



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD**Tuesday, 17th October 2023**

The House met at 10.00 a.m.

*[The Deputy Speaker (Hon. Gladys Boss) in the Chair]***PRAYERS***(Technical hitch)***NOTICE OF MOTION****EXTENSION OF MANDATE OF THE NATIONAL DIALOGUE COMMITTEE**

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Apologies for the small technical challenge with the microphones.

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

THAT, aware that the National Dialogue Committee was established by Parliament through a resolution passed by the National Assembly and Senate on 16th August 2023 and 29th August 2023, respectively; further, aware that the resolution outlines the mandate of the Committee which includes to facilitate dialogue, consensus building, and recommend appropriate constitutional legal and policy reforms on issues of concern to the people of Kenya; acknowledging that since its establishment, the Committee has made tremendous progress in exercise of its mandate and has achieved the following milestones:

- i) Formulated and adopted the framework agreement;
- ii) Framed and adopted the statement of issues;
- iii) Unbundled the issues...

(Hon. Silvanus Osoro consulted loudly)

Hon. Deputy Speaker: You are causing disturbance, Whip of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Please protect me from the Whip of the Majority Party.

Hon. Deputy Speaker: Whip of the Majority, take your seat and desist from engaging Hon. Bowen Kangogo.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker for the protection. Allow me to take that again.

THAT, aware that the National Dialogue Committee was established by Parliament through a resolution passed by the National Assembly and Senate on 16th August 2023 and 29th August 2023, respectively; further, aware that the resolution outlines the mandate of the Committee which includes to facilitate dialogue, consensus building, and recommend appropriate constitutional legal and policy reforms on issues of concern to the people of Kenya; acknowledging that since its establishment, the Committee has made tremendous progress in exercise of its mandate and has achieved the following milestones:

- i) Formulated and adopted the framework agreement;
- ii) Framed and adopted the statement of issues;

- iii) Unbundled the issues and agreed on prioritisation of issues;
- iv) Harmonised the unbundled issues;
- v) Conducted public participation and stakeholder engagements in line with the requirements of Article 10 of the Constitution; and,
- vi) Examined and analysed the memoranda that were received from the public and stakeholders' submissions;

Further, cognisant that the Committee is presently in the process of considering the issues for negotiations and recommending appropriate constitutional, legal and policy reforms on each of the framed issues which are:

- i) Electoral justice and related matters;
- ii) Outstanding constitutional matters;
- iii) Fidelity to political parties/coalitions and the law on multi-party democracy;
- iv) Entrenching the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF) and the Senate Oversight Fund into the Constitution; and,
- v) Establishment and entrenchment of state offices;

Conscious, that the resolution as passed by both Houses of Parliament required the Committee to report to the leadership of Kenya Kwanza and Azimio coalitions within 60 days from 29th August 2023; recognising the need for the Committee to conclude consideration of the issues for negotiations, the process of making the appropriate constitutional legal and policy reforms on each of the issues as framed by the Committee and preparation of a report for submission to the leadership of Kenya Kwanza and Azimio Coalitions and thereafter to Parliament;

Now therefore, the Houses of Parliament resolve to extend the mandate of the National Dialogue Committee by a further 30 days from 28th October 2023 and consequently, the Committee shall be required to report to the leadership of Kenya Kwanza and Azimio coalitions on or before 26th November 2023 and thereafter submit its report to Parliament.

I thank you, Hon. Deputy Speaker.

BILL

Second Reading

THE FACILITIES IMPROVEMENT FINANCING BILL (Senate Bill No.43 of 2023)

(Moved by Hon. Kimani Ichung'wah on 12.10.2023)

(Debate concluded on 12.10.2023)

(Question put and agreed to)

*(The Bill was read a Second Time and committed to Committee
of the whole House today by leave of the House)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]

**THE FACILITIES IMPROVEMENT FINANCING BILL
(SENATE BILL NO.43 OF 2023)**

The Temporary Chairlady (Hon. Martha Wangari): Order, Hon. Members. We are now in the Committee of the whole House for the Facilities Improvement Financing Bill (Senate Bill No.43 of 2023)

(Clauses 3, 4, 5 and 6 agreed to)

Clause 7

The Temporary Chairlady (Hon. Martha Wangari): We have an amendment by Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. We have carried out some consultations with the Leader of the Majority Party and my colleagues on this side who sit on the Departmental Committee on Health. We had serious amendments that we wanted to make, but we are cognisant of the fact that this is a Senate Bill that is before the National Assembly. In light of the fact that if we do not pass it it will go back to the Senate or to the Mediation Committee, we have agreed that I withdraw this amendment and subsequent amendments on the undertaking of the Majority side that the amendments proposed herein can be revisited in a small amendment Bill after six months. On that account, I would like to withdraw this amendment.

Thank you.

(Proposed amendment by Hon. Anthony Oluoch withdrawn)

The Temporary Chairlady (Hon. Martha Wangari): Thank you, Hon. Oluoch.

(Clause 7 agreed to)

Clause 8

The Temporary Chairlady (Hon. Martha Wangari): Mover, Hon. Oluoch. Does this face the same fate?

(Hon. Anthony Oluoch nodded in agreement)

Thank you.

(Clause 8 agreed to)

Clause 9

The Temporary Chairlady (Hon. Martha Wangari): Hon. Oluoch. Does this face the same fate?

(Hon. Anthony Oluoch nodded in agreement)

Thank you.

(Clause 9 agreed to)

Clause 10

The Temporary Chairlady (Hon. Martha Wangari): We have an amendment by Hon. Dr Wilberforce Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Chairlady. We are very reasonable people who consult widely and make decisions that are in the interest of the public. We are not partisan, so to speak. After consulting with the Leader of the Majority Party, the Chair of the Departmental Committee on Health and seasoned Members of the Departmental Committee on Health from our side, we agreed that I will drop all the amendments that I had proposed on this particular Bill.

Thank you.

(Proposed amendments by Hon. (Dr) Ojiambo Oundo dropped)

The Temporary Chairlady (Hon. Martha Wangari): Thank you, Hon. Oundo. I like the consultations this morning. There is a second amendment by Hon. Oluoch.

Hon. Oluoch, are you doing the same to this amendment?

Hon. Anthony Oluoch (Mathare, ODM): Yes, Hon. Temporary Chairlady. It faces the same fate. I withdraw.

(Proposed amendment by Hon. Anthony Oluoch withdrawn)

(Clause 10 agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, I know there are proposals for amendments to Clauses 11, 20, 22 and 29. Hon. Oluoch, just be on record that you have dropped all the amendments.

(Hon. Anthony Oluoch spoke off the record)

Hon. Oluoch, kindly use the microphone next to you to be on record.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. On the same undertaking, and upon consultation with the Leader of the Majority Party and the Committee Members on this side, I withdraw my amendments to Clauses 11, 20, 22 and 29.

Thank you.

(Proposed amendments by Hon. Anthony Oluoch withdrawn)

The Temporary Chairlady (Hon. Martha Wangari): Thank you, Hon. Oluoch.

*(Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26, 27, 28 and 29 agreed to)
(Clause 2 agreed to)*

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Mover, to move reporting.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Facilities Improvement Financing Bill (Senate Bill No.43 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Order, Members. For the convenience of the House, we will go to the next Bill. We are now going to consider the Primary Health Care Bill (Senate Bill No.44 of 2023).

THE PRIMARY HEALTH CARE BILL
(Senate Bill No.44 of 2023)

(Clauses 3, 4, 5, 6 and 7 agreed to)

Clause 8

The Temporary Chairlady (Hon. Martha Wangari): There is an amendment by Hon. Anthony Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady.

This falls under the same general consultations we made with the Leader of the Majority Party. Upon the concurrence of my colleagues on this side, I wish to drop all my amendments proposed under Clauses 8, 9, 12, 16, 17 and 23 on the strong undertaking that the Committee and the Majority side will re-introduce and relook at these provisions after six months.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Oluoch, you are on record.

*(Proposed amendments by
Hon. Anthony Oluoch withdrawn)*

(Clause 8 agreed to)

Clause 9

The Temporary Chairlady (Hon. Martha Wangari): Clause 9 suffers the same fate.

*(Proposed amendment by
Hon. Anthony Oluoch withdrawn)*

(Clause 9 agreed to)

(Clauses 10 and 11 agreed to)

Clause 12

The Temporary Chairlady (Hon. Martha Wangari): Amendments under Clause 12 have been dropped.

*(Proposed amendment by
Hon. Anthony Oluoch withdrawn)*

(Clauses 12 and 13 agreed to)

Clause 14

The Temporary Chairlady (Hon. Martha Wangari): We have an amendment by Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, in view of the previous discussion in respect of this amendment, I withdraw all my proposed amendments to this Bill. For record purposes, they are on Clauses 14 and 19.

*(Proposed amendments by
Hon. (Dr) Ojiambo Oundo withdrawn)*

The Temporary Chairlady (Hon. Martha Wangari): Thank you, Hon. Oundo.

(Clauses 14 and 15 agreed to)

Clause 16

The Temporary Chairlady (Hon. Martha Wangari): It is on record that the amendment proposed by Hon. Oluoch under this clause has been dropped. So, I will propose the Question to Clause 16.

*(Proposed amendments by
Hon. Anthony Oluoch withdrawn)*

(Clause 16 agreed to)

Clause 17

The Temporary Chairlady (Hon. Martha Wangari): Again, it is on record that the amendment here has been withdrawn.

*(Proposed amendments by
Hon. Anthony Oluoch withdrawn)*

(Clauses 17 and 18 agreed to)

Clause 19

The Temporary Chairlady (Hon. Martha Wangari): The proposed amendment by Hon. Wilberforce has been dropped. I will propose the Question.

*(Proposed amendments by
Hon. (Dr) Ojiambo Oundo withdrawn)*

(Clauses 19, 20, 21 and 22 agreed to)

Clause 23

The Temporary Chairlady (Hon. Martha Wangari): Again, it is on record that the amendment has been dropped.

*(Proposed amendments by
Hon. (Dr) Ojiambo Oundo withdrawn)*

(Clauses 23, 24 and 25 agreed to)

Clause 2

The Temporary Chairlady (Hon. Martha Wangari): Hon. Oluoch, this was not in your list of dropped amendments. Are you on record?

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, it falls within the same ambit of the others withdrawn.

The Temporary Chairlady (Hon. Martha Wangari): Thank you, Hon. Oluoch.

*(Proposed amendments by
Hon. Anthony Oluoch withdrawn)*

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the House reports its consideration of the Primary Health Care Bill (Senate Bill No. 44 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker

(Hon. (Dr) Rachael Nyamai) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE FACILITIES IMPROVEMENT FINANCING BILL

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

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Facilities Improvement Financing Bill (Senate Bill No.43 of 2023) and approved the same without amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon Members, I now call upon the mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request Hon. Mutunga to second the Motion of agreement with the report of the Committee of the whole House.

Hon. (Dr) John K Mutunga (Tigania West, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

THE FACILITIES IMPROVEMENT FINANCING BILL (Senate Bill No.43 of 2023)

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Facilities Improvement Financing Bill (Senate Bill No.43 of 2023) be now read a Third Time. I request Hon. Robert Mbui to second.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Proceed, Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. We have passed an extremely important Bill for the functioning of our health systems. This Bill will enable our Level 1 to Level 5 facilities to manage their own finances. Any contributions, including money from the counties, will be disbursed and managed by those facilities, which will make a big difference. This worked very well between 2005 and 2008. At some point, we will have to relook at it. One of the amendments being withdrawn after consideration is that the county accountant will be a mandatory signatory. The problem this will bring is that a small Level 2 facility will have to wait for that accountant to make the approval. Initially, these facilities had a chairman from the community, who was in charge of the facility and the funds. The accountant would then regularly check on the management of the funds. But since this is a Senate Bill, if we revert to this, we will be going

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backwards. When that time comes, we should remember what I am saying now. We can look at that later and allow these facilities to run on the authority of the county accountant.

My colleagues, primary and secondary schools manage their accounts without referring to the accountants. So why are we tying the health facilities? Now that we have moved one step forward, I think we should support, then in six months, we all agree to review and remove that small element so that these facilities can run on their own.

When I was at the Ministry, experience showed that the things that are run by the community do better than those that are run directly from a central position.

With that, Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Pukose, Chairperson of the Departmental Committee on Health.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I thank the House for passing these very important Bills from the Senate. They are of special notice to the Departmental Committee on Health. We spent a lot of time in public participation listening to and receiving memorandums from various organisations. I thank the Office of the Leader of the Majority Party for providing guidance on the two Bills.

I thank Hon. Oundo and Hon. Oluoch for being magnanimous in dropping their proposed amendments. They have enabled us to prosecute these Bills in a timely manner instead of engaging in a mediation process with Senators. This is the spirit with which we should prosecute Bills in this House moving forward. The Leader of the Majority Party has assured us that in six months, we will come up with a Bill to make those amendments and look at valid issues that Dr. Nyikal and others have raised. The Committee also raised some of those things, and we will look at them.

When we go to primary health care, there are issues about how the Community Health Promoters should operationalise. They should not go to the county public service boards because that will mean something else. This is, therefore, the spirit with which all of us should prosecute any Bill in this House. This is because we are all legislators, and we represent our people.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): The Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Allow me to join the Chairman and Dr. Nyikal in congratulating the members of the Departmental Committee on Health, where Dr. Nyikal also sits, and the whole House for radically changing the architecture of our healthcare system in the country. Changing it, not just radically but positively, in favour of the people we represent.

I agree with Hon. Nyikal that there is an opportunity for improvement. I also speak to the Ministry of Health and our county governments. In this day and age, there is no reason why a small health facility cannot be integrated into the Integrated Financial Management System (IFMIS) so that even a district accountant at the sub-county level is a mandatory signatory. The officers at the health facility should not be curtailed from being able to process their payments because they have to travel to a sub-county headquarters to get payments approved. I believe those are some of the issues that came out of the Ministry of Health and our county governments must work on to ensure that all health facilities from Level 1 to Level 5 are integrated into the IFMIS system. This will ensure that even the district accountants, who will be mandatory signatories, can do all the approvals online without necessarily having to engage at the facility level.

Two, is to speak to our governors, county chief officers and the County Executive Committee (CEC) members in charge of health. As they designate the Authority to Incur Expenditure (AIE) holders, they will designate at all the facilities, from Level 1 to Level 5,

considering the officers' expertise and skills at those levels. They do not necessarily have to be a medical superintendent trained in medicine, but they may need to look at skills — people trained in finance and accounting. I do not say that because I am an accountant, but because they will be managing finances, and it is important that they do capacity building. Even medical superintendents who are medical officers may need to give them some capacity training in financial prudence and financial management so that they are adequately skilled to cater for the funds under their care.

With that, Hon. Temporary Speaker, I thank all Members for the passage of this Facilities Improvement Financing Bill and the other Bills we are about to consider, plus those that were considered in the Senate last week and approved. I also thank the Senate for considering and approving our Bills without amendments.

Lastly, allow me to thank Hon. Oundo and Hon. Anthony Oluoch for being magnanimous and dropping the amendments that they had proposed. As I have committed, in the course of next year, upon maturity of these Bills, we shall have another Bill that will make some of those small amendments — including the proposed change of name of the Social Insurance Health Fund that Hon. Junet proposed — once we see how they will have worked over those six months or so.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you, Leader of the Majority Party. Hon. Members, considering that we debated this Bill extensively, I give the last opportunity to Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Temporary Speaker.

I thank the House for passing this Bill. As a House, we have passed four important health Bills in this Sitting, as we are about to go on recess on Thursday. As you are aware, there is a huge debate in the country because health was devolved under the 2010 Constitution. People are asking themselves whether it is right to devolve health functions. Kenyans ask themselves whether we made the right decisions when we enacted the Constitution by devolving health to the counties. This is because most of our health facilities are not working and functioning at the county level. You know that health care is one of the most important things for any government, whether it is a county or national government. These new Bills that we have just passed and will be assented to shortly will revolutionise our country's health sector.

You will not know the importance of health until you become sick. When you get ill is when you realise how important it is to be healthy. We have passed many Bills in this House on healthcare, education, Information Communication and Technology (ICT), and many other areas. I ask this House to develop a mechanism to assess the implementation of those Acts after they are assented to ascertain whether they are being implemented for the benefit of the people of Kenya.

I thank the Leader of the Majority Party. He has done a good job for the last six months. The first six months, he was settling down. He was doing a lot of politics, but he has done a good job in the last six months. If he continues with this trend, the future looks bright for him. Maybe he will be my running-mate in a few elections to come.

Hon. Temporary Speaker, this House has a Committee on Implementation. This Committee must make sure that the Bills we pass in this House are implemented for the benefit of the people of this county, so that we do not just give the Executive a blank cheque that says: “We have passed these Bills; go implement them the way you want,” and then they implement what they want and leave out what they do not want. They implement the ones that favour them and leave those that do not. I give this task to the Committee on Implementation to ensure these Bills are implemented.

With those few remarks, I thank the House for passing the Bills.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Junet.

Hon. Members, I have confirmed that the House is properly constituted for the purpose of making a decision.

(Question put and agreed to)

(The Bill was accordingly read a Third Time and passed)

We move to the next Bill, which is the Primary Health Care Bill (Senate Bill No. 44 of 2023).

CONSIDERATION OF REPORT ON THE
PRIMARY HEALTHCARE BILL

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

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Primary Health Care Bill (Senate Bill No. 44 of 2023), and its approval thereof without amendments.

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Kiili to second the Motion for agreement with the report of the Committee of the Whole House.

Hon. Daniel Karitho (Igembe Central): Thank you, Hon. Temporary Speaker. I second.

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

(Question proposed)

(Question put and agreed to)

Third Reading

THE PRIMARY HEALTHCARE BILL
(Senate Bill No.44 of 2023)

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Primary Healthcare Bill (Senate Bill No.44 of 2023) be now read a Third Time. I also request Hon. Irene Mayaka to second.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I second.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you, Hon. Irene Mayaka.

(Question proposed)

I will give an opportunity to a few Members to comment. I will give the first opportunity to Hon. Justice Kemei, Member for Sigowet/Soin.

(Hon. Justice Kemei spoke off the record)

Are you not aware? Hon. James Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Temporary Speaker, once again, I will emphasise the importance of this Bill, which we have just passed into law. This Bill will link communities with the health system. Community health promoters or workers are the basic link between communities and the health system. I appeal to all Members to support them and ensure that they are community members. They should not be transferred. They should belong to the community.

When the time comes, we should provide funding for this Bill. This is because primary healthcare promoters will work effectively if they are linked with financing at Level 2 and 3 hospitals. We will work through them. As we come up with committees for Level 2 and Level 3 hospitals, we should incorporate community healthcare promoters. If we do that, we will see a significant change. That is what made Ethiopia a leader in healthcare and led the current Director of the World Health Organisation (WHO), who is from Ethiopia, to get the job. If we follow that route, we will go a long way.

I support the Bill.

The Temporary Speaker (Hon. (Dr. Rachael Nyamai): I would like to allow Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this decision of Parliament.

First, I agree with Dr. Pukose that we have been magnanimous as the National Assembly in passing this and previous Bills. Without much ado, the Bill will lead to fundamental changes in the health sector in our country. We must reduce bureaucracy when it comes to the treatment of our people. We must reduce the time it takes for our people to be treated and use technology to expedite health services.

I support the Bill.

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

Hon. (Dr.) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I, once again, want to thank the House for passing this Bill and, more so, the Departmental Committee on Health for the time they put in to make sure that this Senate Bill is processed and passed without amendments.

Just for the Members' record, community healthcare promoters vary in number in every constituency. We were in Kericho yesterday, and it has 1,600 community health workers, while Bomet has 1,900. As Members, we must interact with those people, who are at the grassroots, to understand how healthcare is being taken care of within our constituencies. They are key in terms of early diagnosis and prevention of diseases. They will refer patients from one level of care to another.

The Digital Health Bill that has been passed by this House is of interest and has now been operationalised. One can follow up on a patient from a Level 1 hospital to any level the patient has been referred to. You will be able to know whether the patient has been treated and the follow-up. You can also track supplies from the Kenya Medical Supplies Authority (KEMSA) to dispensaries in constituencies.

Yesterday, we honoured one of our great ladies, Prof. Miriam Were, who has been engaged in primary healthcare for nearly 70 years. She is now 83 years old and is a professor of medicine.

Our healthcare system will be transformed if we put this law in place. I want to quote the words of the Deputy President yesterday. He said that the results of these laws will be evident in the next six months or so. We will see transformation in our healthcare system.

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With those few remarks, I support the Bill.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you, Dr. Pukose. Hon. Gikaria, and then Hon. Baya. After that, we can put the Question. Proceed, Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. First, I support the passage of these very critical Bills. Hon. Junet initially indicated that health is a devolved function. We should talk to governors and CECs in charge of health. As Dr. Nyikal has said, we should ring-fence some of those monies within different levels of hospitals. I was the Vice-Chairperson of the Committee on Implementation in the 10th Parliament. We once visited Taita Taveta County and found that healthcare facilities would spend whatever they received, but they collapsed when the then governor was in charge of the funds.

This is a critical issue, particularly for counties. Since healthcare is a devolved function, governors should critically look at the Act once it is passed. The Bill will address emergencies, like accidents, which are sometimes not treated.

I support the Bill. I concur with all Members.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you. The last Member to speak on this will be Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, the health Bills passed by the 13th Parliament will revolutionise healthcare in this country.

The Facilities Improvement Financing Bill will ensure that money collected from healthcare facilities is used to develop them. For the first time, rural healthcare facilities in the interior can have money to buy supplies and pay for services such as cleaning. This is a good move which will help the country.

Community health workers suffer a lot. I have watched community health workers in my constituency...

(Loud consultations)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Please consult in low tones so that we can hear Hon. Baya. Proceed and conclude.

Hon. Owen Baya (Kilifi North, UDA): The Community Health Volunteers (CHVs) in rural areas suffer a lot because they do not have support from any corner. From today, I am sure the CHVs in my constituency in Tezo, Matsangoni and all the other areas are going to get help because of all the Bills that have been passed.

Hon. Temporary Speaker, I want to thank the Leader of the Majority Party and the magnanimous Hon. Oluoch and Hon. Oundo for dropping their amendments so that we can pass this Bill within the shortest time so that as we celebrate *Mashujaa* Day, we acknowledge community health care and this new dawn in the health sector of this country.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Owen Baya.

Hon. Members, I have confirmed that we have the requisite quorum in the House for decision-making.

(Question put and agreed to)

*(The Bill was accordingly read a
Third Time and passed)*

MOTION**ADOPTION OF REPORT ON THE PROBABLE LOSS OF INVESTMENTS
IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM**

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 07 of 2022 regarding Probable Loss of Investments in Cytonn High Yields Solutions Platform, laid on the Table of the House on Thursday, 4th May 2023.

(Moved by Hon. Nimrod Mbai on 3.10.2023)

(Resumption of Debate interrupted on 3.10.2023)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, this Motion had been moved by Hon. Mbai, and had been seconded. It is a continuation of debate and it has a balance of two hours and 18 minutes.

(Loud consultations)

The Member for Sotik.

Hon. Nimrod Mbai (Kitui East, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Mbai? You are the Mover of this Motion. Can you give Hon. Mbai the microphone?

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I only have one reason to speak to the Bill. When we moved the Motion, the petitioner, Hon. Atandi, had an issue with...

(Loud consultations)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Order, Hon. Members. The consultations are too loud. It is difficult for me to hear what Hon. Mbai is saying. I want to remind you that this is his Motion. Please consult in low tones.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Temporary Speaker. When I moved the Motion, which has a lot of attachment to the country and the Members, the petitioner requested to amend the Motion before discussion. With your indulgence, I request that we allow Hon. Atandi to move his amendment that the Committee supports.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Mbai. Hon. Members, I now give an opportunity to Hon. Atandi to move the amendments.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you very much, Hon. Temporary Speaker. Before I move, I want to say that the amendment is basically for the re-organization of the Report to make it more effective for the agencies that we are asking to investigate this matter.

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

(The Temporary Speaker (Hon. Martha Wangari) took the Chair)

I am allowing the new Temporary Speaker time to settle.

(Loud consultations)

Thank you, Hon. Temporary Speaker. I wanted to give you time to settle before I move my amendments. I wanted to say that the microphones are not good. I cannot be heard.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. Hon. Catherine Omanyo, I know that seat is very attractive, but kindly let the Members take their seats. You are blocking the Speaker from seeing the person in the seat. That is actually disorderly.

(Hon. Catherine Omanyo moved to another seat)

Hon. Atandi, is the microphone better?

Hon. Samuel Atandi (Alego Usonga, ODM): Yes. I think this is fair.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Wait, Hon. Atandi. Leader of the Majority Party, what is out of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, everything is out of order. Everybody is standing!

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members!

Hon. Kimani Ichung'wah (Kikuyu, UDA): The consultations are too loud! I beg you to please request that the Members who do not want to listen to Hon. Atandi either use the rooms behind you...

(Hon. Dekow Mohammed stood along the gangways)

The Temporary Speaker (Hon. Martha Wangari): Member for Garissa Township, please take your seat.

Hon. Kimani Ichung'wah (Kikuyu, UDA): They can use the rooms behind you, the Members' Lounge or the tea place for consultations.

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party, we hear you.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Unfortunately, most are conversing in vernacular.

(Hon. Japheth Nyakundi and Hon. Mwangi Kiunjuri consulted along the gangways)

The Temporary Speaker (Hon. Martha Wangari): We hear you, Leader of the Majority Party. Member for Kitutu Chache and Hon. Mwangi Kiunjuri, take your seats.

(Loud consultations)

Order in the House! Hon. Members, we cannot hear each other. Make the consultations manageable.

Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker. This is the proposed amendment to the Report of the Public Petitions Committee, Petition No.7 of 2022, by myself, regarding the probable loss of investments in Cytonn...

The Temporary Speaker (Hon. Martha Wangari): Ah! We are a House of procedure. We have assented to you to move the Motion, but kindly move the Notice of the Motion first. You will then move the Motion. At the debate level, you will move the issues you are talking about now.

Hon. Samuel Atandi (Alego Usonga, ODM): Okay, thank you.

The Temporary Speaker (Hon. Martha Wangari): Do it procedurally.

Hon. Samuel Atandi (Alego Usonga, ODM): Notice is given that the Member for Alego Usonga intends to move the following amendments to the Report of the Public Petitions...

The Temporary Speaker (Hon. Martha Wangari): Do not say your name. We know your name.

(Laughter)

Please read: “I beg to give notice of the following Motion... In that order. The way it is written.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you. I beg to give notice to move the following amendments to the Report of the Public Petitions Committee regarding the probable loss of investments in Cytonn High Yields Solutions Platform.

An Hon. Member: Move your amendments!

Hon. Samuel Atandi (Alego Usonga, ODM): I beg to move:

THAT, that the Motion be amended by inserting the following words—

-
- a) “subject to insertion of the following new recommendation (iv) after the expression “2023”.
- (iv) “The Directorate of Criminal Investigations undertakes thorough investigations on the matters listed hereunder within 90 days from the date of the adoption of the Report –
- a. affairs of Cytonn particularly on the matters raised in the Petition and proffer criminal prosecution against any person found culpable;
 - b. the relationship between officials of Cytonn and the Capital Markets Authority between the period of 2015 and 2021;
 - c. the business dealings of the 49 SPVs including their assets and liabilities if any; and,
 - d. the business dealings of Mr. Edwin Harold Dayan Dande including his assets and liabilities.”
- b) Re-numbering paragraph (iv) appearing on Page 32 of the Report as paragraph (v).

(Loud consultations)

Hon. Junet Mohammed (Suna East, ODM): On a point of order, Hon. Temporary Deputy Speaker.

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The Temporary Speaker (Hon. Martha Wangari): Wait, Hon. Atandi. What is out of order, Hon. Junet?

Hon. Junet Mohammed (Suna East, ODM): Hon. Temporary Speaker, I seek your guidance. We have a Motion on the Order Paper, and Hon. Atandi is moving an amendment. Can we first move the Motion, and then an amendment can follow?

The Temporary Speaker (Hon. Martha Wangari): Hon. Junet, you are totally out of order. This Motion had been moved, but the Speaker assented to an amendment to the Motion. That is what Hon. Atandi is moving.

Hon. Atandi, move the amendments.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I have already moved the amendments.

(Loud consultations)

Hon. Temporary Speaker, can I be allowed to continue making my presentation? As the person who presented this Petition before the House, I would like to say that the Committee has done an excellent Report. This Petition was presented by two people. More than 400 Kenyans appeared before the Committee when we went for public participation. They are all enjoined in this Petition because they are victims of this company, which continues to transact, trade and market its affairs.

Hon. Temporary Speaker, can you give me a better microphone?

The Temporary Speaker (Hon. Martha Wangari): Clerk, we are straining with the microphones. Members cannot hear, and we need this to be fixed. The ICT Department should fix the microphones because they are inaudible.

(Loud consultations)

Members, since we are straining, kindly keep your consultations down.

Hon. Samuel Atandi (Alego Usonga, ODM): This is a very serious Petition and the first on the Floor of this House since the start of this session. The Reports of this House must mean business to Kenyans. We cannot be a House that makes reports, and they are not acted upon.

This company called Cytonn High Yields Solution Platform is notorious for conning Kenyans. For the benefit of Members, when I brought the Petition before this House, I was taken to court by the company because of the statements I made during public participation. In my assessment, the activities of this company are akin to what pyramid schemes do.

I thank the Judiciary because the magistrate who listened to the case threw it out. This company has operated for a long time in this country. All they do is invite you to invest some money with them, promising high returns. Once you invest your money in the company, it is transferred to several other companies.

They call them their special-purpose vehicles. By the time you go back for your money, you are told it was transferred to a different company that does not have directors. You begin to look for your money plus the promised returns, but you cannot get it.

It is important to note that the activities of this company have led to the death of many Kenyans. We listened to some who said they invested their retirement savings in this company, but did not get their returns. There are many Kenyans who have committed suicide, and many families are broken because a wife took money and invested it without consulting her husband.

When the money was needed, it was not there. I listened to a case where a retiree who had invested his money was very sick and needed it for treatment. The deposits were supposed to have matured then, but Cytonn High Yields Solution Platform said they had no money.

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This report is very serious. I implore Members to pay attention to it because the amendment I brought on the Floor of the House is supposed to help the Director of Public Prosecutions (DPP) and the Director of Criminal Investigations (DCI) to ensure those guys are apprehended. I urge Members that, for once, let us be a House that comes up with a report that can bite. Many Kenyans are looking at us and wondering what we will do because they are being robbed in broad daylight. As we talk, look at the newspapers. That company still invites Kenyans to invest money with them. They send information on social media and operate like nothing wrong is happening.

Hon. Temporary Speaker, the Report that is being presented by the Committee is very conclusive. If this House adopts it in totality, we will urge the Committee on Implementation to ensure it is implemented together with recommendations made, including pursuing the culprits. We want to see those people charged in court for robbing and hurting Kenyans. This is the work that we must do.

Thank you, Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, you have moved in the amended form, so get a seconder.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker. I want to ask the Leader of the Majority Party to second.

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to support the amendment by Hon. Samuel Atandi. If you read the Report, Members will note there was a bit of inconsistency in the manner and format that it is tabled in the House. The Committee observed that Cytonn High Yields Solution Platform and associated companies defrauded many Kenyans. In some of the observations, they noted a possible culpability of the Chief Executive Officer (CEO) of Cytonn Investments Company, Edwin Dande.

For the record, it is good to note that Edwin Dande was my classmate in high school. He is a very intelligent and well-schooled young man. Our personal relations with people should not override our public duty and responsibility to hold them to account when they defraud Kenyans. That is why I rise to support Hon. Atandi.

Indeed, the CEO and management of Cytonn High Yields Solution Platform must be held to account for the enormous losses they occasioned investors who, as the Report says, were enticed in what seemingly was almost a pyramid scheme.

They promised Kenyans very high returns, which, under ordinary circumstances in the money market, you cannot get. They did this to collect money from gullible Kenyan investors. As usual, when they are invited to put money and get a very high return, Kenyans get enticed to do so with the hope of recouping both their investments and promised returns. As Hon. Atandi has said, he was taken to court on account of what he said not outside, but within the precincts of Parliament.

As a House, we must protect Members of Parliament. The Parliamentary Powers and Privileges Act protects Members from what they do in pursuit of their work as Members of Parliament. Hon. Atandi did not present this Petition because Dande comes from his village, county or because the petitioners are his friends. As you can see, those Kenyans petitioned Parliament because they reached a dead end. They reported to the DCI, and nothing was done. Today, there is hue and cry.

(Hon. Ann Wamuratha consulted loudly)

Hon. Temporary Speaker, protect me from the gracious ladies from Kiambu County who are conversing in vernacular, led by the Member for Kiambu County. Please tell Hon. Wamuratha that we are not in Kang'angi Market in Kiambu County.

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The Temporary Speaker (Hon. Martha Wangari): Hon. Wamuratha, keep that *kamukunji* down. Hon. Member, continue seconding the Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Please advise her that we are not in Kang'angi Market. We are in Parliament, where people converse in English or Kiswahili, not in vernacular while distracting debate. I was saying that Kenyans have been defrauded. Today, there is hue and cry in Mavoko Constituency, Machakos County.

Kenyans who invested their hard-earned earnings in buying land and building houses saw their investments—some of which are lifetime savings—being brought down by bulldozers, on account of the loss of a case against East African Portland Cement Company. Those people did not just fall like manna from heaven on that land. They were conned by people who made them to invest their hard-earned resources on land that did not belong to the purported sellers. Many of them, including political leaders, use what are called 'squatters' to invade private land, subdivide it and then sell it to gullible Kenyans. When their houses are demolished, the same political leaders turn around and accuse people for demolishing them, yet some of them are part and parcel of the rot.

Hon. Samuel Atandi has every right as a Member of Parliament to present a Petition before Parliament on behalf of Kenyans who have been conned. It not only happened in Cytonn High Yields Solutions Platform but also in Kiambu County where Hon. Wanjiku Wamuratha and Hon. Alice Ng'ang'a come from. They will tell you about Ekeza Savings and Credit Cooperative Society (SACCO), which is another pyramid scheme that defrauded millions of Kenyans. These people seek political favours and power. Those who defrauded people through Ekeza SACCO were insulting President William Ruto, then Deputy President, before the election. Today, they are all over recording songs of praise for him imagining that they will get protection from the theft they have occasioned on Kenyans.

As political leaders, we must decide that if we are fighting corruption, it must be by action. The amendments we did last week on the Bribery Act speaks to some of these issues that Hon. Atandi is amending. Corruption is not only in the public sector but it also pervades even within the private sector. Well-educated people register companies with big names. Some hide behind big names like bishops like that one of Ekeza SACCO. You call yourself a bishop and then you defraud Kenyans.

My good friend and former classmate, Mr Edwin Dande of Cytonn High Yields Solutions Platform, is a very well-educated Kenyan. He went to Alliance High School. He proceeded on to a good university in the United States of America. He then came back to work in Kenya. You cannot come back to Kenya and use your education to defraud gullible Kenyans. This House must stand with Kenyans who are being conned.

(Applause)

The DCI and EACC must do their work to hold people to account. People who defraud Kenyans must be held to account. It is not only Mr Edwin Dande and the bishops of Ekeza SACCO but also those who conned gullible Kenyans in Mavoko, Machakos County.

Kenyans cannot continue to lose their hard-earned savings on account of greedy individuals who want to lead people to invest in pyramid schemes and land buying companies that have no title deeds of the land they are selling. It is only by supporting the amendment by Hon. Atandi that we can, through the Committee on Implementation, make sure that all the recommendations of this particular Report and others are actioned on by EACC and DCI, so that they can have their day in court.

Hon. Temporary Speaker, the courts must also act to ensure that the money they have stolen from people... They start one good investment at times. They complete one housing project, so that you make it believable that it works. After the second and third projects, the

pyramid scheme naturally collapses and they cannot pay back the money. The DCI, EACC and all the other agencies must pursue these directors and individuals who defrauded Kenyans using Cytonn High Yields Solutions Platform and the associated companies, to make sure that they recover the money from their individual assets. Sell them off and pay investors their money, plus the returns that they promised them.

With those many remarks, Hon. Temporary Speaker, I beg to support this amendment and urge Members to support this Report. It does not matter how you know these people, Hon. Junet. It does not matter whether Mr Edwin Dande comes from Migori County. I know he comes from Rongo Constituency. Please, let us not support people on the basis of where they come from or how we know them. I said he is my good friend and former classmate. I speak to him once in a while. However, when it comes to accountability, we must have a culture where we hold people to account both in private and public sectors in this country.

I beg to second the amendment by Hon. Atandi and support the Report as amended.

The Temporary Speaker (Hon. Martha Wangari): Have you seconded?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes.

(Question of the amendment proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, there is a lot of interest in this Motion. I will give the first opportunity to the Chairman of the Public Petitions Committee.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Temporary Speaker. Firstly, allow me to congratulate my friend, Hon. Atandi, for being alert on the contents of the Report and going ahead to move an amendment which makes it more powerful.

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chepkonga, what is out of order?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker. I rise pursuant to Standing Order 83. Is it in order for the Chair to be given an opportunity to support a Motion in which he had an opportunity, in his Committee, to make that recommendation? He should allow other Members to speak to it because he failed. So, he should not even be given a chance to speak to this issue.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chepkonga, this is almost a new Motion. I will give the Chairman the opportunity to contribute because it has been amended.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Temporary Speaker. It is good for you to inform Hon. Chepkonga that when a report is tabled before this House, it becomes its property but not the property of a committee. I am just a Member like any other, when it comes to the Report because it had already been checked in the House.

I appreciate my friend, Hon. Atandi, for being alert on the content of the Motion, especially its structure. If you look at the amendment of the Report, the petitioner's prayers have been moved to the Committee's recommendation part. As a Committee, we totally agree with it because it is a matter of restructuring the contents.

Secondly, allow me to inform the whole House. Hon. Atandi brought a Petition on behalf of three Kenyans. When we went down deeper to the whole thing, we found out that over 4000 Kenyans had been defrauded through this scheme. I totally believe or I am 100 per cent certain that each and every constituency has someone who has been defrauded. So, it is a matter of concern to the membership of the House. We always have an option to table the report and get it forwarded to the Committee on Implementation. However, on this one, we decided

to move a Motion so that we can allow a broader discussion by the House because it is an issue of concern to Kenyans. It has been in newspapers and on social media. It is not something that would have pushed a report from one Committee to another. We thought it was important as a Committee to have the whole House discuss it and also adopt it so that it can be stronger than the way it came from the Committee.

Secondly, crime in our country has evolved, be it cyber-crime or any other kind of crime. People now know of the pyramid schemes and they are running away from them. However, pyramid schemes have been taken over by the elite learned colleagues including people who went to Alliance High School with the Leader of the Majority Party and people who went to serious economic schools in the United States of America. They have changed the format of pyramid schemes to look like serious investment schemes. Indeed, that is what is happening.

I urge Members to seriously look into the matter and debate it so that we adopt it as amended by Hon. Samuel Atandi.

The Temporary Speaker (Hon. Martha Wangari): Let us have Hon. Junet Mohammed.

Hon. Junet Mohammed (Suna East, ODM): Thank you, Hon. Temporary Speaker. I stand to oppose this Motion as amended. If the Motion remained as it was before, I would have supported, but when Hon. Atandi proposed that we amend it, I am guided to oppose it. Let us separate the two issues: let us separate Mr. Dande from Cytonn, which is a company that is registered by authorities in this Republic. Edwin Dande is an individual. If we have a problem with Edwin Dande, let us face him as Edwin Dande. If the problem is Cytonn, let us face Cytonn. It has many directors and employees but it looks like people are obsessed with one person called Edwin Dande.

Look at the recommendation that has been made by the Committee in the Report. The Committee is very clear. When you see a Member bringing an amendment on the Floor of the House on a report that has been made by the Committee, it means it has not met the expectations of the petitioner. It is the Committee that engaged the public. It is the Committee that engaged the people who have been affected. It is the Committee that engaged the petitioners. When you bring an amendment on the Floor of the House, it means you want to introduce things that have not been raised by the petitioners, that is, things that have not been raised by the public or things that have not been raised by the affected people.

Look at this Report. It says thus on recommendations:

“The official receiver speeds up the process of liquidation and reports to the National Assembly within a reasonable time.” What does that mean? It means already there is a receiver manager that has been appointed to handle this matter. I think what is on the ground is that this company, Cytonn, might be having a lot of assets that need to be liquidated that might be used to pay the people whose money has been lost. Why do we not allow time to have the receiver manager’s report?

The Report says that the Capital Markets Authority (CMA) should fast-track the alternative regulated funds. That means the CMA has failed in its duties. How did the CMA allow people’s money to be collected haphazardly? Then they want Parliament to go and look for that money on their behalf. This country has a Constitution. We have laws in place. The institutions that are mandated to implement the Constitution and laws must work. If it is the DCI, CMA or the Central Bank of Kenya (CBK), let them work. It is not the responsibility of Parliament to go and look for people’s money in the streets. The responsibility of Parliament is to legislate and do regulations for those institutions. Give them teeth to bite. When institutions fail and you want Parliament to come in and do their work, then we should abolish those institutions.

I know many Kenyans have lost their monies in different schemes and I sympathise and empathise with them. However, the people I am angry with today are the people or the institutions that are mandated to do that work of investigating, looking for those monies, regulating and supervising. I am talking about those institutions that collect money. The companies that collect people's money do not operate in other countries; they operate within the borders of this country. These institutions have all the powers to conduct supervision to make sure that monies collected from the public are used for...

As far as I know, Mr. Edwin Dande is a very brilliant man as has been alluded to by the Leader of the Majority Party. He went to the prestigious Alliance High School. He is one of the best accountants and economists this country can ever have. Recently, he started to criticise some people on social media and I do not want to mention names. They now want to take action against him. If there is money lost, let us liquidate the assets of Cytonn and pay those people who lost money. If this Bishop Ekeza of Thika took people's money, he is here, why are you not arresting him? Must Parliament shout at the rooftops so that he can be arrested? This mob justice must stop. We must be a country that is governed by the rule of law and a country that is governed by the Constitution. The institutions that are mandated by the laws must do their work.

The Temporary Speaker (Hon. Martha Wangari): Your time is up. I will give the Floor to Hon. Francis Sigei.

Hon. Francis Sigei (Sotik, UDA): Hon. Temporary Speaker, I rise to support this amendment. I think as the Leader of the Majority Party has mentioned, this country has to come back to normalcy. We must punish those people who have siphoned money from the poor. I want to support what the Leader of Majority Party has said. I was shocked to watch on television the issues of Machakos. The people who are suffering are the poorest of the poor and they are innocent. We are punishing the young people. Therefore, we must support the people who brought this Government to power. This is because the bottom-up approach, which this Government has taken, is to support the people who are down there.

I want to support the amendment by *Mhe. Atandi* so that we can move forward.

The Temporary Speaker (Hon. Martha Wangari): The next chance will go to Hon. Suzanne Kiamba.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I wish also to put my voice to this particular Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Leader of Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, for the benefit of the House, I rise on Standing Order 87 (4). It states thus:

“No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member or Senator.”

Hon. Temporary Speaker, as much as the Minority Whip has completed his contribution, there is something that should not escape the attention of the House. That he imputed improper motive not just on a Member but the entire House. If you listened to him, he said that this mob justice must cease. The mob justice he was alluding to is the amendment by Hon. Atandi that is being debated by this House and the Report of the House. A report and recommendations of the House cannot be mob justice. Indeed, the amendment recommends what Hon. Junet was saying—that investigative agencies should take action. Therefore, I find it completely out of order for Hon. Junet Mohamed to be imputing improper motives on the House and its recommendations.

The Temporary Speaker (Hon. Martha Wangari): Hon. Leader of the Majority Party, Standing Order 87(4) is very clear on a Member imputing improper motive on another. I have not heard it. I think Hon. Suzanne Kiamba is on her feet. Continue.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this very important Motion.

I must admit that I am also a Member of this Committee. The case of Cytonn that we are talking about is real robbery without violence. We have cases where Kenyans have lost millions of their retirement savings to very few intelligent people all from legal companies like what Cytonn has done. Their main purpose is robbing Kenyans. Even when we thought that the CMA would regulate and ensure that this kind of theft would not happen, we were very shocked in this Committee to find that companies that just want to steal from Kenyans make a choice not to register with the CMA and nobody has any say to follow them. In the name of trying to control what happens in the economic scene, we realised Cytonn only registered one company legally yet they have another five or so unregistered forms of companies. I do not know whether to call them companies or shades of companies. They are used to steal from Kenyans.

Even as we talk about the implementation of this Report, I think this House must realise that there are people who died because of the money they lost to this Cytonn. People incurred losses. It is a very serious issue. As we endorse this Report with amendments, I request the Committee on Implementation to pick it with speed and ensure that the few people left out of the 4,000 do not die before we see the light of this Report.

Secondly, I have heard one of the honourable Members say something. We are realising that from the Public Petitions Committee, most Kenyans have to report their cases to Parliament. What does that tell us about the agencies we have set up to ensure that Kenyans enjoy their rights? It is unfortunate that we have the EACC and the *DCI* yet the Public Petitions Committee is turned into a court because most of these cases are not being addressed. I wish this House asked itself these questions: What is wrong with our system? What is not working? How can we improve it?

I wish this House would treat the adoption and implementation of this Report as an urgent matter. Out of the 4,000 people affected, some are dead. For the few who are alive, some took their retirement savings of Ksh10 million or Ksh15 million and put the entire amount in Cytonn. Then, they are told they have nothing, including the houses. I am sure Members of my Committee agree with my prayer that this House does not only endorse this Report but also that the Committee on Implementation picks it with urgency so that the recommendations we have given go into action.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Suzanne.

Hon. Members, remember we are debating the Motion as amended by Hon. Atandi. The next chance will go to the Member for Molo, Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Temporary Speaker. I congratulate the Hon. Member for Alego Usonga, Hon. Atandi, for bringing this to the attention of the House. I also congratulate the Public Petitions Committee for executing this Petition.

Kenya has become a place where people are getting overly concerned about their savings and investments. Cytonn was and has been, for many years, a company in which many Kenyans thought they had a solution to home ownership and a project that would earn them a decent income. It is very disheartening to see this institution go down with billions of shillings of these Kenyans. We were treated to tears during the last few days as we saw those excavators bring down people's homes in Machakos County. People have taken mortgages and loans.

People have had their life savings go down to ashes as they watched. This is the saddest thing that is happening in this country. Who is accountable for this?

The amendment by Hon. Atandi to the Committee's recommendations to have Mr Edwin Harold Dayan Dande personally liable is a welcome idea. What these people do is that they open a company. They are very quick in making very lucrative advertisements all over social media, print media and on television. They are very quick to have celebrities do endorsements and tell us how good these companies are. They quickly fold up the companies once they realise the returns they want. They run down that company and sink that money or use it to live their luxurious lives. Then, they reorganise themselves, open a different company and do the same thing.

We have seen this with other companies, not just Cytonn. We know Cytonn did it big time. We have all these '*buroti maguta maguta*' advertisements going on everywhere, especially in our vernacular radio and television stations. Once you go to establish whether these parcels of land exist, you realise most of them do not. People make deposits and payments for land. They realise that land is not there when they seek it. When they go to take their title deeds, they are treated to stories. They never get their title deeds. In its oversight role over the National Land Commission and all agencies involved with land matters, I urge the Departmental Committee on Lands to take this issue seriously and investigate all other companies going with people's savings.

The Departmental Committee on Finance and National Planning is coming up with a Bill regulating land-buying companies. As you would expect, any institution that takes deposits from Kenyans should be registered with a particular statutory organisation. SACCOs are the key point. You have to be registered as a SACCO if you want to take deposits. That way, the SACCO Societies Regulatory Authority (SASRA) regulates you. However, we have land-buying companies that are taking deposits from Kenyans and using those deposits to promise they are going to buy land. What regulations regulate them? We have businesses out there taking deposits from Kenyans yet no statutory body regulates how they take land deposits and what they do with those deposits.

I really welcome the amendment. I was wondering at what point we would have to hold a director accountable. I was checking Section 504 of the Insolvency Act. It says and I quote:

"Where it is established that the directors of the company acted wrongfully or fraudulently to the detriment of the company's creditors in breach of these duties, the directors can be held personally liable or the wrongful transactions reversed."

In this case, this gentleman is personally liable for the losses in Cytonn. He must be held personally liable.

I support the amendment by Hon. Atandi.

The Temporary Speaker (Hon. Martha Wangari): Member for Narok, Hon. Rebecca Tonkei, you were not to speak on this. Hon. Mutunga John, Member for Tigania West.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you for the opportunity to support the proposed amendments by Hon. Atandi.

We are speaking about an issue where more than 4,000 people are affected. When I look through the recommendations by the Committee, I realise something. If we talk about the speed at which the receiver manager is going to work, how much time is reasonable? It is extending their suffering. Even if we say that we are going to fast-track, what does 'fast-tracking' mean in this country? Even if they say that the CMA Act needs to be changed, how long will it take to change it? Debating this issue in the House yet the Committee on Implementation is toothless or we have not attached the right institution to do what they are supposed to do is not good enough. Therefore, I support Hon. Atandi's amendments. Oversight does not necessarily mean that we should look at the submissions and compile them. Oversight requires us to use our brains so that we propose solutions that are realistic to help us stop this

kind of stealing from Kenyans. The people we are dealing with here are very educated; they sit and plan how to steal from Kenyans.

I want draw the attention of Kenyans to the name itself. It reads “Cytonn High Yields Solutions Platform”. Who does not want high yields? We are all in pursuit of high yields, so that is a title that entices Kenyans to want to explore the company and probably even invest in it. We should also look at who is involved. Do they have a name behind them? Are they people who have credence in the society? In that respect, we trust them based on their background. For example, there is the Mavoko issue that was on the news last evening, highlighting the suffering of the people there. This is as a result of educated people in this country, experienced in investments, who sat down to scheme. People have suffered. I watched this lady who recorded herself going through her house’s debris. It is not fair to subject Kenyans to such suffering.

We need to strengthen CMA but before then, I propose that CMA opens up a portal for Kenyans to report some of the non-performing issues. Many Kenyans are being conned every day but do not know. They only realise the con game when the title deed delays and the companies start giving excuses that do not make sense. This has happened even with well-known companies in this country. Once the payment has been made, the management becomes aloof. The management disappears and that is when it dawns on the investor that there is a problem. Therefore, CMA should open a portal where we can report some of these institutions that are stealing from Kenyans. There is a lot of stealing going on and that is why there is need to strengthen CMA.

Without invoking the powers of the DPP and DCI, we will not conclude this matter. We need to invoke these powers so that we can take these criminals to court. For all intents and purposes, these are criminals and they must be taken to court. We will not conclude if they do not go to court. The Committee on Implementation needs to follow-up this matter to the end to ensure that these criminals are taken to court. The victims have paid for the property yet they are suffering. They need to be paid their money. How can we help Kenyans? We would like Kenyans to exercise caution when it comes to investments. In this particular respect, investments in this country always have some underhand deal. We need to be careful where to invest. That is why we strongly propose to Kenyans that from now they need to support the Government Housing Scheme which is clear, guided by Kenyan laws and protected by the State. Kenyans can invest in this scheme and be sure that their money will be useful.

Hon. Temporary Speaker, without the amendment from Hon. Atandi, then the Committee on Implementation, DCI, DPP and even the courts are toothless. They need to be given these ‘teeth.’ I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Busia.

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Temporary Speaker. I am so moved and happy that someone has keenly cried with Kenyans. Kenyans wake up every day and spend a lifetime wishing or wanting to own property. That is why conmen take advantage of thirsty Kenyans who want to own land. Many things, including pyramid schemes, have come and gone silently. Kenyans have been subjected to depression. They have given up and some of them are still paying loans. We have witnessed houses being pulled down because someone conned the investors. Many investors end up losing yet the people who took the money are alive and known, but we fear them because of the connections they have. So, this Motion is a loud cry for the silent majority who have been affected by Cytonn High Yields Solutions Platform.

I also support this Motion firmly because anyone can be a victim, whether it is the have-nots or the haves. It is high time someone paid the price of continuous siphoning of Kenyan’s money. The conmen cannot just fly away and go scot-free. Since the issue is in the House and we are the politicians, why not name and shame. This way, the court can take a stern step to

make sure that we put this matter to rest. That is the only way to ensure that no other Kenyan is sold land or property that belongs to the public or preserved for things like tourism, airstrips or other uses.

There was the issue about Lang'ata Primary School where the school lost part of their land. Our President took it and we do not know what happened. So, as we remove a speck from someone else's eye, let us check ourselves first. We should remember where we have invested before we pull someone's property down. If Cytonn Investments are shareholders with a lot of money, then that money should be used to compensate every Kenyan who has lost property. This is because their houses have been demolished yet they spent all their lives and the lives of their children and energy there. All that effort has been damaged. This is just too much even for me. I put myself in the shoes of those people whose houses were demolished. They must be compensated.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the Motion. It was sad to listen to how some Members were in support of Cytonn High Yields Solutions Platform. The last recommendation of the Committee states that:

'Pursuant to the provisions of Standing Order 208A(2)(c), the finding arising from the consideration of the Petition be debated by the House.'

That is where we are now. We can raise even new issues that any Member has. The Report of the Committee on Implementation had several observations and recommendations. It is very sad that none of the issues raised in the observations and recommendations has been implemented by Cytonn Investments. I do not even know what to call the situation that we have here. It is not right that, as a country that is governed by the rule of law, we allow these kinds of issues to proceed the way they did. This Report was signed by the Chairperson on 8th May 2023. It is now five months later. One of the recommendations that had been given was that the official receiver speeds up the process of liquidation and reports to the National Assembly within a reasonable time. I beg to ask: what is reasonable time? This is because five months down the line, the receiver has not given a report. I believe if there was a report by the official receiver, then the Chairman of the Public Petitions Committee would have gladly indicated that. Five months down the line, we do not have a report from the official receiver and Cytonn as we speak today. Cytonn Investments are almost everywhere, including on radios and social media, advertising the services they offer.

I happen to have been a victim four or five years ago, but I got my money back after two months. I enquired about the Act of Parliament that Cytonn operates under. They avoided where financial institutions are registered because they did not want to look like they are operating on matters to do with finances.

As the Leader of the Majority Party has rightfully indicated, the CEO is a very brilliant person and I think he has read our laws. He knows where the loopholes are and he uses that. When I was making that enquiry, I noticed that he did not want to come out clearly as to why they did not want to register under... As indicated by the recommendations, CMA should fast-track the alternative funds regulation for private market. It is important. Recommendation number three also talks about the House amending the Capital Markets Authority Act. When they say 'the House', I do not know whether it is a specific Committee or they are the ones or it is an individual who should come up with this amendment, because all these things are happening because the CEO and the other concerned parties have read our laws clearly.

It is unfortunate that under observation 10, the investors were issued with a corporate guarantee on their investment. However, the same could not be invoked. You can imagine as I

go to invest, you put some caution in an agreement that should be used to recover my money. If that cannot be invoked, it becomes very unfortunate.

Lastly, CMA has failed. They issued Circular No. 2/2016, requiring all the licensed intermediaries to cease operations and they have never...

The Temporary Speaker (Hon. Martha Wangari): Your time is up. Before the next speaker, allow me to acknowledge students from Makao School, Ruaraka Constituency, Nairobi County, seated in the Public Gallery. On my own behalf and that of the House, I welcome them all to observe the proceedings of the House.

The next chance will go to the Member for Thika Town.

Hon. Alice Ng'ang'a (Thika Town, UDA): Hon. Temporary Speaker, I am not ready on this one.

(Hon. Githua Wamacukuru spoke off the record)

The Temporary Speaker (Hon. Martha Wangari): I can see Hon. Wamacukuru is making sure that he is not ready for this. The next chance will go to the Member for Seme, Hon. James Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, I am ready for this. I rise to support Hon. Atandi's amendments and the whole Report.

Many of our Reports end at corporate level and, therefore, actual individuals do not take responsibility. This is part of the corruption. As you are saying, these are very smart people and corruption in this country has taken to another level — that of perfect collusion. All the institutions and people you put in place are part of it and they cleverly make sure that nobody has direct responsibility; it all remains at the corporate level and they cleverly protect themselves with loopholes within the law. The private sector is leading in this matter. For a long time in this country, we have not been successful in the fight against corruption because we have concentrated in the public sector and left the real root cause of corruption, which is the private sector. These are the people who design all the scandals and the public sector is a player in cleverly designed schemes. In this situation where everybody is involved, it is very hard to put individuals to task.

Many reports will find the responsibility at corporate level, and these people are smart enough and they want to be left at corporate level. Even in our laws, many provisions actually leave responsibility at corporate level and not the actual people involved. Therefore, we have reached a level where responsibility must go beyond the corporate level to individuals. At corporate level, in a case like this, we go to receiver managers. What do the receiver managers do? They sell whatever little is left at the corporation and that is what we distribute, and normally it is meagre.

It is all designed that nothing can be sold, so that the people who are affected can get their money back. They smile all the way to the bank because whatever is sold is so little. It is distributed to people. The matter ends and the people who took money — the real wealth — enjoy it. I think we have reached a point in this country that we must lift this corporate veil and go for the faces that are behind the scandals.

I support Hon. Atandi's amendment because it is calling for our institutions to go beyond the corporate level and go for individuals and do it legally. We have the laws and capacity to do that and especially find out... It should not be made to look like it is going for a particular person. Although one person has been mentioned, I know there are many people involved. If the appropriate institutions go into details, more people will be found and will be held accountable. Those people have property that can be sold and people who are affected can be paid back.

With that, I support this Report, particularly the amendment by Hon. Atandi, so that we look for the people who took the money, punish them, get the money back and compensate those who have lost.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I stand to support this Motion as amended.

Mr. Speaker, the core function...

The Temporary Speaker (Hon. Martha Wangari): I want to confirm it is Madam Speaker.

Hon. Farah Maalim (Dadaab, WDM): Madam Speaker. Thank you. I am sorry. I do not know how I missed that.

The core function of CMA is to protect investors' resources. The interest of the investor must be protected because we have a law in this country that says "limited liability", which means the separation between the promoters of an outfit which is a limited liability and the limited liability entity itself.

Given an opportunity for people to hide under that, we will be having one fraud after another in this country for the longest time. As Hon. Nyikal put it, there is something also called "lifting the veil". You lift the veil and see the people who are behind that and then you carry out investigations. The CMA is supposed to investigate these things, including going to the sites of the construction and the assets that are held in place. If somebody comes out there and says he has a piece of land and so many people who want to invest, CMA should go to the books and find out exactly what is happening. If there is any indication or inclination that there is a fraudulent activity taking place, then CMA must protect the innocent Kenyans who are innocent buyers.

In the absence of that, when you do not have a CMA that is functioning adequately and very well, then you get into these kinds of things. This is a fraud. It becomes a Ponzi or pyramid scheme, where somebody starts something, creates an impression by putting up, say, a very good house and people are lured to buy. Many more people join in to buy and their money is stolen and the person gets away with it. The next thing the person does is to hide under what is called the limited liability clause in our laws. So, the CMA must be hands-on in investigating these cases because they have the resources, the capacity and the expertise required. This has to be dealt with permanently. For example, people's properties are now being demolished in Athi River. Why do we have to get to the point of destroying wealth? That should not be done. Enough time should be taken to investigate and find out what kind of action can be taken. That is public land because it belongs to the East African Portland Authority (EAPA), which is a Government institution. Now we are destroying properties belonging to innocent Kenyans. The next thing is that the land is going to be allocated to other people. The EAPA is just a factory and not a profit-making institution. They have the responsibility to offload their assets for them to realise the capital they need to function optimally.

Hon. Temporary Speaker, in my language we say that you cannot find a camel that is stolen by the owner. How do you find animals stolen by the owner? You cannot. The owners of this country are the Executive, the Judiciary and everyone. All this corruption and stealing is at the core of the Executive, the Legislature and the Judiciary because they complement one another. This is fraud to the innocent Kenyans. We must have a system that is going to change the country, otherwise we will not have a country. For your information, we do not have a country. Look at the people crying and the wastage going on in Athi River. Cytonn and other...

(Hon. Farah Maalim's microphone went off)

The Temporary Speaker (Hon. Martha Wangari): Hon. Farah, you have 30 seconds.

Hon. Farah Maalim (Dadaab, WDM): Where are we going as a country? Are you waiting for us to get so tired and have a popular revolution where people go out to the streets? We cannot allow this because business is not as usual. We cannot sit here earning good salaries with officers in the Judiciary and the Executive getting richer while innocent Kenyans are suffering.

At one time, the late Hon. James Kariuki (JM Kariuki) said Kenya was a country of 10 millionaires and 10 million beggars. We have a big problem. The elite from the Alliance High School, the University of Nairobi and other Ivy League universities are stealing from ordinary Kenyans. This has become an industry. Drug lords and drug dealers are becoming governors and leaders in this country. What is going to happen to the poor people? Are you waiting for them to rise against us? As politicians, we are not doing enough. The Government must seek compensation for all the Kenyans who have lost their money through Cytonn. If CMA had done its job, these people would not have lost their money. All that money should have been insured. People are losing their money because of the complicity at all levels of Government. This has to stop. We cannot allow Kenyans to be robbed and to have their hard-earned property destroyed every other day.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Tetu.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the amendments by Hon. Atandi. His recommendations are specific, measurable, actionable, realistic and time-bound. They give the much-needed teeth to the earlier recommendations by the Committee.

At the outset, let me say that the landscape of our country is littered with these kinds of schemes. This is not the first time this has happened. From the days of Deci Pyramid Scheme, we have seen many schemes come and go. Unfortunately, we are running an economic banditry where these conniving people, disguised as businessmen, come up with schemes whose only objective is to defraud innocent Kenyans of their hard-earned money. It is important to call to order the various Government agencies that are responsible for regulating our capital and financial markets and all the schemes in the market.

Cytonn is overseen by the CMA. As a House, as we make various recommendations on what should happen to the directors, the company and the way forward, we must call out the CMA. These schemes do not just happen. They happen over a number of years. These companies advertise promising Kenyans 40 to 60 per cent returns in a year. Unless one is selling drugs, where do you get such returns on a wide scale? I remember a company that asked Kenyans to invest in greenhouses. One was only required to invest Ksh200,000 but the promised returns were Ksh400,000 per year. I asked myself why these people would not invest themselves instead of asking other people to invest. Such information should be quickly picked out by the relevant authorities. I think some people are sleeping on the jobs. When this kind of information is made public, the CMA, DCI and NIS should start preventive investigations and look for the perpetrators.

Hon. Temporary Speaker, some SACCOs have also defrauded people on land issues. The SASRA oversees SACCOs. However, in this country, it is unfortunate that some SACCOs are under SASRA and others are not. As a House, we need to ensure that every SACCO, whether land buying or housing SACCO, is under SASRA.

The real estate industry is now the new frontier for people defrauding innocent Kenyans. Most of the Members who have contributed before me have cited the EAPA land. This is something that has been going on for years and years. It is time that this House brings order to the real estate sector. I am happy to have learnt from the Chairperson of the Departmental Committee on Finance and National Planning today that they intend to bring a

Motion to regulate the real estate sector. Today, stock brokers have an association and are licensed by the CMA. Why do we have land brokers who do not have an institution overseeing them?

I rise to support the Committee's recommendations. Where there is criminal culpability, both at the corporate and individual level, this must be enforced.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Next is the Member for Igembe Central, Hon. Daniel Karitho.

Hon. Daniel Karitho (Igembe Central, JP): Hon. Temporary Speaker, I also stand to add my voice to this Motion as amended by Hon. Atandi. This is an important amendment.

Year in, year out, we have issues with SACCOs. There is not a single year that has passed without hearing of a scheme that has sunk Kenyans' money. We are living in very difficult situations. Earning an income is a big challenge. Some people are registering companies to steal from our people. They should be stopped. This can only happen if these fraudsters are held accountable and made to pay back what they have stolen. That is the only way they will stop this habit. For example, the directors for Cytonn Investments are well known. We should have a way of reclaiming the money that was stolen from Kenyans through these fishy accounts. We have had issues with things like pyramid schemes, where Kenyans lost billions of shillings through some funny schemes that were purposely set up to steal from them. Kenyans deposit their money in certain banks but when they go to withdraw it, they find that the banks have closed down. It is high time we stopped this. We can only do so by holding those who are responsible to account, and forcing them to pay.

This is also an eye-opener for Kenyans. Nobody should come and tell you that if you invest Ksh2 million, you will get back Ksh3 million. We should not go for easy deals to earn money which does not exist. In every corner of the country, you will find somebody whose money was stolen in one way or another because they were promised heaven, which does not exist.

The Capital Markets Authority should regulate financial organisations. It is high time the Government of Kenya opened its "eyes" through such institutions as the National Intelligence Service (NIS) and other criminal investigative departments, to ensure that investors are thoroughly investigated. We should prove that they are of sound mind, with good records, and have no history of looting from other nations. These things have been happening. There is no way that we can bring them to an end unless the concerned authorities take responsibility. We should not have big fish which cannot be touched. There is always a trap even for big fish. We do not want excuses that certain people are protected and can continue looting.

Therefore, I support the Motion as amended by Hon. Atandi. Many Kenyans were affected by this Cytonn issue and are still paying. I wonder how they continue to pay when those who paid earlier already lost their money. The first step is to ensure that Cytonn does not continue to steal from more Kenyans before we reclaim what was already stolen. The Government should ensure that this institution is closed so that it does not continue to mislead more Kenyans.

Everybody in Kenya would like to make an extra shilling. Whenever they hear that they can make an extra shilling, they rush for it. Some take loans and others sell their assets to go for this money. I, therefore, support this Motion as amended.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyeri.

Hon. Rahab Mukami (Nyeri County, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the amendment by Hon. Atandi because I am a victim. One of my sisters took a loan of Ksh3.4 million in 2019 and invested the money in Cytonn. Cytonn is still progressing with their projects, advertising all over the media, and telling people how they

should invest with them. The DCI should take responsibility and deal with the owner of that company.

It is very unfortunate because 4,000 Kenyans were just trying to earn a living. Cytonn collected money from investors but built the houses under a different company. They initially progressed very well, but the last project is still incomplete. If you go through social media or listen to radio stations, they are still advertising and collecting money. We should not allow them to continue with the same projects. We should freeze all their assets until they refund the victims' money. It is not right. We should not allow that to continue.

There was a gentleman from Thika called Gakuyo. I remember him because I had gone to support Alice Ng'ang'a in Thika. He did the same and disappeared with people's money. It is our responsibility to fight for our people as Members of Parliament.

I support Hon. Atandi because the amendment is long overdue. Let us do our best and ensure that Kenyans get back their money. We should not allow Cytonn to continue with their activities.

The Temporary Speaker (Hon. Martha Wangari): Member for Kisii, Hon. Dorice Donya.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I support the amendment with reasons. I have a friend who participated in this saga. When they learnt that it was not fruitful, they went and asked for a refund. What was disappointing was that they were told they would not get 100 per cent refund. They would incur a penalty. In addition to consumers paying for something which took too long for them to receive, you still want to take something extra from what they paid yet you have not given them what they wanted, as if they do not know their rights. The Cytonn CEO must pay double to investors who did not receive what they paid for. Instead of doing so, he is super rude.

I want to compare this situation to our hospitals' parking areas. You go to a hospital and pay Ksh5,000 or Ksh2,000 as an appointment fee to see a doctor. After seeing the doctor and being issued with a receipt, you are still told to pay for parking. That is how hospitals steal from Kenyans. When you ask them why you are paying for parking, they say that that is one way of regulating parking because certain people just come to park in hospitals without being treated. But I have a receipt issued by the hospital which should allow me to exit.

Our laws are not clear. Therefore, people take advantage of the loopholes and steal even from the sick. Even contractors who supplied maize to schools two years ago are yet to be paid and nobody is helping them. We speak every day in this House but nothing is done. The Cytonn story has reminded me of Kisii County. Contractors did their work three years ago but when they went to claim their money, they were told that they had to be scrutinised afresh. I do not know how we will ever help our people.

The police have to visit the Cytonn premises and force them to close down and stop running advertisements. That will be a lesson to other unscrupulous people who do not protect consumers. You buy land but when you visit the Ministry of Lands, you are told that your title deed is not legitimate, and that two different people have the same copy. We then say we are fighting for the needs of poor Kenyans. This should serve as an example. We do not want to see any advertisement from Cytonn even as we break for lunch.

Advertisers are very funny. You may advertise a face cream yet people who use it still do not have smooth faces. Advertisers will look for a smooth-faced lady to advertise their fake product. They will purport that she used their cream to achieve the smoothness. That is how advertisements work. When you look at the people who have used the cream, you will realise that my face is even smoother than theirs. We should look into these things to confirm that we sell the right things to our people. It should not be that *vitu kwa ground ni tofauti*.

(Laughter)

The Temporary Speaker (Hon. Martha Wangari): Member for North Imenti, Hon. Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I join my colleagues in supporting the amendment by Hon. Atandi. I hope this amendment and the whole Report will get justice.

We had a report by the late Member for Kitui West, Hon. Francis Nyenze, which was done in 2009 and given to the Minister at that time, the late Jeremiah Nyagah, regarding a task force on pyramid schemes. The report specified 270 pyramid schemes at that time. I believe that we now have more than that. Ksh8.2 billion had been lost to pyramid schemes. It is a pity that we are still talking about the same kind of pyramid schemes as of today in 2023. At that time, pyramid schemes which were there went down with about Ksh2.4 billion, and I am told it was run by the late George Odinga Donde. We need to get to the bottom of this issue of pyramid schemes. There were recommendations and I am wondering if they were ever taken up. There was a recommendation that the DCI investigate and within six months, reports what it has done.

Hon. Temporary Speaker, at the time they were doing the Report, Ksh8.2 billion had been lost and there was Ksh5 billion still frozen at the CBK. We need to know the amount of money that has been frozen that Cytonn has at the CBK and other banks. This is because there would be no point to have money frozen at CBK, or at any other bank that cannot go back to the deserving people who invested in the company.

About five years ago, when I was looking for a property in Nairobi, I was introduced to Cytonn but I could not buy the property because they were not available. They told me they could not give me the property but if I put the money in Cytonn, I could get 18 per cent interest. At that time, you could only get 7 per cent maximum interest in the bank. I am just lucky that I did not invest in Cytonn at that time. At that time, there was a suggestion that there would be an anti-pyramid scheme authority. That was in 2010. I would like to request the Public Petitions Committee together with the Committee on Implementation to look at that report and see if there is a chance. Hon. Atandi can probably bring that Bill for the establishment of an anti-pyramid scheme authority which will look into all those pyramid schemes to Parliament so that people can get their money. We need to have the CBK give us all the frozen money for pyramid schemes so that we know where we stand as a country, and people can get their money back.

With those few remarks, I hope and pray that what we are passing today will be implemented as soon as possible and the DCI does its job.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, you realise that we have been debating the amendment. I will put the Question on the amendment and then we will continue with the debate on the Motion as amended. That is the right way to do it.

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

(Resumption of debate on Motion as amended)

We will continue with the debate and the next opportunity will go to the Member for Westlands. We are now debating the Motion as amended.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker. I also want to support this Report as amended.

We are a country governed by the rule of law, but we have let crooks run around fleecing unsuspecting Kenyans who have invested their hard-earned money and then they just

end up with nothing. I was approached by the Cytonn people to invest in this company. I was just lucky that just before I made my decision, I saw a news item about a company being investigated for fraud. When I called them the following day, they told me that those were people fighting them, but that they were a credible company. I saw a red flag and kept off. There are many unsuspecting Kenyans who fell victims to this company and many others.

There are other people who are also going around grabbing public land left, right and centre. As we speak, there are people who have come to my constituency and grabbed a school land and demolished its property with impunity. We have asked the police to stop these people, but they just stand and watch. We do not know who these people are and how powerful they are that they can just do anything they want. They come in broad daylight and demolish property. If you look at the happenings in Mavoko, it is unlikely that these people invested on that land without the watchful eye of the Government. People bought land and they were given title deeds. They have invested heavily and now, somebody just wakes up from slumber and orders for demolition of property. It is unacceptable.

Kenyans who have invested in this place must be compensated. The Cytonn Company, which has taken money from people, must be forced to return the money to Kenyans who invested. We must protect Kenyans who are investing their hard-earned money to buy property. The money should not just be taken away and people walk scot-free. The amendment to this Report is far reaching, and as a House, we must make sure that these culprits are dealt with and brought to book. Kenyans who have lost money should be compensated with the investments that are already there. If there are no investments, these people should face the law and be jailed. There are others like them who are opening companies because that seems to be the easiest way to make money. People register companies that buy land and pretend to be coming up with all manner of things. This is a good amendment to the Report. We need to see its implementation. The Report as passed by this House should be implemented to the letter so that all these criminals are brought to book, and Kenyans who have lost money are compensated.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member of Parliament for Teso South, Hon. Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you Hon. Temporary Speaker, for the opportunity to contribute to this very important Motion. I would have been a victim of Cytonn High Yields Solution Platform. I remember when it was founded in 2014, they had an aggressive marketing strategy. They advertised some very appealing and attractive products. I thank God I did not fall prey but empathise with many Kenyans who lost their money because they fell prey to this trap. They would call, advertise and promise very high returns with no risks. I think that should always be the red flag. When Kenyans are promised very high returns on an investment with no risks, they should think twice before investing.

I have heard many Members alluding that Kenyans borrowed money and some used their savings to invest in Cytonn High Yields Solution Platform. Today I am saddened by the unfolding events that have resulted to losses. I think as legislators, the question we must ask ourselves is: what is the way forward? That is why I support the Motion as amended by the Hon Atandi.

I think the priority should be how innocent Kenyans who invested a lot of money in Cytonn High Yields Solution Platform can recover their money. If it is by liquidating their assets to raise funds to pay-off the investors, let it be. As legislators, we should ask ourselves: what are the lessons? We see these fraudsters everywhere.

In Machakos County, we know of land grabbers who grab land using goons. They allocate it to their supporters, who sell it to unsuspecting Kenyans. These fraudsters are everywhere. Innocent Kenyans, even in our villages, receive messages and emails every day

telling them that they have won some amount of money and before claiming they need to pay some amount of money. So many of our people are losing money to fraudsters.

How are we going to stop this trend? It has to stop at some point. I want to tell Kenyans, when invited to make an investment which is promising a lot, like Cytonn High Yields Solutions Platform was promising 18 per cent at no risk, think twice. When being pressured into an investment with a promise that if you do not act immediately, you will lose the opportunity, think twice. When you are told you have won money for a competition you did not enrol in, please think twice. Who wants to give you money for a competition you did not participate in? Or when being told to pay a fee to claim some gift where there is free money, think twice.

Kenyans need to think twice, conmen are everywhere and all around us. If it is an investment where you are being told the more people you enrol and bring into that business, the more you earn, please know that is a scam. You are being conned.

Hon. Members, let us support this Motion so we can put order in some of these investments. Going forward, I think we need to re-look at the legislation. If you are getting into an investment that is not regulated, how can an ordinary Kenyan know this organisation is properly registered and regulated so their rights as clients or customers are protected?

Thank you, Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Kitui West, Hon. Edith Nyenze.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon Temporary Speaker, for this opportunity to support this Motion by the Public Petitions Committee as amended by Hon. Samuel Atandi. I pray that this Motion will go a long way in assisting Kenyans who have been deprived of their hard-earned money.

As Hon. Dawood said, there was a pyramid scheme report that was prepared by a task force which was chaired by the late Hon. Francis Nyenze. During that time, so many people lost their lives because they were retirees who had invested their money thinking that they were saving. They lost a lot of money. I do not know whether that report was implemented.

I hope this Motion will be implemented. Let me note that some Cytonn High Yields Solutions Platform directors are former Britam Holdings officers who had questionable credibility. They were licensed by the CMA after having a case in court for over nine years. The CMA licenses and regulates operators in the money market. Since they are supposed to do so, we expect them to ensure compliance with the guidelines. We believe they are experienced enough to see pitfalls in these investments. We also expect them to do due diligence for those Kenyans who are interested in the investments, so that they can help them to save in the right vehicles. They licensed Cytonn High Yields Solutions Platform, even though there was a case of employees who had worked for Britam Holdings who had questionable credibility. They have something to answer to Kenyans on why they did that.

I also note that investment in the money market is not as safe as investments in banks and SACCOs. This is a caution to interested investors to get proper guidelines on where to invest and get great returns. We do not know whether Directors of Cytonn High Yields Solutions Platform wanted to make money for interested investors or they wanted to con them. I am saying this because they had very many special purpose vehicles of investments.

This is conmanship because you could invest in a real estate vehicle and then next time you would be advised to get into another investment vehicle. This required you to change the initial contract. If you did so, it meant you could not claim your money. You lost it because it was a different investment vehicle. I do not know whether the intention was to help them invest and get money or con them. I support the Report. The Chief Executive Officer (CEO) should be held personally responsible for the loss of investments. His property should be sold and the

money returned to the rightful owners. I would like to advise the interested investors, especially those...

The Temporary Speaker (Hon. Martha Wangari): Your time is up. Member for Gatundu South.

Hon. GG Kagombe (Gatundu South, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this Report. I support the Motion as amended by Hon. Atandi.

This House has a responsibility to protect the citizenry of this country. People look upon this House to make decisions and laws that protect them. Section 35 of the Media Council Act gives or behoves upon the members and media practitioners to have truthful information going out to the public. When people who are taken to have credibility give false information to members of the public on television and radio stations the entire morning, by telling them how they will make millions of shillings and reap from investments they know very well to be conmanship and theft, we are losing money. We are getting to a point where people will no longer have trust in our business enterprises as they are. Before we get there, we must stop this conmanship.

Hon. Temporary Speaker we have companies other than just Cytonn. We have Uriithi Company that has taken money from unsuspecting Kenyans. People have been crying coming to my office every day. There is a project in Juja that is now a forest. It has been abandoned after people put in their money. These people know very well that they are not going to finish these projects but they take money and go to the bank using the same projects, take loans and then they keep the money and every time the people who invested go to them they tell them that they are going to complete the project when they know that it is not possible to finish it. This House must make sure that the perpetrators of these heinous acts are held responsible.

Edwin Dande must be criminally held liable and must go to jail. I do not want to do the work of the courts but it is clear for everyone to see. The writing is on the wall that these people choreographed a plot and a ploy to take people's money. We are getting into a very serious business danger where people are now afraid of putting their money anywhere. You put your money in these kinds of projects, and the company goes under, as they say it. You put your money in housing, it goes. You put it in education, it goes. We have a responsibility to protect people. I just want to say that we probably need to go further than just interrogate this Cytonn business and look at it in isolation. We probably need to put all land buying companies together and make sure that before you touch anybody's money pretending to want to invest it or even build a house using that money, we have an organisation or an institution that is able to check your record.

Such companies must also deposit some money with the Central Bank of Kenya or relevant authorities so that when they do not deliver to the people they will have taken money from, their deposits can be used to refund the contributors' money. If we say that we put these people under receivership, they have loans. So, between the banks that advanced them billions of shillings and the people who went to their banks and took loans and gave these monies or their savings, who is going to benefit first? It means that even putting them under receivership will still not solve these problems. So, we must stop this from happening in perpetuity. We have so many companies. Everybody will want to steal people's money. They just come and say, 'I have started a land selling company. Please, bring your money.' We want to see something that goes beyond the words. We want to see action and these people going to jail.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Let us have the Hon. Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you Hon. Temporary Speaker, for giving me an opportunity to add my voice to this Motion, on behalf of the people of Moiben

Constituency. It is unfortunate that such companies which lie to Kenyans that they will get quick returns, package themselves in very nice names. For instance, look at the name of this company. It is Cytonn High Yields Solutions Platform. It entices anybody who wishes to make some quick cash.

It is also unfortunate that such institutions are run by highly educated Kenyans – people we invested a lot of money to educate and when they come back to the society, they defraud their own people. How I wish Kenyans would sympathise with their brothers and sisters.

Sometime ago, I went on a study visit to the United Kingdom (UK) with some Members of Parliament. We met Kenyans who complained about being defrauded by such institutions. They remit their hard-earned cash only to come back and realise that they invested in nothing; hot air. They send money but there is nothing to show. It was their cry or plea that systems be put in place so as to stop them from falling victim. You can imagine living abroad and working hard. You cannot afford to buy an air ticket to come back home frequently. The little money that you send to Kenya so as to get returns, such fraudsters take advantage of it. What about the citizens who are here?

I am scared because over the weekend, I heard in my constituency of another scam. I have forgotten the name of the company but they were enticing farmers with free fertilisers, seeds and ploughing of land. They promised good returns to farmers and the farms looked very beautiful because they invested well and took precaution. Now, it is harvest time and they have come to harvest maize and take their side of the bargain. Since there is no written agreement, it is not very clear how much money they invested or what profit the farmer will get.

This is unfortunate because it is not just Cytonn High Yields Solution Platform but there are many other companies. It is the same people who mutate in different forms, come in different names and defraud Kenyans. I wish to tell my brothers and sisters that when the deal is too good, think twice. Nothing comes cheap and cheap is expensive. If we put structures in place, everybody will be held accountable including the DPP and leaders like chiefs and village elders. They will be very cautious and enlighten Kenyans on being very careful when they come across such enticing investments which will leave them high and dry. I can see my time is up and I am happy to have contributed on this menace in the society.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Members, this Motion still has some minutes left. Debate on it will resume when it is next scheduled on the Order Paper.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 1.00 pm, the House stands adjourned until this afternoon at 2.30 pm.

The House rose at 1.00 pm

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