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The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: We may begin. Hon. Members, I wish to re-order the Order Paper. We will now go to Order No.8 followed by Orders No.9 and 10. Thereafter, we will come back to Order No.4.

MOTIONS

EXPANSION OF DRUG AND SUBSTANCE ABUSE REHABILITATION CENTRES

THAT, aware that according to the National Protocol for Treatment of Substance Use Disorders in Kenya by the Ministry of Health, drug abuse has been increasing in Kenya, especially among the youth, with statistics indicating that more than half of drug users are aged between 10 and 19 years; further aware that research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December 2022 placed western region as the leading region in alcohol and substance abuse at 23.8 per cent, followed by the Coast region at 13.9 per cent and the central region at 11.9 per cent; recognising that the high level of drug abuse in the western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments, especially in Bungoma and Busia counties, with statistics indicating two out of every five establishments in Bungoma operate illegally; further recognising that a majority of the consumers of illegal substances are school-going children who end up dropping out of school; cognisant of the fact that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to, among other things, facilitate the dissemination of information on alcoholic drinks and promote rehabilitation programmes in the country; this House urges the Government to institute intensive programmes for the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and to increase the number of rehabilitation centres across the counties.

(Moved by Hon. John Makali on 4.10.2023 – Morning Sitting)

(Debate concluded on 11.10.2023 – Morning Sitting)

(Question put and agreed to)

REGULATION OF THE SUGAR INDUSTRY TO DISCOURAGE
BRANDING OF SUGAR BY NON-MILLERS

THAT, aware that the importation and exportation of sugar is regulated by various laws, including the Crops Act and the Agriculture and Food Authority Act, 2013; further aware that the Agriculture and Food Authority is charged with the responsibility of regulating the importation and exportation of sugar in the country in accordance with the law; noting that the importation of sugar is also negotiated within the regional trade blocs' frameworks and agreements to enable the country to meet the demand for sugar; further noting that individuals or entities are allowed to import sugar provided they obtain the necessary permits and meet the required standards; concerned that despite these regulations, there have been instances of illegal importation of low quality sugar or adulterated sugar; further concerned that unscrupulous traders have been found to rebrand the sugar which does not meet the standards of the Kenya Bureau of Standards (KEBS) specifications; deeply concerned that this poses significant health risks to consumers as well as undermining the efforts to regulate and strengthen the sugar industry to protect local millers; acknowledging that the country has the potential to produce enough sugar to meet its domestic demand as the sector has been a key driver of economic growth; further acknowledging that there is need for concerted efforts by stakeholders to discourage the branding of sugar by non-millers and promote the development of the local sugar industry; now, therefore, this House resolves that the government, through the Ministry of Trade, Investments and Industry, ensures strict operationalisation of the regulatory frameworks governing sugar importation into the country.

(Moved by Hon. Peter Salasya on 11.10.2023 – Morning Sitting)

(Debate concluded on 11.10.2023 – Morning Sitting)

(Question put and agreed to)

URGENT ACTION TO ADDRESS SURGE IN
ROAD ACCIDENTS IN THE COUNTRY

THAT, aware that, the National Transport and Safety Authority Act 2012, provides for establishment of the National Transport and Safety Authority (NTSA); further aware that, the Authority in line with section 4 of the Act plays a critical role in ensuring the provision of safe, reliable and efficient road transport services; concerned that there has been an alarming surge in road accidents in the recent past resulting in loss of life, injuries and damage to properties; further concerned that the Authority has not effectively and fully performed its functions of regulating safe and reliable transport service, especially in dealing with public service vehicles; noting that poor maintenance of motor vehicles and a lack of proper regulation are leading contributors to the marked increase in road accidents; deeply concerned that school-going children are increasingly becoming victims of those road accidents; recognising that it is the responsibility of the Authority to ensure adherence to road traffic rules, and to establish systems and

procedures for, and oversee the training, testing and licensing of drivers; now therefore, this House resolves that the Government through the Ministry of Roads and Transport undertakes a comprehensive overhaul of the transportation sector to provide for proper regulation of the sector and ensure strict operationalisation of the traffic regulations to provide a safer and more reliable transport sector.

(Moved by Hon. Naomi Waqo on 11.10.2023 – Morning Sitting)

(Debate concluded on 18.10.2023 – Morning Sitting)

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

PETITION

AMENDMENT TO THE ESTATE DUTY ACT TO ENTRENCH TAXATION EQUALITY

Hon. Deputy Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation. Further, Standing Order 225 (2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.

In this regard, Hon. Members, I wish to report to the House that my office has received a petition from Messrs. Godfrey Maina, Kevin Kiarie, Muhia Kagwi and John Wangai of P.O. Box 40317 Nairobi, calling for the amendment of Section 7(3) of the Estate Duty Act, Cap 483 of the laws of Kenya, in order to entrench equality in taxation.

Hon. Members, the petitioners have expressed displeasure with Section 7(3) of the Estate Duty Act, Cap 483 because it exempts the estates of His Excellency Mzee Jomo Kenyatta and His Excellency Daniel Toroitich Arap Moi, both retired, from imposition of estate duty.

Hon. Members, the petitioners indicate the section to be contrary to Article 210 (3) of the Constitution that provides that no law may exclude a State Officer from payment of tax by reason of the office held by the State Officer or the nature of the work of the State Officer.

To this end, the petitioners refer to Article 2(4) of the Constitution which provides:

‘Any law, including customary law that is inconsistent with this Constitution is void to the extent of the inconsistency, and an act or omission in contravention of this Constitution is invalid.’

Hon. Members, the petitioners faulted the provision of Section 7(3) of the Estate Duty Act because they are convinced that it is discriminatory, contributes to social inequality, hinders economic redistribution of wealth and denies the Government much needed revenue. The petitioners, therefore, seek the intervention of the House in deleting Section 7(3) of the Estate Duty Act, Cap 483.

Hon. Members, having established the matter raised in this Petition is well within the authority of the House; and further, that the matters raised in this Petition are not pending before any court of law, or any constitutional body or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to the Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2).

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I thank you Hon. Members.

Next Order. Hon. Members, those who want to make general comments on this particular Petition, kindly press the intervention button. I will start with the Member for Marsabit County, Hon. Naomi Waqo. Go ahead, Member for Malava, Hon. Moses Injendi.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Deputy Speaker. I wanted to speak on something else: the report by the Departmental Committee on Education and Research.

Hon. Deputy Speaker: Alright. Pull out your cards. Only if you want to speak to this particular... Member for Endebess, Hon. (Dr) Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. I want to support the petitioners because this is a very important Petition. I urge the Committee when looking into it, they move with speed and liaise with the Departmental Committee on Justice and Legal Affairs so that we can amend Section 7(3) of the Estate Duty Act.

I think it is immoral by virtue of being the President to benefit from people's contributions and be exempted from paying tax. It is a very serious omission by virtue of being in that office to let the rest of Kenyans pay taxes and your estate is exempted. This is something the Committee needs to move with speed to address. If possible, they should pay taxes retrospectively for the many years they have been exempted. Since they have big estates, they can be sold and taxes recovered from the sale. I support.

Hon. Deputy Speaker: Member for Emuhaya, Hon. Omboko Milemba. Did you want to speak on the teachers?

Hon. Omboko Milemba (Emuhaya, ANC): No, I am very much placed.

Hon. Deputy Speaker: Okay.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. Hon. Pukose is doubting my capacity on this one. Let me begin by indicating that I support the petitioners. They have picked out an item that is reminding me the history of France before the revolution. There were three estates: The first estate was the clergy; second estate was the nobility; and, the third estate were the commoners. The commoners were the only ones who paid taxes. The first estate and second estate never paid taxes. Finally, the economy crumbled and that is how they got the revolution. We cannot go that direction. Therefore, I support this Petition.

The first and second presidents and other incoming presidents should pay taxes. Interestingly, they are the ones who have many estates. The Chairperson of the Committee is here. When looking at this also consider taxing idle land in this country. The entire education system of America is paid for by the rent and taxes charged on idle land and it works magic. So, let us not have a classified society. I support the petitioners.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Runyenjes, Hon. Eric Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Deputy Speaker. I rise to support the petitioners. This is a very progressive Petition which will ensure that all Kenyans pay taxes as they are required by the law.

I do not know whether you know that this is biblical. The Bible says that to whom much is given, much is also expected. I believe they exempted themselves from paying taxes because they thought they would be paying so much. If you look at how we pay the housing levy, those who have big salaries pay more than those who have small salaries. Let the big families—Kenyatta and Moi's— pay taxes so that we can grow this country together. Let us not grow this country for them. Let us do it together.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Dadaab, Hon. Farah Maalim. Hon. Members, I can see there are few of you who want to contribute. You will have a chance to do so. I ask Members to speak briefly.

Hon. Farah Maalim (Dadaab, WDM): Hon. Deputy Speaker, I stand to support this Petition. We are a former colony. We are a Republic but not a monarchy. These people were entrusted with our welfare. They ended up using the collective guilt in those days of colonisation—the Mau Mau rebellion, my clan’s war with the British, and all the destruction that was done to us. We entrusted them with our future. They grabbed big tracts of land; millions of acres. We were paying them a lot of pension. They do not pay taxes today, which is wrong.

The French Revolution came about because of the privileged and nobility. Our independence has no value or meaning. There are people who struggled like the Mau Mau who fought colonialists and slavery. When they wanted to take slaves from here, Koitalel Arap Samoei, the Waiyaki family, my family and Somalis of Kenya fought them. They were not able to do slavery here and in the Horn of Africa. That is why we are an egalitarian Republic that essentially is supposed to take care of everybody. We claim we have a hustler Government and economy, yet we have privileged people out there who do not pay any tax. We exchanged the white settlers and nobility, and the Queen and King of England with our African monarchs, at least in practice, even if it is not there in names and titles.

Hon. Deputy Speaker, I support this Petition.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Do you have a point of order, Deputy Leader of the Majority Party?

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

*[The Temporary Speaker
(Hon. Omboko Milemba) took the Chair]*

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I thank you. I have no objection to the content of the contribution of the former Deputy Speaker who is also a Member of the Chairperson’s Panel. It is the practice and traditions of this House and our Standing Orders that we shall not display or wear colours that associate with either a party or a foreign sovereign within Parliament. We need to bring that independence and respect the traditions and practices. I request the Hon. Member to remove the scarf he is wearing, so that he remains dignified, honourable, and a sovereign Kenyan who expresses matters of this country in this House without taking positions with any other sovereign in this House.

I request that you ask Hon. Farah to do what this House has been doing over the years. It does not accommodate displaying party colours or anything that divides us on tribal and religious lines, or any other thing. He is requested humbly to remove the scarf that he is wearing.

I thank you, Hon. Temporary Speaker.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I want to tell my young brother that I was in this Parliament in 1994 when...

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Farah. A Member has risen in his place and challenged your dress code. You are a veteran, highly respected and ranking Member of this Chamber. You know very well that the scarf you are wearing depicts the colours of a particular country. It is very well in order that being who you are and one of the Members who are relied on to provide leadership in this House, you dress appropriately and then come back to continue with the debate. You are directed.

(Hon. Farah Maalim spoke off the record)

Order, Hon. Farah. You are a veteran. You are so directed.

(Hon. Farah Maalim removed his scarf)

You are well dressed now. You may proceed.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I am much obliged. I respect Hon. Temporary Speaker. I will definitely listen to what he says. However, these are not the colours of any republic. Tell me which one it is. It is not Tanzania or Israel.

Hon. Members: Hamas!

Hon. Farah Maalim (Dadaab, WDM): There is no republic called Hamas. There is a liberation movement in Palestine which needs the support of everybody. Those of you who have a problem with that...

(Loud consultations)

Can I just finish? Hon. Temporary Speaker, I want to continue.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Farah, proceed and finish.

(Loud consultations)

Allow Hon. Farah to finish.

Hon. Farah Maalim (Dadaab, WDM): I want to continue, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Please, you only have 30 seconds.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, these Members took away all my time for showing solidarity with the poor victims of Gaza.

Let me come back to the major issue, the Petition. Those who think they will join the nobility and also enjoy exemptions or become so powerful as to destroy other people the way Palestinians are being destroyed, it is up to you.

(Laughter)

My position is that this exemption of taxes is wrong. Ours is the Republic of Kenya. There are no special privileges, although the House wants to give them to Israelis to destroy poor Palestinians. We do not want to have that within our property and estate in this country. It is only fair that this Petition is supported fully. I support it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. As much as the petitioners have a right to come and petition Parliament which is a constitutional right, it is also important for us to remember the founding fathers of this nation. The people who passed this law in the 1960s had a purpose. It is also important for us to remember that Dedan Kimathi died and he was not exempted from paying taxes, which is unfortunate. However, he did not have any property to be exempted from payment of taxes. As much as this Petition is here, it is important for us to understand that we have founding fathers whose properties are in their names. If they are transferred to the heirs, then taxes become payable. As long as the *mzee* is dead and the family wants to keep that... As much as the petitioners want to do this, it is also important for us to look at those people who brought this

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freedom that we are enjoying today. If possible, include the Right Hon. Raila Odinga's property because he has really fought for this country in very many ways and brought a lot of openings and freedoms in whatever we are doing. I oppose that.

The Temporary Speaker (Hon. Omboko Milemba): At the very back is that Hon...

Hon. David Ochieng' (Ugenya, MDG): Hon. Temporary Speaker I have the microphone already.

(Laughter)

The Temporary Speaker (Hon. Omboko Milemba): No! I mean at the back there. Is that Hon. Esther Passaris? Proceed.

Hon. Esther Passaris (Nairobi City County): Thank you, Hon. Temporary Speaker. I feel that we give both the presidents their due respects, the founding father of the nation and the late Daniel Toroitich Arap Moi and any future president that will own property and serve this nation. However, I also feel that it is important that everyone pays taxes and this should be an example not just for Kenya but also for the entire continent. What happens in our continent is that when our leaders assume the office of the presidency, they amass a lot of wealth. That wealth is got at the expense of development of the country. So, coming back after retirement and amassing such a huge amount of wealth, whether legally or illegally, is also because of the positions that they held that they amassed that level of wealth.

There is no way that somebody who is listed or an estate that is listed as probably being among the top richest in the world can now come to Kenya and say we cannot pay taxes because we served the nation. The nation was served but so were those families served by this country. The kind of wealth that they have if they were to pay taxes... In fact, it should be something that they should have volunteered to pay because they have developed the country in some way. If they pay the taxes on the wealth that they have amassed it will help this country to develop. Anyone who has taken the leadership position in this country should pay taxes so that this country can develop. We are struggling right now with poverty. We are struggling right now with debt and we know that the biggest reason for these struggles is corruption.

[The Temporary Speaker (Hon. Omboko Milemba) left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Esther Passaris.

Hon. Esther Passaris (Nairobi City County): I support the petitioners.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, very much. Hon. Members, I encourage you to take a minute each because they are just comments to a petition. So, one minute each. Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker I rise to support the Petition. The Estates Duty Act is a tax that is levied on a deceased persons' estate. A number of prominent Kenyans normally pay these taxes. What is accrued from all these taxation goes to the national kitty or Consolidated Fund. However, to exempt one or two families or two individuals is quite wrong, unethical and it is not provided for. The Estates Duty Act was passed way back in June 1963. I think it is time that it is amended so that every other family that owns huge property or estates are able to pay tax and contribute to the national development of this country. Therefore, this Petition is properly before the House and we urge the relevant Departmental Committee on Finance and National Planning to move in and make sure that we have an amendment to that effect so that no one is exempted from that particular tax.

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I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. David Ochieng’.

Hon. David Ochieng’ (Ugenya, MDG): Thank you very much. Hon. Temporary Speaker. This Petition belies a very fundamental issue that we may miss by thinking only about the estate tax or estate duty. It is about how do we, as a country, going forward appreciate people who have led this country? How do we appreciate our heroes? How do we treat them? How do we provide for them? It is not about the estate duty. As much as I would not support any exemption of taxation for anybody, a way must be found.

I would like to ask the Committee concerned that as they look at this Petition, they should widen their scope. In terms of what was the reason first of all? It cannot be only about estates or taxes. We can honour our leaders through other means without discriminating against the rest of the Kenyans. I want to request the Committee concerned that this glaring discrimination must go away, but we must get a way of honouring our leaders.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Elachi.

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order Hon. Dr Pukose?

Hon. (Dr) Robert Pukose (Endebess, UDA): You know Hon. Temporary Speaker, I had indicated a point of order when Hon. Ochieng’ was speaking. Hon. Ochieng’ has intentions of...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I saw an intervention but I thought your intention was to speak or make comments on this.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Ochieng’ is my friend and has always declared interest of becoming a president of this country at one time. So, he is conflicted in making his contribution and I do not think that is right. This is because if you have an interest of becoming the president then you should not look for exemption.

Hon. David Ochieng’ (Ugenya, MDG): Clearly, Hon. Temporary Speaker, I have said I support this Petition and that no one should be discriminated against. Whether I am the president or not, I do not think that is in issue. Off course, I know Hon. (Dr) Pukose will vote for me at that time.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Ochieng’. Hon. Beatrice Elachi, please make it in a minute.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support it. I think it is time for us to look at our country and to look at the land chapter. I hope that the Committee will now tell us why is it that since the new Constitution came into place, to date, we have not been able to ensure that those who have land that is not used are taxed, because that is what we said in our Constitution. We just run and hide away and since 2013 we have not put it in this law. That is why this Petition now finds us here.

As I finalise, we also need to ask ourselves one thing, I think it is important for us when we have these laws... We appreciate those who served us before since they went through their own systems. In this generation, what are we serving our people with? Or, are we just reminding them what happened before? What is good that we have given our people today in this country that they can celebrate us?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Nimrod Mbai. I would like you to keep your comments because this matter is going to come to your Committee. I would like to ask you that we give this opportunity to another Member. Kindly, Hon. Mbai since it is coming to you please take your seat.

Hon. Nimrod Mbai (Kitui East, UDA): I just wanted to say something.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You will have all the time to say everything. Let me guide you that way Hon. Mbai.

Let us have Hon. Makilap

Hon. Joseph Makilap (Baringo North, UDA): Hon. Temporary Speaker, at the outset the framers of this Petition are people who are misers with the truth. This Petition is very subjective specifically targeting two Presidents. It is primitive and subjective to the extent to which we must reject this Petition. We cannot bring an amendment of taxes to target two families that served this country, and are the legends of Kenya. Unless, as Parliament, we have removed our conscience of truth. The former presidents of this country are immensely contributing to many taxes in Kenya. They are the people financing this country through taxes they pay on their properties and investments. We cannot, therefore, reduce the Petition to two families. Let us think widely and bring something better that will bring inclusivity in taxation.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Makilap. Hon. Jayne Kihara, one minute.

Hon. Jayne Kihara (Naivasha, UDA): Hon. Temporary Speaker, I stand to support the Petition. For reference, I worked for a company called Orbit Chemicals as a credit controller, and Kiptagich Farm was a customer that was buying fertilizer. I always asked myself why the debt kept piling up without being paid. Little did I know it belonged to the late President Moi. When I had a chance to speak to the manager, he told me that the farm belonged to the President. As much as we respect the former Presidents, we cannot overrule the Constitution. We have to follow it as a country. This country cannot be like the animal farm where all animals are equal but some are more equal than others.

Thank you. I support.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Caroline Ng'elechei, Member for Elgeyo Marakwet.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. Before I make a comment, I wish to correct Hon. Makilap who said that we have two former Presidents. I wonder where Hon. Makilap left the late Hon. Mwai Kibaki. He should explain and apologise to this country because we have three, not two former Presidents.

Hon. Members: Four

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Sorry, four former Presidents and three of them are deceased. He should explain to us. We should be objective. During these hard-economic times, taxes are being increased in Kenya and ordinary people, some of whom are not able to pay those taxes, are squeezed to the last drop to get taxes to run this country whereas there are people who inherited billions of shillings from our founding president and other former presidents. They should pay their taxes because the former Heads of State are no longer there. They are deceased and therefore not beneficiaries.

Those who inherited from them must pay taxes because some of the Kenyans who are struggling and do not even have a fraction of what they have, are paying taxes.

Thank you.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much Member for Marakwet. Hon. Catherine Omany, Member for Busia.

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Temporary Speaker. As sure as death occurs, taxes are inevitable. Every Kenyan, be it a former President or former Member of County Assembly (MCA) or any other person involved in building of this nation, should not evade taxes. I concur with the Petition, but what I do not agree with is how they revile these former freedom fighters in public and make it look like they did not want to build this nation. They really did, and that is why they fought for us to be free to do what we love for our nation.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): On a point of order, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order?

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): I am a Member for Elgeyo Marakwet County, not Marakwet County.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, Member for Elgeyo Marakwet County. Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, we have a lot of negative energy and personal vendetta being directed at the founding father of this nation and the second President of this country, Daniel Toroitich Arap Moi, since this Government came into place. Let me remind these people that the people they think they may be speaking for will be former Presidents.

Article 24 of the Constitution prescribes limitation of fundamental rights, and it is by law. You may say that no land should be exempt, but by law, estate duty has been exempted from taxation. They pay the other taxes. I want us to stop these personalised myopic attacks which lead people to go steal animals from the farm of the Kenyattas. The other day, it will be a different thing. Another day, you will be removing the tomb and museum. Next, you will be removing that statue. This vendetta is not helping the nation and it is not respectful of the leadership these people gave the country. It must stop.

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Pukose, what is out of order? There is a point of order, Hon. Kaluma.

Hon. (Dr) Robert Pukose (Endebess, UDA): Although Hon. Kaluma has sat down, he has displayed a lot of negative energy and I think that is not healthy for him because when you express a lot of negative energy in that manner, it raises your blood pressure and you might even end up with a stroke. I do not know whom those accusations were directed at but I would want us to ignore them.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): I was listening keenly to Hon. (Dr) Pukose because I know he is a surgeon and he was making some health-related statement. Hon. Kaluma, did you take notes?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, I cannot take notes from Hon. (Dr) Pukose on medical matters since he joined Parliament. I have my doctors, Hon. (Dr) Nyikal here, Prof. Mulimba out there, and other doctors like Prof. G.B. Okello and Prof. Atinga. Those are the people I listen to not Dr Pukose.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I will let that pass because we are making comments on this petition. Hon. Hilary.

Hon. Hilary Kosgei (Kipkelion West, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the Petition. Since the 2010 Constitution came into place, the country has been trying to right a lot of wrongs in an effort to make Kenya a better place. In 1960, when this law was passed, I probably assume it was picked from the statement that says give to Caesar what belongs to Caesar. At Independence, these presidents thought they were Caesar themselves. They did not imagine that Caesar is the Government. Going forward, we must right all wrongs and everybody must pay tax, including the present President Dr William Ruto and all other presidents that will come after.

I support.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, I hope you will get an opportunity to go to Hon. Mbai's Committee so that you can give your comments in a better way. I will give two more. Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I support this Petition. It should not just be narrowed down to estate tax. This country is using a lot of taxpayers in pensions and other frivolous expenses like purchase of cars. It is

a lot of money from the Exchequer. We should look at other places where we are spending money on former Presidents, Deputy Presidents, Prime Ministers and all that.

I support this Petition.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Owen Baya, on behalf of the Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, paying taxes is both a legal and moral issue. The Kenyattas, Mois and all other former presidents need to look at the moral aspect of it and say if other Kenyans are paying taxes, we should pay tax.

If you look at the constitutional law they have quoted in this Petition, it is actually inconsistent. In their Petition, they are quoting Article 210(3), which provides that no law may exclude a State Officer from payment of tax by reason of the office held by the State Officer or the nature of the work of the State Officer. The Kenyattas and Mois are not State Officers.

Therefore, this law which the petitioner has quoted is actually inconsistent. The Kenyattas and Mois are not State Officers. As you are looking at it, you may dismiss it *prima facie* on the basis that even what these people have quoted is not the right Article of the Constitution. I would like Hon. Mbai to be guided by that so that he is not seen to be in any way displaying negative energy in his Committee, as Hon. Kaluma has said. The Committee should be guided by the law when making a decision. The Kenyattas and the Mois should be guided by the morality that every Kenyan must pay taxes on their properties.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Members. It is now 10.30 a.m. and the time for commenting on this Petition has come to an end. Before we move to the next Order, I would like to welcome students from Bishop Kanyiri Academy in Thika Town, Kiambu County. You are welcome to observe the proceedings of the National Assembly.

Next Order.

PAPERS

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to lay the following papers on the Table:

1. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the years ended 30th June 2021 and 30th June 2022, and the certificates therein:
 - (a) Chebisaas Girls High School;
 - (b) Rev. Musa Gitau Girls Secondary School;
 - (c) Thika Garrison Secondary School; and,
 - (d) Afraha High School.
2. Report of the Auditor General and Financial Statement on a Case Study on Integrated Delivery of Selected Non-Communicable Diseases in Kenya (PHGF Grant No. TFOA5636) – Moi Teaching and Referral Hospital, for the year ended 30th June 2023 and the certificate therein.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Naomi Waqo. Chairperson of the Select Committee on the National Government Constituencies Development Fund (NG-CDF).

(Hon. Julius Melly consulted loudly with Hon. Owen Baya)

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, you need to protect me from Hon. Melly and Hon. Owen Baya.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Melly and Hon. Owen Baya, the Chairperson of the Select Committee on the NG-CDF should be heard in silence. You may proceed.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

1. Report of the Select Committee on the National Government Constituencies Development Fund on its Consideration of a Nominee for Appointment to the NG-CDF Committee of Tiaty Constituency.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next Order. Chairperson of the Select Committee on NG-CDF.

NOTICE OF MOTION

NOMINEE FOR APPOINTMENT TO TIATY CONSTITUENCY NG-CDF COMMITTEE

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on the National Government Constituencies Development Fund on its consideration of a nominee for appointment to the National Government Constituencies Development Fund Committee of Tiaty Constituency.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, this is a procedural issue. You permitted the Chairperson of the Select Committee on NG-CDF to lay the Paper on the Motion, which he later moved. He moved it without laying the Paper. He said, "I lay", then he sat down. He must bring the Paper here. Could you direct him appropriately? This is something that only a full-fledged scholar would understand.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Kaluma. Please allow me to tell you what he has done. He laid the Paper accordingly. There is nothing out of order.

Hon. Members: He did not!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): He did, Hon. Members. There is another notice of Motion by the Member for Central Imenti, Hon. Moses Kirima. You may proceed. It has to do with the establishment of an emergency price control framework. He is out of the House.

Next Order. Member for Chagamwe, Hon. Omar Mwinyi. You may proceed.

Hon. Omar Mwinyi (Chagamwe, ODM): Thank you, Hon. Temporary Speaker. If you had allowed me to contribute to the previous discussion, I would have...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Omar Mwinyi, please, go ahead and request for the Statement that you had intended to. You cannot go backwards. That is a matter that has been dispensed with.

Hon. Omar Mwinyi (Chagamwe, ODM): I am guided. I only wanted to contribute briefly. If you had allowed me, I would have said that they were...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You are out of order, Hon. Omar Mwinyi.

Hon. Omar Mwinyi (Chagamwe, ODM): Okay. Let me go on. I am now guided.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

MANAGEMENT OF HOUSES AND TREATMENT OF TENANTS
ON ESTATES IN MOMBASA OWNED BY NHC

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works regarding the management of houses and treatment of tenants on estates in Mombasa owned by the National Housing Corporation (NHC) in Changamwe Constituency.

Five blocks housing 796 families, and owned by the NHC in Changamwe Constituency, are not fit for human habitation and have no reasonable standards for occupation. The services are wanting and in dire need of repair, especially the drainage which is blocked. Raw sewage has been flowing in the open and poses a health risk, even forcing residents to use their resources to fix the same.

Some tenants have in the recent past undergone forcible, violent, and brutal evictions from their houses without being accorded alternative shelter, leaving them in the open and exposed to vagaries of nature, which in itself is a violation of their human rights as outlined in the Constitution. Actions taken by the NHC have been cruel and degrading since tenants were not given an opportunity to defend their position before the eviction and mistreatment.

Further, some have been subjected to increased rent without notice and the NHC has backdated the difference as far back as 2009. The housing firm has in the past even claimed arrears of up to Ksh1 million, which is an outrageous and unreasonable amount for ordinary families. This is interfering with their peaceful stay in their houses. The relevant ministry should address the issue of validity, the correct rent to be paid, and how tenants can settle arrears, if any.

In addition, there have been allegations of sexual harassment, corruption, rental disputes, arrears and harmonisation, access to purchase houses, ongoing projects with no approvals, thefts and injuries, security lights, social amenities, and lack of public engagement, especially participation by the community, among others.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works on the matters raised on:

1. Could the Chairperson state the mandatory essential amenities and facilities that developers and owners of affordable houses and other buildings or spaces must provide to tenants?
2. Could the Chairperson explain the steps taken by the Government to ensure that all waste water and effluent from sewerage systems on estates in Mombasa owned by the NHC in Changamwe Constituency are addressed?
3. Could the Chairman clarify whether the National Environmental Management Authority (NEMA) has developed regulations on the management of toxic and hazardous sewerage flow from the broken system and how they are implemented?
4. Could the Chairman explain what action has been taken against National Housing Corporation for poor management of the estate, constant harassment of residents living in the estate including threats of evicting them from their homes, sexual harassment, corruption allegations, rental dispute arrears and harmonisation, access to purchased houses, ongoing projects with no approvals,

theft and injuries, security lights, social amenities and lack of public engagement especially participation by the community?

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Omar Mwinyi. I will refer this to the Departmental Committee on Housing, Urban Planning and Public Works. Is the Chairman, Hon. Johana Ng'eno, in the House? In the absence of Hon. Johana Ng'eno, can we have Hon. Owen Baya on behalf of the Leader of the Majority Party. Proceed.

Hon. Owen Baya (Kilifi North, UDA): I would like to undertake that we will provide a comprehensive response within 21 days, taking cognisance of the fact that the House will rise for recess tomorrow. We will probably report when the House reconvenes in the other week.

I thank you, Hon. Temporary Speaker.

(Hon. Omar Mwinyi stood up in his place)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I can see Hon. Omar Mwinyi is on his feet. Are you not satisfied with the three weeks given by Hon. Baya?

Hon. Omar Mwinyi (Changamwe, ODM): The unbearable conditions that my people are facing cannot wait for 21 days. I would prefer two weeks at most.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I would be very happy to request Hon. Johana Ng'eno to report in the next two weeks. I am, however, also taking cognisance of the fact that Members are going on recess; ten days is two weeks. Within that period, it may not be possible to convene Members to consider it. I would like to even request the Committee to come over and see what you are talking about, so that they have a comprehensive report. I would not like them to just bring a report for the sake of it, but a more practical one. When I am requesting for 21 days, it is a very practical way of handling your situation. I know the people of Mombasa are suffering and I empathise with them, but I would also like them to get a practical solution to the problem; 21 days is very practical.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Omar Mwinyi, based on what Hon. Baya has said on behalf of the Leader of the Majority Party, and bearing in mind that Hon. Johana Ng'eno is not in the House, I would like to request you to take the 21 days as it has been proposed.

(Hon. Omar Mwinyi spoke off the record)

Okay, you may proceed.

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Temporary Speaker, I want this House to be aware that the whole Departmental Committee on Housing, Urban Planning and Public Works was there in Changamwe including the former Cabinet Secretary for Lands, and they saw all these things. They do not need any 21 days; ten days are enough. The whole Committee led by Hon. Johana Ng'eno, and the then Cabinet Secretary for Lands, Hon. Njeru, were there. Ten days are enough for this issue to be addressed.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): To progress, and based on the information that Hon. Omar Mwinyi has just given that the Committee visited, then this will be done in 14 days. Please communicate that to the Chairman.

Hon. Members, yesterday, the Speaker made a ruling that the Chairman of the Departmental Committee on Education and Research issues a Statement regarding management of examinations. I have seen that the Chairman has been patiently waiting to make this Statement and I would like to give him an opportunity to do so.

STATEMENTS

STATUS OF PREPAREDNESS OF MINISTRY OF EDUCATION
FOR VARIOUS EXAMINATIONS

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, I rise to make a statement which arose as a result of a question asked by the Deputy Leader of the Minority Party, Hon. Mbui. The concerns raised by the Members are right. They were good and it is a show of concern and as a leadership, we take a lot of interest in the performance of our children in constituencies and more specifically, the running of examinations during this period.

Following the direction given by the Speaker, my Committee communicated the same to the Cabinet Secretary for Education.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman, I am sorry to interrupt you, but I note that the Deputy Leader of the Minority Party is not in the House.

Hon. (Dr) Robert Pukose (Endebess, UDA): You cannot respond. You must wait until when he is in.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): When the question was asked, it became the property of the House. I would like to allow you to continue, but it is very important that when a Member asks, especially for a Statement, he or she ensures that they are in the House. You may proceed for the benefit of others.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, as much as the Deputy Leader of the Minority Party is not in the House, the issue at hand raised a lot of interest among Members across the aisle of the House.

As directed by the Speaker, the Committee communicated to the Cabinet Secretary for Education, Hon. Machogu, and asked that he give us a very detailed Statement on the status of preparedness of the Ministry in regards to various examinations they are going to undertake this year. Apart from that, they also gave a Statement on the status and progress of the Junior Secondary Schools (JSS) across the country in regard to infrastructure, teachers, teaching and learning materials. In that regard, the Statement is quite lengthy. It has a lot of information. I know it will take a lot of time, but it will answer issues raised by the Members. I know Members will ventilate on it, and we shall discuss this. This is a very good Statement. You will allow me to go through the Statement.

This brief provides the state of preparedness in relation to the forthcoming national examinations and assessments. These are the Kenya Primary School Education Assessment (KPSEA), the Kenya Certificate of Primary Education (KCPE), the Kenya Certificate of Secondary Education (KCSE) and the Kenya Intermediate Level Education Assessment for learners with special needs. The brief also provides a status update on the implementation of the Competence Based Curriculum, including and not limited to infrastructure, textbook distribution and on teachers in those schools.

On examination preparedness, it is noted that the Ministry of Education, through the Kenya National Examinations Council (KNEC), is committed to delivering quality assessments in line with its mandate. To achieve this, regular reviews have been done to ensure that all the prerequisite measures are in place to guarantee effective conduct of the 2023 national examinations and assessments.

The KNEC issued several timetables to alert candidates, teachers and parents that exams will be done this year. The timetable is on Table One and has indicated that exams for KPSEA and KCPE are starting on 30th October to 1st November 2023. The KCSE practical exams and optional papers started on 13th October 2023 and will run to 3rd November 2023.

Theories exams will run from 1st November 2023 to 4th November 2023. This is only in brief because the timetable does not give details.

On the candidature of students, the Cabinet Secretary gave a big list and the total number of candidates for KCPE this year is 905,000. The total candidature is 3,606,972 for the Kenya Primary School Education Assessment (KPSEA), KCPE, KCSE and others. This is an increase of 8.6 per cent from the previous exam. Hon. Members should note...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Melly, I notice that you have a big document.

Hon. Julius Melly (Tinderet, UDA): Yes, it is a big document.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is it possible for you to summarise and table it so that other Members who want to go through it can do so? Just highlight the issues as raised in the Statement, and then table it so that Members can read all the details.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I am well guided. I will summarise, but Members need to understand this. I will skim through some of the issues without going into details. I will pinpoint some of the pertinent areas in which Members raised a lot of concerns.

The issue of identification and distribution of centres and containers and the mapping of examination centres was raised by several Members. I emphasise that the Ministry of Education (MOE) and the Kenya National Examination Council (KNEC) have been working on strategies to eliminate early exposure to the second session of examination papers. One of the key strategies that will be implemented this year is the collection of examination papers twice a day for KCSE exams. This will ensure that no candidate has access to examinations before the set time. My Departmental Committee on Education and Research tabled the examination inquiry Report here. One of the things we found out as a Committee is that most exam cheating and malpractices take place on the second paper which goes to the schools early and is exposed early. This is the real issue. The Ministry is trying to treat this malpractice.

On the same note, to allay the fears raised by the Members, the Ministry said that stakeholders' engagement forums on mapping of examination centres were convened. I will not go into details. The KNEC increased the number of containers from 482 to 576. We have 290 constituencies, but the number of containers was increased so that schools have easy access to the picking points. Before 2016, police stations used to be examination collecting centres, but it was realised that exams were leaked from those police stations and there was a lot of malpractice. During the Matiang'i reforms, it was decided that all exams should be stored in containers where only the sub-county Director of Education, the Deputy County Commissioner or Assistant County Commissioner, have the keys. No one can access the containers because of the double-locking system.

Hon. Timothy Kipchumba (Marakwet West, Independent): On a point of order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Timothy Toroitich?

Hon. Timothy Kipchumba (Marakwet West, Independent): None, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, withdraw your intervention. Proceed, Hon. Chairperson.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, following the various engagements, the KNEC mapped out all examination centres to the nearest centres to avert delays at the start of the second examination session. During the mapping of the KPSEA, KCPE and KCSE, examination centres were categorised as follows. The exams have been reduced to two: One paper in the morning and the other in the afternoon. The alignment is as follows.

Hon. Mary Emaase (Teso South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Mary Emaase?

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Speaker, one of my sub-counties does not have a container. They are collecting exams from the neighbouring sub-county, Teso Central. Teso South does not have an exam container. I have gone to the Ministry and nothing has been done. It is out of order for the Chairperson to say that all the sub-counties have containers. That should be addressed.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Well, I ask you to wait until he finishes. Maybe that is among the ones that he will read last. Hon. Chairperson, if it is not there, then you may need to respond to the Member for Teso.

Please finalise.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, the document is quite big. The Member for Teso South has a lot of information about her sub-county, but there are new containers that have been moved across. Let her wait and ask her question after. This Statement is from the Cabinet Secretary. Members will interrogate it after I have laid it on the table.

On the alignment of examination centres to distribution centres that are nearer and within their sub-counties, in this category, the key considerations were security, terrain and distance. Counties where examination centres were realigned due to security-related issues include West Pokot, Elgeyo Marakwet, Garissa, Wajir and Mandera. In Soy Sub-County, some centres were realigned to Turbo and Moiben because of the distance and terrain. Only centres over 20 kilometres from the current container were realigned.

The other issue is the alignment of examination centres to distribution points that are nearer, but not within their counties. There is also the installation of new distribution centres. A total of 82 additional containers for new sub-counties were added.

Hon. Members, on the other issues, I will table the document here.

The other issue is the preparation of facilities for the storage of 2023 national examination materials. This is detailed. It shows how the exams move from printing to the national warehouse in Nairobi, to the regional distribution centres, all the way to the sub-counties, and to the containers within the various sub-counties and divisions. This is clear. It also shows that they have increased the distribution centres to 576. There are 82 new containers. The provision of containers in some of the sub-counties was based on the following—

- (a) the new areas,
- (b) creation of new sub-counties that have been gazetted;
- (c) land terrain (hilly, mountainous and vast areas);
- (d) potential above-average rains;
- (e) accessibility;

We expect rain in some of the regions. Areas experiencing a lot of rain might not be easily accessible. Examination papers for Kapedo, South Horr and Baragoi are airlifted from Nairobi directly into the respective containers due to the security concerns anticipated. The schools served are within a reasonable distance from the container and do not need further airlifts. For example, Kapedo Secondary School is 1.2 kilometres away from the nearest container. Examination papers for Chalbi, North Horr and Wajir North are transported to Marsabit by road. They are then airlifted from there to individual containers due to anticipated insecurity issues in Marsabit. The containers installed are a reasonable distance from the schools.

It is also noted that examination papers for the whole of Wajir County are airlifted first by fixed-wing aircraft to Wajir Airport and El Wak Airstrip. Then helicopters to Diff, Khorof

Kharar, Kutulo and Benane airlift them on account of anticipated security challenges on the ground.

Finally, examination papers for the whole of Mandera County are flown into Mandera and Takaba airstrips then helicopters airlift them to Lafey, Rhamu, Banissa and Takaba containers as mitigation against anticipated security challenges in those areas. Examination papers for lower stretches of Garissa County are transported by road up to Garissa Town then they are airlifted to the containers of Hulugo, Bardo, Kamagia, and Fafi, which are adequate for the schools to collect in the area.

On dispatch of materials, sub-county directors of education have been key in identifying and bringing to the attention of the Kenya National Examinations Council counties facing challenges and ways to mitigate them. The KNEC has ensured the installation of extra containers in areas where delivery of examinations poses a great challenge. I just want to highlight that the dispatch of the 2023 Kenya Primary School Education Assessment (KPSEA) and the Kenya Certificate of Secondary Education (KCSE) materials was concluded on 15th October 2023. That included the dispatch of oral materials for KCSE.

The deployment of field officers to be involved in the field administration of national examinations is quite important for Members to note. Yesterday, it was alleged that it is head teachers who are in charge of exams. Yes, they are centre managers. However, supervisors and invigilators are the authorised KNEC examination officers in charge of those centres. The administration of the centre is by the head teacher. I also want to note that we have statistics showing the category of supervisors. We have 19,000 for KCPE; 10,000 for KCSE; and another 1,477. The total number of supervisors is 30,000. All these are staff to administer the exams. Members, I think that is well. You will check the document.

On the other issue, the KNEC has engaged the Teachers Service Commission, especially on the other personnel. We have security. I want to list the number of personnel involved in this for the Members to note. We have supervisors, invigilators, and centre managers who are principals and head teachers of schools. The total number of teachers is 294,983 who will man the exams.

On security officers, we have almost 57,000 police officers. We have 7,029 drivers. We also have sub-county directors of education, deputy county commissioners, assistant county commissioners all the way to county commanders of police, sub-county commanders of police, TSC county directors, regional commanders of police, and all those officers. A multi-agency team will run examinations.

The other issue that I want to bring to the attention of the Members is the briefing and sensitisation of field officers. It is a routine in exams across the country. Having been a teacher, this is done every other time from the national, regional and sub-county levels, all the way to the zonal level. This has been done. All the briefs were undertaken between 2nd October 2023 and 6th October 2023.

In monitoring to ensure a smooth administration of quality assurance, these officers move across schools, counties, sub-counties, and even zones to ensure that the examination process is done. We have a list and agencies engaged in monitoring of national examinations. The officers listed here are 1,765. They are what we call roving officers. These officers move across to find out if everything is moving well.

There is preparedness for the marking of examinations. I want to note that about 7,512 examiners were trained in 2023. In this regard, the data for trained examiners and other examiners on the database has been forwarded to the TSC for vetting in readiness for the engagement. This was very important during making the report we laid on the Table of this House. We directed the Ministry of Education to ensure that every examiner is vetted on morality, integrity and ethics so that they can give the right marks. I thank them because they have done as directed by the Committee.

On marking of KCPE and KCSE examinations, KNEC will set 18 marking centres for KCPE and increase KCSE marking centres from 35 to 40 in 2023 so as to decongest the centres during the marking and cater for the increase in the number of examiners due to increased candidature. This was also our advice. This is very important because most of the centres were congested and most examiners marked for long hours. They were strained and had many issues. That is why the centres were increased.

On how they will handle what we call the challenge of the projected *El Nino*, the KNEC and the Ministry of Education have noted that there will be a challenge. They have spotted 11 areas which might have flooding and hotspots for heavy rains. They have marked various areas of Nyakach, Nyando, Nzoia and areas of Busia. For heavy continuous rainfall, they have identified the Lake Victoria Basin and West Pokot, Vihiga, and other areas. They anticipate flash floods in Turkana, Lodwar, and other areas, and landslides in West Pokot. Continuous rainfall above the long-term rainfall might be in the Rift Valley, Nairobi and other areas. The reason they did it is so that they can bring in emergency services like helicopters, planes, and emergency vehicles.

The last is on finances. This is where Members raised issues. It has been raised every other time. The Ministry has requested Ksh3.8 billion in Supplementary Estimates 1 for this year. That is being requested to:

1. Cater for pending bills forwarded during the 2023/2024 Financial Year to settle the first charge with the 2023/2024 Financial Year.
2. Meet the KNEC's projected deficit of the 2023 Budget required so that they can pay examiners, administration officers and the rest.

In brief, that is what is going on with KNEC and the country. In addition, I want to use a few minutes to give a status report on the Competency Based Curriculum as requested by the Deputy Leader of the Minority Party.

STATUS OF CBC IMPLEMENTATION

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Deputy Speaker, following recommendations of the Presidential Working Party on Education Reform (PWPER), the first progress report of December 2022 domiciled JSSs in primary schools. Guidelines for the implementation of junior secondary schools were developed based on these recommendations. The guidelines were given to the Directorate of Quality Assurance and Standards (DQAS), which assessed all primary schools to establish their suitability to host junior secondary schools. In preparation for the transition, the TSC did re-tooling or capacity building for teachers in compliance with the transformative pedagogies.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman, kindly summarise that part for CBC and table the document.

Hon. Julius Melly (Tinderet, UDA): I will do that. The TSC has re-tooled teachers in capacity building.

Another thing that guided the Ministry in setting up JSS was the distance between schools, the age of learners and the availability of teachers. The second is curriculum implementation. The Government is implementing the CBC. They have supplied Grade Seven books and it is in the process of supplying Grade Eight textbooks and learning materials.

On the number of learning areas per the PWPER, they have reduced this and they are now doing designs for lower primary from Grades 1 to 3, Pre-Primary 1 (PP1) and Pre-Primary 2 (PP2), Upper Primary, Grades 4 to 6. In JSS, they have reduced learning areas from 14 to nine. The learning areas in senior schools have been reduced to seven. The curriculum design for senior school will be finalised once the process for junior school is concluded.

The last is on teachers. The Government has employed 56,750 teachers in the past year. It has also moved qualified staff from the former primary schools to JSS because most of them are graduates. Some teachers have master's degrees and have the ability to run those schools.

I would like to bring to the attention of the House the issue of financing basic education. In the first term of 2023, the Ministry of Education disbursed Ksh9.3 billion in capitation to schools. The Ministry has given all the money that they anticipate to disburse. In addition to that, special needs education schools received Ksh3.7 million during the first and second terms. That covered 1,354 learners in 119 public junior secondary schools.

Finally, provision of adequate, appropriate and safe infrastructure is paramount in provision of quality education. The Ministry has outlined how they have allocated money through capitation. The Statement has also captured areas where the Ministry of Education has partnered with donors on matters infrastructure.

Last week, through the advice of the Departmental Committee on Education, in consultation with the Ministry of Education, a grant of Ksh3.3 billion was tabled in the House and divided amongst 290 constituencies. The grant will be used to construct classes. The money will be disbursed under the NG-CDF which will pay every shilling for the construction of the thousands of classrooms that is going on. The wisdom behind tabling that money in this House is to ensure that Members no longer go to queue in the Ministry of Education requesting for infrastructure funds. Instead, these funds will be channelled to the constituencies so that they can build schools. This Statement has detailed information on issues infrastructure. The Ministry has also given a detailed report on the kind of books they have distributed and how they got to particular schools.

Hon. Temporary Speaker, I beg to lay this Statement on the Table of the House, as directed by the Speaker.

(Hon. Julius Melly laid the document on the Table)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Chairman of the Departmental Committee on Education, for that elaborate Statement from the Cabinet Secretary, Ministry of Education. Members, I can see several interventions. I would like to give a few Members, on both sides of the House, a chance to contribute. I will start with my right.

Hon. David Ochieng', Member for 'Ugunja'.

Hon. David Ochieng' (Ugenya, MDG): Hon. Temporary Speaker, I am the Member for Ugenya, not Ugunja.

(Hon. Julius Melly consulted the Temporary Speaker)

Chairman of the Departmental Committee on Education, allow me to address the Temporary Speaker.

Hon. Temporary Speaker, I am the Member for Ugenya, not Ugunja. I want that to be corrected on record.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That is noted, Hon. David Ochieng', Member for Ugenya.

Hon. David Ochieng' (Ugenya, MDG): Thank you, Hon. Temporary Speaker. I thank the Chairman of the Departmental Committee on Education for a very elaborate Statement. When Hon. Joseph Makilap raised this matter, it was not for want of knowledge on what is going on. What he wants is assurance. I request that my friend, the Chairman, gives the assurance. The issues that have been raised in the Statement are things that we have heard about before. This continuum that we have moved exams, will move some through the air or have

made arrangements should end. We heard this during Prof. George Magoha's tenure, a very hard-faced man. We have heard all these things, but even then, we had rigging of exams. So, we need to ensure that the human intervention in the process through which exams could be rigged is removed.

Two is on the last thing he mentioned on disbursement of money. We are all aware that the Ministry does not disburse 100 per cent of the money. The Ministry disburses 55 per cent of the money. The highest they can disburse is 70 per cent. Schools do not get 100 per cent of the money. This is something that the Chairman should deal with. We should disburse enough money on time.

Three is on books. Books are important, but the Ministry just says that books have been given without any further information. In situations where books have been issued, they get to schools late. Some schools get books in second term for children sitting exams in third term. Some schools get books in August for exams being done in October/November. The issue is not whether these things are being done; the issue is the timeliness of execution. The issue is ensuring that we do not lose any part of the chain. Every year, we get these assurances, but do not mitigate the rigging of exams. The last two years have been terrible. We hope the Chairman, who has read the Statement, will ensure that the Ministry, the Cabinet Secretary and the Principal Secretary concerned, follow through and make sure that this year we do not have rigging in exams.

Hon. Temporary Speaker, I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Ugenya. Hon. Aden Daudi, Member for Wajir East. Hon. Members, if you are seeking some clarifications, please, do it in a minute so that we can have several Members contributing. Hon. Daudi.

Hon. Aden Mohammed (Wajir East, JP): Thank you, Hon. Temporary Speaker. I thank the Chairman of the Departmental Committee on Education. I can confirm that many of the things he said about the hardship areas, like my constituency, are true. Exams have been delivered by helicopters to those centres. I wish to thank the Ministry of Education for being well-prepared this time round. The only issue is that in the hardship areas, while exams have been delivered in good time and preparations made, unfortunately the students are not ready to take those exams because we do not even have teachers to teach them. It is surprising that we spend all that money to deliver exams to all those areas yet we cannot post teachers there. I urge this House and ask the Chairman to make sure that those schools are staffed. This will help students from those areas to take the exams and be at the same level with other students from the rest of the country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman, I hope you are noting the feedback from the Members. Hon. Moses Injendi, Member for Malava.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I wish to congratulate the Chairman for this Statement. I am the Vice-Chairman of the Committee and I was surprised when Hon. Ochieng', Member for Ugenya, asked for assurance from the Chairman about the exams yet this Statement from the Ministry of Education assures us on that matter. We only need to support the Ministry because at the end of the day, these exams must be done. If the exams are not administered, then the Ministry will fail. This will then be our confirmation that they have failed as an entity.

We recall that the Chairman also submitted a report on exam cheating. The Departmental Committee on Education went round the country collecting views on exam cheating. What came out clearly was cheating arising from early exposure of exams. This process of collecting exams every exam period is as a result of the report we wrote after collecting views from Kenyans.

Hon. Mbui's concern was particularly on distance. From this Statement, if Members read it carefully, the issue of distance has been covered. I also want to assure Hon. Mary Emaase that it is not a must to have a container within the sub-county. For example, there are some schools whose exams will be collected from containers nearer in other sub-counties that are maybe one to five kilometres from the schools.

The other issue that was raised by Hon. Mbui is the issue of cost of transport. His fear was that the Ministry does not have enough funds. We assure Parliament that this Committee pushed the Budget and Appropriations Committee to allocate enough money. One of the issues that was raised was cost.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Injendi. Your time is over, but as the Vice-Chairperson, you have made excellent comments on behalf of your Committee.

I will give this opportunity to Hon. Bartoo, Member for Moiben, for one minute. Some Committee Members are supporting the Chairperson's position. Please give other Members not from your Committee a chance to raise issues.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Departmental Committee on Education and Research Chairperson. I am a member of the Committee. I want to allay fears which Members might be having on the preparedness of the national examinations, which are about to take off. Since the beginning of the 13th Parliament, the main issue our Committee has been dealing with is examinations. We have visited several parts of Kenya and engaged with stakeholders. So, the level of preparedness is good.

There is a saying that "the devil is in the details". We must be vigilant, and if there are any anomalies, we raise them. The national examination process is watertight, but the devil is in the details. So, let us all be vigilant.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. I will be very brief. On capitation, which the Cabinet Secretary talked about, the Chairperson knows we are doing very badly because the disbursement is at 46 per cent and 53 per cent in some schools, while in others it is at 18 and 19 per cent. This is about tuition and operations as per a recent circular. This will certainly affect practicals, as mentioned yesterday.

Let me congratulate the Chairperson because this Statement brings an assurance of many frightening issues like distance. Regarding examiners, I want to ask this Parliament: When the supplementary budget comes, we support the Ksh3.8 billion allocation to KNEC. If we give them that money, it is an assurance that, for the first time, examiners will be paid on time. As you heard, 290 teachers had never been paid. However, they were paid last year.

I want to ask this House to support the Ksh3.8 billion allocation in the supplementary budget. Let it be prioritised for payment of teachers. Regarding supervisors, the Ministry of Education and TSC should factor in the transportation and allowances for teachers moving to and from - twice a day for all those days. The Chairperson should note this.

Hon. Temporary Speaker, as I finish on the issue of space and marking centres, there is a congestion problem. I want to acknowledge that they have increased the number of centres. At the same time, let them increase payment for every script the teachers mark. That way, they will be home and dry.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Suzanne Kiamba, Member for Makueni.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I also wish to add my voice to this concern. First, I want to congratulate the Committee Chairperson for that elaborate input on preparedness. I found it difficult to see the significant effort that has been put into ensuring no cheating like in previous years. The only effort I have seen is an increase in centres. Secondly, with a capitation of 26 per cent, anybody who has been in schools of late knows that headteachers and administrators are extensively strained with basic logistics. If we expect the examinations to be done the way we want, it is important to understand that the learning environment is fragile. The desks are broken down, and the school environment is quite wanting.

Thirdly, Hon. Baya has asked about centres and collection of examinations twice a day for morning and afternoon sessions. If I heard him correctly, the concern was this: Does collecting examinations twice decrease the chances of cheating? I do not understand how this reduces the chances of cheating. This is manipulative and allows people to collude, mainly when examiners have not been paid for years. What will stop them from taking a few bribes to cushion their pockets instead of waiting? We need to add resources to have a water-tight scenario in those examinations.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Makueni. Hon. Chairperson, I have heard you raise a point of information. I will give you the last opportunity because Members are raising different issues on this. Hon. Naomi Waqo, Member for Marsabit County.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this important discussion. I also congratulate the Chairperson for the very good statement he has tabled. It has shown us that the Ministry is prepared for the examinations.

In the past, our students have been affected in various ways because of cheating, and if those loopholes can be taken care of, we will be grateful. The other issue is the distance that is covered in some areas, like where I come from, especially when it rains. Please consider collection areas that are inaccessible and the distance from one school to another is enormous. All students should be given equal opportunity. Examinations should be collected on time and special attention should be given to control cheating. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. (Prof) Jaldesa, Member for Moyale.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker. I want to raise a small issue and congratulate the Committee Chairperson for correctly reading hard names from northern Kenya. This means he did a lot of work.

Looking at examinations, there is a lot of inequality and unfairness to students from hard-to-reach areas. You can imagine students who are transported 80 kilometres away from their homes to other examination centres and yet, there is no boarding facility for them. This is because of lack of logistics. The Ministry cannot afford to take the examination to where they have been schooling with less than 50 per cent of teachers' coverage. Only three teachers are teaching from Grade 1 to Class VIII. So, they are already disadvantaged. Now, they have been displaced from their homes to other examination centres. We need to see how best to handle that problem next time.

The other issue is the validation of the examination results and marked scripts. There should be a way of validating so that we can know the marks given to a child in Alliance High School are the same as a child from Moyale. I suspect biasness by teachers marking the papers. We need a water-tight validation system so that students are assessed on equal footing.

Thank you, Hon. Temporary Speaker. With those few remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, allow me to give the last opportunity to Hon. Dr Pukose. I can see too many interventions; I will give two more on my left and right, and then we close and go to the next business. Dr Pukose, one minute only.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I want to thank the Chairperson of the Departmental Committee on Education and Members who have given their input. As our students prepare to do examinations, especially those from Endebess Constituency, I wish them success in their KPSEA, KCPE and KCSE examinations. One of the biggest challenges the Chairperson did not address is the failure to pay teachers who mark examinations on time. The Hon. Chairman needs to address that because their morale is very low.

The second thing I want the Hon. Chairman to address is cheating. When some of us did examinations in the early 1990's, there was no cheating. Even when we did our Kenya Certificate of Primary Education (KCPE) in the 1980s, there was no cheating. We need to look at what went wrong for people to think cheating is the norm. This is something that the Departmental Committee on Education needs to look into.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kaluma, please have one minute.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. The response from the Cabinet Secretary is not satisfactory. I request that he come to this House as a matter of urgency by tomorrow to address these issues.

When this matter was raised, the substantive Speaker raised the issue of the administration of examinations. The idea of having the same centre managers who have set mean grades with students being in charge of examinations has not been addressed.

Regarding the distribution of examinations, in my constituency, there is no place other than the central place where they have been picking them from at the sub-county headquarters, which is actually the county headquarters. This falsehood of the Statement that there are containers all over is misleading. The system being established is to facilitate exam cheating. My concern is that we behave as if this is the first time Kenyans will do exams. Why must each Cabinet Secretary in each regime come with their method of doing exams? We had agreed to the system created by Prof. Magoha, but they change it every day. We are essentially creating avenues through which cheating will pervade in our exams. Please direct the Cabinet Secretary to come here so that we can deal with those issues, but not through those papers, which do not give us the right position.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kipchumba Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this very important Statement by the Cabinet Secretary for Education. I support it.

He has put in place an elaborate plan to manage examinations in this country. A nation that fails to plan, plans to fail. We must respect the sanctity of our certificates in this country. The moment we allow cheating, it means that our certificates shall not have value not only in Kenya, but the entire continent and world. I call upon those who manage exams because no law can stop them from opening avenues for cheating. If you look at WhatsApp and Instagram, many papers are going around claiming that they are examination papers. We have the Communications Authority of Kenya (CAK) and the Directorate of Criminal Investigations (DCI) in this country. What are they doing when papers are circulating on our social media channels? We call upon the DCI and all investigative agencies to ensure that all loopholes are sealed to have value for our certificates in this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, in the interest of time, the last person to contribute to this Statement will be Hon. Fatuma Jehow, Member for Wajir.

Hon. Fatuma Jehow (Wajir County, ODM): Thank you, Hon. Temporary Speaker. I want to thank the Chairman of the Departmental Committee on Education for the update he has given us on examination preparedness. My question today is not about examination preparedness. Where I come from, we have not had teachers for the past few years. Hon. Chairman supports teachers' withdrawal from our area, the entire North Eastern and yet, he is telling us about the school's preparedness. I wonder what our children will sit for.

(Hon. Julius Melly stood up in his place)

Let me finish, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Melly, do you want to inform Hon. Fatuma? Let her finish first because you will have the last opportunity to comment, but not to defend yourself.

(Laughter)

Hon. Fatuma Jehow (Wajir County, ODM): Thank you for that, Hon. Temporary Speaker. I want to ask the Hon. Chairman of the Departmental Committee on Education about the essence of carrying examination papers with choppers when those schools he mentioned in Wajir North do not have teachers. I want to understand whether we will do examinations or see the helicopters.

Thank you.

(Hon. Mary Emaase stood up in her place)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman, I assume that the matter that Hon. Mary Emaase raised has been addressed. I can see she is on her feet. Has your matter been addressed or not?

Hon. Mary Emaase (Teso South, UDA): I would like to seek clarification so that the Hon. Chairperson can address it with other issues as he informs the House, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I would like to give one last opportunity to Hon. Mary Emaase, and then we go to Hon. Chairman because we have other business in the Order Paper.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I want to seek a clarification from the Hon. Chairman of the Departmental Committee on Education.

I said that I represent two sub-counties. Teso South Sub-county is closer to Busia Town. As I speak, examinations have started, but they have to pick them up from Amukura, the Headquarters of Teso Central Sub-county, which is a bit far. Even if the container for Teso South Sub-county has not been transported to Busia, can they collect the examination from the container in Busia Town, even if it is for Matayos Sub-county? The process will determine the integrity and the validity of the examination. Therefore, we must minimise any fraud attempts and cheating. I represent those people. They have to collect the examination from Busia Town.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You have made your point very well, Member for Teso South. Hon. Members, I now give the opportunity to the Hon. Chairman, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, as rightly conversed by the Member for Alego Usonga, I have no answers. I commend Members for what they have said. It shall be transmitted to the Cabinet Secretary.

However, there are certain issues that I want to put on record, especially on the issue of assigning containers. I read my Statement quite well that certain sub-counties shall be served outside their sub-counties. A case in point is what the Member for Teso South has alluded to.

Secondly, there is the issue of teachers. I want to be on record that the Departmental Committee on Education and I, being a former teacher, have been very fair to the teachers of North Eastern. When you were the Chairlady of the Departmental Committee on Education in 2018, we introduced continuous recruitment of teachers in Garissa, Mandera, Wajir and Lamu regions. No other part of the country has been given preferential treatment like that particular region. It is unfair for the Member for Wajir to allude that the Hon. Chairman of the Departmental Committee on Education is unfair to that region.

Thirdly, there are issues that are faced by 129 teachers. Northern Region has about 6,000 teachers or more. However, 129 of them had certain incidental and sporadic cases of insecurity which needed to be listened to and addressed. They should not be handled globally like the whole region. Not the whole of Wajir and Mandera is insecure, but it is certain areas where those teachers were crying that they had issues. I want to thank the Committee. They listened to them. However, we did not make a resolution that all teachers from the North region need to move out. I just wanted to put that very clearly.

Regarding early exposure, it was in the wisdom of the Committee that the exams were to be picked twice. This is because the second paper was the one that was leaked. That is why at the examination centre or the school, when exams reach there, unethical and immoral people could open papers early and expose them. That is why we say you pick the exam in the morning and do it. The longest exam in Kenya Certificate of Secondary Education (KCSE) is two-and-a-half hours. So, it will be over by around 10.30. Go back and pick the next one so that it is done in the afternoon without any early exposure. That is why, as Hon. Toroitich has said, there is nothing as sanctifying as a certificate. If, as a country, we are not going to make sure that our certificates are honoured and have integrity, we shall not stand in the community of nations as people who have studied.

Hon. Temporary Speaker, the issue of validation and movement has been said by the Member of Wajir. On the issue of marking, we said examiners need to be paid well. I agree with the Members. That is why we proposed this budget. I also urge the House that when the supplementary budget comes here, we vote for Ksh3.8 billion to the KNEC to pay for examiners and all those other things.

On the issue of validation and movement of learners, moving a boy or a girl from his or her home to a far place is unfair. I know it is happening because of distances. However, I want Members to know that it is not in the interest of the Examination Council and even this Committee that students are moved for two or three days to finish exams and return home. This is something that we can address, and I thank you.

Lastly, I want to tell the House that the Cabinet Secretary will be here tomorrow at 9.00 a.m. to address the issue of capitation in schools, among many others. I ask that Members be in the Chamber early tomorrow so that you can prod the Cabinet Secretary to answer a number of things one-on-one.

Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Hon. David Ochieng') in the Chair]

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (National Assembly Bill No.46 of 2022)

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, we will go through the Committee of the whole House for three Bills in this Session. I hope the movers are in the House. There is the Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill, No.46 of 2022), the National Construction Authority (Amendment) Bill, (National Assembly Bill, No.59 of 2022) and then we will resume where we left yesterday on the Kenya Drugs Authority (Amendment) Bill, (National Assembly Bill, No.54 of 2022).

We will start with the Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill, No.46 of 2022). On this particular Bill, we have amendments by the Chairman of the Committee and that will be it.

Clause 2

The Temporary Chairman (Hon. David Ochieng'): Chairperson of the Departmental Committee on Labour.

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 2 and inserting the following new clause—

Amendment of section
16 of No. 1A of 2015.

2. Section 16 of the principal Act is amended—

- (a) in subsection (1) by inserting the words “and each public office” immediately after the words “each service Commission”;
- (b) in subsection (3) by inserting the following new paragraph immediately after paragraph (d)—

“(da) details on the human resource establishment within the service Commission outlining the total number of employees and highlighting their gender, age, ethnicity and whether they are persons with disabilities;”

The justification is that those amendments seek to ensure that each public office within the meaning of the Constitution of Kenya shall be obligated to prepare a report on the status of the values and principles of public service. This is in keeping with the provisions of Article 232 (2) of the Constitution of Kenya, which provides that the values and principles shall apply to public service in all state organs in both levels of Government and all State corporations.

The Temporary Chairman (Hon. David Ochieng'): Thank you.

(Question of the amendment proposed)

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Chairman. I support the amendment by the Mover of the Bill and by the Chairperson of the Committee.

The Temporary Chairman (Hon. David Ochieng'): Thank you. The Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Yes, Hon. Temporary Chairman. Somebody asked once whether a good thing could come from Bethlehem. For the first time, I am seeing a good proposal to be made into law by Members of the Majority Party. Something good has come from the Kenya Kwanza Administration - this one I would like to support.

My only request is that, as much as we seek compliance with those ideals by those institutions or commissions because they cannot just report about what is happening out and not internally. This requires them to tell us what they are doing internally. Let us also try to make it easy for the commissions to ensure that they also comply in their outward discharge of functions.

For instance, look at what is happening with the Teachers Service Commission (TSC), where we have interfered with the Commission's independence. Politicians are now distributing forms, not caring about those ideals. I, therefore, support these amendments, but I request that they be implemented across, and we give those commissions the free room to be independent and to exercise those ideals.

I thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Thank you. Let us have the Hon. Member for Butere.

Hon. Nicholas Mwale (Butere, ODM): Thank you, Hon. Temporary Chairman. I stand to support the amendment.

However, I want to caution my colleague, Hon. Kaluma, not to say that politicians are distributing forms for TSC. I have not distributed any forms. He needs to withdraw that statement.

(Several Hon. Members spoke off the record)

He did not say Kenya Kwanza. He said 'politicians.'

The Temporary Chairman (Hon. David Ochieng'): Are you referring to Hon. Kaluma?

Hon. Nicholas Mwale (Butere, ODM): Hon. Kaluma.

The Temporary Chairman (Hon. David Ochieng'): Yes, that is how we call him.

Hon. Nicholas Mwale (Butere, ODM): He needs to withdraw the statement of politicians distributing forms because that is not in order. However, I stand to support the amendment.

The Temporary Chairman (Hon. David Ochieng'): He did not talk about forms of any nature; I just heard forms. I do not know whether they are forms. Are they birth certificate forms?

Hon. Nicholas Mwale (Butere, ODM): He talked about what is happening in the TSC, where politicians are distributing TSC forms.

The Temporary Chairman (Hon. David Ochieng'): What kind of forms? Is it birth certificates or death certificates?

Hon. Nicholas Mwale (Butere, ODM): That is what I want him to specify or to withdraw.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

New Clause 1A

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 1.

Amendment of section 2 of No. 1A of 2015.

1A. Section 2 of the Public Service (Values and Principles) Act (in this Act referred to as the “principal Act”) is amended by inserting the following new definitions in their proper alphabetic sequence—

“authorized officer” means any officer appointed within the public service or service Commission to perform its delegated functions within the public service or service Commission;

“public office” has the meaning assigned in Article 260 of the Constitution;”

Hon. Chairperson, this amendment seeks to introduce the definition of the term “authorized officer,” which is contained in the Bill and used in other sections of the Act, but it was previously not defined in the Public Service (Values and Principles) Act of 2015.

The amendment also seeks to ensure that a public office is defined as contained in the Constitution and further to ensure every public office shall be mandated to prepare a report on the status of the promotion of values and principles of public service.

Thank you.

(The new clause read a First Time)

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairman (Hon. David Ochieng’): Thank you. Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairman, I support the amendment by the Chairperson of the Committee, and I request others to support as well.

Thank you.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

Title

The Temporary Chairman (Hon. David Ochieng’): Hon. Dawood do you want to speak on this?

(Laughter)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. David Ochieng’): Hon. Dawood, you can move from wherever you are. Do you have your notes for moving?

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Public Service (Values and Principles) (Amendment) Bill, National Assembly Bill No.46 of 2022, and its approval thereof with amendments, and seek leave to sit again.

The Temporary Chairman (Hon. David Ochieng’): Why did you seek leave to sit again? Move again. Just stop at ‘with amendments.’

Hon. Rahim Dawood (North Imenti, Independent): Okay. Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill No.46 of 2022), up to Clause 2, and its approval thereof with amendments.

Thank you.

(Question proposed)

(Question put and agreed to)

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(National Assembly Bill No.59 of 2022)

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, we will now move to the National Construction Authority (Amendment) Bill, (National Assembly Bill No.59 of 2022).

Clause 2

The Temporary Chairman (Hon. David Ochieng’): Chairperson of the Housing and Urban Planning.

Hon. David Gikaria (Nakuru Town East, UDA): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Hon. Gikaria, what is out of order? Go ahead.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Chairman. This was my amendment, but I am told it has to be moved by the Chair of the Committee, who is not in today. I need some guidance on how to progress from here.

Thank you.

(The Temporary Chairman consulted the Clerk-at-the-Table)

Hon. Gikaria, you can take your seat. Hon. Members, as you know, the Chairperson of the Committee had proposed two amendments, but he is not in the House to move his amendments. The outcome of the same is that the Bill is carried. So, Hon. Gikaria, nothing will be done by you this afternoon.

(The Temporary Chairman consulted with the Clerk-at-the-Table)

The Mover will move for reporting. Hon. Gikaria, just resume your seat.

Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I seldom oppose anything coming from Hon. Gikaria. But you know the state of the economy. Have we factored in the budgetary implication of excluding women, youth and persons with disabilities, whether rich or otherwise, from paying the fees required here? This will be a lot of money lost by the Government. Some women are wealthy. Look at women like, sorry to give you as an example, Hon. Kittany and Hon. Beatrice from Kericho. Why are we saying they will apply for registration without paying due fees? Why do we not categorise women so that we deal with women and the youth who have no money? Look at Hon. Babu Owino, who is a permanent youth. Why should he not pay fees to register a construction firm? That is my concern. Otherwise, I will not oppose anything coming from Hon. Gikaria.

The Temporary Chairman (Hon. David Ochieng’): You have just opposed, but it is all right.

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Mover.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the National Construction Authority (Amendment) Bill (National Assembly No.59 of 2022), and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

THE KENYA DRUGS AUTHORITY BILL
(National Assembly Bill No.54 of 2022)

(Resumption of consideration interrupted on 24.10.2023)

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, we now move to the Kenya Drugs Authority Bill, (National Assembly Bill No.54 2022). We will start from where we left off yesterday.

Hon. T.J. Kajwang’ (Ruaraka, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Hon. Tom Kajwang’ of Ruaraka, there is nothing on the Floor. What is out of order? Go ahead.

QUORUM

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairman, I rise to say something that I have never said since I came to this House. This is a very important Bill on

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health matters. We should discuss the Bill when there is sufficient quorum to proceed. The House is not well constituted to proceed with this matter.

The Temporary Chairman (Hon. David Ochieng’): Could the Serjeants-at-Arms confirm whether it is true that we do not quorate?

(The Serjeants-at-Arms counted the Members in the House)

Having confirmed that Hon. Kajwang’ is right, I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

I now order that the Quorum Bell be stopped, having been rung for 10 minutes.

(The House resumed)

IN THE HOUSE

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

Hon. Deputy Speaker: The Chairperson of the Committee of the whole House, please report.

Hon. David Ochieng’ (Ugenya, MDG): Hon. Deputy Speaker, while in the Committee of the whole House, the House considered to conclusion the Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill No 46 of 2022) and the National Construction Authority (Amendment) Bill (National Assembly Bill No.59 of 2022). We were in the process of considering the Kenya Drugs Authority (Amendment) Bill (National Assembly Bill No.54 of 2022) when the Member for Ruaraka, Hon. Kajwang’ rose on his seat and notified the Chairperson of the lack of quorum. In line with Standing Order 35, I ordered the Quorum Bell to be rung for 10 minutes, after which we had not achieved the quorum. Therefore, I rise to report that there is no quorum in the House.

Thank you.

ADJOURNMENT

The Deputy Speaker: Hon. Members, the time being 12.17 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.17 p.m.

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