threat to Hon. Duale.

Hon. Duale, do you feel threatened?

**Hon. A.B. Duale:** I want to go on record that if anything happens to me, the Member for Suna East, with his leadership, has been bootlicking the west, the same ambassadors. If anything happens to me, even from the time I leave this House tonight, he should be held responsible.

**The Temporary Deputy Speaker** (Hon. Mbalu): Hon. Nuh, do you want to withdraw your statement or you just want to be on record?

**Hon. Nuh:** Hon. Temporary Deputy Speaker, I did not say anything. Some of the people who are enjoying the best security in this country include the Leader of Majority Party. He has eight police officers whereas we only have one police officer each. He has a chase car and a car behind him.

**Hon. Gichigi:** Asante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii. Ningependa kuwashukuru Wabunge wote kwa sababu ya mchango wao kwa kipindi ambacho kinaisha leo. Ninaupinga Mswada huu unaosema twende nyumbani, kwa sababu kuna kazi nyingi sana ambayo imebaki. Ninaona kuna hatari kubwa sana Bungeni kama tutakua tukienda nyumbani kwa sababu kule tunakoelekea si kuzuri. Wiki ijayo kuna maadui wa nchi hii ambao wanataka kuvuruga amani Nairobi. Naona afadhali tungekua hapa Bungeni tuweze kuwashughulikia hao maadui, ambao wanataka kuvuruga amani nchini.

Jambo la pili, nchi hii ina ukora mwingi sana unaoendelea, haswa mambo ya ufisadi katika sekta nyingi katika Serikali kuu na serikali za kaunti. Sisi, kama Wabunge, Maseneta na

wajumbe wa mabunge ya kaunti, hatutimizi wajibu wetu kikamilifu. Bado hatujaelewa kazi tunayostahili kufanya.

*(Hon. A.B. Duale consulted loudly)*

Naibu Mhe. Spika wa Muda, naomba unilinde kutokana na Mhe. Duale, ambaye anapiga kelele sana upande huu.

Kuhusu Tume ya Uchaguzi, ningependa kusema kwamba siku ambayo watu fulani watakuja kwenye lango la Bunge na kusema wanataka kutufurusha kutoka Bungeni kwa sababu tumeshindwa kufanya kazi yetu, ndiyo tutaelewa ni nini Wapinzani wetu wanafanya. Pia, wakati watoto wao wataenda kwenye shule zao na kusema kwamba wanataka kuwafurusha walimu wote kwasababu shule hizo hazijafanya vizuri kwenye mitihani ya kitaifa, ndiyo tutajua ni nini tunaonyeshwa na hao maadui wa nchi hii.

*(Hon. Oyoo consulted loudly)*

**The Temporary Deputy Speaker** (Hon. Mbalu): Member for Muhoroni, if you have no business in the House, please; walk out quietly.

**Hon. Gichigi:** Mhe. Naibu Spika wa Muda, kwa sababu upinzani wangu wa Mswada huu unapingwa, tutakapoenda likizoni, watu wote wajiulize; tukiwapatia maadui nchi hii, wataiongoza jinsi wanavyoongoza maandamano dhidi ya Tume ya Uchaguzi? Hii ni iwapo tutapeana nchi hii kwao.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Asante, ameongea Kiswahili.

Let me get to Hon. Langat. We are on the Motion for Adjournment. You can always speak when you get your time.

**Hon. Langat:** Thank you, Hon Temporary Deputy Speaker.

I wish to congratulate the Members for a job well done during the just concluded Session. We have done quite a good job. We have just finished the National Government Constituencies Development Fund issues. There is a lot of work which is going to happen during the recess. I want to say congratulations.

I was among those who opposed the new Constitution. One of the reasons we gave was that it would be difficult to amend. We were called so many names by the people who are now disturbing the country in matters which are so obvious and expressly expressed in the Constitution, in black and white.

We were given the calendar of demonstrations. It was starting from some date to another. No matter how much you implement your calendar, those are actions in futility. This country is not a banana republic. People must respect the Constitution they campaigned for and invested to put in place. Even if you want to invoke Article 1 of the Constitution, which says that people can exercise their sovereignty, you must reach the conclusion of that Article. You can only exercise direct power through a referendum or an election. Those are the only two ways which provide for exercise of direct power by the *wananchi*. Beyond elections and referendums, it is the institutions of Parliament, the Judiciary, the presidency and the Executive that we must use.

We have heard so much about dialogue. The Constitution created institutions of dialogue. They are the Senate, the National Assembly and to some extent, the county assemblies. All this other business we are being engaged in is drama. They will not go anywhere.

Those of us who have been going to the IEBC should be informed that the Government has acquired enough teargas. It shall be used on those who will break the law. You cannot break the law and go scot-free. In a country of 40 million people, a small group of people cannot disrupt order in Nairobi and Kisumu just because they want to win.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. I give two minutes to the Member for Kitutu Chache.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker. Mine is just to thank the House.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Members! Can we listen to the senior Member?

**Hon. Angwenyi:** This House has performed well in the Session that is ending today. We should thank all Members.

We have passed the Constitution. We must follow it. That Constitution protects every Kenyan. Whether you are a Member of Parliament, Member of the Judiciary, the Executive or IEBC, you are protected. Commissioners of the IEBC are protected by the same Constitution. If the other side wants to show us how to conduct the elections, can they go and conduct proper elections in ODM then give us as an example?

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Members! I thank all of you for using the Motion for Adjournment to speak about other issues without appreciating what you have been able to do in the House during this time. From the desk of the Speaker, I want to wish you all the best in your recess. Have good health and good time with your members of the constituencies until 7<sup>th</sup> June, 2016.

Hon Members, the time being 6.30 p.m., this House stands adjourned until Tuesday, 7<sup>th</sup> June 2016 at 2.30 p.m.

The House rose at 6.30 p.m.