

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Tuesday, 24<sup>th</sup> November 2020

The House met at 2.30 p.m.

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

#### PRAYERS

#### PETITIONS

##### NON-ALLOCATION OF HEALTH SERVICES CONDITIONAL GRANTS TO UASIN GISHU COUNTY GOVERNMENT

**Hon. Speaker:** Hon. Members, pursuant to Standing Order 225(2)(b), I wish to report to the House that I have received a petition from the leadership of the County Government of Uasin Gishu regarding non-allocation of health services conditional grants to the County Government of Uasin Gishu.

Hon. Members, the Petition, which is co-signed by among others the Governor of Uasin Gishu County, H.E. Jackson K. Arap Mandago, and his deputy, holds that the Moi Teaching and Referral Hospital has never received a conditional grant which is provided for under Article 202(2) of the Constitution. The petitioners aver that the elevation of the said hospital from Level 5 to Level 6 is the root cause of this funding stalemate that continues to deny county residents access to emergency, outpatient and inpatient services.

Further, Hon. Members, the petitioners assert that the Moi Teaching and Referral Hospital perennially struggles with underfunding, neglect and budget cuts, and is set to miss out on the Kshs4.3 billion earmarked for Level 5 hospitals under the health services conditional grant as contained in the Division of Revenue Act, 2020.

Hon. Members, the petitioners are additionally convinced that the criteria used by the Ministry of Health to determine Level 5 hospital status such as availability of facilities and bed capacity is improper since it ignores other critical factors including hospital patients' attendance rates.

It is on this premise, Hon. Members, that the petitioners seek the intervention of this august House in securing health services conditional grants for Uasin Gishu County and in undertaking other investigative, legislative and budgeting interventions to safeguard the health standards of the people of Uasin Gishu County through the Moi Teaching and Referral Hospital and other health facilities within the county.

Hon. Members, pursuant to the provisions of Standing Order 227(1), this Petition, therefore, stands committed to the Departmental Committee on Health. The Committee is

requested to consider the Petition and report its findings to the House and the petitioners in accordance with Standing Order 227(2).

I thank you.

There is a petition by the Member for Muhoroni.

PLIGHT OF EMPLOYEES AND OFFICIALS OF KENYA UNION  
OF SUGAR PLANTATION AND ALLIED WORKERS

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Speaker. With your indulgence, I wish to place before this House a petition regarding the plight of employees and union officials of the Kenya Union of Sugar Plantation and Allied Workers (KUSPAW) based in my constituency.

I, the undersigned, on behalf of employees and union officials of Kenya Union of Sugar Plantation and Allied Workers, draw the attention of the House to the following:

THAT, the Constitution of Kenya repossesses all sovereign authority to the people of Kenya;

THAT, Kibos Sugar and Allied Industries Limited, which commenced its operations in 2007, has grown tremendously as evidenced by the many subsidiary companies that have emerged because of its existence namely Kibos Sugar Limited, Kibos Refinery Limited, Kibos Distillery Limited and Kibos Papers and Packaging Limited. Despite this marked growth, the management of the company and that of its subsidiaries have for a very long time entrenched unfair labour practices against its employees who are the core elements of production, without which the company would collapse;

THAT, employees at Kibos and Allied Industries have been facing numerous challenges with regard to unfair labour practices ranging from intimidation, harassment, victimisation and unlawful dismissal among others;

THAT, early this year, the management unlawfully and unprocedurally suspended six union officials from service on malicious and baseless allegations and further disregarded court order granting temporary orders of stay/conservatory lifting of dismissal or suspension;

THAT, further, the management went ahead to stop union dues deductions and remittances of the affected officials to both the branch and national offices as at 31<sup>st</sup> January, 2020;

THAT, the union moved to court to challenge the action of the management and were granted orders mandating the management to reinstate the said remittances and dues to the union, in respect of the said members, an action which the management has defied to-date;

THAT, the management's main objective is to revoke the Recognition Agreement between the parties yet the said agreement is an umbrella that protects the rights of the said employees against unfair labour practices and working conditions;

THAT, to-date, the management of Kibos Sugar and Allied Industries has maintained that there is no union in all its subsidiary companies despite the existence of a Recognition Agreement between the said parties;

THAT, most of the casual employees are employed by cartels in the name of outsourced contractors yet they work in the mainstream factory hence denying the existing employees their rights to join the union and inclusion in the current Collective Bargaining Agreement;

THAT, the management has been violating the law relating to employment of foreign employees (Asian origin) because most of them do not have work permits hence denying the locals employment opportunities;

THAT, engagement of foreigners has further escalated racial discrimination between Africans and Asians doing the same job as foreigners are highly paid while Africans in the same job scale are poorly paid and exploited;

THAT, efforts made by the petitioners to have the management address the plight of employees have not been successful; and

THAT, the matters raised in this Petition are not pending before any court of law, constitutional or any other legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Labour and Social Welfare:

- (i) Recommends that the management of Kibos Sugar and Allied Industries unreservedly grants to all employees, including union officials the inalienable rights to form, join or participate in the activities and programmes of a trade union as enshrined in Article 41 of the Constitution.
- (ii) Causes the Company to honour and implement the Collective Bargaining Agreement (CBA) of 2017 for all employees without any discrimination whatsoever, including payment of salary arrears of the affected employees from February 2020.
- (iii) Recommends that the management revokes unfair termination of employment of six (6) officials and reinstates them to service.
- (iv) Inquiries into the circumstances under which employees of Asian origin who do not have authentic work permits have been unprocedurally outsourced to perform non-expatriate work that would ordinarily be performed by locals and recommends annulment of their engagement.
- (v) Makes any other appropriate recommendations it deems fit in addressing the circumstances raised in this Petition.

And your petitioners will ever pray.

Before I rest my case, I want to plead that this is a giant. I am between a rock and a hard place. The employer is in my constituency and the employees are my voters. There were a number of cases that the Labour and Social Welfare Committee has been dealing with, which have been brought to this House. However, there have been a lot of monkey games. I wish you would spell some direction that would make the workers who are my voters find some remedy. If you allow me, I would ask my fellow colleague in the Labour and Social Welfare Committee, Nominee 001, to second because he has gone through...

**Hon. Speaker:** To second?

**Hon. Onyango Oyoo** (Muhoroni, ODM): Because he has gone through a similar experience before.

**Hon. Speaker:** Second what?

**Hon. Onyango Oyoo** (Muhoroni, ODM): No, he has something to comment there, having been...

**Hon. Speaker:** Do not worry. It is not your business. You have done your best under Article 119 and the Standing Orders so, leave the rest. It is just 30 minutes which are allocated for comments not seconding; just minor comments or clarifications and such like. So, please, Hon. K'Oyoo, you say you are operating between a giant, rock and hard place. Then you say, there are monkey games which have been played. Now, we will not even allow chimpanzee games to be played.

Hon. Ochanda, do you want to comment on that?

**Hon. Gideon Ochanda** (Bondo, ODM): It is a short comment on Petition one, namely, the issue of the Moi Teaching and Referral Hospital. As we stand now, the facility services the entire western region, all the way from Migori through to Turkana. If they have not been getting any conditional grant for over the period that has been indicated, it is very serious. I think the House must act on this in a very serious manner so that the facility receives what is required. It is serving a big area in terms of patient intake.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Sankok

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I want to comment on the Petition raised by Hon. K'Oyoo. I also raised a Question on Kibos Sugar Factory and Allied Industries. My issue was Kibos School for the Blind which is inside the factory, but formed 70 years before the factory moved there. However, the factory now wants to relocate the school. Workers have been molesting children and sending their effluence to the school compound. So, I would like that Question to be tied to the Petition because my Question has not yet been answered.

Lastly, when you hear Hon. Mandago crying, there must be a problem. I know Hon. Mandago is a very serious governor. This House must address and answer his plight.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I want to support the Petition by His Excellency Hon. Mandago, the Governor of Uasin Gishu County. The issue of conditional grants to the various hospitals is very important. When you look at the Moi Teaching and Referral Hospital, it has been acting as a district hospital and also as a referral hospital. I think the Ministry missed out in terms of programmes so that Uasin Gishu... It is important that the Budget and Appropriations Committee looks at that matter seriously, so that they can be compensated for what they have not been getting for the last almost 10 years, which they actually qualify for. At one stage, I think there was an issue of transferring the referral hospital to another side, but that did not happen. Therefore, this is a very valid Petition.

On the issue raised by Hon. K'Oyoo, I think the Committee will need to look at issues of foreigners working here and the conditions they are working under, so that it is not different from the residents of this country. The citizens of this country deserve the best and we should not be overlooked by foreigners.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Sossion.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Speaker. I rise to thank Hon. K'Oyoo for bringing a very sensitive matter that touches on the Bill of Rights of workers. Article 41 of the Constitution does not exist in vain. The Constitution was given to the people of Kenya and particularly to workers, so that they can freely enjoy the provisions. It is saddening to note a trend is rising and very fast growing both in the public and private sector employers, in terms of limiting the constitutional rights of workers. Other than Kibos Sugar Company, we have seen Western Sugar Company suspending a CBA that is duly signed and certificated in court. We have also seen the Teacher Service Commission (TSC) suspending a CBA that is duly signed and deposited in court. These are not good trends with all due honesty, particularly when you have a progressive Constitution that protects workers. In labour, I think the issue of Kibos cancelling a CBA and denying union dues just constitutes union-busting. This House has a duty to give direction in protecting the institution that gives them the provisions of the Constitution. So, this

House probably needs to go further and audit employers and ensure that there is due diligence and workers enjoy the constitutional rights, so that we do not face industrial actions. We have seen doctors threatening...

**Hon. Speaker:** Now you know you cannot go from teachers to Kibos, now doctors, the next thing will be about some people who work later in the night.

**Hon. Wilson Sossion** (Nominated, ODM): Hon. Speaker, these are just general facts, it is a reflection of something wrong that needs to be fixed. So, this Petition gives us the way of dealing with all this.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Olago Aluoch.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. I wish to comment on the Petition by Hon. Onyango Oyoo on behalf of the workers of Kibos Sugar and Allied Industries. I come from the same county and I know that this is one of the companies that create wealth and employment. However, without casting aspersions on Members of this House, every time complaints are made against this company, Members treat it with kid gloves. That is why Hon. Onyango Oyoo was referring to monkey business and being between a rock and hard place. This company needs to be investigated properly.

Hon. Speaker, during the time of strong union leaders like Mr. Onyango Midika and the late Mr. Ochieng, who were leading workers of sugar industries, this would not be happening in Kenya. I kindly ask the relevant committee of the House to look into this matter carefully. If there is need to take action, it should be taken without any apologies. We think we are the giants, but the giant is trying to trample big and poor people. It should not happen in Kenya anymore.

I thank you.

**Hon. Speaker:** Hon. Dan Maanzo.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Speaker. I wish to comment on Hon. Onyango Oyoo's Petition.

There are many other situations in the country where you have international companies doing a project here and you find that the plight of the locals is ignored. Many foreigners first come to Kenya with proper papers, but the moment they expire, they continue living in the country and working here without proper work permits. I urge the Committee to deal with the relevant department, so that there is an audit. We want local people to get their rightful jobs, which a lot of times are done by foreigners.

I thank you and I support.

**Hon. Speaker:** Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. I am also commenting on this Petition by Hon. Onyango Oyoo. It is true that the way investors in this country, especially those in the sugar industry, treat their local employees is wanting. This needs to be looked into.

The problem in the sugar industry is of grave concern and more particularly, when we want to lease out the firms. We have seen the way investors handle and treat, not only the employees, but even the sugarcane farmers. The investors, even the one who has invested in Sukari Industries in Homa Bay County, are not cutting sugarcane. They bring sugarcane from elsewhere and crush it right there. They also import sugar and sell it. The place is just being used as a store. It is not even helping local farmers yet the industry was set up to help local farmers and improve local economy.

Hon. Speaker, beyond the Committee, where this matter is directed to, I would request the Departmental Committee on Agriculture and Livestock to look at how the people who have invested in the sugar sector are not only treating the employees, but also the farmers. Growing sugarcane takes about two years. You plant your crop, you wait for two years and then later, you discover that your cane is not going to be harvested. It is so frustrating and it is killing the local economy of this region. So, the Departmental Committee on Agriculture and Livestock needs to look at this issue in the sugar sector in totality as we embrace the recently introduced reforms by the Cabinet Secretary.

Finally, the Council of Governors (CoG) and the Senate need to discuss and involve the stakeholders. Some of the decisions they take hurt the very farmers who are supposed to benefit. Farmers are complaining that they are in agreement with the Cabinet Secretary yet the CoG from nowhere is opposing the very reforms that the sugarcane farmers are supporting. Sometimes leaders speak for themselves instead of speaking for the electorate.

I thank you.

**Hon. Speaker:** Hon. Julius Melly.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Speaker. I rise to support the Petition by Hon. Onyango Oyoo. I come from the same region. The kind of treatment that Kibos Sugar and Allied Industries is meting out to our people, especially the people from my constituency of Tinderet and Muhoroni, is very appalling. Workers are not allowed to form unions. If they try to do so, they can be summarily dismissed. A number of them are supposed to toe the line of the cartels that have been given the right to recruit and dismiss at will.

Hon. Speaker, the Kibos Sugar and Allied Industries has done a lot of evil things even to the Kibos School for the Blind. When I was the Chair of the Departmental Committee on Education and Research I visited there. Once you are there, you realise the deplorable state that the children of Kibos School for the Blind are in. In fact, all those who work within the industry are supposed to ensure that even the few Asians who work there have the skills and understanding of the factory operations because they are wanting, but they get better pay than the locals. Just like the Hon. Members have just said, the giant is actually a serious problem.

When their issues are tabled in this House, they do not see the light of the day. I have seen a number of them. We have the issue of the Kibos School for the Blind who have gone to court. The Ministry of Environment and Forestry has just taken us around and there is nothing which has gone through. We have even had more issues. In Miwani, they have tried to acquire public land through the backdoor. That is bad. So, it is time for this House to assert itself and make sure that our people, whom we represent, are heard. We do not represent the rich and the powerful. We represent the locals: the people whose rights have been trampled upon by this giant and big companies.

I beg to support.

**Hon. Speaker:** Hon. (Dr.) Chris Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. I come from North Rift and the Petition that was raised by His Excellency the Governor of Uasin Gishu pertaining to Moi Teaching and Referral Hospital (MTRH) is a serious matter. I looked around and I cannot see the Chair of the Departmental Committee on Health or the Deputy Chair. If at all this hospital has been going on without conditional grants, we request that they try as much as possible to prioritise.

The Moi Teaching and Referral Hospital covers the entire North Rift. It goes even to the former Western Province up to Nyanza Province. If you go there, you can see that the hospital is

overstretched. So, they really need this money like never before to assure the people in that region of quality health care. The Committee's Chairperson and the Deputy Chairperson need to move with speed. If possible, they can visit that hospital so that they can ascertain its needs.

Otherwise, I support and thank you.

**Hon. Speaker:** Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, thank you for this opportunity. I stand to support the Petition by the Governor for Uasin Gishu County.

Indeed, Moi Teaching and Referral Hospital, as we know it down there, is the only referral hospital covering the entire former Western Province, the entire Nyanza and most of the Rift Valley. To this date, if it has not received conditional grants, it is indeed an indictment on the national Government. We must move with speed to remedy this problem. As of today, I have had to transport two patients from my constituency to get admitted because all the other hospitals along the line are just a mere shell of hospitals. They are not even worth the level that they are supposed to be.

I support.

**Hon. Speaker:** Hon. (Ms.) Rachel Nyamai.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker, for giving me this opportunity to comment on the Petition by His Excellency the Governor for Uasin Gishu County.

Conditional grants are very useful for such huge hospitals because they are able to deal with specific projects that target the whole country.

The reason I stand here is because this hospital has taken care of a patient from my constituency. I had not solicited for this. He stayed in the hospital and was taken care of for months. The bill went up to Kshs1.8 million. They took care of him for months until he passed on. The family was not able to pay, but the hospital still released the body for burial. This hospital does not only benefit people from the North Rift, it also benefits people from as far as Kitui South.

As I support this Petition, I would like to thank him for taking care of Mr. Washington Kilonzo from Kanziku Ward and releasing his body for burial even though his family could not pay.

**Hon. Speaker:** Very well. Sorry, Hon. Members. The period allocated for comments is 30 minutes and it is over. The petitions are referred to the respective committees, namely, the Departmental Committees on Health and Labour and Social Welfare.

Next Order.

## PAPERS LAID

**Hon. Speaker:** Let us have the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the Financial Year ended 30<sup>th</sup> June 2019, and the certificates therein:

- (i) The State Department for Irrigation;
- (ii) The State Department for Gender;
- (iii) The State Department for Public Service;
- (iv) The State Department for Culture and Heritage;
- (v) The Kenya Climate Smart Agriculture Project (IDA Credit No.5945KE); and

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- (vi) The Technical Assistance to Enhance the Capacity of the President's Delivery Unit (ADB Grant No.5500155012902).

The Reports of the Auditor-General on the revenue statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2019:

- (i) The State Department for Interior; and  
(ii) The State Department for Mining.

Audit Reports on the Office of the Auditor-General for the Financial Year 2014/2015 and 2015/2016 by M/s PKF Kenya.

**Hon. Speaker:** Very well. Is Hon. Wandayi in the House? For a long time, we have grappled with issues of who should audit the Office of the Auditor-General. This is good progress. At least we now have the audited accounts for the indicated financial years.

Let us have the Chairperson of the Select Committee on Delegated Legislation, Hon. Kamket.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Select Committee on Delegated Legislation on its consideration of:

- (i) The Public Finance Management (Parliamentary Car Loan (Members) Scheme (Amendment) Regulations, 2020.  
(ii) The Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020.  
(iii) The Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020.  
(iv) The Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020.

**Hon. Speaker:** Very well. Let us have the Chairperson of the Departmental Committee on Lands, Hon. Nyamai.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Lands on its consideration of a petition by residents of Hospital Ward in Mathare Constituency regarding imminent eviction of residents of Hospital Ward by the Kenya Police Service.

**Hon. Speaker:** Very well. Next Order.

## NOTICES OF MOTIONS

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I beg to give notices of the following Motions:

### REPORT ON PUBLIC FINANCE MANAGEMENT PARLIAMENTARY MORTGAGE (STAFF) SCHEME FUND (AMENDMENT) REGULATIONS

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday,



24<sup>th</sup> November 2020, and pursuant to the provisions of Section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No.187 of 2020.

REPORT ON PUBLIC FINANCE MANAGEMENT PARLIAMENTARY CAR LOAN  
(STAFF) SCHEME FUND (AMENDMENT) REGULATIONS

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, 24<sup>th</sup> November 2020, and pursuant to the provisions of Section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No.186 of 2020.

REPORT ON PUBLIC FINANCE MANAGEMENT PARLIAMENTARY MORTGAGE  
(MEMBERS) SCHEME FUND (AMENDMENT) REGULATIONS

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, 24<sup>th</sup> November 2020, and pursuant to the provisions of Section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No.185 of 2020.

REPORT ON PUBLIC FINANCE MANAGEMENT PARLIAMENTARY CAR LOAN  
(MEMBERS) SCHEME FUND (AMENDMENT) REGULATIONS

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, 24<sup>th</sup> November 2020, and pursuant to the provisions of Section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No.184 of 2020.

**Hon. Speaker:** Next Order.

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Let us have the Member for Lamu West.

**ORDINARY QUESTIONS***Question No.312/2020*

## MEASURES TO PROMOTE COTTON PRODUCTION IN LAMU WEST

**Hon. Stanley Muthama** (Lamu West, MCCP): Thank you, Hon. Speaker. I rise to ask Question No.312/2020 to the Cabinet Secretary for Agriculture, Livestock and Fisheries:

- (i) What measures has the Ministry put in place to assist farmers in Lamu West Constituency access markets for their produce, particularly the newly introduced hybrid seed cotton BT variety considering that cotton ginners are hesitant to buy the recently developed hybrid cotton variety?
- (ii) What action is the Ministry taking to promote cotton production in Lamu West Constituency which produces over 80 per cent of all the cotton in the coastal region?
- (iii) What measures has the Ministry put in place to address the numerous challenges that farmers are currently facing in Lamu West Constituency?

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Agriculture and Livestock. The next Question is by the Member for Mwingi Central.

*Question No.327/2020*

## CONSTRUCTION OF DAMS, BOREHOLES AND WATER PANS IN MWINGI CENTRAL

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I rise to ask Question No. 327/2020 to the Cabinet Secretary for Water, Irrigation and Sanitation:

- (i) What measures has the Ministry taken to ensure construction and development of dams, boreholes and water pans in Mwingi Central Constituency?
- (ii) Could the Cabinet Secretary submit a list of dams, boreholes, water pans and piped water supply lines constructed or developed in Mwingi Central, Mwingi West and Mwingi North constituencies from the Financial Year 2017/2018 to date?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Environment and Natural Resources. The next Question is by the Member for Baringo Central.

*Question No.335/2020*

## CRITERIA FOR PROMOTING TEACHERS

**Hon. Joshua Kandie** (Baringo Central, MCCP): Thank you, Hon. Speaker. I rise to ask Question No.335/2020 which is directed to the Chief Executive Officer (CEO) of the Teachers Service Commission (TSC):

- (i) What is the criteria applied by the TSC in the promotion of teachers in the country?

- (ii) What is the status of promotion of teachers in Baringo Central Constituency and could the Commission justify why some teachers, particularly Deputy Principals have served for very many years in the same grade without promotion?
- (iii) What measures has the Commission put in place to ensure fair and equitable distribution of promotion opportunities for teachers across the country?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is for written reply by the TSC. The next Question is by the Member for Subukia, Hon. Gachobe.

*Question No.341/2020*

DELAYED PAYMENT OF PENSION TO FORMER EMPLOYEE  
OF KENYA RAILWAYS CORPORATION

**Hon. Kinuthia Gachobe** (Subukia, JP): Thank you, Hon. Speaker. I rise to ask Question No. 341/2020 to the Cabinet Secretary for National Treasury and Planning:

- (i) Could the Cabinet Secretary explain the delay in payment of pension to one Chege Mwai of identification card No. 0929687/63, a 70-year-old former civil engineering employee of the Kenya Railways Corporation (Personal No. 136148H), who retired in 2003?
- (ii) When will the said former public officer receive his pension?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Finance and National Planning. The last Question is by the Member for Funyula.

*Question No.343/2020*

REHABILITATION OF MATAYOS-GANJALA-NAKHASIKO-NANGINA ROAD

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I rise to ask Question No.343/2020 which is directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain why the procurement process for a contractor for the Matayos-Ganjala-Nakhasiko-Nangina (C830) Road that traverses Matayos and Funyula constituencies which was included among the 10,000 Roads Programme under the Low Volume Sealed Roads (LVSR) stalled?
- (ii) When is the procurement process expected to be completed, so as to have the road improved to bitumen standards?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

*(Loud consultations)*

Order Members!

**COMMUNICATION FROM THE CHAIR****THE NATIONAL TRANSPORT AND SAFETY AUTHORITY TO FACILITATE  
HON. MEMBERS TO ACQUIRE DIGITAL DRIVING LICENCES**

**Hon. Speaker:** Hon. Members, this is a short Communication. As you are aware, this House amended the Traffic Act. Consequently, it provides for migration from the current paper driving licences to digital or smart ones. With the coming to force of the Act and the regulations made thereunder, all drivers are required to migrate from the old driving licences to digital or smart ones. Therefore, the Parliamentary Service Commission (PSC) has engaged the National Transport and Safety Authority (NTSA) to facilitate Members of Parliament and parliamentary staff who have not yet migrated to the smart driving licences within the precincts of Parliament. In this regard, therefore, I wish to notify the House, all Members and staff that the NTSA officers will be available to assist Members and staff of the PSC to create accounts and migrate to digital licences from today, Tuesday, 24<sup>th</sup> to Friday, 27<sup>th</sup> November 2020 in the lounge which is next to the National Assembly main Chamber.

I thank you, Hon. Members.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Is there a refresher course?

**Hon. Speaker:** How can the Member for Kikuyu ask for a refresher course? I thought he is extremely digital.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I am asking whether there is a refresher course for driving.

*(Laughter)*

**Hon. Speaker:** We are only migrating from the current paper driving licences to digital or smart ones.

The next segment is a request by the Member for Kisumu West, Hon. Olago Aluoch.

**STATEMENTS****INADEQUATE AND IRREGULAR DISBURSEMENT OF TUITION  
AND GENERAL-PURPOSE FUNDS TO PRIMARY SCHOOLS**

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. This is a request for a Statement regarding disbursement of tuition and general-purpose funds to primary schools. This will interest Hon. Sossion and Hon. Omboko Milemba both of whom I see here.

Pursuant to Standing Order No.44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research on the inadequate and irregular disbursement of tuition and general-purpose funds to primary schools by the Ministry of Education. It is of great concern that the Ministry failed to disburse 20 per cent of funding earmarked for Simba Tuition Account in 2018, and yet schools had already placed orders for learning materials. Further, the Ministry failed to disburse the 30 per cent of the same in 2019 despite suppliers demanding their due payments. Again, the Ministry failed to disburse 30 per cent of tuition funds and 30 per cent for General-Purposes Account funds in 2020. Therefore, this makes

it impossible for the schools to pay routine expenses such as security guards wages, post office box charges, telephone and postage charges, among others.

The Ministry is yet to avail funds for pedal-operated waste collection liners, toilet disinfectants, basic Personal Protective Equipment (PPE), thermal guns, running water, soap, sanitisers and sickbays for isolation in case of COVID-19 disease cases. Additionally, it has failed to release funds for payment of boards of management teachers' salaries and accessing essential materials. Therefore, this makes it impossible for primary schools to conduct meaningful assessment tests which are required. These funding challenges have jeopardised the continued sustainability of free primary education in the country as exemplified by the fact that most deputy head teachers are unwilling to apply for promotion to head teachers since the positions are extremely stressful.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Education and Research on:

- (i) How does the Ministry expect schools to run seamlessly in the face of inadequate and irregular funding of Simba Tuition Accounts and General-Purposes Accounts?
- (ii) Why is the Ministry exposing teachers, learners and staff to COVID-19 pandemic by failing to disburse funds for mitigating COVID-19 which has also placed undue pressure on parents who are being compelled to fund COVID-19 mitigation measures?
- (iii) What is the Ministry doing to sustain free primary education in the country in view of the funding disparities of primary schools compared to secondary schools and to further motivate teachers to apply for head teacher positions?

I thank you, Hon. Speaker.

**Hon. Speaker:** Chair of the Departmental Committee on Education and Research, Hon. Florence Mutua.

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Thank you, Hon. Speaker. I have a response for Hon. Aramat Lemanken, the Member of Parliament for Narok East Constituency with regard to a questionable transfer of a school head teacher. The response is from...

**Hon. Speaker:** Sorry, this is a request for a Statement from you, from the Hon. Olago Aluoch.

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Sorry, I thought it was my time to give the response. We will try and do what we can before...

**Hon. Speaker:** Try to give a Statement before we go for the Christmas holidays.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, I have heard the Chairperson of the Departmental Committee on Education and Research clearly, but I wish she could make it clear that she intends to give this answer next week because, hopefully, the House may go on recess next week. There is no much time and the matter is really urgent.

**Hon. Speaker:** Hon. Mutua.

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Hon. Speaker, I said before recess. Thank you.

**Hon. Speaker:** Very well. Now, let us have the Member for Dagoretti South.

#### STATUS OF KENYA'S PUBLIC DEBT MANAGEMENT

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Speaker. I stand to request for a Statement regarding our country's public debt management.

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Hon. Speaker, pursuant to Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the status of the public debt management.

Hon. Speaker, Section 33 of the Public Finance Management Act of 2012 stipulates that the Cabinet Secretary for National Treasury submits to Parliament a statement setting out the debt management strategy of the national Government over the medium term with respect to its actual liability and potential liability, in respect of loans and guarantees and its plans for dealing with those liabilities. Further, that Section 62(3) of the Public Finance Management Act of 2012 specifies public debt management strategy as to minimise the cost of public debt management and borrowing over the long-term taking into account the risk; promote the development of the market institutions for Government debt securities and ensure the sharing of the benefits and costs of public debt between the current and future generations. However, the reports, most of which I am in possession of here, on Public Debt Management submitted by the National Treasury give insufficient data.

Hon. Speaker, in the recent years, the level of public borrowing by the Government of Kenya has escalated and is now already unsustainable. It is projected that Kenya will reach the Ksh9 trillion public debt ceiling within the next two years, due to the anticipated revenue shortfall in the current fiscal year and the uncontrolled expenditure.

It is on this account that I seek a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

- (i) What is the actual status of all the public debt contracts between the Government of the Republic of Kenya and international lenders?
- (ii) What is the percentage of all loans granted to the Government of Kenya by the People's Republic of China and in particular the Exim Bank of China and China Development Bank?
- (iii) What are plans in place to enter into public debt contract with Trade and Development Bank (TDB) for any other syndicated loans that the Government of Kenya may be possessing currently?
- (iv) What plans are in place with regard to debt restructuring and debt deferral in light of prevailing economic hardships?
- (v) What is the current public debt management strategy?
- (vi) What are consequences of the Government of Kenya defaulting loans repayment?

I thank you, Hon. Speaker and I signed this on 23<sup>rd</sup> November 2020.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Finance and National Planning, Hon. (Ms.) Wangari. I saw her here. I think she is through with her today's sitting.

*(An hon. Member spoke off record)*

Are you her Vice-Chairperson? Is the Vice-Chairperson present? The Statement will be presented to the Committee through the Leader of the Majority Party.

Since the person seeking the Statement wants it to be directed to the Departmental Committee on Finance and National Planning... Well, you know that Members keep learning new things and the Hon. Kiarie is also in the process of learning. This is nothing to explain. The Statement will be taken to Committee where it has been directed. Let the Committee decide on it.

Member for Chepalungu, Hon. Gideon Koske, you may have the Floor.

**PERSONAL STATEMENT**

## DEROGATORY ATTACK BY HON. JOHN MBADI NG'ONGO

**Hon. Gideon Koske** (Chepalungu, CCM): Thank you, Hon. Speaker. This is a Personal Statement on the derogatory attack on my person by Hon. John Mbadi Ng'ongo on the Floor of the House on 19<sup>th</sup> November 2020 - Morning Sitting.

*(Applause)*

Hon. Speaker, pursuant to Standing Order 84, I wish to make a Personal Statement regarding the derogatory attack on my person by Hon. John Mbadi Ng'ongo, and Leader of Minority Party on the Floor of the House on 19<sup>th</sup> November, 2020, Morning Sitting.

Hon. Speaker, I rise not to defend my academic qualifications that the Hon. Minority Leader John Mbadi Ng'ongo cast aspersions upon when he termed me 'illiterate' or to explain why the people of Chepalungu Constituency chose me to represent them in this House. Hon. Speaker, I rise today to defend the integrity, honour and place of this august House.

Hon. Speaker, I had a chance to visit the Parliament precincts while in Class Eight in Kabisimba Primary School in the year 1998 while on a school tour. As a kid, I was awed by the magnificence of the Parliament Buildings, the civility of the staff members and the friendliness of the Members of Parliament we came across. Our Member of Parliament then, Hon. Isaac Ruto who is now my party leader was gracious enough to receive us, buy us tea in the canteen and take a picture with us. We also sat in the Visitors' Gallery to watch the proceedings. The debate was rather complicated, but what was not lost on us was the decorum with which it was conducted. The impression was profound. I thought I should sit to debate too, someday and here I am.

The tradition of school kids visiting Parliament continues to this day. I make sure to be present when schools from my constituency visit this Parliament because I know the impression the visit makes on the children is long-lasting. Nowadays, some watch the proceedings live on television.

The next generation of leaders are watching this debate at home or in the Visitors' Gallery. How we carry ourselves in this House goes way beyond the need to demean a fellow Member here and get an applause or silence them for the day.

*(Applause)*

It influences the nation's political culture and the ethos of tolerance and respect as Kenyans from different backgrounds interact out there.

Hon. Speaker, if we reduce this House to a theatre of name calling and insults, the same will be replicated out there. It is quite unfortunate that Hon. John Mbadi was extolling the virtues of the Building Bridges Initiative (BBI) as a necessary path to peace and cohesion in this country only to stop midway to call me an illiterate from somewhere he does not even know.

*(Laughter)*

We cannot bridge the divide between Kenyans if we do not have a bridge connecting us as Members of the same Parliament.

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**Hon. Members:** Yes.

*(Laughter and applause)*

**Hon. Gideon Koske** (Chepalungu, CCM): I am a Member of Parliament representing Chepalungu Constituency and I happen to belong to the same National Super Alliance (NASA) Coalition as Hon. Mbadi. For some reasons, Hon. Mbadi seems to have forgotten that Chama Cha Mashinani (CCM), the party that sponsored me to Parliament belongs to the same coalitions as Mbadi's ODM Party. If Mbadi does not recognise the bridge between our parties, then building bridges between whole communities is, indeed, a daunting one.

My point of order that day was a very constructive one and Mbadi did not let me finish. Our country has experienced election-related violence since the advent of multiparty democracy in 1992. It took the handshake between President Kibaki and Hon. Raila in 2008 on the steps of Harambee House to stop this country from descending into a full blown civil war. This House was instrumental in enacting laws that made the Grand Coalition Government possible. Ten years later in 2018, Hon. Raila and President Uhuru Kenyatta did another handshake on the steps of Harambee House after demonstrations drove this country following yet again another election dispute. The BBI is the fruit of that handshake. This House again is a key cog in the process towards its full realisation.

Hon. Speaker, this House is called the august House for a reason. As a reminder, "august" means respectable, distinguished, exalted, hallowed and venerable. It is almost like a place of worship because the deliberations we make here impact the lives of the people in very significant ways, both current and future generations. Our words and deeds should live to their expectations.

To correct the impression created out there by that unfortunate slur by Hon. Mbadi that this House may be populated by people with dubious academic credentials, it is worth noting that Hon. Mbadi and I share an alma mater in the University of Nairobi, where we both studied Bachelor of Commerce. Hon. Babu Owino and I met in some classes while Hon. Naomi Shaban and I were contemporaries at Kenyatta University where I studied my Masters in the field of commerce.

*(Applause)*

It is rather a very interesting coincidence that Hon. Mbadi and I studied the same first and second degrees. He is as illiterate or as educated as I am; the choice is his to make.

*(Laughter)*

I hope the BBI will not dictate that we give out our academic certificates for perusal before making a point of order in the future. I, therefore, seek the Speaker to compel Hon. Mbadi to retract and apologise to me and the people of Chepalungu Constituency.

Thank you, Hon. Speaker. If allowed, I am also here to table my certificates for perusal.

*(Laughter)*

**Hon. Speaker:** Well, Hon. Members, the Member claimed to rise under Standing Order No.84. and there would be no discussion, but to the extent that he has made a request that Hon.



Mbadi makes a choice or you are saying... It was not me because I was not on the Chair. Unless Hon. Mbadi feels compelled to apologise, I cannot compel him to.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I know that it is unusual to allow Members to make any remarks on a Personal Statement, but the Hon. Member for Chepalungu is actually a very good friend of mine. We even walked in together.

I want to state very clearly that last week on 19<sup>th</sup> November 2020, when this matter came up, the Member was in a mask as any other Member and I could not figure out who...

*(Laughter)*

I confirm and confess here that I asked loudly who the Member was. My definition of literacy is what, I think, confused him. That day, I want us to be sober on this and my good friend, who has talked very well this afternoon, I never mentioned one Raila Odinga in my entire speech and the Deputy Speaker can confirm that. The Hon. Member purported to rise on a point of order and started asking why I was implying that without Raila, there would be no peace in this country. I very well know the implication and the impact of such a statement. I did not take it lightly. In fact, the reason I called the Member, whom I did not know his name then, illiterate, is because my definition of literacy is one who is able to listen, discern, interpret and understand the contribution of another Member.

In my view and estimation, he failed the test of a Member who can attentively listen to other Members when they make contributions and interpret what is being discussed. I plead with him that he needs to be listening when we make contributions in this House. Mentioning the name of someone who is not here to defend himself and trying to portray Mbadi as having said something that I did not say, I cannot be irresponsible to imply. If you look at the way the story was captured, not in the *Hansard*, but in the news that came out of it, it is that Mbadi said: "Without Raila, no peace". He is the one who said it. I never mentioned Raila's name.

That is why I am saying that his literacy should lead him to a point where he first of all thinks through issues before he raises them. That is what actually made me uncomfortable. But if his constituents misinterpreted that to mean that he did not go to school, I have also since carried out some background search and found out that he was in Standard Eight two years after I had left Lower Kabete, but then he finally found himself in Lower Kabete. I want to imagine that he got the same kind of training that I went through. So, he is literate.

Thank you, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** Hon. Koske, you see the problem is that at the close of your Statement, you requested that Hon. Mbadi says something. Ordinarily, this is not the way it is done, but you made the request. So, it is only fair that I had to allow Hon. Mbadi to make his rebuttal. There is no need. The people of Chepalungu are now happier. It is a good thing that you came here when you were in Standard Eight in 1998. So, you must have found us debating very well and that must have encouraged you. I am sure Hon. Wamunyinyi must have impressed you. You must have been impressed by Hon. Wamunyinyi's way of debating. You see, it is a good thing that you have put it on record, Hon. Koske. Let us just leave it there.

It is safe to agree with you that, indeed, your understanding of what the august House means is correct. It is only fair that we treat each other with utmost respect and decorum. That is

an important point, but it cuts both ways. So, also have the patience to allow others to say what they have to say so that when your chance comes, you are also listened to. That should suffice.

Hon. Koske was extremely agitated when he came to see me yesterday and I thought if I did not allow him to do what he has done, he was going to burst today. I am sure you can see he has now relaxed. So, that is what is to be encouraged.

The next Statement is by Hon. Pkosing. Are you making a Statement?

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I am responding.

**Hon. Speaker:** Is it the one on Lunar Park by Hon. Yegon?

**Hon. David Pkosing** (Pokot South, JP): Yes, it is the one on Lunar Park by Hon. Yegon.

**Hon. Speaker:** Have you already given the Statement, or you are giving it now?

**Hon. David Pkosing** (Pokot South, JP): I am giving it now, Hon. Speaker.

**Hon. Speaker:** Very well.

## STATEMENT

### DEMOLITION OF LUNAR PARK

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Speaker, for this opportunity to give this Statement to my colleague.

Pursuant to the provisions of Standing Order No.44(2)(c), Hon. Leonard Brighton Yegon, requested for a Statement from the Chairperson, Departmental Committee on Transport, Public Works and Housing, regarding the above matter, namely, demolition of Lunar Park, Nairobi.

The Committee resolved to write to the Cabinet Secretary, Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, vide a letter dated 2<sup>nd</sup> September 2020 to submit their written response on the matter raised in the Statement. In their response, vide the letter as indicated here, dated 29<sup>th</sup> September 2020, the Chief Administrative Secretary indicated that neither the Ministry nor any of its agencies were involved in the demolition of Lunar Park on 15<sup>th</sup> September 2020.

We thought that that would not help the Member so, on 6<sup>th</sup> October 2020, the Committee wrote to Maj-Gen. Mohamed Abdallah Badi, Director General of Nairobi Metropolitan Services (NMS), vide a letter indicated here requesting for a response to the issue raised in the Statement. Indeed, he responded, and this is his Statement to Hon. Brighton Yegon.

Hon. Leonard Brighton Yegon, MP, Konoin Constituency, sought a Statement from the Chairperson, Departmental Committee on Transport, Public Works and Housing, on the following:

- (i) Explanation on the criteria used during compulsory acquisition and eviction of the people on developed land or where business premises exist.
- (ii) What steps were followed during the eviction and demolition of people's properties in Lunar Park and other surrounding business premises, and whether valuations of properties were carried out before the eviction and demolition?
- (iii) What measures have been put in place to ensure that persons affected during the eviction and demolition in Lunar Park are compensated and when?

Hon. Speaker, Maj-Gen. Badi responded as follows:

The Government has plans to decongest traffic in Nairobi, improve travel time and flow of vehicles. As part of implementing this programme, Public Service Vehicles (PSVs) are being relocated from the current operational areas. One of the places identified to accommodate them is the Green Park terminus which is Lunar Park.

The criteria used was to relocate vehicle dealers while other establishments such as restaurants and Lunar Park were left intact. This means that they were relocated to the site identified for the bus park. Most businesses remained intact. The car dealers were the only ones relocated.

The land in question, in accordance with this response, belongs to the Kenya National Highways Authority (KeNHA). The KeNHA purchased it from Kenya Railways Staff Retirement Benefits Scheme. The traders were given notices to vacate which they did.

Steps followed were as follows:

- (i) Notices were issued;
- (ii) Businesspeople were asked to move their properties which they did; and
- (iii) The NMS took possession of the site and they began construction.

Finally, the Government has not set aside resources for compensation since no property was destroyed.

This is the Statement. Thank you, Hon. Speaker.

**Hon. Speaker:** Let us hear from Hon. Yegon Brighton.

**Hon. Leonard Yegon** (Konoin, JP): Thank you, Hon. Speaker. The response is not satisfactory. It is actually fake. We are not opposed to decongesting of traffic in Nairobi or improvement of travel time and flow of vehicles. My issue was that the steps and procedures that were used during the eviction of tenants who already paid for the lease of that particular place in Lunar Park were not proper.

It is evident from the first answer that no valuation of properties was done. When you look at the third answer, where they are saying that the Government had not set aside resources for compensation as no property was destroyed, that answer is actually fake. Properties worth millions of shillings were destroyed in the morning of 16<sup>th</sup> September 2020. There were more than 1,000 people who were doing business at Lunar Park.

The people who had occupied Lunar Park had lease for a period of nine years, but they were not compensated. They were only given eight hours to vacate, and the eight hours' deadline that they were given commenced in the evening. They had to take away their vehicles during that evening. Most of the businesses were car dealers. There were no yearly leases running, so, those people need to be compensated for the nine-year lease. There were also investments in terms of security, cabro paving blocks, fences, among other properties that they had put in place.

So, I am not satisfied with the answer and I feel that the people who had paid for the lease of the place need to get proper compensation for the investments that they had put in place at the Lunar Park area.

**Hon. Speaker:** Very well. You see, it is a Statement and he has read what he has. If it is your feeling that the answer is not satisfactory, then the rest should be left to the Almighty. Is that not so? This is the reason I keep saying that this system is not good because now, what do you expect Hon. Pkosing to do? He has read the Statement which was given to him. Hon. Brighton is not satisfied at all with the reasons you have explained to him. Even if I tell Hon. Pkosing to go and get another one, he will get another one which, again, may not be satisfactory. We will then tell him to get a third one which may not be satisfactory as well, then send him for a fourth one, a fifth one, and so on. If it was a Question directed to the relevant Cabinet Secretary, he would be the one to give that answer and then Hon. Brighton Yegon would have the opportunity to pin him down. Even if I allow you to pin down Hon. Pkosing, surely, you will be suffering for the wrong reasons. I would suggest, Hon. Yegon that perhaps you need to reduce that into a Question so that the Cabinet Secretary responsible can appear before the Committee and then you can take him on.

The next is a Statement by Hon. Kisang. You were to issue your Statement in response to a request by Hon. Osotsi. Hon. Kisang is not in the Chamber. Hon. Osotsi has also taken leave of absence. So, I think they can sort out the matter wherever both of them are. Since both are not in the Chamber, they can resolve that matter out there, or in the village, if they meet there.

Hon. Florence Mutua.

#### UNFAIR TRANSFERS OF TEACHERS IN NAROK COUNTY

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Thank you, Hon. Speaker. Kindly allow me to hand over the Statement to Hon. Ngunjiri. I have some urgent meeting.

**Hon. Speaker:** He has just walked in in good time. Hon. Ngunjiri, you are the one to respond. Press the intervention button.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Speaker. I am giving an answer to the Question by Hon. Aramat, if I am not mistaken.

The background information is that the Teachers Service Commission (TSC) is established under Article 237 of the Constitution as a constitutional Commission with its primary functions being to register and train teachers, recruit and employ registered teachers, assign teachers for service in any public school or institution, promote and transfer teachers, exercise disciplinary control over teachers, and terminate the employment of teachers engaged in public service. The Commission is further mandated under Article 237(3) of the Constitution to review the standards of education and training of persons entering the teaching service, review the national demand for and the supply of teachers and advise the national Government on matters relating to the teaching profession.

**Hon. Speaker:** Hon. Ngunjiri, you can move straight to Paragraph 1.7, because those are statutory things that Members are expected to know.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): I am well guided, Hon. Speaker. So I will start from Paragraph 1.7.

The TSC and the Salaries and Remuneration Commission (SRC) undertook a job evaluation exercise for the teaching service in November 2015/2016. The job evaluation recommended a substantive appointment of institutional administrators and placing them in institutions commensurate with their grades. Positions of institutional administrators are now substantive appointments informed by the individual grade of each teacher.

On Paragraph 1.9., Mr. Kudate was assigned to act as the head teacher of Inkoirienito Primary School on 9<sup>th</sup> July 2018. Later, the Commission transferred the substantive head teacher to the school as the head teacher. When the new head teacher reported, Mr. Kudate requested to be transferred out of the school to another institution. His request was accepted and was subsequently transferred to Entapot Primary School on 21<sup>st</sup> October 2020.

Annexure 1 is the following bundle of documents: a letter of appointing Mr. Kudate as the acting head teacher of Inkoirienito Primary School; a letter transferring Mr. Mereu from Ntulele Primary School to Inkoirienito Primary School as the substantive head teacher; Mr. Kudate's request for transfer from Inkoirienito Primary School, and a letter transferring Mr. Kudate from Inkoirienito Primary School to Entapot Primary School as deputy head teacher.

Contrary to the allegations, Mr. ole Mereu, the new head teacher who had been a head teacher at Ntulele Primary School since 2011, is not a non-performer. He was transferred to the school since he had served for nine years in his previous station.

Am I to go on to Part (ii) of the question?

**Hon. Speaker:** Yes.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Part (ii) of the question is on whether the TSC could provide details of the performance of the said teacher with regard to the school.

The performance of Mr. ole Mereu for a period of three years is as per the table below: in 2017, the school's mean score was 237.13; in 2018, 217.14 and in 2019, 301.55.

The next part of the question is why Mr. Kudate has been serving in an acting capacity despite his stellar performance that has improved the school's education standards. The answer is that promotion of teachers in public service is done competitively with the objective of attracting competent skills so as to achieve quality education. Promotion of teachers is based on career progression guidelines to manage the career growth of teachers in service. The guidelines outline the skills and competencies necessary for advancement in the profession. The guidelines further provide for minimum requirements for selection, appointment and promotion of teachers at different grades. Mr. Kudate is currently Head Teacher 1 at Grade C4. He has served in that grade for more than three years and, therefore, qualifies to apply for promotion to the position of Head Teacher 2 at Grade C5 when vacancies are advertised.

Unfortunately, our records confirm that the teacher did not apply for the post of head teacher when the Commission advertised the positions in mid-2019 and December 2019.

The final part of the question is on the timelines within which the TSC shall revoke the proposed transfer so as to safeguard the increasing education standards at Inkoirienito Mixed Day and Boarding School and neighbouring areas of Narok County. The Commission has no intention of revoking the transfer of Mr. Kudate since he initiated the transfer to his current station. Mr. Kudate should be advised to apply for a position of head teacher when the Commission next advertises vacancies in that grade.

In conclusion, on behalf of the TSC, I wish to thank this Committee for its continued support.

Thank you.

**Hon. Speaker:** Very well. Where is Hon. Aramat?

**Hon. Lemanken Aramat** (Narok East, JP): Thank you, Hon. Speaker. It is so unfortunate that just some minutes ago, you said we cannot sacrifice our colleagues because it is a Statement. If you look at the performance of the teacher - I wish Hon. Florence is here because I have discussed this matter with her at length - the table that shows the performance of Mr. ole Mereu, I have a schedule of Narok East, comprising of 78 schools. What is in that schedule is what they have given as Kudate's performance. It is not Mereu's performance. He served in Ntulele from 2002. In 2002, he registered a mean score of 219.2. He had a mean score of 264.42 in 2019. So, I think the TSC has lied there.

Secondly, I beg to differ that Kudate actually initiated the transfer. In Narok East, all schools along the roads are given preferences. If you are in good terms with the TSC officers in Narok, you are transferred to a school that is next to the road. So, Kudate was sacrificed. When the parents demonstrated for three days, that is when we walked with Sankok to the headquarters of Narok. We went with Kenta and Soipan to the headquarters and we did not get an answer. We wanted to get clarity as to why the teacher was transferred yet he was a performer in the school.

Thirdly, I beg to differ with the information that he has never applied for promotion. I agree that although you are not the Teachers Service Commission (TSC) as the Speaker has indicated, I want to state that Mr. Kudate has applied for a promotion that has never been effected. I have the letters here with me. As per your earlier direction, I want to request that the TSC Secretary, Ms. Nancy Macharia sheds more light on this Question. We have pumped Ksh60 million to Nkuriento

Boarding School. It has all the facilities with over 1000 kids. The parents have been demonstrating over the transfer of this teacher. The performance of this school has greatly improved and for the first time in 20 years, last year, the school took 10 kids to national schools. It will be unfortunate to take the school back to where it was. Hon. Sankok will bear me witness that we have visited several offices to have Mr. Kudate back in that school in vain.

Thank you, Hon. Speaker.

**Hon. Speaker:** We do not want to walk. Even if you walk now, it is not going to be of any use. What is there to debate? The response has been given by the Vice-Chair of the Committee. Let us have Hon. Ngunjiri.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you, Hon. Speaker. I want to assure Hon. Aramat that we will confirm the issues he has raised. First, we will confirm whether the TSC gave us the wrong performance indicators, which will be quite interesting. We will also identify the person who initiated the transfer. We shall also seek to know whether he applied for promotion as he has indicated. We will confirm those issues and report back to the House.

**Hon. Speaker:** There are no *bonga* points on this. I will not allow any comments on this. Next Statement is by the Chairman, Departmental Committee on Administration and National Security.

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

**Hon. Speaker:** There is nothing out of order. Is that a response to a Statement sought by Hon. Maore?

**Hon. Paul Koinange** (Kiambaa, JP): Yes, Hon. Speaker. I wish to respond to a Statement sought by Hon. Maoka Maore

**Hon. Speaker:** Just table the Statement because the Member is not in the Chamber. It is an easier way of dealing with matters of that nature. Let us have Hon. Kisang.

*(Hon. Paul Koinange laid the document on the Table)*

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I was told that you were looking for me and Hon. Osotsi. The Statement on IFMIS came to the House and it was directed to the Departmental Committee on Finance and National Planning. As the Departmental Committee on Communication, Information and Innovation, we requested to be roped in but we are yet to be invited for a joint meeting by the Departmental Committee on Finance and National Planning. We had also agreed with Hon. Osotsi that as the expert Committee in ICT, we are going to do an inquiry on IFMIS. I had stepped out because there was nothing for me to handle on the Order Paper.

**Hon. Speaker:** Hon. Kabinga Wachira.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I am sorry to rise again to speak to an issue that I raised last week relating to challenges facing the rice industry in Mwea. You directed that the Chairman of the Departmental Committee on Trade, Industry and Cooperatives invites the National Cereals and Produce Board (NCPB) to come and discuss that issue in my presence. I am worried that we are likely to proceed on recess without a meeting. I have not been able to get the Chairman of the Committee. I checked with the Leader of the Majority Party but he did not have any information on the same. I will appreciate your guidance on that issue.

**Hon. Speaker:** Where is the Chairman of the Departmental Committee on Trade, Industry and Cooperatives, Hon. Haji? Does he have a Vice-Chair? We should start taking note of these

Chairpersons so that in fullness of time we can order that they be removed from Committees entirely so that they can be roaming wherever they want. It is not possible that you are away for two weeks. Hon. Oundo, do you want to stand in as an agent of necessity?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Yes, Hon. Speaker. I am a founder Member of the Committee, and if there was a ranking system, I would be there. I am neither the Chair nor the Vice-Chair. I spoke to the Chairman who has indicated that he is on his way. I will link them up shortly. I want to assure you that the matter will be addressed.

**Hon. Speaker:** That is encouraging. Hon. Kabinga Wachira, you must stay in the Chamber for a few minutes.

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Speaker, the answer is good but I do not know what he means that he will link me up with the Chair. This matter was discussed here and it is on the *Hansard*. They are aware of the challenges. I would be here but I am not sure about the linkage. The issue was to get the NCPB to come and address the issue.

**Hon. Speaker:** You will be linked with the Chairman.

**Hon. Josphat Kabinga** (Mwea, JP): I do not mind to be linked but I will wait for the linkage.

**Hon. Speaker:** Hon. Oundo you will do the linking.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): I will organise for the sitting shortly and I believe that before we proceed for the recess, we will have attempted to resolve the issue at hand.

**Hon. Speaker:** Hon. Oundo, you can now do the necessary.

*(Laughter)*

Hon. Wachira Kabinga is waiting for the linkage. I can see Hon. Oundo is rising to the occasion. I think the arrangement can be made outside. They have been sufficiently linked. I am sure everybody who is in the Chamber has noticed that they have been linked.

Next Order!

## MOTIONS

### DEBATE ON PRESIDENT'S ADDRESS

THAT, pursuant to the provisions of Standing Order No. 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, 12<sup>th</sup> November 2020 and further that this House notes the following Reports submitted by H.E. the President, laid on the Table of the House on Tuesday, 17<sup>th</sup> November 2020:

- (a) Reports submitted in fulfilment of the provisions of Articles 132(1) (c) and 240(7) of the Constitution:
  - (i) The Annual Report on the Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance;
  - (ii) The Annual Report on the Progress made in Fulfilling of the International Obligations of the Republic of Kenya; and,
  - (iii) The Annual Report to Parliament on the State of National Security.
- (b) Other Reports submitted by H.E. the President:

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- (i) The Report on Ease of Doing Business Milestones 2014-2020; and,  
(ii) The Annual Reports of the Office of the Director of Public Prosecutions for the Financial Years 2017/2018, 2018/2019 and 2019/2020.

*(Hon. Amos Kimunya on 19.11.2020)*

*(Debate concluded on 19.11.2020)*

**Hon. Speaker:** Hon. Members, debate on this Motion was concluded and what remained was the Question to be put, which I hereby do.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order!

APPROVAL OF NOMINEES TO VARIOUS NG-CDF CONSTITUENCY COMMITTEES

**Hon. Speaker:** The Chairperson, Hon. Wamunyinyi.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Speaker. I beg to move:

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following eight (8) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Wednesday, August 5, 2020:

**1. AINABKOI CONSTITUENCY**

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Isaac Kiprono Kotut	Representative of Persons Living with Disability	Fresh appointment, pursuant to Sec.43(3)

**2. BOMET EAST CONSTITUENCY**

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Collins Kibet Yegon	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)



2.	David Kipkirui Waitage	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Chepkirui Dorcas	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Rose Chelangat Bor	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Lily Chepkemoi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Joseph Chirchir	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)
7.	Chepkoech Christine	Nominee of the Constituency Office (Female)	Fresh-appointment, pursuant to Sec.43(3)

### 3. BUURI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Fredrick Mwiti Kithinji	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Charles Kinyua Kiara	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Elosy Kendi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Lucy Nkirote Mbobua	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Joshua Murithi Mwarania	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Leslie Murithi Mwarania	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mary Gacheri Mwathe	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 4. DAGORETTI NORTH CONSTITUENCY

*(Re-submitted to complete list of Nominees as earlier submission had only six nominees)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Catherine Akinyi Mwango	Female Adult Representative	Fresh appointment, pursuant to Sec.43(3)

#### 5. DAGORETTI SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Geoffrey Moturi	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Joseph Chege Wainaina	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mary Wambui Waichigo	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Salome Wanjiku Mbugua	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)

#### 6. ELDAMA RAVINE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Alberto Kimeli Munji	Male Youth Representative	Fresh appointment, pursuant to Sec.43(8)
2.	Joseph Kibor Aiyabei	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Nancy Jeptoo Koech	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Anne Mwihaki Mwangi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)

5.	Elijah Kamiti Kamau	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	John Kipkoen Suge	Nominee of the Constituency Office (Male)	Fresh -appointment, pursuant to Sec.43(8)
7.	Veronica C Kaptich	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 7. KITUTU CHACHE SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benard Ongeri Makuru	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	James Maobe Mokaya	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Winfridah Kemunto Maisiba	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Mellen Nyomenda Kebati	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	John Ongeri Ondieki	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	James Orito Omonywa	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Pacifica Moraa Onyango	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 8. NYERI TOWN CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Kelvin Nderitu Njaramba	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)

- |    |                           |                                |                                          |
|----|---------------------------|--------------------------------|------------------------------------------|
| 2. | Richard Kanyoro<br>Mwangi | Male Adult<br>Representative   | Fresh-appointment, pursuant to Sec.43(3) |
| 3. | Teresa Nyokabi<br>Mwangi  | Female Adult<br>Representative | Fresh-appointment, pursuant to Sec.43(3) |

Hon. Speaker, this is a straight forward Motion. It seeks to ensure compliance with the enabling statute regarding the constitution of committees that run the affairs of the NG-CDF Fund in constituencies.

I would like to inform the House that we are now almost through in terms of constituting these committees. However, we still continue to face difficulties. We are soon going for recess and Members are expected to get busy in their constituencies. The world is facing a difficult financial situation and as a country we are not spared. We had an audience with the Cabinet Secretary (CS) for national Treasury and we were assured that every effort will be made to ensure that the NG-CDF funds are disbursed to the constituencies. I want to note that the CS assured us that the arrears of the last Financial Year of Ksh13.8 billion were released and constituencies were subsequently given money for development.

However, I have now learnt that the CS has just released funds for this Financial Year. We have scheduled a meeting next week on Tuesday and we hope to address this issue. The CS will be appearing before the Budget and Appropriations Committee tomorrow. I am hoping that we will address the issue of arrears and this year's allocation to constituency committees, so that MPs can engage when the House goes for recess.

I beg to move and request Hon. Lessonet to second.

**Hon. Speaker:** Hon. Lessonet.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Speaker. I stand to second this Motion on the approval of the nominees to the eight constituency committees of the National Government Constituency Development Fund. This is to enable the constituencies to properly operationalise their funds and implement the NG-CDF. In these special times of COVID-19 pandemic, we need as a House, to urgently approve this Motion so that the nominees in these eight constituencies can be gazetted.

I want to take this opportunity to urge the CS Treasury to disburse the NG-CDF funds. The President gave a good proposal that the NG-CDF be used to assist in mitigating against COVID-19 pandemic in schools and tertiary colleges, when schools open in January. Whereas that is a good proposal, it will be impossible to do that without money. The national Treasury needs to disburse funds to the NG-CDF.

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

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) took the Chair]*

The Chairman alluded to the 2018/2019 Financial Year, Ksh14 billion was not disbursed by the Treasury. When you combine that Ksh14 billion that was not disbursed in the last Financial Year with the funding of this Financial Year that is close to Ksh42 billion you will realise that we will have Ksh56 billion that we require from Treasury this Financial Year. We will urge the CS tomorrow and when he will appear before our Committee to allocate, through a supplementary

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budget, the Ksh14 billion that was not disbursed in the last Financial Year, so that there is no excuse of not disbursing the Ksh14 billion for lack of a budget line for it. The Ksh14 billion must be allocated immediately the supplementary budget comes before this House. The NG-CDF is the only fund that makes sense in Kenya and has impact in constituencies. It is because of the schools that have been built from NG-CDF that we have shortage of teachers in schools except in Athi River where schools have not been built. Hon. Patrick Makau should tell us where he takes his constituency's NG-CDF money. We want to see schools developed and improved through the NG-CDF funding. With those remarks and because of time, I beg to second.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Makau, he mentioned you and you are saying we put the Question.

*(Laughter)*

*(Question proposed)*

**Hon. Members:** Put the question.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Is it the mood of the House I put the question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next order.

ADOPTION OF REPORT ON INQUIRY INTO THE  
USE OF THE STANDARD GAUGE RAILWAY

*(Hon. David Pkosing on 10.11.2020)*

*(Debate interrupted on 10.11.2020)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, this is resumption of debate that was interrupted on Tuesday, 10th November 2020. The balance of time is 1 hour 30 minutes. There are those who had spoken to this Motion, so obviously they will not get a second opportunity. Just to refresh our memories, those who had spoken are Hon. Pkosing, Hon. Mose, Hon. Mwinyi, Hon. Makau, Hon. Hulufu, Hon. Mishi Mboko, Hon. Nassir, Hon. Makali, Hon. Wamuchomba and Hon. Nyikal. On top of my list is Hon. Odhiambo Akoth.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I am waiting for the next item. I will let this pass.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Okay. Shall we have Hon. Baya? Oh, you also want to speak to the next matter? That is fine. Hon. Mutunga, do you want to speak to the next matter? You have the Floor.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker. I had not spoken on this report and I would like to make a few points. Thank you for the opportunity. In my considered opinion, it was not right for the government to give a directive on what container goods should be carried by what means, because we live under the perfect-competition world and therefore we should allow perfect completion to take place.

The essence of SGR was to increase the through put of containerized goods. We also need to look at what container goods we are transporting in this country. If you look at what we do and what we produce in this country, we have not reached a level where we can sell a lot out there. So the actual question of investment in SGR comes into play. We needed to have improved our economy, our manufacturing capacity and our production of agricultural commodities and opened up the markets we lost long ago so that we could save a lot. We should not have a one-sided type of transport. That is why you see such decisions being made. The reason that was given of containment of Covid-19 is not valid. At the end of the day, even if we offload these containers at the inland depot, still truck drivers will have to collect them. The SGR has no capacity to deliver the containers to the user points. The directive also contravened the competition law. It was against the perfect competition principle.

The report alludes to the fact that the Ministry did rescind this particular decision and therefore considered that it was necessary to allow perfect competition, which is the model that we prefer. The mode of transport should be left to the shipment companies and those who are exporting goods to decide. They should know which mode of transport is cheap and most efficient to them, and not to be guided by directives from whatever source.

The prioritisation of the SGR should have been debated by Kenyans. We know that the Konza City is one of the priority projects of the Vision 2030, but up to now we have not been able to do a lot because we do not have money to invest. As we expand the SGR, we need to consider what exactly we are using it for. Those who transport goods should be allowed to decide what mode of transport to use. Therefore, I support the conclusion of this report, which eludes to the fact that fairness and unimpaired choices to use of transport should be allowed. We should allow the shippers to decide which mode to use. We should allow the on-land transporting companies to compete perfectly without appearing to prefer SGR because it is a government investment.

Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Maanzo:

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this very important matter. When this matter was brought up by the Member for Mvita, it was in good faith. He was fighting for his people. Hon. Badi Twalib also participated to make sure that the people of Mombasa and the rest of the people the railway serves, which covers Ukambani, for at least 200 kilometres, are protected. There have been a lot of questions which the Committee sought to resolve. One of the things we have done with SGR is that we have invested lots of money in it as a country. For that reason, there must be a balance between the people and the State. One of the things that were very clear is that there was no sufficient public participation.

Unfortunately, COVID-19 came. The people suffered. The SGR project suffered more. What is important for now is to make sure that we are able to pay the SGR debt. We have borrowed enough. It is one of the investments which can see the country develop. Right now we are talking about how to restart the economy post-Covid-19. SGR is very important.

One of the things I am aware the Committee has looked into involves the locals at every point, so that our own people take control of the SGR eventually after building, training and

transfer. Our own people should have the technology to run the SGR efficiently. We should also involve local transporters so that the SGR can deliver goods to their destinations.

Previously, there was a lot of confusion as to once now you have transported the containers then what and then taking the containers back to the port. This is because ordinarily the normal transporter - the lorry users- would take the container out of Mombasa and eventually take it back there. Therefore, there is an opportunity for this particular container to go back with other goods such as tea and coffee or many other goods we produce from Kenya.

Therefore, these are some of the improvements which have been proposed and I believe the committee has done a very good job this time round. I believe we can make the SGR very useful to our people. It is going through Konza City which is a techno city and which the Government is now funding. Thwake Dam is being built to make sure that city has water. It is one of the areas we should now expand and have a big station there where some of these goods can be processed.

The movement of the people of Kenya has improved. The use of the highway, which now is proposed to be double lane or have more lanes will make transportation even faster. There had been many road accidents because of trucks. There have been many traffic jams, which is very expensive especially if something happens between Nairobi and Mombasa because drivers would be stuck for days.

Therefore, with all the challenges the country is undergoing now, I believe we should now bring the people closer to the SGR and the local communities should benefit. The stations should be increased. Some of them had been proposed like Emali and Kibwezi for transporting these particular goods, for example, for the construction of Thwake Dam. The equipment was to be dropped off somewhere in Makueni - either Kibwezi or Emali- but they are still coming to Nairobi and being shipped back, about another 100 kilometers or so which is an extra cost.

If all of us now support the SGR and the SGR also supports local communities, local transporters, and local businesses... Along that line, many hotels have been built for people to eat and take a rest. We must strike a balance so that we can serve everybody and make this railway useful. In addition, we should pay the debt and expand this railways line.

Thank you Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Sankok.

**Hon. David Ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. Let me start by thanking and congratulating the Member for Mvita, Hon. Nassir Sherriff, for bringing this particular Motion and for fighting for the interests of the people whom we represent from the Coast region.

Hon. Nassir is surely an oasis of wisdom from the coast region and is a very friendly person to persons with disability and that is why I must support this particular Motion. The SGR must be competitive enough to attract business without being coercive. We cannot coerce our businesspersons or force them to use the SGR for the purported reason that we have borrowed so much. The SGR should not bear the burden of our enormous appetite for loans and debt. It should be left to be competitive because whatever we have borrowed as a country may not have directly been used in the SGR. Therefore, the SGR alone cannot bear the burden of our enormous appetite for debts or even quench our enormous thirst for loans.

The SGR- and I think the architects of the SGR - should go back to the drawing board. This is because it is only last week that I was with the Committee on Transport, Public Works and Housing led by Hon. Pkosing, a very good friend of mine. We went complaining that the Phase 2B started from the Naivasha Dry Port, 50 kilometers into Narok and all of sudden stalled in a

remote area called Murtoto with one shop and butchery. This was only about 12 kilometers to Narok Town. If it could have gone to Narok town, we would not be forcing people to transport using the SGR. Instead, we could have created a catchment area for the Great Lake Regions, for the South Rift and even part of Northern Tanzania and Rwanda. We would be transporting our building stones and building sand from Narok all the way to Nairobi without being coerced. We would be transporting wheat, barley, peas, potatoes, and maize from Rift Valley and from the South Rift to be specific. We would be transporting soap stones and even other minerals from Nyatike. We would be transporting fish from Lake Victoria. We would not be talking to our Kenyan citizens and business people to use whatever mode of transport that they have shied away from. In addition, you know why they do not want to transport using the SGR.

We should be asking ourselves those questions. Probably the SGR is not friendly; it is probably more expensive; it is probably the red tape kinds of protocol that are in the SGR chasing away investors. If as a country we strangle the freedom of our people, especially investors, we will be killing our economy. This is because if investors who are supposed to invest multi billions in the transport sector; who are employing our youths and we are crying of unemployment; who are supposed to jumpstart our economy post COVID-19 but we are now giving them conditions for how to transport and move their goods from one place to another, we are not only scaring them away locally but also internationally.

Furthermore, remember an investor has so many options. It is not only Kenya that is open for investment. They can invest in Tanzania. They can invest in Uganda. This country is scaring away investors and the Government must rethink its dealing with businesses and making this country friendlier to business people.

Thank you very much, Hon. Temporary Deputy Speaker. I do support *mia kwa mia*.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. John Bunyasi.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support the findings of this report by the Public Investments Committee, under the leadership of Mr. Nassir. This has been one of the flagship investments in Kenya for a long time. In fact, for many people who have an element of historical knowledge, it evoked the early days when the railways essentially literally opened up the Kenyan inland into Uganda and made a huge difference that has led to the development of these republics that exist today.

However, as we know, the SGR - with all of the benefits that it can bring and hopefully, it will continue to bring - had some challenges. It was done at costs much exceeding what they should have been and somebody has to bear that cost. That cost would be borne through the operating expenses of SGR; by users of the SGR. Moreover, the problems clearly started there now we have to fix them but, Kenya has committed itself to an open economy and that has brought us a long way.

Moreover, for those who may not know, in the 1970s we had a similar debate when there was a big challenge with trackers wanting to get a share of the cargo transport from the coast to Nairobi. There was a discussion on tariff approvals and how the tariff in these two modes of transport determines which one then sort of gets ahead. You cannot do that at the expense of denying people the choices they have to make. Therefore, I am glad that, in fact we are finally seeing the sense of it. There must be ways other than administrative ones that you can play around the incentive such that the SGR, perhaps because of speed, time, security and any other reasons, it can then become the more favorable mode of transport. In the long run, I hope the heavier traffic will go by the Standard Gauge Railway (SGR) and save our roads maintenance costs and therefore, saving money for this economy which can be used in other areas.



I think, as businesses get familiar with the SGR, they will make it their choice. So, the SGR management as well as truckers should watch what they need to do to attract more customers. That is the way it should go. You cannot legislate or decree how somebody must move their goods for business. I am glad we are now moving towards a more liberal and democratic regime in respect of the use of this railway line.

I come from Busia near the border, which would have been the exit point from Kenya to Uganda. We were hopeful from the early indications that the SGR would have gone all the way and connect at the border with the neighbouring countries like Uganda, our largest trading partner. Also, other countries like South Sudan, Eastern Democratic Republic of Congo (DRC), Rwanda and others down the line. Now, it has terminated right down there at the bottom of the Rift Valley, which I think is unfortunate.

Those were not our expectations. I do not know if the earlier calculations done on the rate of return and economic advantages of the SGR still hold when they end it where they have. So, we will still struggle with the rest of the challenges like road congestion, excessive road use and lack of facilities in areas further inland that are quite productive. In a way it would help unify this country when we connect these economic points. I think it is unfortunate that this happened, maybe it is for some economic reasons and I hope this can be revisited.

With those few remarks, I support the Report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nguna.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. While I was queuing to contribute to the next Motion, let me add my voice to this matter. Without hesitation, first of all, let me congratulate and appreciate the effort the Mvita Constituency MP, Hon. Nassir, did on this. The Mvita people should know that their MP has saved so many jobs and companies from losing business. I would like to laud him on this matter.

While I acknowledge that the Committee did a 60-page document highlighting all issues. I will acknowledge that SGR is part of Vision 2030 which was developed by the former President. While I support Vision 2030, we have to get our priorities right. I stand here as an angry and unhappy MP discussing a road traversing Kabati-Migwani-Mbondoni which is B-class and is not tarmacked. Yet, we have used so much money on the SGR which is not even covering 0.0 per cent of our country.

I am stressing on the issue of using our money not based on priorities. While I acknowledge that it is not the only road I have discussed. There are so many roads which are very critical to the economy of our country and yet they have not been upgraded. What was the priority here? Was it to expand Mombasa Road to a five lane or build the SGR, just to terminate in Naivasha? While I support the Government, let me fault it on this matter. While the CS for Transport acknowledged that the SGR will curb the issues of COVID-19, this was a short-term strategy. So, we got our priorities wrong on this.

On the issue of forced rail-age, the Government should be embarking on symbiotic mode of transport instead of discouraging our transporters and businessmen from using other modes of transport. You will recall that we have so many drivers in this country who are employed because of the means of transport we are currently using instead of the SGR. We will acknowledge that there are so many businesses which are mushrooming along Mombasa Road which SGR is passing through.

If we can stop forcing our transporters or businessmen to choose the mode of transport they want, we will go far. I would like to raise another issue that the way SGR was modeled it should

be implemented in phases. They should do a cost benefit analysis. What are they doing in terms of the marketing strategy instead of forcing people to use it? So, their business strategy has to work. We cannot disregard those issues as we acknowledge that SGR will increase the security of our cargo. We have to protect the trucking businesses because of job losses we will incur if we force our people to use SGR.

Hon. Temporary Deputy Speaker, with those few remarks, I support and congratulate the Mvita MP for this noble idea implored to the House. Thank you.

**Hon. Kubai Iringo** (Igembe Central, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order Hon. Kubai?

**Hon. Kubai Iringo** (Igembe Central, JP): On a point of order, Hon. Temporary Deputy Speaker...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Jeremiah Kioni, when a Member requests for a point of order, I am unable to pretend am not hearing. Yes, Hon. Kubai.

**Hon. Kubai Iringo** (Igembe Central, JP): On a point of order, Hon. Temporary Deputy Speaker. I rise on Standing Order No.95. Given the mood of the House, we have well debated this issue of the SGR and all Members are in support. I want to request you to call upon the Mover to reply.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, Hon. Kubai claims he has read the mood of the House, but let me establish that.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Mover.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to reply. As I do so, I want to thank my colleagues who have made very important contributions. It is my responsibility to thank them.

As I do this...

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order Hon. Odhiambo Akoth?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker. I apologise for interrupting the Mover in his response. Just to help us in our multiple roles, I request you to let us know if the Tea Bill is still coming up.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Millie, I am sure it would have been easier to walk to the Clerk's desk. Do you have the Order Paper? On the Supplementary Order Paper, we do not have the Tea Bill today.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Sorry, I was not aware there is a Supplementary Order Paper. I apologise.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Yes, that is not there today. Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Thank you Hon. Temporary Deputy Speaker, for giving me this opportunity to reply. I want to thank Hon. Members who made various contributions. All their contributions were very positive in support of the Report and recommendations therein. What has come out clearly is that a national resource like the SGR depends on leaders to protect it.

In as much as leaders are protecting the national resource, there are national resources that should benefit the people. That is why there is a win-win or an equilibrium which has been arrived at. A national resource like Kenya Airways is very critical. Now that the world is looking forward to distribute a COVID-19 vaccine, this requires logistical... our own national resources like Standard Gauge Railway (SGR) and Kenya Airways are the ones that would distribute that vaccine in the entire Africa. That gives the leaders the impetus to be considering such national resources, at a time like this when they are required. I want to thank these Hon. Members for looking at SGR in that line. I hope they will also see Kenya Airways in the same line.

Secondly, I have noticed and I want to thank the Hon. Members, that SGR will definitely provide last mile connectivity. Reading the mood of the House, I can see that you are in support and I want to thank Hon. Members.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Chair, Hon. Pkosing, I will not put the question to that particular one now; we will do it some other time.

Next order.

#### ADOPTION OF REPORT ON INQUIRY INTO THE STATUS OF STADIA IN KENYA

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Chairperson, Departmental Committee on Sports, Culture and Tourism. Who is the Chair? Is that Hon. Makau? You have the Floor.

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. Hon. Temporary Deputy Speaker, I beg to move:

THAT, this House adopts the Report of the Departmental Committee on Sports, Culture and Tourism on the Inquiry into the Status of Stadia in Kenya, laid on the Table of the House on Tuesday, 13<sup>th</sup> October, 2020.

In moving this Motion, allow me to submit the following: That sport in Kenya is an important element of Kenyan culture and it is increasingly becoming a tool for development and a source of employment. Indigenous/traditional sports are prevailed upon in the Kenyan culture from its earliest history. Just like most countries in the world, football is the main sport adored by majority of Kenyans. Kenya is also known for athletics, rugby, basketball, cricket, volleyball and others. Sports have been one of the biggest marketers in the country.

Kenya has various stadia in various towns and cities where different games and sports are held. The most specific one that was earmarked for upgrading and development, in line with the National Vision 2030; requiring development of standard sport facilities in the 47 counties and to host the African Nations Championship (CHAN) 2018, include: Kipchoge Keino in Uasin Gishu. The Kamariny Stadium in Elgeyo Marakwet, Wote in Makueni, Marsabit, Ruringu in Nyeri, Kirubia in Chuka Tharaka Nithi and Karat in Kiambu.

We also had the CHAN 2018 stadia that were earmarked for construction and upgrade. They include Nyayo National Stadium, Kinoru Stadium, Kasarani Stadium and Kipchoge Keino

Stadium, for phase one. The completion period for the regional stadia was set to eight calendar months and CHAN stadia, 14 calendar weeks to the CHAN 2018 championship. However, this has never been implemented since most of the projects stalled apart from Kasarani Stadium which is not also done to the modern standards. It is important for Members to note that Kenya lost CHAN 2018 hosting rights because of the status of the stadia that were earmarked for hosting of the championship. It is important for Members to know that losing championship was a big loss in terms of income and employment.

You know, I joined the committee mid this year. I want to thank the Members of this committee for their efforts in crisscrossing the country to evaluate and inquire into the status of these stadia in Kenya. The terms of reference for the inquiry were two: One, find out the adherence to the tendering and procurement procedures for the stadia by Sports Kenya. Two, ascertain the scope of work and the cost of construction of each stadium. Three, establish the status of progress of works for all the stadia in the whole country. Four, establish the roles of respective county governments in the construction management and maintenance of stadia in the country. Five, recommend effective implementation strategies for the upgrading developments of the stadia.

I want to confirm to this House that in deed all these stadiums are in a sorry state, despite the monies having been spent on these stadia. The committee observed that

1. Most of the companies that were awarded contracts for the construction of the stadia lacked the requisite capacities in terms of finances and equipment to enable them deliver the project in time.
2. The cost of the project is Kshs 4.4 billion and the amount paid to date, is Kshs 2.6 billion translating to 59 per cent of the estimate. However, the work delivered is estimated to be 49 per cent. This is likely to occasion a variation in the project to be completed.
3. There is inconsistency between the work delivered by the contractors and the payment made to them. For instance the contractor in Karat Stadium in Kiambu has been paid Kshs102,180,205 translating to 39.6 per cent of the contract sum amount of Kshs 259,604,780 but has only delivered 25 per cent of the work.
4. At Wote stadium, I believe this is Hon. Maanzo's constituency, the contractor has been paid Kshs 113,875,098 which is 38 per cent of the contract sum of Kshs 299,309,554 but has only delivered 25 per cent of the work.
5. Marsabit stadium, the contractor has been paid Kshs 125,998,585 which is 42.68 per cent of the contract sum of Kshs295,236,215. However, there is a discrepancy between the overall completion status of 45 per cent as indicated by Sports Kenya and what is on the ground.
6. Ruringu Stadium in Nyeri, the contractor has been paid Kshs84,389,804 which is 29.3 per cent of the contract sum of Kshs 288,045,530 however, there is a big discrepancy of the overall status of 40 per cent.

However, there is a discrepancy between the overall completion status of 40 per cent as stated by Sports Kenya and what is on the ground. At Kamariny Stadium, the contractor has been paid Ksh81,580,000, which is 28.3 per cent of the contract sum of Ksh287,837,775. The amount that has been paid does not translate to the total work done on the ground.

At Kinoru Stadium in Meru, the contractor has been paid Ksh740,883,085 which is 85.25 per cent of the contract sum of Ksh869,121,216. The Committee further noted that the national Government, through the Ministry of Defence and Foreign Relations, and the County Government of Meru, played a role in the construction of the stadium which Sports Kenya needed to provide the details.

Hon. Temporary Deputy Speaker, Sports Kenya ignored personnel from the State Department for Public Works. In the contrary, they engaged a private consultant who did not demonstrate competence in the work. Some of the study lack critical components such as drainage systems. Also noted, the county governments where most of these stadia are being constructed fulfilled most of the work that they were required to undertake. For example, Nyayo National Stadium was completed and was re-opened for use on 26<sup>th</sup> September 2020. However, the all-round canopy has not been constructed. There were few Exchequer Issues at the initial stage of the projects, leading to contractors suspending works on sites. It was also noted with concern that most of the contractors undertaking works...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Chairperson, you had an allocation of 10 minutes and they are gone. I did not hear you pronounce yourself that you have moved. Summarize. Let me give one-and-half minutes at most.

**Hon. Patrick Makau** (Mavoko, WDM-K): Hon. Temporary Deputy Speaker, you can see the shortfalls that were occasioned by the county governments, Sports Kenya and the contractors.

The Committee recommends that the Auditor-General should undertake a value for money audit with a view of accessing the status of the projects vis-à-vis the amount incurred on the projects in order to ascertain whether there is value for money. The State Department for Sports should expedite the timely completion of these projects by ensuring that the projects are funded adequately. Indeed, the Department should not initiate any new project until it delivers on the ongoing projects.

Hon. Temporary Deputy Speaker, the Committee further recommends the termination of the contracts of the private consultants who were found to lack the requisite skills to competently supervise the projects and instead engage with the State Department of Public Works for the supervision of the remaining aspects of the project. In addition, the Committee recommends that any public officer found to have violated the Public Procurement and Assets Disposal Act 2015 and the Public Finance Management Act 2012 should be prosecuted in accordance with the relevant laws.

In conclusion, I thank my Committee. This enquiry began late last year. To crisscross the country inspecting those stadia was not an easy task. However, it is sad to note that the Presidential Big Four Agenda on stadia and youth employment, in terms of sports, was not observed. It is the wish of this Committee that in every constituency we have an academy of sports. Going by the rate at which contractors are failing to fulfill their mandate, we cannot achieve it.

With those few remarks, I move this Motion and call upon Hon. Kubai Iringo to Second.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kubai Iringo and other Members, please note that you have a maximum of five minutes. So, organise your thoughts accordingly within that timeframe.

Proceed, Hon. Kubai Iringo.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I thank my Chairperson for requesting me to second this Motion. Let me thank him for having presented the Report with a lot of precision. As a Member of this Committee, I confirm that we crisscrossed the country inspecting the projects, which were started by the Government.

Sports in this country is known to everybody and moreso, internationally because Kenyans excel in sports. Unfortunately, they excel because of their own talents. As a country, we never take serious measures to ensure that we promote our youth or our sportsmen and sportswomen. These tenders were supposed to encourage and give room for practice and for sports so that we nurture

these talents. However, when these projects were being rolled out, we came to understand that they became a cash cow for some people. Briefcase companies were given work they did not have the capacity to do. Others were just given mobilisation funds and they disappeared. Others had not even started.

Hon. Temporary Deputy Speaker, when we went to some of these stadia, we found that whatever was on record with Sports Kenya and the Ministry was not what was on the ground. We also discovered that some of the works which were being done were duplicated in that some stadia were being done by county government and Sports Kenya was also chipping in. Sports Kenya could not put a boundary as to what they have done and what the county governments have done. For example, Kinoru Stadium in Meru has that problem. Kakamega Stadium has a similar problem. So does Machakos Stadium.

At Wote, nothing had started at all but they were saying that they had done 30 per cent of the works. We only found tractors there. We went to Marsabit and the contractor was nowhere to be seen. Sports Kenya was telling us that they had done 30 per cent. Therefore, whatever was on the ground was not what is in their books. That is why, as a Committee, we are requesting the Auditor-General and even the Ethics and Anti-Corruption Commission (EACC) to go out there and get to know who gave out the contracts, under what criteria they were given and how much money was spent in each case. A lot of money has gone down the drain, according to what we witnessed.

It also appeared that when the projects were being given out, Sports Kenya or the Ministry wanted to bite more than they could chew. They started building so many stadia across the country since 2015/2016 but to date, the only stadia where we can go and watch football or athletics are Kinoru Stadium, Kakamega Stadium and Nyayo National Stadium. In all the others there is just grass growing in the bush, a few tractors and equipment. Therefore, if proper audit is done on this one, you will find that a lot of money has been wasted. The Chairperson has alluded to this and he has read out the figures. Whatever they have written in their report, and the percentages of works done, does not tally with what is on the ground.

Contractors at some stadia have been given over 50 per cent of the contract sum but the work that has been done is only 25 per cent. When we went again to them and called the Ministry, they told us that they had started a multi-agency program where they had involved the Deputy County Commissioners (DCCs), the County Governors, other sports stakeholders and the Permanent Secretary (PS) to oversee the stadia projects. On the other hand, the contractors were saying that they did not have the money to do the work. The DCCs or County Commissioners are there to just ensure that the work is done but the persons who are supposed to do the work have no money with which to do it. Some contractors have no capacity to undertake the works. They hired tractors and other equipment. It is quite a fuss. So, we need to look into this matter seriously. The Auditor-General and EACC should come in and save Kenya from the predicament of losing public funds to unscrupulous people, who are not interested in delivering whatever they are supposed to deliver but to put public money into their pockets.

I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us start with Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity. Let me take this opportunity to thank the Committee for having done an exposition on the status of the advertised stadia.

Secondly, I must also join Kenyans in expressing the disappointment we all felt when we lost the hosting rights for the African Championship of Nations (CHAN) because we could not complete the stadia in good time.

During their campaigns, the Jubilee Government went all over the country and told Kenyans that they will build modern stadia all over. It is close to eight years and based on what the Committee's Report has stated, it was all lies. It was a mirage. It had nothing of substance. It is also disappointing that the whole Government can lie to its people and shamelessly walk around and do nothing about it. I hope that some of the partners in those lies will not come and tell us the same lies in 2022.

Issues of incomplete or poorly planned projects and criminal procurement processes are matters that Kenyans must rise up and demand answers for. Reading through this Report, it is a litany of poor procurement processes. It is a list of how what could go wrong, went wrong. Was it specifically designed to fail? It is inconceivable that Sports Kenya could have ignored the State Department for Public Works with the expertise and knowledge that they have. They proceeded to execute such a big project of about Kshs4.4 billion on their own knowing very well that they had no capacity or technical knowledge. It is obvious that all this was designed to swindle public money and enrich a few people.

The Committee has not been authoritative enough. I would have expected them to cite the public servants who were involved and label them as unfit to hold public office. I do not know why they were so cagey and afraid to say it as it is. I hope this House will stake its position. At one point or another, we must slay the dragon of corruption in this country. Otherwise, we will never go anywhere. That is why we keep on saying that corruption should be delinked from politics. We need to deal with corruption decisively. That is why I like the recommendation in the Building Bridges Initiative (BBI) Report that states that before the next round of disbursement is made for any project, the Auditor-General must ascertain that actual work worth the amount that was earlier disbursed has been done. Otherwise, we will never fight corruption.

I urge the Committee to be firm enough and make specific recommendations so that when this House votes on this Report, we will do so on a report that has substance and that will punish those who conspired and stole Kenyan money.

With those few remarks, I support the Report. I hope we will discuss with the Committee and see what can be done to make the Report more actionable and punchy.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Jeremiah Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I join my colleagues in supporting this Report.

Without a doubt, the Report has not done what is expected of a parliamentary report. We should have a report that causes others to act. A report where we merely become a talking House and eventually want questions put does not quite augur well with what is expected of this House.

I agree with my colleague from the land profession that it would have been better to cite the officials in the Report so that one feels the pain of having been cited in a report. Without a doubt, the Committee Members are also supporters of BBI like myself because they have stated a recommendation that is crucial in the BBI that the Ministry should not be allowed to fund other projects until they have finished the funding of this stadia.

This is yet another team that feeds into the criminal networks that conceive projects in this country, not for purposes of helping the so-called “hustler nation”, but for purposes of looking for opportunities where they can siphon money. There is a similar case in the leather industry where equipment was bought and part of it is lying at Kariokor and another part at Thika. We have grown our imports in the leather industry from a mere Kshs5 billion sometimes back to now over Kshs39 billion. Instead of the people who import leather into the country using the digital precision cutting machines to create employment that would add up to millions of opportunities for our young people, they end up looking for opportunities to siphon money. They then feed on the same issue by turning the desperation of Kenyans into a political platform. That is what we are good at doing yet we had the opportunity to help them.

I believe that money has been siphoned. With regards to the books, they state that 80 per cent of the funds have been disbursed. When you go to the ground, you see that only 49 per cent of the work has been done. Certainly, there will be loss of money at the end of it all.

There was a call that the Office of the Auditor-General should carry on from where the previous Auditor-General stopped. This was another good call from the Committee. However, two days ago or last week, the Member for Dagoretti said that the former Auditor-General is also being frustrated yet he is out of office. That also feeds into the corrupt criminal networks because if the current Auditor-General becomes hesitant in carrying out what this Committee has suggested on account that the former one is not getting his dues, we again perpetuate corruption. There is a network. I do not know exactly how they do it because given what we have seen since 2002, it is very difficult to delink politics from corruption. Politicians help in perpetuating corruption because they help in scheming of some of these things.

We also have vegetable oil. The vegetable oil industry can create very many jobs in this country. We continue importing vegetable oil in this country. Last year, we did so to the tune of Kshs78 billion. It was Kshs58 billion in the previous year. However, if we just encouraged our people to plant the base that is used in vegetable oil, we would create over 2 million jobs.

All these things feed into the corruption networks in this country. I believe it is one of the things that the BBI is trying to sort out by not allowing public servants to implement any other projects before they complete what they had already started.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Odhiambo Akoth.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I thank the Committee for bringing this Report that highlights what is going on with the stadia in Kenya and the project that was promised by the Jubilee Government.

Sports are a source of employment and entertainment. They also contribute to health and well-being. The only thing I regret is that when the Member was moving the Motion, he only mentioned certain sports but he did not mention water sports. In our area, water sports like canoe regatta are very popular. Even though we are not looking at them since they are not played in the stadia, when talking about sports, it would be good to acknowledge such sports.

Other than looking at the stadia, one of the things that the Committee should do is to look at the man-made challenges that we, who have the water sports which do not need anything to be built. We are now being harassed by hippopotamuses. One of my constituents was killed in usao (?) area today in the morning. Another hippopotamus killed someone last week in the same area while he was exercising his right to undertake the sports. I will raise the issue with the relevant



Committee. I want to note that even when you are thinking of sports, let us be broad and think outside the regular sports that we know of.

It is regrettable that this very good initiative is subject to the usual corruption that has now become a second name of this country. I want to encourage the authorities to take very stern action. There is something I have seen that is emerging in this country. Instead of going for the real culprits, we start playing politics with the corruption issue, especially when it gets nearer to election. That is what has stopped us from dealing with the actual thieves. As we deal with corruption, you will hear of National Government-Constituencies Development Fund (NG-CDF) cases because the opponents will be fighting.

The issue that will be of focus is elections as opposed to dealing with corruption. It is very regrettable, if you are talking about Ksh4 billion and only a few stadia that were supposed to be built are there and the state that we have been told they are in now. I only wish that this Ksh4 billion was divided among 290 constituencies, especially given that sports function is now devolved. Because the national Government wanted to set a standard, it would have made a lot of sense if this money was divided among 290 constituencies. The national Government needs to understand that you can innovatively spread the risks. The same way you are putting the cost, you can spread the risks. Instead of talking about 8 or 12 stadia which are all stalled or only two are working, at least 200 constituencies would have done their model stadia with perhaps only 90 that would be having problems. That is going by the way NG-CDF is managed. It is one of the funds that is very well-managed. You can see the results from what is done.

Even though we knew that we wanted to empower our counties in sports, the building of stadia is devolved to counties. I want to encourage our county governments. We have the youth who form the bulk of the youth who are idle. The young boys and girls are being found all over the estates getting involved in very unhealthy activities. If we have sports or stadia over this period that they are idle, that can divert their energies into something which is more productive. I want to encourage the Committee to please follow this matter to the logical conclusion, so that our money is not used by politicians to politic when our children are suffering.

I thank you, Hon. Temporary Deputy Speaker. I can see that my time is up.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Akinyi.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I support the Report of the Committee. At the outset, construction of stadia was a noble idea which was abused. I sit in the Public Accounts Committee (PAC). It is frustrating and depressing to see how money is wasted in some of these institutions.

Billions of shillings were put aside for these stadia. Even from the Report, you can see that none of them is up to 50 per cent completion. This is across the country. That is the route that the Government projects take. It begs the question whether, we, as a country, are serious about how resources are utilised or it does not matter. Somebody has already been paid money to the tune of Ksh113 million and people have even certified that the work that has been done is more than what has been done and money has been paid. How do these people still continue walking around in this country and getting more money to continue wasting it? It is like flushing it down the toilet. Even as we recommend or propose audit of the assets and status, as the 12<sup>th</sup> Parliament, there is something that we can do. When they come for the Budget processing, we need to put them to task on what they did with the previous monies that they were given. If they will not account for it, then nothing will be given.

I have been here for three years. We continue to give the money, despite the fact that some of the ministries do not do anything with what they are given. The process of auditing them takes

several years until people forget what happened. We are talking about 2018 now. We are in 2020. We are lamenting at the end of the year. I agree with my colleagues that stern action needs to be taken against the culprits. We want to see them answering for some of these things that have been done. I also want to see no money being allocated to those ministries before they account for the money that was wasted. It is about time we start walking the talk. We will not just talk here and no action is taken.

I support the Motion. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Mwambire Ngumbao, Member for Ganze?

**Hon. Teddy Mwambire** (Ganze, ODM): Thank you very much, Hon. Temporary Deputy Speaker for according me an opportunity to express my support to the Report. If Kenyans today are now getting other facts other than what we heard during the campaigns, it is quite alarming. We were told that a stadium would be complete in a month's time. Another one would be complete in three weeks' time. Those are the songs which we heard then. We believed that it was true.

It is unfortunate that we have learnt the reality now. It is also unfortunate that the Committee has not recommended some of the companies and officers who are involved in upfront payment to the contractors. It is high time that we get more serious. Such people should be taken to court. We have not even heard from the Committee. They should come out clearly on the stadia whereby both the county government and national Government are partnering. We would like know whether there is a proper agreement on how they would partner. We cannot just double allocate money to a project without proper modalities. We need to get value for our money. It is high time we become serious. We need to go deeper into these issues and investigate, so that at least we can fish out all those who are prone to make unnecessary deals to the Government.

It is high time the Ministry comes out clearly on where these stadia will be built in future. They are being concentrated in certain regions where they think that it is easy for them to siphon funds. We want to make sure that they are distributed and implemented equally in the country. We have realised that public funds were misused and misappropriated. We have a big number of white elephant projects across the country. It is now good to recommend all those who are involved to be taken care of by the law. We should not always be lenient. The recommendation that we have in the Building Bridges Initiative (BBI) is quite okay. However, different statutes in this country can take care of all those who are involved in these fishy deals.

So, it is my humble request that all Members will support the Report so that, at least, we can move forward in seeing the project implemented and those involved in fishy deals are also taken good care of.

With those few remarks, Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Nzambia.

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this document. I congratulate the Committee for coming up with real issues that are happening on the ground. The fact-finding tours were the best thing for the Committee so that we can get to know where we are. It is very unfortunate that all the mega projects that we have in this country are scandals. In this regard, I refer to Makeni County Stadium where one of my colleagues, Hon. Maanzo, comes from. That stadium has taken more than two years and the work that has been done cannot be equated to the money that has been paid. There is something which is amiss in this connection.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Nzambia. What is it, Hon. Jeremiah Kioni?

**Hon. Jeremiah Kioni** (Ndaragwa, JP): I was just wondering whether it is in order for the Hon. Member – who is a good friend of mine - to speak without a mask. I know it is uncomfortable, but we are living in very dangerous times, especially at his age.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Thank you, Hon, Kioni for raising that. He is out of order. Hon. Nzambia it is uncomfortable to speak with a mask on but look, we are living in those times now. We have to live with this reality. This is for the sake of Hon. Makau who is seated next to you. It is for your sake and others who are here. Please have the mask on.

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Hon. Temporary Deputy Speaker, in any engineering works which include construction of those stadia, if there are any payments to be made, a certificate has to be done by the public works officer. So, there is a disconnect between those who are paying and those who are giving the certificates. Meanwhile, it is very important for this Committee to make a follow-up and do what is required to bring back the monies or for the contractors to finish the works that they were supposed to have done.

Lastly, as my colleagues have said, I would wish the BBI to take into consideration the issues to do with corruption. Leave alone the stadia, there so many other projects - including water projects - which have turned out to be scandals in this country.

Thank you, Hon. Temporary Deputy Speaker. I support the Committee for conducting fact-finding tours.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mohamed Sheikh, have the Floor.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I stand to support this Report by the Departmental Committee on Sports, Culture and Tourism. This Report has really outlined the challenges and the issues that are faced by Kenyan contractors as well as the Kenyan public.

Kenyans expect that the taxpayers' money is expended and utilised accordingly. The Kenyan taxpayers require that all monies assigned for particular projects should be utilised and projects completed accordingly and within the required timelines.

Kenya has nearly 71 per cent of youth - people under the age of 35 years - which is a huge number and it is the future of Kenya. Sports is a very important global activity. It is an activity that brings people together. It is required by all humanity in the sense that it brings peace and cohesion. I used to work with a humanitarian organisation, what we call Football United when I was doing my PhD in Australia. What we used to do is support countries that were low on social activities. We used football as something that unites young people so that they can understand beyond conflicts, retributions and issues that were of a challenge in the society. It was more of a cohesive activity.

In Kenya, we expect that the amount of money that has been expended for the youth and social activities, particularly sports, is seen as an essential investment for the future. The future is with the youth. One of my sons by the name Yahye is a good football player. He is a midfielder in one of the young teams in Kenya and he was a good player in Australia when he played for the Under 15s. He keeps telling me whenever we are in Kenya that the turfs are not good enough. Those are not facilities that can sustain what young people require and need.

Now, if the Kenyan Government is investing in those facilities and yet they are not completed on time or are done in a shoddy way, then it means that our investment to the young

people has really been affected. However, while this Report has discussed the intrinsic challenges, it is also important to look at the extrinsic factors. The extrinsic factors are the Government not paying the contractors on time and within the period of time that they complete a particular job. The intrinsic factor definitely stands within the system that requires overseeing those important projects.

Wajir South has about 61 per cent of its population being the youth. Unfortunately, there is no single stadium whereas it is the second largest constituency in the country. It is equivalent to Central Province, Nairobi Province and Western Province combined; that is approximately 23,000 Kilometers squared. It has about 64 constituencies yet, there is no single stadium for the young people. I urge the Government to look into that.

However, I do support this Report and commend the Committee members for their findings.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Charles Nguna, you may have the Floor.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion. I am a member of the Departmental Committee on Sports, Culture and Tourism. I have also participated in East African Legislative Assembly (EALA) games and won 12 gold medals for this Parliament.

Hon. Temporary Deputy Speaker, I was part of the Members who actively inspected the status of stadia in our county. We started with Nyayo Stadium, Ruring'u Stadium, Karatu Stadium and other places like Kamariny Stadium and Kipchoge Keino Stadium. The Report was so damning. The findings can drive me into tears. Anyway, let me not weep at this moment because of the status of our stadia.

One of the key issues we wanted to investigate as a Committee was the allocation of the stadia to several regions. If you look at the names that I have mentioned here, majority of those stadia were just built in Eastern, Rift Valley and Central provinces, leaving out the other regions like Coast, Western, Nyanza and North Eastern. If at all we have the objective of promoting sports and youth talents, we have to be fair and follow what the President guided us on, in building the stadia in the different regions. Let me confess that I am totally disappointed with the manner in which the stadia were distributed. We cannot have three stadia in the former Eastern Province, three in Rift Valley and the rest of the places where we get talent in football like in Western there is no single stadium that was allocated. I am passionately talking this way bearing in mind that I come from the former Eastern Province. This is very bad and corruption must be condemned when it comes to resource allocation in this country.

We also determined the amount of work that has been done. Shockingly, I went to Marsabit and Wote stadia - which we have paid a lot of money for - and found that the situation is very bad and pathetic. We do not even know what Kshs113 million was used to do in Wote and Marsabit stadia.

On tendering, those companies do not even understand the meaning of stadia. I was brought up in Europe and I have attended many international games like the Olympics, World Cup in Russia and others. I have also visited the Arsenal Stadium and Manchester City. We are shamelessly building shoddy things and calling them stadia. We have absolutely no stadia status in this country. Even the Nyayo National Stadium does not meet international standards. Kasarani equally the same yet, we are here talking about investing Kshs2.5 billion which we cannot even

show the value of in the construction of the stadium. What was the objective of building seven stadia instead of doing one at a time?

**Hon. Emmanuel Wangwe** (Navakholo, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Nguna. Hon. Wangwe is on a point of order.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I like the way the Hon. Member is articulating his knowledge of the United States of America and the United Kingdom about the stadia position. However, I would want to confirm something from him. He has mentioned that there is a stadium called Arsenal Stadium. As a fan of Arsenal, I am not aware of any stadium in the United Kingdom called Arsenal Stadium. May he clarify that, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Wangwe! You cannot bring football rivalry into the Chamber. He is a fan, I think, of Manchester, or whatever it is but you can talk about that over a cup of tea.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Hon. Temporary Deputy Speaker, I accept the correction. It is called Emirates Stadium.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wangwe seems to know quite a bit of football than you.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Deputy Speaker, I would also like to confirm to this House that I am an Arsenal fan. I was just getting emotional.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Your time is gone! Hon. Garane.

**Hon. Mohamed Hire** (Lagdera, KANU): Thank you, Temporary Deputy Speaker for giving me this opportunity to also contribute to this important debate.

I am a member of this Committee and I was among the teams that went round this country to see the status of the stadia. We found them in a very sorry state. The intention of constructing the stadia was to nurture and develop sports talents in the country. The kind of work that has been done by the contractors is really bad. One of the things we noted is that the contracts were awarded in January 2017. That was barely six months before elections. So, we wonder what the real intention was. Was it to give value for money for the sports stadia? Definitely, we were in an electioneering period and there would be influence from different political interests.

In future, one of the things we need to do is that contracts of those magnitude should not be allowed to proceed in an electioneering period. Virtually, all the contractors who were awarded those works did not have capacity. How do they remain at the level of between 5 to 10 per cent when they have been given mobilisation money of about Kshs100 million? Before they started the work, all the contractors were given about 20 to 30 per cent of the monies of the contract value to start mobilising their resources so that they could begin to work. In one way or the other, proper due diligence was not done during the tendering process. We ended up getting briefcase contractors who cannot even mobilise.

This is very sad. What is happening is that three years down the line, from 2017, the stadia still remain at between 20 or 30 per cent complete, while we have made payments of between 50 to 60 per cent. This means that those people have misused taxpayers' money. That is why, as a Committee, we recommend a special audit by the Auditor-General, investigations be done by the Directorate of Criminal Investigations (DCI) and Ethics and Anti-Corruption Commission and if there is any public money that has not been utilised properly, we need to recover it because we did not get value for it.

I also want to echo the sentiments of Hon. CNN (Charles Nguna Ngusya). The distribution of the stadia is in specific regions. If the objective of constructing those stadia was to develop talents across the country, we wonder why a region like northern Kenya has not been given even a single stadium. Going forward, when we allocate resources, whether it is in the sports sector or any other, we need to be fair, objective and make sure that every part of this country benefits from the resources. That is because Kenyans, wherever they are, pay taxes.

Finally, I strongly support the recommendations of the Committee. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Tuitoek Kamuren.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also contribute to this Motion. I rise to support it.

Kenya is known for sports, especially athletics. I know we have not done very well in soccer and others, but we are coming up. The unfortunate part of this issue is that we have been promised quality high level stadia but, apparently, when you look at the Report of the Committee, most of the stadia have achieved between 25 to 40 per cent completion in spite of a lot of money being spent on them. The amount of money advanced to the contractors ranges from 45 to 60 per cent. It is noted that the quality of those stadia is way below the standards. This should be an indictment on the public works which is supposed to assist in supervision and assessment and even signing of the completion certificates at various stages. It is unfortunate that certificates were awarded when the level of work was below standard. As people have said, whenever contractors are given money to mobilise, they divert it to other activities. This is an area the Committee has pointed out strongly and action should be taken because we cannot keep on wasting public money or taxpayers' money on things that do not help us.

Having listened to Hon. Charles Nguna contributing and almost crying, he has told us that those who were able to visit the stadia saw the quality and the amount of the work done to be way below the standards. It is not comparable to the amount of money which was given. There are a few stadia that have been outstanding. I have seen Bukhungu Stadium in Kakamega which looks a bit better. Nyayo National Stadium was renovated. Kasarani does not look very good although, when it hosted the Under-18 International Amateur Athletic Federation (IAAF) championship, they renovated the carpet on the track. Otherwise, most of the other facilities in that particular stadium are not up to standard.

In this particular case, I would like to say that action should be taken against the Ministry. In fact, if the Ministry cannot supervise those particular stadia, we need to find other ways because we cannot continue pouring taxpayers' money on things that we cannot see the reality of. If at this stage none of the stadia has been completed, then I also agree with the Members who said that we can reduce... We should actually vote for enough money for a project to be brought from start to completion. There is no point to start about 10 projects which cannot all be completed. So, we should be reasonable in this Chamber when we pass those budgets. We need to critically get the committees to advise us, on the Floor, that we should approve a certain number of stadia; not all of them.

Secondly, nowadays, we have the county governments. We also want them to start constructing their own stadia. We cannot wait to rely on the national Government. We should give county governments grants so that they can start constructing those stadia. We need to advocate that those stadia be constructed in every sub-county or in most of our constituencies because we have many youths who want to participate in different types of sports. Some want to play football, others basketball, volleyball, and all the other sports, including even track events.

So, I beg to support this Report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Joshua Kimilu.

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Report. As I support the Report, I am a disappointed man. In fact, as a country, we are killing the spirit of our youth. When we talk of those stadia in almost all the counties, we have a challenge.

It is important to consider our youth because we know that majority of Kenyans are the youth. As my colleagues have said, the Government has not yet fulfilled most of the promises it made to Kenyans. I want to give an example of Wote Stadium in my county of Makueni. My constituency is just near the Wote Stadium. It was promised that the stadium would be done but, as we speak, there is nothing that you can show from that stadium. If that stadium can be done, youths from my constituency can take advantage of it and train there.

We cannot say that our people are not good in sports. It is only that we do not have good stadia where they can train. For example, in Kaiti Constituency, the topography has made it very difficult to set up playgrounds. That is why if we can get just one good stadium, it can help our youth. They can meet there and do their practices while they are still young. When they grow, they can also do well in sports. So, we cannot say, as a country, that we are not good in sports because the problem is that we do not have the facilities, and it is a challenge to the Government.

I also want to talk about corruption. Last time I said that, in Kenya, we are very good in making laws but their implementation is the problem. This is because when you see the Report, you will notice that the tendering process is also a challenge. We also need to streamline the tendering process. As a Government, we need to have a good and clear process of tendering. That is because if a tender was not done properly, it should be cancelled and someone else takes over from that contractor. The contractor may not be doing a good job because he or she may have been given the contract because of giving something small to win the tender. Those are the small things which are causing all those problems we are facing.

As a lawmaker, it is very important to make sure that, as we give a solution to our people, we also try to make sure that we follow the law. We should include the period of payment in our Constitution like what I saw in the Building Bridges Initiative Report. That provision on the period of payment makes sense because some contractors are given jobs and they take centuries before they get their payments. It is also tiresome to the contractors.

The youth of this country needs to see something being done on their stadia. It is high time the county governments took over and did the stadia. If each county can do like one or two stadia, it can be a good move in the country. As MPs, we are doing well with the National Government Constituencies Development Fund (NG-CDF) because if you go to constituencies, there is something you can show. If we can change the Constitution and include some funds to the NG-CDF, and we are given that mandate, as MPs, we can do a good job. That is because if you go on the ground, you can see good classrooms and roads that are done through the NG-CDF. You have something that you can show. So, if we can include this in the NG-CDF so that all the constituencies are given an opportunity, that can also improve and help our youth.

Finally, as I finish, let the nation take the mantle and help the youth of this country. I support. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. (Ms.) Cheruiyot Jesire, the Floor is yours.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also contribute to this Report. At the outset, I support it. This Committee was able to go down there and bring a factual Report from what they

saw on the ground. It is only unfortunate that, in this country, what you see in papers is not comparable with what you see physically or real time on the ground there.

This Committee must have spent a lot of time - and it was not very easy for them the way they are talking. However, I am also perturbed and wondering when, in this country, we shall ever be sincere and honest to ourselves. That is because when people are doing things, they seem to be doing them as if they want to go somewhere. It is as if this planet is no longer there and they are about to go to Jupiter or any other planet. We are not even behaving like people who have given birth to children. People are embezzling funds as if there is no life tomorrow. Sometimes, it is shameful. When we debate such matters in this House and give contributions that can be listened to and heard by anybody in this world, it is very unfortunate. This is because we stand, as a House, to scrutinise reports and profusely accuse our own Government and even paint ourselves so negatively, and it is intentional.

Before I joined this House I worked in Eldoret for about 10 years. For a long time, Kipchoge Keino Stadium was being prepared for construction. Before then, it was land where farmers used to spread their maize to dry up. After some time, I saw some wall being erected there. That is just one example. Up to today, nothing much has happened in that stadium. That is just one among many. Even Nyayo Stadium, which is in Nairobi here, we found when it was under construction. It was not done three years down the line. It was not until the President of this country intervened that things happened. More so, we want to really start by thinking why, all of a sudden, people think because they want to “eat” public money we should allocate money to the stadia. It becomes easy to entrench it in the Budget knowing very well that the projects will not get anywhere. The intention is to siphon the money at some point. Like a Member has put it here, the stadia contracts increase in number during electioneering time. So, the intention is so clear, somebody somewhere is waiting to siphon those funds. That is why, sometimes, the youth of this country become very rowdy on us. Currently in Baringo County, for example, we do not have a stadium. The former Governor wanted to build one but I do not know what happened in the process. Up to now, nobody has touched that ground. The youth are wondering who is supposed to cater for them. That is why the BBI has established a youth commission. We want to believe that the youth will be taken seriously because stadia are mostly for use by the youth.

When I started a tournament in Baringo for two consecutive years, I saw the turnaround on the activities that the youth ought to have done without that tournament. If you go to that county at the moment, even with the Coronavirus pandemic, they are all over playing. However, nobody pays attention to them so that they can get better fields. Some fields are not up to standard. Some are not even there. The youth even sustain injuries because of the harsh environment. It is high time we stopped making noise and ensure that those who have committed those crimes are brought to book so that our tax revenues can go to the right places.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ibrahim.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Temporary Deputy Speaker. Let me also join my colleagues in supporting this Motion.

The Committee has done the right thing. Indeed, it is the work of the Departmental Committees to deal with the day-to-day administrative issues of their respective departments and not wait for audit reports. By the time they deal with audit reports, things will have happened. Timely correctional measures can be taken if departmental committees make regular site visits of this kind to understand what is going on in the field and compare the same with the information that heads of departments submit to them. So, let me take this opportunity to thank the



Departmental Committee for making such a big sacrifice of visiting so many project sites. I have no doubt that, that has not been an easy task.

Hon. Temporary Deputy Speaker, in 2013, the Government promised to build five world class stadia. Garissa, Mombasa, Eldoret, Kisumu and Nakuru were supposed to have a world class stadium each. However, during the run up to the 2017 General Elections, the Government started to refurbish the existing facilities in those places instead of building world class stadia. So, the Government did not meet the expectations of the electorate.

It is important that we take note of the fact that in respect of all the ongoing projects in the country, the works done do not match the amounts of money that have been paid by the Government Departments or State corporations. It is very interesting. The same concern has been raised by this Committee. There is a tendency of paying contractors more than what they do. Indeed, that has been clearly seen in the Report by the Departmental Committee on Sports, Culture and Tourism. For example, they mention that the works that have been done at Karatu Stadium are only 25 per cent, but the amount of money paid is more than 39 per cent of the contract sum. That is very interesting. You wonder why those departments or State corporations would want to rush to pay the contractors more than the works done. We have, in a number of cases, seen contractors who have abandoned sites just because what they have is more than what they have done. This is very interesting. The same happened at Wote Stadium. According to the Report by the Committee, about 25 per cent of works had been done at Wote Stadium, but the contractors had been paid more than 28 per cent of the contract sum. That is very interesting.

Another very interesting thing is that those who are charged with the responsibility of undertaking monitoring and evaluation of the projects have a tendency of colluding with contractors by reporting more than the works that have been done by the contractors. That could be the case with Marsabit Stadium, although the Report is not clear on the same. This is a very interesting issue that we really need to look into critically.

Secondly, the Department of Public Works is responsible for supervision of public works, but you find that most of the contractors engage private consultants. The audit by the Committee shows that a number of contractors engaged private consultants. They have a tendency of exaggerating the figures. Value for money is totally absent and you wonder why that is the case. There is a whole Government department called Public Works Department, which is supposed to be dealing with supervision of public works. You ignore them and start engaging private consultants. That is very interesting.

Thirdly, distribution of stadia in this country, as noted in this Report, is totally unacceptable. That is what we do on a day-to-day basis in other sectors. Why should you have all the stadia concentrated in one region, while many other regions do not have any?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Ibrahim. The issues you are raising are grave, but your time is gone. This is Hon. Wangwe's time. Hon. Ibrahim, what you have raised is interesting. It is actually very depressing. Maybe, the word is the same but all Members are raising depressing issues based on the Report. So, if we add you one minute, we will have to add a minute to Hon. Wangwe and Hon. Bunyasi.

Hon. Wangwe, please, proceed.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Although the chance is mine, Hon. Ibrahim was making a very serious point. Maybe, you will consider adding him some more time, as the presiding Chair.

I rise to support the Report without a smile on my face because it is a Report which depicts the true nature of our country. It is telling us exactly what is happening in our society. We have an

opportunity to correct that kind of behaviour. The Report has tabulated quite a number of figures. I just want to look at the figures or the amounts of money allocated *vis-a-vis* the completion percentages. I am not very comfortable with 20 per cent of works done over a period of three years. The contractors are not completing the stadia. Many of them were at between 20 per cent and 40 per cent completion, and have since stagnated at 70 per cent. That reminds us that most of our projects are stalling not because of anything else, but the laws of contract that we have. The manner in which we engage in contracts ties up the Government such that exiting from non-performing contracts becomes a problem. It is high time this House looked at the public contract laws to provide for an exit clause in respect of non-performing contracts.

Hon. Temporary Deputy Speaker, my second point is on distribution of the stadia. When you look at the distribution of stadia, the entire Western Belt has been left out. It only terminates in Eldoret. The old Nyanza, the upper North Rift and the entire Western has been left out. The County Government of Kakamega invested some money that was meant for other programmes to construct the stadium. We are seeking that the Building Bridges Initiative (BBI) enables us to devolve more funds. If more funds get to Kakamega, and we invest in more projects like the construction of the Bukhungu Stadium, more development will be realised. Bukhungu Stadium is now ranked at number three. If you look at what the County Government of Kakamega has done *vis-a-vis* the amount that has been used for the national stadia, you will realise that there is value for money in Kakamega. It calls on me to support devolving more funds to the counties. If we cannot spend the money wisely at the national level, let us take it to the counties, which must be held accountable.

I want to thank Sports Kenya for managing Nyayo National Stadium to its best standards. We appreciate their work and encourage them to push for more stadia because FIFA requires a neighbourhood of four stadia. They should ensure that Nairobi becomes an international hub in terms of football. I want to advice Football Sports Kenya to invest in young talents. They should have mini-stadia. They should not just have stadia in favour of FIFA because the users of those stadia are the youth and the young kids. Talent should be nurtured from childhood to adulthood. It is important that they have that plan and not just to invest huge sums of money on big programmes and leave out the youth.

Hon. Temporary Deputy Speaker, we should not just look at the future of the stadia and focus on football and athletics. Hon. Ali is from Wajir have a lot of sporting activities that are associated with their culture. It is important that we distribute those stadia as provided for by nature. We should support programmes, look at the budgets and support sporting activities in Kenya. By doing that, we will develop our country.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. John Bunyasi.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I stayed around this afternoon to comment on this Report. It is important given the fact that nearly 70-75 per cent of our population in some areas is the youth. They are not just on the side, but are our target population. I had very high hopes with this Report but, after listening, I have my reservations. It is a good thing that the Committee went out to carry out the study. They have first-hand information but in distilling the issues, I find that the Committee was overly generous.

In my view, as part of the regular content of these kinds of Reports, there ought to have been a scenario where you can identify offences committed, laws contravened and indicate the culpability that can be further be investigated by the judicial forensic agencies. We could also go back to the Auditor-General to ascertain the exact degree of loss or the degree of deviance from

the processes agreed like in procurement, disbursement rules, and any other rules. At the end of the day, this House always depends on the findings and recommendations of the Committee so that we can adopt it with the confidence that those aspects that are forensic in nature will be followed through if there is sufficient specificity for the agencies. When that does not happen and the degree of diplomacy is too high, then there is a danger that we will be lost along the line, and it will just be a Report.

Hon. Temporary Deputy Speaker, if 70-75 per cent of our population is the youth, I do not agree with the recommendation of establishing a youth commission. We do not need that because our entire budgeting system ought to reflect that. If we get a commission in place that is a silo in a corner, it will have very little effect on the Budget. If two-thirds of our population is the youth, then two-thirds of our resources must target the youth. We talk about youth employment, delinquency and sports. We should not operate like that, but we have to look for it in a line item. It ought to be looked for in a corner.

Without deviating, as we also talk about gender, we cannot solve the problem by just using numbers, but through an infused part of what we do. The youth are our population and not a target. If you take 75 per cent of a population, what do you remain with?

They have also brought out an important point on concentration of facilities. This is a weakness in this country's resource allocation systems. They have mentioned about three regions that have high degree of concentration, but they have left out many areas where those issues are relevant. It is clearly marked in the health sector, education sector in terms of institutions or higher learning. But the case is also the same in the distribution of stadia/sports facilities.

The stadia were envisaged to be of world class standards. It would be important if we achieved that and my friend, Hon. Nguna, was here and commented on the fact that those stadia have not met the standards they were envisioned to be. However, I would like to concentrate on that.

In Busia County - and I am sure that is the case for many other counties - it is very difficult to find playgrounds where the youth can develop their talents. I would like to request that we get a simpler approach of land leveling where they can play so that when they come to Nairobi, they can then play on those international class stadia. As it is now, I would not support the Report. It is not useful not to support the Report at this stage because we are losing an opportunity to pinpoint those forensic areas they have mentioned so that there is a follow-up.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I want to join my colleagues in supporting this Report. I am happy that the Chair is back because important issues were being raised on the Floor and I did not see any Member of the Committee noting them down. This Report is timely. I am sure you are aware that Parliament approved the Sports, Arts and Social Development Fund. That Fund is well resourced because the money from gaming and gambling goes in there. As Members of the Budget and Appropriations Committee, together with Hon. Sakwa, we have been pushing for an accountability framework because that is money that is not in the mainstream of the Government account. With what is happening in this country, that money can be easily misdirected. As we discuss the issues of stadia, I want to ask the Chair of the Committee not to lose track of that Fund. That Fund can help with the establishment of stadia in different parts of the country as suggested by Members.

Looking at the Report, there is the issue of value for money and I am sure that is what the Committee went to investigate. Any time I look at some of the Reports that have been tabled in

this House, I ask myself: Is it that we do not have the right people to do the right costing of our programs and projects? I do not understand why a stadium is done in Kitui at two times the cost of a stadium with the same capacity in either Nairobi or Kakamega. That means that something is wrong. I have always imagined whether we can have a guided costing price for some of the projects, so that when prices differ, it will be because of the locality. For example, if you are doing a project on a plain ground, the cost will not be the same as when you are doing it on a sloppy ground. The cost difference will be caused by the nature of the area where you are doing the project. However, at times, you look at the costs and even without being told, you can clearly see that there is a problem with the costing. To make things worse, a contractor benefits from such skewed costing and he takes years to complete the project. From the first tranche of payment, a contractor can complete a project. But because there are many vested interests, it takes long. The idea behind taking too long is to achieve price variation so that, despite getting a high costed project, you do price variation to make it expensive.

I have always given an example in this House of a project in my constituency where the Government paid half a billion for machines that were idle for about three years. That project is called Uvanga. To make matters worse, after paying the contractor half a billion, not a single cent was set aside to start working on that project and it stalled. So, anytime I read these reports I ask myself: Is ours just normal talk? Have we become a talk show where we talk and nothing happens? We need to move as a House and stamp our oversight authority so that those who are in charge and are committing those mistakes of misappropriating resources can be punished, made to refund the money and barred from getting more contracts from the Government. That way, everybody will streamline the process and Kenyans will start getting value for their money. My heart feels bad every time I read these reports. It looks like there is nothing much we can do as a House. Time has come for us to see what we need to do to streamline the process. If we do so, we will help the country.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mercy Gakuya Wanjiku.

**Hon. (Ms.) Mercy Wanjiku** (Kasarani, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report and I commend the Committee for the good job on the inquiry of the status of stadia in Kenya. It is unfortunate that sports are still regarded as an extra curriculum activity: they are not taken seriously. When things to do with health and education become worse, the whole country rises up not to condemn the people who have not done the right thing. Unfortunately, we are talking today but as locals, we do not support our local teams. We do not support our local players. People are happy to be associated with Liverpool, Manchester and Arsenal football clubs. So, we will keep on complaining. If you look at the local games that are played at Nyayo Stadium, Kasarani Stadium and elsewhere, very few Kenyans support them. Yet, in the evenings, they go to watch the international leagues. They call them many things.

It is high time we considered our youth. Sports help them to nurture their talents and use their time well. In this country, we have not focused on many things that are relevant to the youth like sports and jobs. The only thing we are telling our youth to do is to become business men and women. When we ask them what they do and they say they do not have jobs, we tell them to apply for money to start businesses. We are grooming our children to become business persons. The trend that is there is of corruption. The generations that will come will be full of business persons. We only have consumers and not producers. Until we become value-based as a country and know what is right and correct, we will be a House of complaining all the time. It will be like we do not know our powers and how far we can go. Sometimes, when you find a contractor misbehaving or not doing what he is supposed to do, you do not blame them. They could be doing that because

they have a god father. Even if you complain, nothing will happen. That is why a good percentage of the work is not done.

It is unfortunate that we are still complaining about sports in this century whereas other countries are doing well in sports. Maybe, many people think that a stadium will only help or benefit the locals. If I may give an example of the stadium that we have in Kasarani Constituency, the Moi International Sports Centre, it is an international sports center. My locals do not use the stadium. So, even us, we still need stadiums to be built in our constituency. We have enough land for that. We need to take our work seriously in as far as sports are concerned.

In North America, they are able to tell that a child is a champion at the age of three years. In this country, that is determined when a child joins primary or high school. Let us take sports as an activity that can benefit youth and move them to greater heights. If we do not do that, we will continue to complain. For local contractors, their days are numbered. A time is coming when youth will realise that they have been taken for a ride and that time is up for them not to be taken for a ride anymore.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Oduol Odhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Report. At the outset, I support the Report. I am a member of the Committee. This Report is a reflection of the concern our Committee had with the efforts to ensure that sports and other related activities are important and its budget allocation, and the manner its resources are used is proper. As we look at the recommendations, I want to emphasise that the key concern was the challenge of rogue contractors. In our last visit to Wote Stadium, we witnessed first-hand the kind of challenges that exist when different Government Ministries that is by their nature full of technical expertise, for example, the Ministry of Public Works, complement the work done by the Ministry of Sports.

It was clear that as a result of the kind of work arrangement between Ministries, in a number of cases, it appeared to be laxity in terms of how to address issues. We did not have the kind of engagement that we would require. It was clear, even as we toured that stadium, that if you were looking to see the progress, which progress we have captured in the Report, you would find a common practice where you would get architectural and structural drawings and an indication of percentages that could be matched by the very purpose of visiting the fields. This did not seem to be at the level that we would expect. Therefore, as I support this Report, I would want to confirm to Members, even as I appreciate their observations that, indeed, it is necessary that we are much more vigilant and that the key focus should be how to ensure that intentions and programmes are translated into actual practice. When we are dealing with sports and how to ensure that our youth are actively engaged, it is important that we not only complete the stadia, but also ensure that there are more transparent mechanisms of following up to see where the resources have been committed. I would also urge that the budgetary allocations to this project would be commensurate to the potential and kind of changes that sports can bring to the quality of life of our citizens.

With those remarks, Hon. Temporary Deputy Speaker, I support and thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mose John.

**Hon. Shadrack Mose** (Kitutu Masaba, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to also add my voice to this very important Report. I support it. Indeed, this is an extremely timely occasion for not only dealing with this Report, but also to ensure that we are moving a step further to implement the same. We are in a country with very good reports and they are important to the country but, in a number of occasions, we deliberate on them and it ends there.

We have a country that is endowed with youth who are extremely talented and vibrant. But if you go to the countryside, you will be shocked. Many of the stadia that are supposed to be constructed to ensure that the youth are able to exploit their talents are in deplorable conditions. For example, Manga Stadium in my constituency of Kitutu Masaba was started three years ago or earlier. All that was done was walling. In fact, many of the people from the community are asking why a lot of resources were invested in the stadium and all they can see is just a wall. If you go to the actual works, you will be shocked that year-in, year-out, resources are pumped into the project but nothing is done. We need to rein in the rogue contractors. I am not saying that this should only apply to projects targeting the youth. You will be shocked that in the rural areas, the elderly and the disabled have an opportunity to exploit their talents but, because those stadia are incomplete, they cannot.

The people who are given the opportunity to construct the stadia do not see the need to complete them so that they can allow the communities to use them. They only look at how to enrich themselves. If we moved with speed and completed works on those stadia, we would also create employment. Many people usually watch various competitions that take place in those stadia. As a result, there is market for many commodities within the catchment areas. You will also realise that where there is a stadium, there is improved infrastructure and other social amenities. So, it is about time that we rose to the occasion as a House not only to have those reports, but to also ensure that we follow up on their implementation. The Committee on Implementation should follow up and ensure that whatever we discuss as a House is not in vain.

With those remarks, Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ngugi Nduati.

**Hon. Joseph Nduati** (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me a chance to also give my remarks. I support the Report. Before I give my remarks, I would like to congratulate you. We know you for being a champion in this Parliament. When we went to Burundi, you emerged a champion in the 800 metres and 4 by 400 metres races. You know how important stadiums are to some of us. I have heard Members saying that stadiums are useful to the young people. However, stadiums are also very useful to old people like us. For the young people, it is to keep them busy; for the old people like us, it is to remain healthy. I was very shocked the other day when I went to Railway Golf Club and discovered that that facility which I thought Parliament would acquire has been converted into a matatu stage. It is unfortunate. We have so many Members who do not have somewhere to even walk around. The Gym in Parliament is very congested and very poorly ventilated. In fact, with Covid-19, you cannot use it.

The Report talks about how long the stadiums take to be constructed. One of the major problems we have in this country is the lengthy procurement method. The other problem why projects are not finished on time is the lengthy payment method. Just to have a certificate of completion certified by a ministerial technical team takes 60 days. When it gets to the accounts department, it acquires legs as it moves from examination to validation and many other departments. Unless we change from doing our procurement processes manually and move with the times, it will be very difficult to have work executed on time.

The other problem is the issue of delayed payments. This has messed up local contractors. People keep complaining about local contractors. It is not that they do not perform. They perform very well. In the 1970s and 1980s, most of the projects in this country were done by local contractors. We had Karuri Construction, Ongata Works, BT Ndegwa and other prominent contractors. Nowadays, when you see a Cabinet Secretary somewhere launching a project, you will see him with a Chinese contractor. When he is with an African contractor, it is to abuse and

demean him in the presence of the media. How are we going to promote our people? It is very shameful that we come to this Parliament and approve the use of billions of shillings, but that money does not benefit our people.

The other problem is this thing we call Design, Finance and Build. This is where projects are designed in Chinese, priced in Chinese, awarded in Chinese and we claim that we are helping our people. Yet, we are importing Chinese to this country. That is why the Government is constructing polytechnics, Technical and Vocational Education and Training (TIVETs) and our young people are refusing to join. Why would you join and yet, every time you see a Cabinet Secretary (CS) on television, near him is a Chinese contractor. How will our young people benefit?

If we are going to do projects, we must involve our people and the Government has to change. The Government has to change. We have to change the way we are doing things in this country. This country is now in debt and if you look at the works that have caused that debt, all of them have gone to China. None of those jobs are being done by our local people. None! Why would we be paying debts that we borrow from China, they come here to execute very expensive works and then they take twice the amount of money to China? It is very unfair.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Sadly, Hon. Nduati, your space is gone. But thanks for the compliment that the Temporary Deputy Speaker actually does a bit of running. I am aware that you also do quite a bit of running as well. I saw you running this morning and you told me you did 10 kilometers. That is to encourage Hon. Maanzo to do the same.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you Hon. Temporary Deputy Speaker. I will soon join the two of you so that we keep fit. I was the first Sports Cabinet Secretary (CS) in this country in...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Maanzo, had you spoken on this?

**Hon. Daniel Maanzo** (Makueni, WDM-K): No. I spoke on something else on railways.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Well, I was actually under the impression that you had spoken on this.

**Hon. Daniel Maanzo** (Makueni, WDM-K): No. No. I kept on getting lost and I was wondering why I was not on the line. Being the first Sports Cabinet Secretary (CS) in the country in 2008 during President Kibaki's administration, we made a big effort. We are the ones, together in the Ministry of Youth and Sports then; that laid the structure of what the Ministry of Sports is implementing today. We sat in meetings those days and came up with the plans and when devolution came, sports were also devolved.

The few activities which are being undertaken by the national Government cannot be spread across the country for obvious reasons. I want to agree that the initial plan was to have major sports stadia in every province first, and then eventually keep on going into the sport areas and keep encouraging young people to participate in sports. Sports are a career by themselves and many people have made a career out of them. Sports really promote this country. We went to the Olympics in 2008 we were No.3 in the world. We were only beaten by Russia and the United States of America (USA). Although we had the fights after the 2007 Elections, this really helped us to cover up our image abroad and Kenyans did very well in that event.

Therefore, it advertises tourism in the world. Many people come here as tourists. Sports scholarships are usually awarded to Kenyans by many universities in the world because of what we do in sports here. We must really now improve the stadia. We should not only improve the major ones which are in this Report, but every county should be tasked to do as many smaller stadia as possible. They can even start by flattening of the fields and making sure the talent is

harnessed from the grassroots because we have a lot of talent in this country and we can shine in the world. I believe if we participated in all the field and major events in an Olympics, we could easily be number one in the world and many gold medals would come in this country. In addition, that will encourage the youth. They will make a career out of it.

Additionally, we will do very well in football. You know what has been happening to the Kenyan football over the years. Part of it is the stadia where those people can train, the funding, and the general organisation. I think it is one of the things we should really work on. From this Report, we should look forward to improving. I want to say that a lot of money has been lost to corruption over a long time, and it high time the country invests in making sure that corruption is fought not only by saying, but by dealing with the cartels and making sure that contracts are awarded openly and to competent people. They should not be awarded through political connections or friends. That is what has been happening and that is why some of those contractors cannot be moved even when you pay them so much in advance and they are totally unable to move in a major construction like that.

We all understand what COVID-19 has done to sports in the country and to the finances. Every country in the world is really struggling to make ends meet and, one of the areas which is going to struggle out of COVID-19 and post-COVID-19 is sports. If we can now develop and complete the stadia that are there and then work on the smaller ones and tighten up the national Government and the devolved function, I believe we will improve the overall sports in the country. You can see even this year we are not going to the usual East African Sports where I have always prepared, but I have never participated for one reason or another. I think we can do better. I support this Report and look forward to improving the stadia in the country.

I thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes, Hon. Maanzo. I have actually confirmed you had not spoken to this. You had spoken to the earlier one. I think there was a mistaken impression. I should not have taken that long to give you a chance. Anyway, let us have Hon. Tobiko Peris.

**Hon. (Ms.) Peris Tobiko** (Kajiado East, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Report of the Committee and I cannot over-emphasise the importance of sports in this country. I am sure you know that sports have become one of the marketing tools of this country and that has placed Kenya as a country in the world map. Therefore, stadia, sports and all that is related to the sports industry is what our Government should emphasise, nurture and build for today's generation and the generations to come.

When we came in, in the Eleventh Parliament in 2013 with the Jubilee Government, one of the main agenda of the Jubilee Government was to establish several stadia in the country. My hope is that our President will still pursue that as one of his legacies. I would also want Kenyans to know, particularly in my County of Kajiado that, sports is devolved. Let me speak for Kajiado because I do not know the state of sports in other counties. I have seen a very embarrassing situation in my county. Ngong Stadium has been abandoned since last parliamentary term started. A sum of Kshs100 million was put in it, but it has never been completed to date. The current Governor has turned it into a *matatu* stage. It is very unfortunate for the people of Kajiado County. In my own constituency, the Kitengela field has been turned into a market. It is really unfortunate that governors are not taking sports as a serious affair that needs to be nurtured for the sake of our young people and many Kenyans who want to keep fit.

Also, in the rural areas, we have young people who are very passionate about sports and they need fields in different places like in schools and small urban centres to be done and be



functional. It is really unfortunate to imagine the amount of resources that go to our counties. Yet, they seem not to be well utilised.

Our youth are crying loud. I know the importance of sports and I have tried to support it in the little way I can using the National Government Constituencies Development Fund (NG-CDF). I have seen the passion and the results. This is because I have a number of young people in my constituency who have been picked by international teams. Kenya is full of talent, if only we can control corruption in the counties. It has become the greatest nightmare in our country.

All the resources that are going to counties are not being put into good use. The other day, an hon. Member from Kajiado said: One year's allocation to the counties is like 20 years allocation to NG-CDF. Unfortunately, we see what NG-CDF is doing but, we do not see what counties are doing. I am shocked because in my county, nothing is going on to nature talents and improve sports and infrastructure.

This is unfortunate! I want to tell the people of Kajiado that come 2022, they must vote wisely. I am ready to offer myself to them so that they can get a different kind of leadership.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Tobiko! You have no more time to say something else. There seems to be no further interest to speak to this. I guess Hon. Kibunguchi did not want to speak to this. So, let us have Hon. Makau to reply.

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I thank the Members who have contributed to this Report. After listening to them, it is quite obvious that value for money was not realised in the whole exercise of building those stadia.

Sporting is a major income earner in this country. We should learn from the Organisation of Petroleum Exporting Countries (OPEC). Look at Dubai. Despite them having oil or petroleum, they no longer use it for their national income. They have diversified to the service industry. Dubai receives more tourists than the whole of Africa. This is a service industry. How is Kenya unable to embrace such and particularly sporting when we have natural talent?

We had an opportunity, as a country, to build stadia. I want to thank the President for setting aside a budget for eight regional stadia and four Africa Nations Championships (CHAN) stadia. But because of mismanagement or notwithstanding the corruption in this country, in our Report we have indicated that briefcase contractors were the order of the day. You cannot give a contractor a contract of Kshs300 million and they cannot show their financial muscle.

Again, when a contractor is given a mobilisation fee of up to 50 per cent. I do not know what you are telling us!

That we have paid upfront 50 per cent of taxpayer's money! That is glaring corruption. I have listened to Members and they are saying we should go ahead and have the culpable persons or civil servants meet the punishment that is applicable. I think the culture that we have formed in this country is very negative for our youths because, if those stadiums were built, I imagine the number of youths that would be in those fields playing and participating today. Even as Members say that we have many sports, what we are looking at in those stadia is to be used as academies of all sports, be it swimming, water games or even archery. I think we can attain a lot.

Without much ado, I want to thank my Committee and the Members who visited those stadia all over Kenya. I want to say that this is our Report and I hope as Parliament, we will look for ways of implementing these reports. If we do not implement these reports, it will be a story of yesterday. We need to go a step ahead and see how the implementation... If there is loss and taxpayers' money need to be recovered... In serious countries that are fighting corruption, accounts are being frozen and anybody found culpable is blacklisted from any civil service employment. So, I think we should have stern measures and serious punishment to law breakers.

With those few remarks, I beg to reply. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Thank you Chair. Hon. Members, we shall pend putting of the Question to another time.

*(Putting of the Question deferred)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, it is about three minutes to 7.00 p.m. and there is no need to get the Chairperson of the Departmental Committee on Health to move the next Order. So, for the convenience of the House, that and other business slotted for today is pushed ahead.

Hon. Members, the time being 6.57 p.m., this House stands adjourned until Thursday, 26<sup>th</sup> November 2020 at 10.00 a.m.

The House rose at 6.57 p.m.