

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 4th March 2021**

The House met at 10.00 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]***PRAYERS****QUORUM**

Hon. Deputy Speaker: Hon. Members, we do not have the required quorum. I, therefore, order that the bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, we still have not attained the required quorum. The Standing Orders, of course, allow to give a further five minutes of ringing the bell. I know we are just short with about four Members. I can see a few of them walking in. So, let us proceed and wait. Five minutes more for the Quorum Bell.

(Several Hon. Members walked into and out of the Chamber)

The Members who are retreating from the Chamber, please, be in the Chamber because we are just short of a few Members, three only. Actually, it is two Members. So, just take your seats please.

(Several Hon. Members walked into the Chamber)

Okay. We will have quorum as soon as that last Member gets in. So, Members take your seats please. Business will begin. Now we have quorum. Let us proceed.

PAPERS LAID

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

The Annual Report and Financial Statements of the Commission on Revenue Allocation for the Financial Year 2018/2019.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Monetary Policy Statement for the periods June to December, 2020 from the Central Bank of Kenya.

The Twenty Fourth Bi-Annual Report of the Monetary Policy Committee for the period April 2020 from the Central Bank of Kenya.

The Twenty Fifth Bi-Annual Report of the Monetary Policy Committee for the period October 2020 from the Central Bank of Kenya.

The Reports of the Auditor-General and Financial Statements of the African Union and other International Organizations Subscription Fund from the National Treasury for the years ended 30th June 2017 and 30th June 2018 respectively, and the certificates therein.

The Reports of the Auditor-General and Financial Statements of the East Africa Tourist Visa Fee Collection Account from the National Treasury for the years ended 30th June 2016, 30th June 2017 and 30th June 2018 respectively, and the certificates therein.

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2019 and the certificates therein:

- (a) Agri and Co-operative Training and Consultancy Services Limited.
- (b) Strategic Food Reserve Trust Fund.
- (c) Stores and Services Fund in the State Department for Public Works.
- (d) Revenue Statements, State Department for Crop Development.
- (e) National Government Constituencies Development Fund, Central Bank of Kenya Account.
- (f) State Department for Wildlife.
- (g) Asiatic Widows and Orphans Pension Fund, the National Treasury.
- (h) Commission on Revenue Allocation Staff Mortgage Scheme Fund.
- (i) Petroleum Development Levy Fund, Ministry of Energy.
- (j) State Department for Broadcasting and Telecommunications.
- (k) State Department for Sports.
- (l) The Judiciary.
- (m) State Department for Labour.
- (n) Office of the Registrar of Political Parties.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. The next is the Chairperson of the Budget and Appropriations Committee.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Deputy Speaker. I beg to lay the following Paper on the Table of the House:

The Report of the Budget and Appropriations Committee on the 2021 Budget Policy Statement and the Medium-Term Debt Management Strategy.

Hon. Deputy Speaker: Very well. We will go to the next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON BUDGET POLICY STATEMENT AND MEDIUM-TERM DEBT MANAGEMENT STRATEGY (2021)

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the 2021 Budget Policy Statement and the Medium-Term Debt Management Strategy, laid on the Table of the House on Thursday 4th March 2021 and:

- (a) approves the 2021 Budget Policy Statement and the Medium-Term Debt Management Strategy.
- (b) resolves that the Budget Policy Statement so approved forms the basis for the introduction of the Division of Revenue Bill, 2021; and
- (c) further makes the policy resolutions as contained in the Report.

Hon. Deputy Speaker: Thank you very much. Let us go to the next Order.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: Under this Order we have Questions, Requests for Statements, and actually a Response to a Requests for Statement. So, we will start with Questions.

ORDINARY QUESTIONS

We only have Ordinary Questions. To start us off is the Member of Nakuru Town East. It seems he is absent.

So, let us go to the next one by the Member of Baringo Central. Hon. Joshua Kandie, please proceed.

Question No. 043/2021

STATUS REPORT ON CONSTRUCTION OF KIRANDICH WATER DAM

Hon. Joshua Kandie (Baringo Central, MCCP): Thank you, Hon. Deputy Speaker. I stand to ask Question No. 043/2021. This Question is directed to the Cabinet Secretary for Water, Sanitation and Irrigation:

- (i) Could the Cabinet Secretary explain why the construction of the Kirandich Water Dam Phase II Project in Baringo Central Constituency has stalled since 2016?
- (ii) Could the Cabinet Secretary give the status of the said project since inception, in terms of the funds that have been allocated each year, funds already paid to the contractors and the pending allocations, if any?
- (iii) What measures has the Ministry put in place to ensure speedy completion of the project and prompt payment of contractors?

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Environment and Natural Resources. Next is the Member of Kiambu County, Hon. Gathoni Wamuchomba.

Question No.065/2021

CRITERIA FOR ENROLLMENT INTO *INUA JAMII* CASH TRANSFER PROGRAMME

Hon. Wamuchomba not in the Chamber, Question deferred.

(Question deferred)

It is interesting that a few Members did not seem to have an idea that they have Questions to ask.

So, let us go to Hon. Charles Were, Member for Kasipul. Hon. Charles Ong'ondo not in the Chamber. Question dropped.

Question No.067/2021

MEASURES TO STOP CONTAMINATION OF AWACH RIVER AND POLLUTION OF ENVIRONMENT

(Question deferred)

Member of Nyatike, Hon. Tom Odege.

I can now confirm that Hon. Were and Hon. Odege both requested for deferrals, which I hereby approve.

Question No. 068/2021

AWARD OF COMPENSATION TO MR. DENISH GUMBE OSIRE

(Question deferred)

Let us have the Member for Kacheliba, Hon. Mark Lomunokol.

Question No.069/2021

RECRUITMENT INTO THE KENYA POLICE SERVICE IN KACHELIBA

Hon. Mark Lomunokol (Kacheliba, PDR): Thank you, Hon. Deputy Speaker. I would like to ask Question No. 069/2021 to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain how many persons were recruited into the Police Service in the six (6) Wards of Kacheliba and Pokot North Sub Counties in the recently concluded National Police Service recruitment exercise?
- (ii) Could the Cabinet Secretary explain why Kacheliba Sub-County was not designated as a recruitment centre?
- (iii) Could the Cabinet Secretary provide details on the nature and number of incidences of irregularities, if any, including canvassing incidences?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. The Question will be replied to before the Departmental Committee on Administration and National Security.

Let us move to the next Question by the Member for Alego-Usonga

Question No.071/2021

STATUS OF THE EMERGENCY LIQUIDITY FACILITY

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Deputy Speaker, I am asking this Question for the second time because it was not responded to during the first time. I want to plead with you to ensure that the people of Kenya get justice through a proper response.

Hon. Deputy Speaker. I would like to ask Question No. 071/2021 to the Cabinet Secretary for National Treasury and Planning:

- (i) Could the Cabinet Secretary explain the status of the emergency liquidity facility created following the collapse of Imperial Bank and Chase Bank to bail out banks facing liquidity challenges and confirm whether the facility is still in existence and how many banks have so far benefited from it?
- (ii) Could the Cabinet Secretary also report on the status of the forensic audit conducted following the collapse of Imperial Bank?
- (iii) How was the firm(s) engaged in the forensic audit identified and procured?
- (iv) What are the specific terms of engagement of the firm(s) conducting the forensic audit and are they being paid by the public through the Central Bank of Kenya?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Question will be replied to before the Departmental Committee on Finance and National Planning. They should take it up and ensure that it is responded to so that Hon. Atandi does not have to ask it for the third time. That marks the end of Question Time.

Hon. Members, I am in receipt of a note from Hon. Gikaria that Hon. Elisha Odhiambo asks Question No. 031/2021 on his behalf.

Hon. Elisha, you have just walked in, but proceed to ask the Question.

*Question No.031/2021*IMPLEMENTATION OF RECOMMENDATIONS ON ABUSE OF OFFICE
BY FORMER VICE-CHANCELLOR OF EGERTON UNIVERSITY

Hon. Elisha Odhiambo (Gem, ODM): On behalf of the Member for Nakuru Town East, Hon. David Gikaria, I would like to ask Question No. 031/ 2021 to the Cabinet Secretary for Education:

- (i) What is the status of implementation of the recommendations contained in the Report of the Inspectorate of State Corporations of March 2020, regarding alleged corruption and abuse of office by the former Vice-Chancellor of Egerton University, Prof. Rose Mwonya and the management of the university?
- (ii) Could the Cabinet Secretary explain why University Council allowed the Registrar in charge of Academic Affairs who was on compulsory leave following the adverse findings of the Inspector of State Corporations, to resume duties?

Hon. Deputy Speaker: The Question will be replied to before the Departmental Committee on Education and Research.

The rest of the Questions are deferred as requested by Hon. Wamuchomba and the other two Members that I mentioned.

We will move to the next part of this Order which is request for Statement and we will start with Hon. Owen Baya.

STATEMENTS

PINEAPPLE GLUT IN KILIFI COUNTY

Hon. Owen Baya (Kilifi North, ODM): Hon. Deputy Speaker, pursuant to Standing Order No. 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives regarding the pineapple glut in Kilifi County.

Hon. Deputy Speaker, since independence the County of Kilifi has been one of the largest producers of pineapples in country.

Currently, between 100 and 200 tonnes of pineapples are harvested and sold daily by the roadside, in market stalls and hawked in the coastal towns at a throw away prices. Excessive production and unavailability of markets has led to pineapples rotting in farms, in the market stalls and by the roadside, which leads to heavy losses of income to the farmers. There have been no attempts to assist farmers in value addition and marketing the produce to ensure food security in the area after the closure of the Milly Fruit processing plant in Mtwapa, Kilifi County.

Hon. Deputy Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives on the following:

- (i) Could the Chairperson explain whether there are any policy measures instituted with regard to manufacturing and value addition of pineapples in Kilifi County so as to improve the livelihoods of the farmers in regard to this crop?
- (ii) What measures are being undertaken by the Government to ensure that there is availability of local and international markets for pineapples grown in Kilifi County in line with Government policy on food security and manufacturing as prescribed in the Big 4 Agenda?
- (iii) Could the Chairperson explain programmes put in place by the Government to create direct and indirect employment and wealth, in particular for the youths in Kilifi County in regard to this crop?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is referred to the Departmental Committee on Trade, Industry and Cooperatives. I expect it to be responded to in two weeks. The Chairman should be notified.

Hon. Members, we will now deal with response to Statements and the Chairman of the Departmental Committee on Administration and National Security will respond to the Statements sought by Hon. Osotsi and Hon. William Kamket. I hope the two Members are in but if they are not, we will still proceed because they had also pressurised that their Statements should be responded to quickly. We will start with the response to the Statement sought by Hon. Osotsi.

ALLEGED HARASSMENT OF BODA BODA RIDERS

Hon. Paul Koinange (Kiambaa, JP): Hon. Deputy Speaker, the Nominated Member, Hon. Osotsi sought a Statement regarding the alleged harassment of the *boda boda* riders. He particularly sought to be informed on the following:

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(i) The number of licenses issued to *boda boda* operators in the country since 2019.

Hon. Deputy Speaker: Hon. Osotsi, please put on your mask. I am sure you only need your ears to listen to what the Chairman is saying. You are close to Hon. Seroney who is above 50 years. He tells me he is approaching 60 years now. So, you have to be careful. Proceed Hon. Chair.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Hon. Speaker. On the measures put in place to ensure proper coordination in handling of *boda boda* operators by the National Police Service (NPS), National Transport and Safety Authority (NTSA) and other relevant agencies where there has been inordinate delays in issuance of licences to *boda boda* operators, despite meeting all the requirements, I wish to state as follows:

Since 2019, the Government through the NTSA has issued 1.65 million licences to *boda boda* operators across the country. The following measures have been put in place to ensure proper coordination in handling of *boda boda* operators by the NPS, NTSA and other relevant agencies. The Ministry of Interior and Coordination of National Government established a cross sectoral task force on motor cycle public transport, *boda boda* reforms, comprising of representatives of Government, non-governmental organisations and *boda boda* association. The task force was mandated to assess, build consensus and make recommendations on the reforms of the sector. The Ministry has subsequently established an interim coordinating secretariat to commence implementation of the task force's recommendations. A comprehensive action plan has been developed to be implemented for the next three years.

The national Government, in coordination with the county governments, has further increased motor cycle rider trainings through Technical and Vocational Education and Training (TVET) as well as vocational training centers and it is re-validating all existing driving schools, testing and licensing.

Further, the Government, through the Ministry of Interior and Coordination of National Government and the Ministry of ICT, Innovation and Youth Affairs is rolling out a comprehensive nation-wide *boda boda* training programme to address the increasing road safety challenge in the motor cycle public transport *boda boda* sector in Kenya. The programme is targeting close to 1.4 million riders countrywide.

The National Youth Service personnel, in collaboration with stakeholders, will conduct the trainings that will begin in March, 2021. The programme will be piloted in seven high risk counties. It aims to enhance road safety in the country. Specifically, it aims at inculcating discipline; national values and mindset change among *boda boda* riders; enhancing riders' skills and competencies; increase riders' entrepreneurial skills and assist them to appreciate their role in road safety.

The training programme was officially launched in Kiambu, Kajiado and Machakos counties on 15th February, 2021. The Government is further working towards enrolling all *boda boda* riders on a national data platform and formation of *boda boda* savings and credit cooperative societies (SACCOs) and associations to structure *boda boda* operations.

The Ministry, through the National Police Service and the NTSA, is undertaking enforcement and public education on the Motor Cycle Safety Regulations 2015 countrywide. National public road safety awareness campaigns targeting both riders and pillion passengers are being undertaken across the counties to improve road users' behaviour among *boda boda* riders.

The National Transport and Safety Authority in collaboration with the Ministry of Transport, Infrastructure, Housing and Urban Development and Public Works and other agencies – both Government and non-governmental – have continuously undertaken joint road safety audit to identify hazardous road locations where severity of crashes occur with the aim of taking

corrective measures accordingly. A number of roads have been comprehensively audited and recommendations have been implemented to ensure safety of all road users. They include the northern corridor where numerous black spots were identified and they are currently being treated, and Nairobi high risk roads.

The NTSA and the NPS share road crash data with road agencies on a monthly basis by giving locations of deaths, type of injuries of road users and key infrastructure factors that influence risk to each road user group. This is information for strategic action by the road agencies and implementation of evidence-based engineering treatment to improve the safety performance.

The Government in collaboration with stakeholders supported the development of a non-motorised...

(Hon. Members sat close to each other)

Hon. Deputy Speaker: Order! Who are these two Members who are not keeping social distance? Please, you must maintain social distance unless it is a person you have emanated from the same house.

(Laughter)

Proceed Chairman.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Hon. Speaker. The Government in collaboration with stakeholders supported the development of a non motorised policy that was adopted by the Nairobi County Assembly. Currently, there are elaborate plans being implemented to decongest^[1] Nairobi City County through provision of sufficient non-motorized transport (NMT) facilities, pedestrian walkways, crossing points and foot bridges, designated *boda boda* and bus terminus and, well lit, clean and safe streets.

The NTSA is also spearheading the establishment of county transport and safety in collaboration with respective county governments and development partners to improve management and coordination of *boda boda* transport sub-sector.

Transport is one of the devolved functions as defined in the Fourth Schedule of the Constitution and potentially has a bearing on road transport and safety. Among the critical functions stated in the Fourth Schedule that have been devolved to county governments, *inter-alia*, is county transport, including county roads, street lighting, traffic and parking, public road transport, and ferries and harbors excluding the regulations of international and national shipping and matters related thereto.

As I conclude, the county transport and safety forms a critical link of collaboration between the national Government and the county government in the management and improvement of road safety from the county level to the national level.

Hon. Deputy Speaker: Sorry, you have not concluded?

Hon. Paul Koinange (Kiambaa, JP): I am almost concluding.

Hon. Deputy Speaker: Proceed.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Hon. Speaker. During this Financial Year of 2020/2021, the Government is mainstreaming road safety in all its ministries, departments and agencies through a multi-sectoral approach that will ensure road safety issues are made an integral part of Government programme project. The overall goal is to substantially reduce the burden and severity of roads crashes in Kenya.

(Hon. Amos Kimunya consulted loudly)

Hon. Deputy Speaker: The Leader of the Majority Party, are you sure you are safe? Would you need any protection? I think you do.

Proceed, Hon. Koinange.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. It is currently estimated that there is an annual loss of 3,000 lives and 10,000 injuries and a corresponding loss of 5 per cent of the Gross Domestic Product as part of their performance. Traffic contract targeting MDAs are therefore required.

The general uptake of licences among *boda boda* operators is inarguably low, owing to the following:

1. Lack of formal training of riders to enable them to apply for driving licences.
2. Lack of proper documentation necessary for the application of licences and identification cards.
3. Delays in the collection of the already processed licences.
4. Low level of awareness among the operators on the road rules.

I also want to mention that my Committee is planning to travel to Thailand to learn more and benchmark about *boda boda*. The country has more than 2 million motorbikes and about 70 per cent of road accidents are usually caused by motorbikes.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will give the first opportunity, of course, to the Member who requested for the statement. That is Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Deputy Speaker. I want to thank the able Chair of the Departmental Committee on Administration and National Security for the comprehensive answer, but I need clarification on the number of licences that have been issued. According to the statement, 1.6 million licences have been issued to *boda boda* operators. You remember my request for statement sought to find out why there are so many youth who have applied for *boda boda* licences and several months later they have not received the same. I expected the Chair to give us a breakdown of the number of *boda boda* motorcycles in Kenya, the number of those who have applied for *boda boda* licences and the number of licences issued, so that we find out how many licences are still not yet issued. The gist of the request for statement was that some *boda boda* operators have applied for licences but have not been issued the same and yet police officers harass them. I would like the Chair to provide that clarity, through your intervention.

Hon. Deputy Speaker: Hon. Nyamai Kaki.

Hon. (Ms.) Rachel Nyamai (Kitui South, JP): Thank you, Hon. Deputy Speaker. I would like, first of all, to congratulate the Chair for providing a very clear response to Hon. Osotsi and for going beyond the question and letting the House know what is going on. The 1.6 million licences to *boda boda* operators is not a mean achievement. But I would like to request the Chair, as he engages the Ministry, to push trainings to the constituency level. That way, we will be able to reach out to more people and ensure that there is proper distribution. I am just thinking of my

own constituency, where the centre of the constituency is 75 kilometres away. In Machakos, it is at the centre of the county.

I like the way the Ministry has taken this as an industry. It does not just focus on safety; it focuses on entrepreneurship. It does not only focus on accidents that happen or on reducing the number of hospitalisation.

As I finish, Hon. Deputy Speaker...

Hon. Deputy Speaker: No, you cannot seek three clarifications. You have already sought two. Thank you very much.

Hon. (Ms.) Rachel Nyamai (Kitui South, JP): The third one is about the hustlers. Motorcycles are...

Hon. Deputy Speaker: It does not matter. Let us hear Hon. Wambura and that should be the last one.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker. May I also take this opportunity to congratulate the Chair of the Committee for the good report he has given. I have only two comments to make. One, *boda boda* is a very useful means of transport and very important for this country. It is important that *boda boda* operators are regulated as everybody else. Licensing is very important.

However, I have noticed, particularly in the City of Nairobi, that the operators do not seem to be actually bound by road rules. I have noticed that they disobey the rules as police officers watch. My fear is that unless we take action now, it will reach a point when it will be very difficult to regulate them effectively and there will be a mass movement against regulation because the lawlessness has been left to go on for a long time. We should support the operators and license them, but also ensure that they adhere to traffic rules.

Two, the Committee could consider visiting Vietnam where *boda boda* operates very well. It may be a very useful benchmarking.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us now have the Chair to respond to any clarifications that might have been raised.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I would like to respond to my brother Hon. Osotsi regarding the issue of the number of licences issued already. As I mentioned earlier, already there are 1.6 million issued. In the last part of my statement, I have made it clear that the reason many applicants do not receive their licences is because they do not have identification cards and the process is usually very tedious. Otherwise, the Government is doing its best to make sure that the process is faster and the young people can get their licences as soon as they do tests.

The other issue regards taking services to the constituency level, raised by Hon. Rachel Nyamai. If you heard my statement, the Government is working very closely with county governments to reach out to the young people. I have said the more critical issue is security. As you know, most of the *boda boda* operators have also been involved in crime. We need to tame that behaviour. That is why we also need to benchmark and see how the other countries handle the issue of security.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Now present the next statement, Chair. That is the response to Hon. Kamket's request for statement.

INSECURITY IN BARINGO COUNTY

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. If you may allow me, I have to include what Hon. Kamket wanted me to respond to because he is not here, so it can go into the record.

Hon. Deputy Speaker: Just a minute. What did you say? What request are you making?

Hon. Paul Koinange (Kiambaa, JP): I said I want to include his request in my statement so it goes into the record because he is not in the House right now.

Hon. Deputy Speaker: You see, once a Member asks for a statement, it ceases to be his personal issue. It becomes the property of Parliament. So, just go straight to the response. Remember Hon. Kamket himself insisted that we should not take this matter beyond today. In fact, the House was informed by Hon. Kaluma that you might have been going to Garissa, if that was factual. If it is not, Hon. Kamket really insisted on his request being responded to. I think you are doing your best, so proceed.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I need to respond to the statement as you requested the other day. There has been a longstanding boundary dispute between the Pokot of Baringo East Sub-county and the Turkana of Turkana East Sub-county over the ownership of Kapedo. Other contributing factors to the conflicts include proliferation of small arms and light weapons, porous border with South Sudan and Uganda, and the culture of moranism, which encourages frequent raids on neighbouring communities. Some of the areas that have been affected by the conflicts are Kapedo Centre, Kapedo Bridge, Nadomelomelo, Kamunge, Chemolingot, Loruk and Karau hills, among others. These perennial conflicts have resulted into substantial cases of cattle rustling, theft, loss of lives and property, disruption of learning, displacement of communities, loss of livelihoods, among other problems.

Hon. Deputy Speaker, security agencies working in the region have also become the target of these heinous attacks. In the past six months, 21 civilians and four senior police officers were killed within the disputed Kapedo area. Previous efforts by the Government to address these challenges included voluntary disarmament, community peace initiatives, amnesty to surrender illegal arms and programmes on alternative livelihoods.

Recent incidents include the following:

(i) On 31st December 2020, APC Patrick Kingori, Service No.105912, while on patrol with other police officers at Chebimoi in Baringo North, was shot and injured by suspected Pokot bandits. The officer was rushed to Nakuru Level 5 Hospital where he succumbed to the injuries while undergoing treatment.

(ii) On 17th January 2021 at 1605 Hours, at Ameyan in Tiaty West Sub County, a convoy of General Service Unit (GSU) and Rapid Deployment Unit (RDU) officers was ambushed by heavily armed suspected Pokot bandits and a heavy exchange of fire ensued. During the attack, Superintendent Madao Tabakol, Service No.230981, a Deputy Staff Officer in charge of GSU operations, was shot on the head and died instantly. The officer was coming from Kapedo after attending a peace meeting. During the attack, driver, Police Constable Nixon Korir, Service No.80485, sustained a gun shot on the left arm above the elbow. The hand was later amputated.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Administration Police Constable Gift Mwambula, Service No.2005057564 was shot on the hip.

(iii) On 19th January 2021, a police Armoured Personnel Carrier (APC), while on patrol at Adoke Adome, got stuck in the sand and while officers were trying to recover it, they were attacked by bandits and the vehicle tires were deflated. It was later on set on fire. During the attack, a GSU Assistant Superintendent of Police Emmanuel Maingi, Service No.233768, stationed at Kapedo, was shot on the upper right arm while other two police officers, including a Kenya Defence Forces (KDF) officer, sustained injuries.

(iv) On 21st January 2021, Chief Inspector Moses Lekarap of Kapedo RDU, Service No.86011089; and his driver, APC Benson Kaburu, Service No.2011311303, were fatally injured at Kapedo Bridge and the attackers took away their vehicle. The deceased officers were returning to their camp from Marigat Town after shopping.

(v) On 3rd February 2021, while on patrol in Naromoru in Baringo South, a KDF officer was shot by Pokot bandits on the left side after a fierce exchange of fire. The officer was taken to a hospital in Nakuru, but his leg was later amputated.

(vi) On 19th January 2021, the Makutani Ward Member of County Assembly, Hon. Benson Parkei reported that six bodies of unknown persons were found within Arabar area in Baringo South. Police visited the scene and the bodies of the six male adults with gunshot wounds were found and taken to Kabarnet Mortuary and later identified as the following: Paul Brian Kolelo Silale, whose age is unknown; Kosgei, aged 41, who was a teacher; David Ruto aged 32; Tontoreng Tiang, aged 27; Neboruso Siareng, aged 36; and Nelson Kodado, aged 47, who was a teacher.

However, the Government is not aware that the above persons died in the hands of police officers as it is alleged. As a matter of fact, neither the Hon. Member of Parliament nor any citizen has recorded a statement to prove the allegation. It is also worth noting that it is not Government policy to promote extra-judicial killings in the country, especially in such a situation, where a police officer is suspected to have engaged in such vice, he or she should be subjected to the full force of the law.

In all the cases, inquest files have been opened and investigations commenced. So far, police and relatives who identified the bodies have recorded statements. Anybody with any information regarding the killings is urged to avail themselves to the police, record a statement and provide any other information on the killings.

The ongoing operation is intelligence-led that targets lone criminals. The operation is being carried out by a multi-agency taskforce and the police are working with other stakeholders. So far, no complaints have been received.

As at 17th February 2021, most of the teachers and learners returned to school. The officers were strictly instructed to protect teachers, learners and the general innocent population. Humanitarian assistance to the population by both Kenya Red Cross Society and churches continue being subjected to thorough police checks to ensure that only foodstuffs and no contrabands are ferried to the operation areas.

As stated above, the officers involved in the operation are only targeting the bandits and are required to protect the general public, including vulnerable citizens, women, children and people living with disabilities.

The following measures have been taken to deal with increased insecurity, and particularly cattle rustling, in the region:

(i) Conducting a multi-agency security operation, whose objective is to recover illegal firearms in the hands of civilians; recovery of all stolen livestock, removal of illegal settlements, and arresting of the perpetrators of crimes.

(ii) Security agencies continue to profile perpetrators with a view to arrest and prosecute them.

(iii) Activation of peace committees so that they bring peace to Kapedo. So far, the following achievements have been realised:

(a) Provision of security to the contractor assigned the 187 Kilometre-road works from Kapedo to Chemolingot.

(b) Destruction of all illegal settlements that were harbouring criminals and providing hideouts for illegal weapons and stolen livestock.

(c) Reopening of five schools in Kapedo, 11 schools in Tangulbei and Nginyang in Tiaty East and West sub-counties.

(d) Recovery of firearms and ammunitions, arrest of perpetrators and recovery of stolen livestock is ongoing.

(e) Restoration of normalcy at Kapedo Centre and its environs.

(f) Pacification of road transport from Chemolingot to Kapedo.

(g) Elected leaders, opinion leaders and local leaders in the area are urged to embrace peace and sensitise their residents to abandon the outdated culture of banditry and cattle rustling, encourage children, young men and women to embrace formal education and avoid inciting the public.

In addition, Hon. Deputy Speaker, as I sit, I want to state that the Cabinet Secretary for Interior and Coordination of National Government has agreed to meet the following leaders on 7th April: The Governor for Turkana Hon. Josphat Nanok, Nderitu Mureithi, Laikipia, Alex Tolgos, Elgeyo Marakwet, Moses Kasaine, Samburu and Stanley Kiptis, Baringo.

Moreover, he will meet the following Senators: Senator (Dr.) Ltumbesi Lelegwe, Samburu, Prof. Malik Ekai, Turkana, Gideon Moi, Baringo, Nderitu John Kinyua, Laikipia, and Kipchumba Murkomen, Elgeyo Marakwet.

In addition, he will meet the following Members of Parliament: Hon. David Bowen Kangogo, Marakwet East, Hon. Kisang' William Kipkemoi, Marakwet West, Hon. Charles Kamuren, Baringo South and Hon. Kipkorir Kipkoror William Cheptumo, Baringo North, Lokiru Ali Mohamed, Turkana East, Sarah Paulata Korere, Laikipia North, Lento Jackson, Samburu East, Alois Lentoimaga, Samburu, Naisula Lesuuda, Samburu West, Joyce Emanikor, Turkana County, Catherine Wanjiku Waruguru, Laikipia County, Jane Kiptoo, Elgeyo Marakwet, and Maison Leshoomo, Samburu Woman Representative and Gladwell Chesire Cheruiyot, Baringo.

Thank you very much Hon. Deputy Speaker.

Hon Deputy Speaker: Very well. Therefore, I will give a few Members who will press the intervention slots so that I can differentiate. We will start with Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Deputy Speaker for giving me this opportunity. These issues that the Chairman of the Departmental Committee on Administration and National Security and the Ministry of Interior and Coordination of National Government have addressed are intertwined and interconnected when you view them from the disability eye. This is because motorcycles are the cause of these disabilities through accidents. However, we concentrate so much on the riders and have forgotten our roads and poor infrastructure which have no lanes for motorcyclists to use. Therefore, we should also focus on the role of the Government in ensuring there is a lot of safety...

Hon. Deputy Speaker: Which one are you responding to?

Hon. David ole Sankok (Nominated, JP): Coming to the last one...

Hon. Deputy Speaker: No, no, no. You will only ask one.

Hon. David ole Sankok (Nominated, JP): I will only ask one.

Hon. Deputy Speaker: You see Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): I said they are intertwined.

Hon. Deputy Speaker: Hon. Sankok, we are talking about the second one.

Hon. David ole Sankok (Nominated, JP): Now, the second one is the one...

Hon. Deputy Speaker: You finished the other one?

Hon. David ole Sankok (Nominated, JP): Yes

Hon. Deputy Speaker: Therefore, you just ask one for the second one

Hon. David ole Sankok (Nominated, JP): Yes and thank you very much, Hon. Deputy Speaker. On this issue of cattle rustling, I think it is very emotive in pastoralist regions and needs an adequate answer. In addition, the Chairman of the Departmental Committee on Administration and National Security has just elaborated and ensured that the CS for Interior and Coordination of National Government will be able to meet all those leaders so that they can come up with a solution because this is not our tradition. This is crime against humanity. There is deportation of masses, rape and murder in it. Moreover, it should be described as it is. Let us not kind of give cattle rustling an appealing name. It is a crime and should be treated as such and those perpetrating it are criminals and should be dealt with.

Hon. Deputy Speaker: Hon. Lokiru Mohamed.

Hon. Lokiru Ali (Turkana East, ODM): Thank you Hon. Deputy Speaker, for giving me this chance. I am the Member of Parliament for Turkana East and when all these incidents happened I was in Kapedo. When the officers were killed I was in Kapedo because that is my constituency. I wish to thank the Chairman for the response. As leaders, we must encourage the Government to disarm all people who have illegal firearms because they use them to kill. That area has been hell; no movement. Moreover, we encourage the Government to continue with this operation until all the firearms get out.

I thank God because Turkana children in Kapedo are now going to school. These children are going to school because of the operation that the Government undertook in that place. People can now get food unlike the other times when they were secluded and could not even move a step. Most people's houses were burnt. Because of this intervention, people can now sleep knowing they are in Kenya. Therefore, I wish...

Hon. Deputy Speaker: I was thinking you should be seeking a clarification. It seems you are comfortable and so I think that should really be enough.

Hon. Lokiru Ali (Turkana East, ODM): Thank you Hon. Deputy Speaker.

Hon. Deputy Speaker: That is okay. Hon. Maoka Maore.

Hon. Maoka Maore (Igembe North, JP): Hon. Deputy Speaker, I have heard the Statement from the Chairman and it is good to hear that one day the Government will draw a line over the way we are treating this issue of cattle rustling. Moreover, if you notice, it has just concentrated on a small pocket of the country. I happen to have been a victim of this scourge. If you look at our neighbouring Uganda, anybody who uses a gun for this kind of operation is not handled by the police. It is the military. Therefore, we need to amend some of our laws to have the military deal with this nonsense being perpetrated and which is commercial. It has nothing to do with culture and it is a crime. Therefore, we would like to ask the Committee to go and get out of this cocoon of thinking as if it is business as usual one year after another. It now becomes a culture because we are tolerating it.

Thank you Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Oku Kaunya is probably the last.

Hon. Oku Kaunya (Teso North, ANC): Thank you very much, Hon. Deputy Speaker for giving me a chance to comment on this. The issue of Kapedo requires a very radical action. Indeed, my Chairman, Hon. Koinange, has indicated that the issue of cattle rustling is not only cultural, but it has taken commercial, political and developmental angles. As a country, we actually need to come up with a more comprehensive approach to deal with cattle rustling in that region of Kapedo.

Hon. Deputy Speaker, you will note that some time back there was a lot of cattle rustling on the Elgeyo Marakwet/West Pokot border. Moreover, there have been other areas where this has gone down. When the Departmental Committee on Administration and National Security visited Baringo about three months ago, we found there were solutions that had been applied. Some of these solutions are to do with development, others are to do with applying the law the way it should be. Therefore, half-hearted solutions will not help. Therefore, I want to thank the Chairman for highlighting the key challenges and what the officers are doing.

In addition, one of the officers – Superintendent Emadau lost life – and he hails from my community. It was unfortunate - and I think he was one of the most senior officers we had from that region - however a number of officers have lost lives over time.

Therefore, I want to thank you.

Hon. Deputy Speaker: You know that should be it, Hon. Kaunya

Hon. Oku Kaunya (Teso North, ANC): I have concluded Hon. Deputy Speaker. I want to thank you.

Hon. Deputy Speaker: Okay. Thank you Hon. Kaunya. I see Hon. Kamket has come in. However, before I give Hon. Kamket as he organises himself there, we can have Hon. Lomunokol to make a quick one then we come to him and then we conclude.

Hon. Mark Lomunokol (Kacheliba, PDR): Hon. Deputy Speaker, I thank the Chairperson for giving a comprehensive answer.

However, I fault some of the answers provided by the Ministry because they are misleading.

Hon. Deputy Speaker, it is regrettable that both our soldiers and innocent Pokot people lost their lives. In his statement, the Chairperson branded the bandits as “Pokot bandits”. In the real sense, we know that criminals are criminals and they exist even in Kiambu, but we never brand them as Kikuyus. This Government has never been serious with regard to getting rid of cattle rustling. They only try to firefight then disappear. They keep neglecting such areas. We have evidence of very weak presence of police in those places.

It is unfortunate that some of my colleagues believe that this is a cultural practice. I want to state categorically that this is a crime and is not accepted by the community. Pokots do not support that. We are in West Pokot and have agreed to have peace with our neighbours; the Turkanas and Karamojas. This Government should change its perception and ask for answers in order to find ways of eradicating this practice forever.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you.

Lastly, let us have the Member for Tiaty.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Deputy Speaker, I apologise for coming a bit late. Obviously, I have not followed what transpired. However, if the answer that the Chairman gave is the one I received from the Committee Clerk, then it is a poor attempt at addressing the issues happening in my constituency.

I, therefore, plead with you that there are very fundamental issues that I would like, as a Member of Parliament for Tiaty Constituency, to address. I would like the Committee to invite MPs from the neighbouring constituencies so that we meet the Cabinet Secretary himself...

Hon. Deputy Speaker: Okay. I want to help you Hon. Kamket because I can see you are walking in the dark.

That is exactly what the Chair has said, that you are going to have a meeting of quite a big number of Members, Governors and Senators. He mentioned all of them by names. So, I will fault you a great deal for walking in late because remember you are the one who put us under a lot of pressure to have it on Thursday and it was indicated that it was going to be on Thursday. So, as far as I am concerned, you were aware that this thing was coming. So, never mind some hitches that could have arisen such as jam as you were aware.

So, the Chair has given an extremely comprehensive statement. I cannot know which one came to you or otherwise, but from the Members' response, they look like they were fairly satisfied. Some of the things that probably you need to raise, you may need to raise in the meeting. However, you could still have some one or two clarifications here and then do the rest in the scheduled meeting of 7th, if I am not wrong.

So, proceed

Hon. Kassait Kamket (Tiaty, KANU): I just wanted clarification on the date of the meeting. That is all because I have nothing to ask my colleague.

I have urgent issues in my constituency including the massive roadblocks that have been placed on the road between Marigat and Chemolingot. That is the most important issue that needs to be addressed. I have just heard about some date in April. That cannot wait because the police have blockaded the road and nobody can transport food into those places. There are schools that are closed up to now because of that blockade. That is an urgent issue that needs to be addressed immediately and I cannot wait until April.

Hon. Deputy Speaker: Okay. You are seeking clarification as to whether the blockade can be re-lifted quickly. I am giving the Chair an opportunity to probably respond to a series of requests that have been made by Members. So, do you have any others?

Hon. Kassait Kamket (Tiaty, KANU): Yes Hon. Deputy Speaker, as a matter of policy, I want to know whether it is Government policy to starve the people in the entire Constituency of Tiaty from getting food. Is it a policy to starve our people from getting food? Are we being told to move out of Tiaty Constituency in general? This is because, the blockade of roads has nothing to do with banditry. Bandits are not on the roads. What are the police doing on the road?

Hon. Deputy Speaker: Hon. Chairman, you can respond to all those clarifications. I however realise that most of them were comments that probably would not elicit your statements of support. So, pick those ones which you really need to respond to. Particularly the last one by Hon. Kamket.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I will clarify a few things mentioned by Hon. Kamket because the other issues that were raised by Hon. Members are things which I believe will be addressed on the 7th April by the CS himself.

To mobilise all the leaders that I have mentioned it cannot take five days to put them together. That is why we have put it on 7th April.

On the issue that Hon. Kamket has raised on food reaching his people in Tiaty Constituency, according to me, the information I have is that people are getting food, the Kenya Red Cross can access the area without any problem. However, I can arrange with my Committee within the next two weeks to visit Tiaty and see what is happening.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Is it okay? You had asked on Tuesday that they should visit your constituency.

Hon. Kassait Kamket (Tiaty, KANU): Actually, I am very grateful for what the Chairman has said. However, he is being fed with a lot of misinformation. So, if they want to visit, your office should facilitate the visit as soon as possible, if possible next week.

Hon. Deputy Speaker: Since the Chairman has volunteered to have the Committee visit, I am sure between yourself and Members you can discuss specific dates. The issue of facilitation will not be a major issue. I am sure as long as that request is made, it will be acceptable. It is a serious matter and most of the things you are saying have been misinformed, when the Committee goes there, it will get the clarity.

Hon. Patrick Mariru (Laikipia West, JP): On a point of order.

Hon. Deputy Speaker: Hon. Mariru, what is it? What is your point of order?

Hon. Patrick Mariru (Laikipia West, JP): It is still on the Statement. I came a bit late, but last time we spoke about this matter, I was very clear personally on this statement and what Hon. Kamket is raising.

No one, including Hon. Members and me from the neighbouring constituency would support the people of Tiaty to go without food. However, even as the Chairman raises the issues of the importance of visiting Tiaty to check on that, they must also find it urgent to deal with the issues of insecurity in the neighbouring constituencies.

For example, last night at midnight, five goats and three cows were stolen from my constituency and that happens every night. Right now, I was just outside because there is a big demonstration in Matweku, Rofele, Kieni, Kinamba and the whole of that place in my region because of this theft. So, let the Chairman put a lot of capital on people without food. However, he should also provide food capital on my people who are dying daily.

Hon. Deputy Speaker: I understand the situation you are in when your constituents are having issues, but you know as much as I do that you needed to raise your own request whether in form of a Statement or a Question. However, as the Chairman would be visiting with his team, if you discussed among yourselves, I am sure it is possible for them to create some flexibility and also look at some of the areas that are affected by insecurity. This will be dependent on the Committee because there is no request on the Floor. But you have raised your issue.

Hon. Patrick Mariru (Laikipia West, JP): Hon. Deputy Speaker, this was raised again last week. Looking at the urgency of this matter, we are not disagreeing with Hon. Kamket on the issue of supporting the people in Tiaty. His meeting with the Cabinet Secretary is as important as from this side, Turkana, Samburu or anywhere because there is a big problem.

Hon. Deputy Speaker: That is why all of you –If I am not wrong – I heard your name mentioned. So, go and emphasize that in the meeting. I think we have dealt with this enough.

Let us proceed to the next Order please.

BILLS

Second Reading

THE LAND (AMENDMENT) BILL

(Hon. Simon King'ara on 15.10.2020)

(Debate concluded on 25.2.2021 – Morning Sitting)

Hon. Deputy Speaker: Now, I have to confirm if we have the requisite number. I am advised we have the requisite number. This matter had been transacted and what remained was for the Question to be put, which I hereby do.

(Question put and agreed)

Next Order!

THE KENYA INFORMATION AND
COMMUNICATIONS (AMENDMENT) BILL

(Hon. Elisha Odhiambo on 25.2.2021)

(Resumption of Debate interrupted on 25.2.2021 – Morning Sitting)

Hon. Deputy Speaker: This one has a balance of three hours and 14 minutes. Therefore, I proceed to give opportunity to Members to speak to it. I do not think there was any Member on the Floor to the best of my knowledge. So, we are giving the Member for Marakwet West.

Had it been seconded? Let me confirm. Well, it was seconded by a Member. I think you might not have been in. I am surprised because if you were in then you should have known Hon. Jared Okelo seconded. I am giving the Committee Chair to proceed. It was short, but that is sufficient as far as we are concerned. I mean for the relatively senior Members they agreed that even standing and saying you second with a bow is perfect. Let us have Hon. Kisang.

Hon. Elisha Odhiambo (Gem, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Elisha Odhiambo?

Hon. Elisha Odhiambo (Gem, ODM): On a point of order, Hon. Deputy Speaker. The seconder had nine minutes remaining as the substantive Speaker pronounced. The Seconder was Hon. Jared Okelo and he called 001...

Hon. Deputy Speaker: To do what?

Hon. Elisha Odhiambo (Gem, ODM): To proceed with the nine minutes

Hon. Deputy Speaker: He had no power to do that. You cannot donate seconding Hon. Elisha. The only thing that is critical to me is whether there was a proposal on the Question. If it was not done, then I will simply propose the Question.

Hon. Kisang, please take your seat.

So, to be sure because there is nothing wrong with repeating ourselves to ensure we are following the rules, I will proceed and propose the Question. Even if it is for a second time, there is no harm. So, that we are not accused of not following the rules. Having confirmed it was seconded, the next I will do is to propose the Question.

(Question proposed)

Let us proceed with Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Deputy Speaker. I was not in the House. So, I did not know if the Seconder seconded. The Kenya Information and

Communications (Amendment) Bill (National Assembly Bill No.20 of 2019) sponsored by Hon. Elisha Odhiambo was read the First Time on 25th September 2019 and referred to my Committee.

As a Committee, in considering the Bill, we carried out an extensive public participation. An advertisement was put in the...

Hon. Deputy Speaker: Hon. Kisang, as you clear your throat, please put on your mask. I know it is a bit uncomfortable, but let us proceed with that discomfort because it is the little things we do that might be useful to us.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Deputy Speaker. This is especially according to your age and mine. An advertisement was put in the daily newspapers on 18th October 2019 to invite the public to give their views. By close of business, we got four entities that submitted the memoranda and they were: Content Development and Intellectual Property Trust (CODE-IP), Kenya ICT Action Network (KICTANET), Jamii Telecommunications and the Communication Authority (CA) of Kenya.

There are a few amendments to this Bill. In Clause 2, the Member is proposing an amendment so that telecommunication companies running other businesses like financial services be split. I want to report to the House that the Companies Act No.17 of 2015 allows registered companies to carry out any other legal business other than what they have in the articles.

The Companies Act is very clear, you can undertake any business. For example, if you register a company to do construction there is no law that stops you from doing any other business, so long as you get licences for the subsidiary businesses.

The Kenya Information and Communications Licensing and Quality of Service Regulation, 2010 adequately provides for parameters for quality of service. The amendment proposes in Clause 3 that entities be penalised for poor quality of service. Already Regulation 2010 is covering this and entities are penalised up to Ksh500, 000 or 0.2 per cent of the turnover. So, in the Committee of the whole House we will propose to amend this.

There are some minor amendments on commissions which the Bill is talking about. We have the Communications Authority of Kenya. Since the Communications Commission of Kenya (CCK) has been overhauled, we will be making these small amendments to ensure the Bill is in conformity with the current status of the entity.

In the proposed amendments, we are saying that for every call dropped, you will be paid 10 per cent. The Kenya Information and Communications Licensing and Quality of Service Regulations, 2010 has already provided for this. How do you record that you need to pay Ksh10 for each call dropped? This is not possible because Regulation 83A is taking care of this amendment.

We have also realised that there are several regulations that have come to effect since 2014. Most of them because of new technology require some urgent audit, so we need to amend them. This means soon we will be partnering with the Committee on Delegated Legislation. So, we will go through an audit of about 10 Regulations which are in place as per the Communications Act and propose amendments to the Regulations to make them more effective.

The Member is also proposing to change the use of Universal Service Fund. We know this Fund was set up by the industry to assist areas that are under cover in voice communication. We did an inquiry sometimes back about two years ago in 2018. We made recommendations to CA to ensure the under-served areas are covered.

[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]

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

We want to report to the House that the Communications Authority (CA) is in the third phase of ensuring that the underserved areas, especially the five counties of Isiolo, Mandera, Wajir, Marsabit and Turkana and others are covered. There is ongoing work where the major four operators in the country are to ensure that if a tower is built, sharing of towers has been made mandatory by the regulator. During the Committee of the whole House, we said we are going to bring some amendments to ensure that we do not punish people for doing good business. Since the last Parliament, there have been too many amendments to this Act basically targeting one or two operators. That is not the way to go. The way to go is to ensure that we support innovation. When people come up with innovations, we do not stifle innovations because of competitors trying to stifle others.

I know there are many companies in the country like the East African Breweries Limited (EABL), that have been doing business for a long time and they are not a monopoly. There are many other entities that have come up and have competed. In this sector, by the time we were doing the inquiry, one of the operators was commanding a market share of 14 per cent. Currently, that operator has moved from 14 per cent to about 35 per cent. Basically, the market will level itself and we will be asking Members to support our amendments. We will also convince Hon. Elisha Odhiambo to agree to some of the amendments.

Hon. Temporary Deputy Speaker, I support. We will be proposing amendments during the Committee of the whole House.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Makali Mulu! Or, do you want to cede your ground?

Hon. (Dr.) Makali Mulu (Kitui Central, WDM-K): Hon. Temporary Deputy Speaker, I am ready. It is just the way you pronounce my name. I did not think it was me.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! It cannot be any other person.

Hon. (Dr.) Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to support these amendments by my friend, Hon. Elisha. I must commend him for coming up with these amendments. Listening to the Chair of the Committee, it looks like there will be need, at some point, for both the Committee and Hon. Elisha to see how to harmonise this because the truth of the matter is that the proposals make a lot of sense.

I want to pick on one which is talking about the Universal Service Fund, where Hon. Elisha is, to a great extent, demanding accountability from the CA. This Fund is public money and what the amendments are proposing to do is that every year the Authority will tell Kenyans how it has shared that money, who has benefited from that money and, at the end of the day, which areas have benefited. This is important because as representatives of the people, we are always talking about our areas having no connectivity and we have been pleading with the CA to provide masts in our areas. However, nobody understands the way these things are shared. To me, this is the most important amendment to that Act, that, as representatives of the people, we must be told how this money is being used. Kenyans are putting money into that Fund and this is public money which should be shared considering issues of equity, fairness and marginalisation. I believe most of our areas are marginalised in terms of communication matters. For me, this accountability is very important. I must thank Hon. Elisha for making sure that this becomes law.

The other matter is that of the money-lending platforms. Despite what the Chair is saying, the truth of the matter is that there is this animal called *fuliza*. This is a big animal in this country. Many times, I get a call from my constituents asking me to send money for burial when somebody has passed on. When I ask where I should send the money, I am told: "I will give you another number because mine has *fuliza*." What they are saying are issues of accountability. As a Member of Parliament, I want to send money to the bereaved family, but I am told I will be given another number which I do not know the owner, who might also have *fuliza*. This matter of *fuliza* and all the other money-lending platforms must be looked into. They are very many. I must confess I get a number of messages through SMS being told to join those platforms and I resist because those platforms are not controlled by anybody. The Central Bank of Kenya (CBK) controls banks and they are regulated. They are able to know what you can do and what you cannot do as a bank. The money-lending platforms are not regulated and to me, even as the Chair says we need free market operations, it is important that this area is regulated because our people are suffering all over the country.

Our people are borrowing money thinking it is small money, but the interest being charged is one that you cannot imagine. If you listen to FM stations, even though we have controlled gaming and betting, you realise that almost all the FM stations are spending two hours in a day asking Kenyans to send Kshs100 to a number, so that at the end of the day, they are given Kshs20,000 or Kshs40,000. As a person who has done a lot of statistics, I can tell you this is really conning Kenyans through those kinds of things. The Chair of the Committee must assist Kenyans by having these money-lending platforms regulated. If you do that, Kenyans will be happy and our people will be saved from many problems.

The last point is the issue of the calls. When you call and as you continue talking, there is interruption, either you get disconnected or something happens and you have to call again. Hon. Elisha is proposing that any time that happens to you during the time you are calling, the service provider must compensate you airtime worth Kshs10 up to a maximum of three times a day. To me, these are issues of efficiency. The service providers must assure Kenyans that the service they are providing meets international standards. Even though we are saying there is a bit of law which takes care of that, I think what the Chairman is saying is that there might be laxity in terms of enforcement. I think it is good that Hon. Elisha has brought this up so that we tighten the whole issue of enforcement and the matter is enforced, and as a result we improve the services which Kenyans are getting from the service providers.

As I conclude, the Chair has commented on the issue of market share. He has said that a company that had 14 per cent now has 35 per cent. To me, it is really the Competition Authority of Kenya which needs to reign in on this particular area to make sure that there is fair competition and where dirty tricks are being played on any of the service providers, that is unearthed immediately and Kenyans know what is happening. Then we will not take advantage, but the issue of dominant player must be addressed. I am happy to hear that other service providers are coming up and competition is becoming stiff. That is healthier for the country. I encourage those other service providers who have not taken a bigger share of the market to also pull up their socks because if you want to take a share of the market, you must also provide services to Kenyans which are better than the other providers. So, the CAK really needs to come in and ensure that the playing ground is levelled, and nobody has a disadvantage in terms of playing in this market.

With those remarks, I support these amendments. As the Chair has said, we will be discussing them during the Third Reading and see how we can make this area more effective in terms of service provision.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Murugara Gitong, you have the Floor.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. Allow me to support the proposed amendment Bill because it touches on one of the best areas of life in our country especially when it comes to telecommunications, a vital aspect that we need to develop. There cannot be any meaningful development without telecommunications being streamlined.

This Bill is timeous. We know for sure communications service providers are trying to cover the whole country so that we can make communication feasible. For this, I commend them despite the fact that there are balances between some service providers and others. What we should be aiming at is a near perfect market competition, where providers have almost equal shares in the market. The net effect of that would be that the prices would stabilise and it would become most economical so that most Kenyans can afford the services. We know for sure that the main object of the service providers is communication. However, we also know that the providers have used other clauses possibly in their memoranda of association, to do other businesses. Most of the businesses may not be regulated. The net effect is that they have a free hand to do what they want at the expense of innocent Kenyans, who do not have any other option, but to use the services because they have to communicate. This is why we have been told that some have moved to money transfer like banks. They have also moved to lending which is not controlled. Which lending is not controlled or regulated by the law? This is what Parliament should be looking into in terms of whether a provider of services can deviate and move to areas that are covered by other Acts of Parliament away from that which governs that provider. Those service providers are governed by the Kenya Information and Communications Act (KICA) while money transfers and money lending may be under the Banking Act and other banking laws.

That notwithstanding, it is important to implore on the service providers to also move to the countryside; the rural areas where telecommunication is needed as early as yesterday. We have swats of rural areas that are not covered by the network and it is important that we bring this amendment into force as I will allude to.

Regulations mean that we will have revenue when licenses are issued and that revenue would be important for development. But we must caution our Government against heavy taxations which would negate every gain we will have made by passing this law because possibly, there is easy money that would be realized from taxing such services.

Let us move to the Fund. This Fund which was established under Section 84(J), did not have proper objects. The proposed amendment in Clause 5 of the Bill provides to set out the objects of the Fund. Amongst them is to emphasise Subsection 2(c) which says that there has to be advancement of availability of all telecommunication services to all consumers including those in low income and rural areas. While we would implore the providers to provide masts so that people are able to communicate in the rural areas, let it become the function of the Commission. The Commission is getting money from Kenyans so that it can discharge its duties to move into the countryside and ensure that we have the services at the core, right at the grassroots where citizens need them. I have to give an example with my constituency, which in my estimation, I do not have any statistics to back this, but about 50 per cent is covered by network while another 50 per cent is not covered. I have always emphasised to the providers that my locations, namely, Maragwa and Gituma and many other areas do not have network in respect to the services required. The net effect is that if the service provider does not provide masts or network, it will be upon the

Commission using money belonging to Kenyans, to provide masts and network to the people, so that they can communicate and live like other Kenyans in the country. These are the tiniest proposals that have been made. I agree that there would be need for further amendments which we will all look into when we come to Committee stage, but I urge the House to support the proposed Bill.

Thank you, Hon. Temporary Deputy Speaker.

Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Osotsi, you have the Floor

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for the opportunity to comment on the Bill. This Bill wants to amend the Kenya Information and Communication Act, popularly known as the KICA Bill, by recommending three things. First, is the split of telecommunication into separate business entities, and secondly, the issue of penalties for mobile call drops. Thirdly, the utilisation of the Universal Fund.

I would like to look at these three issues very objectively and make my very objective comments. But one thing I would like to say is that the sentiments of Hon. Elisha Odhiambo, who is my good friend, in this Bill, reflects the thinking of many people out there. What we must interrogate is how viable the proposals are. I will start by commenting on the first one, which is the split of telecommunications into separate entities. As has been said by the Chair of the Committee, the provisions in Clause 25(a) are contrary to the provisions of the Company Act which allow the company to engage in lawful businesses. Companies are required to have memorandums where they define what they are supposed to do. You can say you will be selling mandazis or constructing roads. Whatever you want, you can say there. So, these provisions want to limit the services of the telecommunications to particular services.

The second aspect, from an IT point of view, and I am privileged to be an expert in this area, is that I disagree with this concept of splitting telecommunications into several entities. The world is going towards ICT convergence where ICT systems are becoming more integrated and more converged. Even now we have a concept called internet of things where you seek to connect as many ICT services and devices so that they can give you as many services as possible.

So, when we say that that we want to split telecommunications into money services, voice services and data services, we will create a big problem. That is against the whole spirit of innovation which we, as a country, seek to promote. Our Digital Economy Policy that I saw the other day talks about empowering Information and Communications Technology (ICT) set-ups to be the drivers of the economy. Hon. Temporary Deputy Speaker, as you know, ICT is no longer a service, but a product. It is the bank, school and Parliament. It will become everything. Instead of ICT chasing the law, it is the law that should chase it because it is growing very fast. I am totally against the idea of the split.

Secondly, if you do this split, you will cause regulatory confusion. We will split a telecommunication company into a bank, the others into a voice service or data service which will become very confusing. From experience, differential licensing was tried among the telecommunication companies in India, but it failed. Why do we want to experiment on issues that have failed elsewhere? The current best practice in ICT is ICT service management, where you look at ICT as a service right from the inception. There are five stages of ICT service development. It starts from the design up to service operation.

When you are conceptualising an ICT service in the modern scheme of things, you think widely. You think about how many other services can ride on this main service. For example, Safaricom Company started by offering voice services. However, with time, they discovered that they could offer data services and mobile money services which were more expensive. It means

that every time they create a new service, they upgrade and overhaul their systems. However, if they decided from the word go to start with all the services in mind, it would have been cheaper. The concept in the global ICT of things is to try and ensure that we have as many services as possible running on one platform. If we legislate in this manner, we will kill that kind of innovation.

I agree that all this has been made necessary because of the pressure that Kenyans feel. However, we must understand where the problem is. The problem we have in our telecommunication industry is regulation. The CAK, the CBK and the Competition Authority of Kenya are not doing their work. If they do their work well, Hon. Elisha, who is my good friend, would not have come up with the Kenya Information and Communications (Amendments) Bill. He came up with it because these people are sleeping on the job.

Hon. Charles Nguna (Mwingi West, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Osotsi! There is a point of order from Hon. Nguna. What is it, Hon. Nguna?

Hon. Charles Nguna (Mwingi West, WDM-K): Hon. Temporary Deputy Speaker, I rise on point of order. I want to seek a clarification from Hon. Osotsi.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Nguna!

Hon. Charles Nguna (Mwingi West, WDM-K): Is he supporting or opposing the Bill? From the outset, he said that he was supporting it, but he is opposing a lot of issues.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nguna, I cannot locate whether your issue is a point of order, point of information or point of argument. If it is a point of argument, you shall get a chance to contribute. If it is a point of information, you need to seek permission to give information to Hon. Osotsi. If it is a point of order, you look like you want a clarification. Hon. Osotsi has a right to go on a tangent, as long as he is within the Bill. I am sure he will clarify whether he is supporting or opposing the Bill. He will tell you at the end.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for protecting me. The Member is my good friend. We sit in the Committee on Implementation and he was trying to catch my eye.

The problem that we have in the telecommunications industry is regulation. The CAK is not doing its job. We have a serious problem. If they were doing their job, they would first of all do the right things. We have too many regulations that they have come up with. However, they have not implemented them. I sit in the Departmental Committee on Communication, Information and Innovation and we took time to come up with a Report which identifies the regulatory and legislative gaps in the telecommunications industry. We made recommendations. To date, CAK has done nothing on it. This is one thing that the Committee on Implementation should pick up to ensure that the resolutions that are passed are implemented.

Lastly, is on the issue of call drops. This should be an issue of quality of service regulation which should be implemented by the CAK. There is also the issue of the Universal Service Fund (USF). Add me one minute, Hon. Temporary Deputy Speaker. The USF is another major challenge which falls under the CAK, which is the manager. I agree with Hon. Elisha on this that we need a way of knowing how this money is shared. Recently, we had a tender that was issued of about Kshs1.57 billion and some of the companies that were awarded the tender are not even licensed in the telecommunication sector.

(Hon. Godfrey Osotsi spoke off record)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Osotsi, your time is up!

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, I support the Bill, but it needs to be amended.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Hon. ole Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity. I support this very important Bill brought by Hon. Elisha Ochieng', the Member for Gem. When I came to this House, I thought the people of Gem Constituency had made a wrong choice by voting out Hon. Jakoyo Midiwo. However, I realised that they made a very right decision to bring a very intelligent and progressive leader to this House, who will change the perception of telecommunication in this country.

This Bill will go a long way to assist Kenyans who are siphoned and fleeced to poverty by telecommunication companies that have political protection. They have monopoly which they guard in the market using political patronage. I talk about this monopoly with a lot of passion. When I bought my first SIM card, it was like purchasing land. I produced the name of my chief, identity card number, spouse and next of kin. It was enclosed in a container that looks like the one for shoe shining, but it was wider. Because of monopoly, when I bought that SIM card from Safaricom, it used to charge me Kshs56 per minute to call. Nothing has changed. Because more players have come into the market, we are now being charged Kshs3 per minute. Because of their large appetite for bigger or mega profits and fleecing the common *mwananchi*, they cunningly develop other ways using some loopholes in our laws to come up with a banking system that is not regulated, which is for fleecing innocent Kenyans. There is M-pesa, *Fuliza*, *Mshwari* and other lending platforms.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! What is it, Hon. Kisang?

Hon. William Kisang (Marakwet West, JP): I do not know if the Member will allow me to inform him.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Would you be kind enough to receive information from Hon. Kisang?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I am not ready to receive information from anybody because it will distort my line of thought.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Okay, proceed.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for protecting me.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is your point of order, Hon. Wamuchomba?

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Hon. Temporary Deputy Speaker, is it in order for Hon. Sankok to keep talking about *Fuliza* as any other business yet it is a completely regulated and licensed product by the CBK? Is it in order for Hon. Sankok to keep mentioning *Fuliza* like an animal?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Like an animal? I did not understand that he is mentioning *Fuliza* as an animal. Nevertheless, Hon. Wamuchomba, you seem to have very quickly given some information to Hon. Sankok without seeking opportunity to give the information.

Hon. David ole Sankok (Nominated, JP): Yes, and I will not accept the information.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Proceed, but the information from Hon. (Ms.) Wamuchomba is that *Fuliza* is not an animal.

Hon. David ole Sankok (Nominated, JP): It is not an animal. Probably, if we check her phone, she may be having *Fuliza* and she knows the percentage of interest that it has attracted.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kisang, why are you so agitated?

Hon. William Kisang (Marakwet West, JP): Hon. Temporary Deputy Speaker, I am rising on a point of order.

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

Hon. William Kisang (Marakwet West, JP): Is it in order for the Member to suggest that an organisation or company is fleecing Kenyans while we know that *M-pesa*, *Mshwari* and *Fuliza* are legal businesses regulated by the CBK? Basically, he is misleading the nation that somebody is fleecing the country. These are legitimate businesses.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Obviously, these are legitimate businesses.

Hon. Sankok, you may proceed.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I did not mislead the House and I did not have water in my mouth when I said that they were fleecing innocent Kenyans. I said so, and I will repeat it. I will say it again because I know what I am talking about. I can calculate the interest being charged on every borrowing by an innocent Kenyan and it translates into a percentage that is not regulated and that is not passed by this House. I remember we made some laws to ensure that at least money lending businesses have a caveat on the amounts and the percentages they should charge.

Hon. Temporary Deputy Speaker, I know that most of us have been borrowing. I have heard Members advise their friends not to send them money through certain telephone numbers because they have *Fuliza*. I know what I am talking about. The percentage being charged by this institution, which monopolises 70 per cent of telecommunication services in Kenya, is exorbitant. It is higher than normal. When you borrow through this mobile telephone lending service, you end up paying a cumulative of 30 per cent interest in a year. If this is what Members are calling legal business, then I will call it “legal way of conning Kenyans.”

Hon. Temporary Deputy Speaker, protect me from Hon. (Ms.) Wamuchomba. I do not know why she is so much excited. I do not know why she is so much into interrupting me.

The Temporary Deputy Speaker (Hon. Patrick Mariru): No! No! Order, Hon. Sankok! You are not dealing with Hon. (Ms.) Wamuchomba. Address the Speaker. What is it Hon. (Ms.) Wamuchomba? You look quite agitated, as Hon. Sankok says.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Yes, I am, Hon. Temporary Deputy Speaker. We cannot bring unsubstantiated information on the Floor of the House. One should table evidence. Can the Member, Hon. Sankok, who is on the Floor, substantiate that *Fuliza* is a con business by tabling evidence that clearly shows that that legal entity called *Fuliza* is a con game as he has alleged?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Sankok, as I said, you must go beyond that point. *Fuliza* is obviously not a con business. It is a legal business. You have a right to speak on the issue of how Kenyans take it. However, go past that.

Hon. David ole Sankok (Nominated, JP): I will go past that, Hon. Temporary Deputy Speaker, but you will add me some minutes because I am being rudely interrupted every now and

then by people I do not know what interest they have in this issue. We are making laws and I have the right to debate as per my line of thought. If they do not agree with me, they can make sure that they convince Members to reject the Bill when they rise to speak on it. I am convincing Members to accept this Bill based on facts.

Hon. Temporary Deputy Speaker, if I may table, in the first six months of 2019, *Fuliza* alone outpaced the loan book growth of any individual bank surpassing issuance by the closest lender by 2.5 times.

Because my time is up, even if these companies are registered, they must pay for their sins of commission and omission like any other. For example, disconnecting very important emergency calls. Sometimes, because a poor network connection or whatever happens, a lot of our emergency calls are cut off when we are communicating. For instance, you are calling a doctor and before you deliver the message of where you are, the call is disconnected. They must pay for that. Sometimes you are calling your girlfriend. For those who may have used the blue pill, it is an emergency and then their calls are disconnected. They must pay for their sins of commission and omission.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Now that you have mentioned that pill, let me give the Floor to Hon. (Dr.) Nyikal, the Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Bill. I rise to support it. This Bill, which seeks to amend the proceeds of crime law, carries the sentiments of many people. Many communication companies are conducting more than one business with one registration and one regulation. I do not think that is fair. They are basically in communication business like mobile banking. You will also find radio and televisions stations not only doing communication, but also in banking, giving credit services and engaging in betting. Some radio stations engage in free betting. Even toddlers can bet if they listen to such radio stations. They are also in the business of collecting royalties. They tell you: “If you want this tune, pay so much money.” I believe those are royalties that are being collected.

All this cannot be transacted using one licence. Even though the Companies Act says that you can do anything else, in terms of regulation and neatness, there is need to separate these businesses. I think it is a way of avoiding paying tax. If they were all regulated differently, we shall collect more taxes.

Clause 3 of the Bill talks about quality of service. This relates to services where if anything goes wrong in your interaction, there is nothing you can do. You may be making a very important call, sometimes an international call. Some people may be transacting business, but if the line is disconnected, that is it. The service provider does not suffer anything. In fact, you pay them. I agree that Clause 3 needs to be looked at.

Hon. Temporary Deputy Speaker, on the use of the Universal Services Fund, any funds collected using public services are public funds. Therefore, it is extremely important that we have proper regulation of the Fund. It should be well structured with clear objectives, and it should go to public service. I know it may be used to improve the quality of service, but it should even support the connectivity of networks. It should support information centres like the ones we are putting up in our constituencies. I do not see why we cannot draw that money at the constituency level to improve the centres we are putting up. In that way, we can help in employing the youth and improving their skills. To that extent, I see all the clauses that are in the Bill, and I support.

The Chairman of the Committee has said that they are going to bring amendments. We will carefully look at the amendments and make sure that without contravening or interfering with the

other Acts, we support the interest of Kenyans. This is an area where there has been much freedom and people have made money without paying taxes and protecting Kenyans.

With that, Hon. Temporary Deputy Speaker, I support.

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

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you Hon. Temporary Deputy Speaker for the opportunity given to me. From the outset, I support the Member and congratulate him for bringing such a timely Bill for deliberation in this House.

One of the key issues we have to note here is that telecommunication is almost everything. It is an enabler of everything we do on a daily basis. Without doing a lot of justification on this, telecommunication saves time and cost when it comes to doing business. It is also the best method of offering immediate feedback when we are transacting issues.

The Bill seeks to amend three things. The first issue is splitting of telecommunication businesses. Splitting of businesses was done in India before, but they never succeeded. So, on this issue, I would like to partially support the Committee so that they can sit down and discuss with their fellow Members of Parliament how we can do away with this, but I do not support this one.

The other issue is one of control. Every time we make calls, and this happens especially in upcountry where there is poor network coverage, there is always a contrive. You cannot transact for more than an hour without interruption from the service provider. This Bill seeks a refund of Kshs10 per call that is disrupted by the service provider. It will go a long way in cushioning our poor customers from losing a lot of revenue. Imagine they lose communication at a very critical time. One loses the communication and loses the connection completely. I support this and the amendment. The penalty is reasonable for the service provider.

The other issue is on the Universal Fund. I know very few Kenyans know about the existence of this Fund. Even as Members of Parliament, we do not know how it is usually shared. What we need to do here is fairness, justification and promptness in delivering the funds to Kenyans. I know if we do so, we will increase connectivity across our country. It is regrettable. I travelled to Marsabit some time back and some of the areas do not have network. When you are there, you go off completely and you can neither communicate nor do anything. That means that you cannot even do any business. It will help a lot if we can emphasise, and the Commission ensures that every part of this country is accessible by erecting more masts in marginalised areas. This Fund will help Kenyans. We would like to communicate, as Kenyans, in all the villages regardless of where the boundaries are. I support this Bill.

Regularisation means revenue for our nation. If at all we are going to instill this, it means that most of the telecommunication companies will account for the revenue they get. One of the key issues that Members questioned is *Fuliza*. I want to give the Member information that *Fuliza* is a fully licensed business. One can *Fuliza* 10 or 11 times a day, but still the money will get deducted immediately. So, most of the time, *Fuliza* does not make business sense. We need to look at *Fuliza*. If you are doing it, let a customer be given some time for repayment and not instant repayment. It does not make sense sometimes to borrow the money.

With those few remarks, Hon. Temporary Deputy Speaker, I support the Bill with amendments on the splitting of businesses. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now hear Hon. Gathoni.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill, but with caution on a few issues that I have listened to as Members contributed to in this House.

First of all, I appreciate that if there is a country in Africa and, indeed, East Africa, that has taken a positive note in terms of economic development because of telecommunication development, it is Kenya. We must appreciate that Kenya, through its innovations in the telecommunication industry, has been the big brother in the sector. Other countries like Tanzania and Rwanda have been looking up to us when it comes to innovation lines in the telecommunication industry. Therefore, when we bring a Bill into the House targeting the telecommunication sector, we must be very careful so that we do not take a retrogressive direction when the sector has taken a progressive one.

On this, Hon. Temporary Deputy Speaker, I want...

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Gathoni! There is a point of order by Hon. Sankok. What is it Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, the Member for Kiambu, Hon. Wamuchomba, is totally out of order. All of us are not against innovation. We are against an innovative way of conning Kenyans. You *Fuliza* Kshs100, it is charged Kshs5.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is your point of order?

Hon. David ole Sankok (Nominated, JP): If you *Fuliza* ten times, and you have been given... What is out of order is that she is saying that the Bill is against innovation. We are not against innovation. The House is not against innovation. We protect innovation.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Sankok! Clearly you are stealing a moment to contribute for the second time. Hon. Wamuchomba, proceed.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Thank you, Hon. Temporary Deputy Speaker for protecting me.

On my submission, I want to bring to the attention of the House the fact that the development we have had in the telecommunication sector in this country has created a lot of jobs for the young and old people and businessmen and women. In as much as I support that we should regulate every new innovation we have in this country including in the telecommunication sector. We must make sure we do so with a thought in mind that we must also protect innovations that have been made. I want to be on record saying that because I have listened to a few Members contributing today and have insinuated that we have money businesses that are not regulated; that *Fuliza*, M-PESA and *M-Shwari* are regulated by the CBK, and they are duly licensed and legal businesses. To insinuate that *Fuliza* is a con business is not in order. It is important that we tread very carefully as a House so that we do not use the platform of this House to de-market people's brands which they have worked so hard to establish and build.

I would like to request this House that in as much as we propose regulations of new innovations so that the Kenya Revenue Authority can tap adequate revenue, we must also make sure that we promote product innovations and value addition. We must make sure that we tap onto the economies of scale of various enterprises in this country. We also must make sure that we drive growth in enterprise businesses and ensure that we have reduced overreliance of our major contributors of the economy.

When I say "overreliance", I would like to take you back to about five to 10 years ago when the voice business and service came to Kenya. We used to pay over Kshs60 per minute. Today, we are paying less than Kshs3 per minute. Why have we afforded to move from Kshs56 per minute to Kshs3 per minute? It is because of economies of scale. The enterprises have been

able to establish many other channels of incomes, and therefore, they have been able to put value on the services they give us with less costs.

Therefore, even as I support that we regulate new innovations in the telecommunications industry, I support that we make sure that we protect innovations and enterprises.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Wamuchomba! What is it, Hon. Odhiambo?

Hon. Elisha Odhiambo (Gem, ODM): Hon. Temporary Deputy Speaker, I stand on a point of information for Hon. Wamuchomba.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wamuchomba, do you want to be informed?

Hon. Elisha Odhiambo (Gem, ODM): Hon. Wamuchomba, do not mislead the House on the Bill. I see some excitement especially after meeting the Chairman.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Elisha! Do not proceed.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Hon. Temporary Deputy Speaker, information is not accepted.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Elisha, your information is clearly not accepted by Hon. Wamuchomba.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I have been in the telecommunication industry for the last 15 years, and therefore, I do not need any other information from any Member before I finish my submission.

I want us to be very cautious and careful whenever we are suggesting or coming up with new laws in this House that look at issues of telecommunication which is the leading sector in this country, so that we do not kill the innovation spirit. Just to bring to the attention of the House, we have the Kenya National Innovation Agency (KeNIA) which is empowered by the Government of Kenya to look at, regulate and license innovations that are coming up in the country. Therefore, I would recommend that even as we make new laws to regulate and split businesses in telecommunication industry, we must remember that we have other agencies that should be put into book so that we can conclusively come up with better laws for this country.

I stand to reject the recommendation.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Atandi, you have the Floor.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. From the word go, I commend my brother, Hon. Elisha Odhiambo of Gem, for coming up with this legislation. I have gone through this Bill, which is timely, and it is speaking to the heart of Kenyans.

Before you begin to set up a telecommunication business, it needs to be mandatory that you must set up the infrastructure so that the services you want to offer meet the expectations of the people of Kenya. Unlike what most of my colleagues have alluded to, the kind of services that we receive from this sector are wanting, and are not commensurate with the costs that are attached to them. Hon. Temporary Deputy Speaker, you and I know very well because we are both well-travelled, that despite my colleagues saying that the costs of telecommunication services in Kenya have come down drastically, they are not commensurate with the services that we get.

The Bill proposes, first of all, to split the services so that if you are engaged in telecommunication business, you do not engage in banking business. I am a former banker, and if you look at the regulations of the products that are outlined in the Banking Act *vis-a-vis* similar services that are offered by these telecommunication companies, they are worlds apart. In terms of

costing, there is no product within the space of the Banking Act which charges the interest rates that are here that Hon. Sankok has been speaking about. They do not exist. I think this is really the reason these services should be split so that if they are engaging in services that are similar to the banking services, then they must conform to the regulations that contained in the Banking Act. In this manner, Kenyans are going to benefit from the services and products.

Therefore, the proposal to split is timely and we need to support it. Let us not be deluded that Safaricom, as an example, has grown to be a big and large company because of the profits they make and because of the dividends they pay, and that now we as law makers should not venture into this law and separate the services. We need to do it. It will be for the benefit of our citizens when we do it. Companies will be confined to products that will benefit our people. This is something that is timely.

On call drops, it is a question of investment. Somebody just wakes up, hears that there is a space in a sector and then they just venture into that business even before they invest in the technology that is required. This amendment will ensure that one has the necessary infrastructure, resources and the networks before thinking about going into a venture. A company like Airtel, has, for instance, M-Banking here in Nairobi. When you go to a place like Siaya, you cannot find even an agent. You cannot find an agent in remote places yet here in Nairobi you can use the services very well. So, these are the things that we are talking about. We are saying that one must, first of all, invest in the infrastructure so that it can serve Kenyans equally. If you are a Kenyan and you are enjoying that product in Nairobi, you should enjoy it everywhere else.

Most of my colleagues are conflicting in debate whether *Fuliza* or its services are legal or not, or they are fleecing Kenyans. When we say that Kenyans are being fleeced because of a product, it does not mean that product is illegal. That product is legal. That is even the reason we are making this law. We are making this law because that product is legal, but it is very expensive and, therefore, Kenyans are getting fleeced because of the existence of that product. Therefore, I wanted to correct my sister, Hon. Wamuchomba, who was doubting the sentiments of my brother, Hon. Sankok, when he said that some of these products are fleecing Kenyans. It is true they are fleecing Kenyans and the products are legal. But we cannot beat the providers. Our work as Members of Parliament is to come here and change the law. That is why we are thanking the Member for Gem for coming up with this law.

In a nutshell, this amendment is going to ensure that we have quality services as Kenyans who are benefitting from telecommunication services. Two, that we have affordable services, and three, the companies operating in these spaces respect the regulations that are contained in the products they are offering.

I support this Bill in its entirety. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now have Hon. Yussuf Haji.

Hon. Yussuf Adan (Mandera West, EFP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. I, from the onset, stand to support this amendment by Hon. Elisha. I think it is very timely.

As we know, communication is very vital, essential and is a felt need of every Kenyan wherever he or she is. Whether in the cities or in the rural areas, communication is very vital and it is a felt need that must be provided. Unfortunately, in some parts of this country, communication services are not there at all. Or, if they are there, they are very inefficient. If I may give just a good example, in parts of my constituency, if somebody wants to call me today, even over an emergency, they go and look for the tallest tree available.

If you are unable to receive their call, they will stay on top of the tree until they find you, which might take a lot of time. They might be having an emergency and you will need to send them money when they are still on top of the tree because as soon as they go down, the money sent will not reflect in their phones. They will go down and walk for 50 kilometres to access services. There are parts of this country that have poor communication systems, particularly mobile telephone networks.

On separation, in my opinion, it is good to separate and allow companies to operate where they have comparative advantage and therefore, complement one another in providing services to the *wananchi*.

Hon. Temporary Deputy Speaker, the Universal Service Fund must be transparent and accountable. It must exercise fairness and equity. While this Fund is for the good of Kenyans, it is not open to everyone. It is concentrated in only a few regions of the country and, therefore, there is need to ensure that it is open to all Kenyans. The Communication Authority of Kenya must enforce some of these laws. They must avoid monopoly by some service providers who only look at what benefits them without considering the negative effects on the users.

On the pricing of services, I want to state that the services should be made affordable. It should be in such a way that the service providers get their profits without inflicting so much pain on the users. The Kenya Information and Communications (Amendment) Bill is timely and the Communication Authority of Kenya must ensure that there is fairness in control of communication services.

I support the Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Maero, you have the Floor.

Hon. Joseph Oyula (Butula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. First, I want to state that I support the proposed amendment to the Act. My main concern lies on the control of the services provided by these organisations. The situation is such that if we are not careful, diverting funds from one person to the other, because of the huge enterprise whose control might not be 100 per cent, is very expensive. Therefore, the separation of the two services is timely because the activities that sometimes arise can create theft of not only private funds but also public funds. So, if the organisation is manageable, it will be easy to monitor some of those activities that are now being seen in the market.

The other issue that concerns me is the licensing of bloggers. This is a group of people that can either destroy one or build one. If they are not properly licensed, then we are going to put our nation in a bad situation. Because of bloggers, licensing must be proper and rated well, so that we control bloggers who want to use the system. This amendment is going to create at least two companies, one under the financial service and the other under communication. It will be easy to monitor the services of the two organisations. I support this amendment and I urge Hon. Members to look at it carefully and support it.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Jeremiah Kioni.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker for the opportunity to speak on this Bill by Hon. Odhiambo. I want to commend him for the work he has done and recognise that with the reorganisation of this Session, we are able to debate more on Private Members' Bills than it was the case for the last three years, where people were here like passengers. I hope they looked at this issue earlier. You can see the kind of innovations that come from Members. Because they interact with citizens, they know what is hurting Kenyans and the

interventions that need to be made. It is also important to note that when the new Companies Act was enacted and the old one repealed, the guiding principle was to make Kenya one of the countries where you can start and do business easily, and where you have little registration that hinders one's ability to carry out business. I believe the Member paid attention to that goal when he crafted this Bill, so that we do not end up with legislation that will take us back to where we were. If we make it difficult for Kenyans and foreigners to carry out business in our country, it will have a direct effect on our employment and job creation which is in need in this country.

It is also important to take note of what happened in the USA in their last general elections. The big tech giants had a say in those elections because they had the monopoly of their telecommunication industry. They switched off the former President when they thought they should. Without doubt in my mind, that influenced the outcome of the elections in one way or the other. The reason is that USA has allowed the private sector to completely take over telecommunication and that is the price you pay when such useful sectors are not under any form of control by the public. It is a something that we should learn from as a country. We have our telecommunications journalists. Certainly, they are the ones controlling the space and everything that goes with it and we need to be careful as a country, because I believe it is also a security issue.

If the *Fuliza* vending end of this bargain is not under any form of control, like it is alleged in this Bill, then without a doubt, we have been asleep. The amount of money the Government can make in terms of revenue collection is huge. Also, without the Government having an eye on this product, the kind of exploitation that can be meted on Kenyans is unbelievable. I want to commend Hon. Elisha Odhiambo for having picked up this issue. It is upon those who think that this issue is covered to show us how it has been covered for us to defeat this Bill.

The other thing is dropping of calls, something that is very common in Ndaragwa. We have people who are in very serious businesses, but somewhere in the middle of a conversation you lose connectivity. Since we have left the industry to the private sector, I believe they need to run it well. It is important that the operators suffer some penalty for not being diligent. The Communications Authority also has a role to play. It seems to have left everything to the private sector and it is happy when work it should be doing is being done by others. We must commend the private entities; they have filled a gap and they have helped this country to grow in a big way.

Now that we are talking about telecommunication, just like my colleague has talked about bloggers, the Chairman of the Committee needs to own up and say that they abandoned the Kenya Broadcasting Corporation (KBC). The national broadcaster has been left to rot, perhaps to be sold to the lowest bidder at one point in the life of our country. There is little that we are doing. Young Kenyans employed in that company are not being paid. Their five-month salaries are in arrears. We instead rely on the private sector to carry Government directives. The point at which the private sector will find it uneconomical to carry a Government announcement is the time we will realise how important it is to have a public-controlled-and-funded entity like KBC, because it will always carry the message the way the Government wants. Kenyans can do what they want with the message, but the Government should get out the message the way it wants, at the time it wants and to the extent it wants. The private sector will carry those messages only to the extent that they make money out of it, and you cannot blame them for that.

We have to be very careful with the monopoly that we are seeing. We saw what happened with Twitter and Facebook. It is a global challenge. One young man moves around and decides who should be where and who should access what at what time. It is good innovation, but also very dangerous in terms of security of this country and other parts of the world.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Since Hon. Kingi is not in, Hon. Kimilu can go ahead, please.

Hon. Joshua Kivinda (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Bill. One, I want to thank Hon. Elisha for it. I support the Bill but with serious amendments. We know telecommunication has done a lot in this country. Many schools and other institutions have been connected because of telecommunication. Telecommunication supports the economy of this country. I have a problem with splitting communication and banking. These are private businesses. As Members of Parliament, we are not here to tell people how to do their businesses. It is important we give people the opportunity to do their businesses the way they want.

Some countries have tried to separate communication and banking and it has never worked. There must be an amendment on this. I ask the Member to listen and propose an amendment on this before we pass this Bill. If we pass it as it is, we will bring problems to this country.

When we talk of penalties from mobile con-drives, the CA and the CBK are there to regulate and deal with this. I have no problem with issues like sharing of towers. There are however, some contagious issues we have to consider in this Bill before we pass it. When I bought my first line, it was charging Kshs60 per minute. It is now Kshs3 per minute. There is a lot of improvement in our telecommunication. We cannot say that they are not doing well on that.

On the issue of M-Shwari and *Fuliza* M-Pesa, I want to challenge my brother, Hon. Sankok. I was with him yesterday. I want to inform him that for him to *Fuliza* M-Pesa, he has a prerogative to authorise himself to *Fuliza* M-Pesa, or not. Hon. Sankok has two Safaricom lines. He informed me that he has *Fuliza* M-Pesa worth Kshs70, 000 in each line. That is why Hon. Sankok...

(Hon. David ole Sankok talks off-record)

Hon. Temporary Deputy Speaker. Please, protect me from Hon. Sankok. It is now my time.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): On a point of order. I agree we were with Hon. Kimilu yesterday. He is, however, out of order to give out information which I gave him privately - that I had a *Fuliza* M-Pesa loan of around Kshs70,000. Again, it is not true that I have two Safaricom lines. I know he will resist. I do not know if he thought I will too, but I did not.

I bought My first Safaricom line for Kshs2,500. I do not have two lines as he alleges. It is the same line I am using now. He is misleading the House by saying that I have *Fuliza* M-Pesa loan worth Kshs70,000. He has also said I have two Safaricom lines which I do not.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Where you did your M- Pesa *Fuliza* must be out of this Chamber because we do not know. How you help each other *Fuliza* M-Pesa, we do not know either. For now, it is Hon. Kimilu's space and time to contribute.

(Laughter)

Hon. Joshua Kivinda (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker for that guidance. I know why Hon. Sankok has a problem with this telecommunication. I support this Bill, but with amendments. If we go to the transport and farming sectors, they have succeeded because of telecommunication. We have improved. It is now our time as Members of Parliament to support the private sector and telecommunication and not discourage them.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

I support this Bill. However, I want amendments to be done first.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Tong’i, kindly have the Floor.

Hon. Richard Tong’i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker for your kind indulgence and for allowing me to speak when my card has malfunctioned. We appreciate that kind of gesture. It is a sign leadership on your part as you have always been.

I stand to support this Bill with amendments. I believe there are good things in it. Certainly, there are things that are going to hurt the communication industry. As a House, we have a duty of ensuring that we protect innovations. We cannot be the same people who are supporting the private sector to do their businesses and when they succeed, we are the first people to punish them for success.

I used to sit in the Departmental Committee on Communication, Information and Innovation and this came up. The Bill is to manage some of the considered 'big' companies. I think that was not in the interest of the country at that point in time and I still think it is not in the interest of the country because supporting innovation is the business of the Government. When innovators have succeeded, we should be the last people to be 'punishing' them, for lack of a better way to put it, for having succeeded.

For example, Safaricom has grown in leaps and bounds. I remember when Hon. Kimunya, then the Finance Minister, a man that I admire very much, introduced the IPO of Safaricom, most of us who were doubting Thomases, who did not have the capacity to see the future, thought that it was not the best idea for him to float the shares in the stock market. But those who were courageous enough and who believed in his vision and bought those shares, today are smiling all the way to the bank. I remember the shares were selling at an average price of Kshs5 and even less and there are a number of Kenyans who bought them. This is a company owned by Kenyans and partly by the Government. Whatever money they are making, it is brought back to the economy and hence we are better off to that extent.

Having said that, it is also fair to mention that there are some things which must be amended. For instance, on the Universal Services Fund, money which has been saved over the years, the last time I knew of if we had more than Kshs6 billion... That money has not been put into good use because of the protracted way of doing things. We also need to mention that this was meant to address the regions which did not have coverage, but as I speak, most parts of the country have network. We also need to keep on improving because the biggest room on earth is the room for improvement.

In addition, we need to keep on improving even in areas where we think we have done well because population is growing and the demand for the service is growing at the same time. We must match the demand with the supply so that we can be efficient going forward. That USF was meant to address not just one region where there is poor network, but was even meant to address schools. There are public institutions which cannot afford to install their own ways of communication. The more of us get into the network, the better it is for the country. If you appreciate the kind of economies that we have developed out of the communication network throughout the service industry, it is massive.

We have created employment courtesy of these innovative ideas. There are many youths working in the service industry of the telecommunication industry today. That will be hurt if we just amend this law without looking at the ripple effect on the Kenyans who are beneficiaries of the same. It is always good to look at the bigger picture and I believe that when we get to that

level, we will amend this law appropriately so that we do not end up locking out some institutions which have done this country a lot of good.

We need to establish which fund will be used for emergencies. Like in developed economies, we have been told that they have come up with such a Fund. It is possible that over usage of the phone can be injurious to one's health. If that is true, then we need to set up a Fund from these institutions which can be put into research to help our country establish if it is true that when we expose our people to a lot of usage of the internet and the smart phone, the injuries which will come out of it are massive. If it is true, then we can also establish that through science, which is an investment which does not have immediate returns. However, when we have a Fund like the one we have proposed, to set aside a certain percentage of the profits made by these companies, such money can be used for research so that we can protect our people. That way, we will have done justice to our people rather than oppose companies which have the capacity and have hired the best managers in the world to grow their businesses.

We have to be careful. I know that His Excellency President Uhuru Kenyatta has gone out of his way to get foreign investors into the country. If we are not careful about the manner in which we handle this Bill, we will be sending wrong signals to the investors who may think that Kenya is a country that does not appreciate success; that you can be punished for succeeding, and that Kenya will interfere with your private business. That is not our strategy as Government. We do not want to be sending wrong signal to foreign investors who would have preferred to invest their money in this country because they believe we have what it takes to take this country to the next level.

We have very innovative Kenyans. For record purposes, the *M-Pesa* innovation was developed by a very young man from my village in Kisii. Maybe, we also need to come up with a way of patenting that kind of knowledge. This young man has not been rewarded for the innovation. He is struggling out there and yet we know the kind of benefits we all get out of M-pesa, to both the economy and the company. Shareholders smile all the way to the bank and yet the innovator has not benefitted much.

Maybe, we need to set aside rules that ensure that young people with good ideas that have realised money for institutions are rewarded and protected by law by way of patenting. We, however, know that patenting is a very expensive process. As a country, we may need to also come up with a policy on how to protect young people without having to expect them to use money to register their patents because some cannot afford.

Acquiring a licence in Kenya is very complicated. I know the Government has made attempts to manage the licensing process, but there are young people who have finished university and would want to start small businesses. However, the process of starting a business is very complicated because of the time one needs to get a licence. Also, one needs to make returns to the Kenya Revenue Authority, which means there will be taxes to be paid, among too many other complications. We can make it easier for young people to start businesses. That way, we will have done justice to this country and to the unemployed youths.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): I will not give this chance to the Leader of the Majority Party. I will give it to Hon. Kilonzo Mutavi.

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Temporary Deputy Speaker. I want to take a very different line. Having looked at this Bill, I am very suspicious. Without casting aspersions, if you read between the lines, you will realise that this is something originating from the banking sector to fight the telecommunication companies engaging in mobile

phone financial services. We all know what Kenyans have gone through as far as bank loans are concerned. We know why most people are very suspicious of the banking sector.

Mobile phone operators went into mobile banking due to the failure by banks to do their work. Mobile banking has been very successful because there is no law on it. That is why the environment in Kenya has been one of the most advanced in the world. So, the timing of this Bill is totally wrong. Let us allow the informal banking sector to thrive. At a later stage, when there is enough competition, we can relook at it. We all know how difficult it is to get a loan from a bank and how easy it is to get a loan from a mobile banking platform.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Kilonzo. I am afraid it is 1.00 p.m. That is not to cut short your line of thought because this Order has a balance of one hour and 39 minutes. When debate on this Bill resumes, you should be here to continue with your contribution. You have eight minutes remaining for you to prosecute your case.

Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2:30 p.m.

The House rose at 1.00 p.m.