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THIRTEENTH PARLIAMENT

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THE HANSARD

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Thursday, 26th October, 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

We may proceed.

MESSAGES

Hon. Speaker: Hon. Members, I have two Messages. The first Message is on the 2023 State of the Nation Address to Parliament by His Excellency the President of the Republic of Kenya.

STATE OF THE NATION ADDRESS TO PARLIAMENT
BY HIS EXCELLENCY THE PRESIDENT

Hon. Members, Standing Order 42(1) relating to Messages from the President provides that:

“The Speaker shall read to the House any Message from the President delivered to the Speaker for communication to the House.”

In this regard, therefore, I wish to inform the House that I have received a Message from His Excellency the President dated 26th September 2023 conveying that he intends to deliver the 2023 State of the Nation Address to Parliament pursuant to Article 132(1) of the Constitution on Thursday, 9th November 2023.

Honourable Members, the said Article 132(1) (b) and (c) of the Constitution states, and I quote:

“(1). The President shall —

(b) address a special sitting of Parliament once every year and may address Parliament at any other time; and,

(c) once every year—

(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values referred to in Article 10;

(ii) publish in the Gazette the details of the measures and progress under subparagraph (i); and,

(iii) submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.”

Hon. Members, pursuant to the above provisions of the Constitution and Standing Order 22(2) of the National Assembly Standing Orders, I wish to notify all Members that a Joint Sitting of Parliament will take place on Thursday, 9th November 2023 at 2:30 p.m. in the National Assembly Main Chamber, Parliament Buildings.

I am aware that the offices of the Clerks of the Houses of Parliament have since commenced preparations for the day. I now direct the Clerk to ensure the notification of the Joint Sitting is published in the *Kenya Gazette* for the information of Members and the general public and that invitations be sent out in good time.

Thank you.

(Several Members walked into the Chamber)

Members at the back, take the nearest seat. The second Message is from the Senate on the passage of two Senate Bills and one National Assembly Bill.

PASSAGE OF THREE BILLS BY THE SENATE

Hon. Members, pursuant to Standing Order 41(1) of the National Assembly Orders, I wish to report to the House that on Wednesday, 25th October 2023, I received three Messages from the Senate regarding the passage of the following Bills:

1. The Learners with Disabilities Bill, (Senate Bills No.4 of 2023);
2. The Equalisation Fund (Administration) Bill, (Senate Bills No.14 of 2023); and,
3. The County Governments Additional Allocations Bill, (National Assembly Bill No.23 of 2023).

Hon. Members, the first Message relates to the passage of the Learners with Disabilities Bill, (Senate Bills No.4 of 2023) published vide *Kenya Gazette* Supplement No.77 of 24th May 2023. The said Bill seeks to provide for the education of learners with disabilities and the conduct of educational institutions for learners with disabilities.

The Message conveys that on Tuesday, 12th October 2023, the Senate considered and passed the Learners with Disabilities Bill, (Senate Bills No.4 of 2023), with amendments.

Hon. Members, the second Message relates to the passage of the Equalization Fund (Administration) Bill, (Senate Bill No.14 of 2023), published vide *Kenya Gazette* Supplement No.44 of 12th April 2023.

The Bill seeks to provide for the administration structures for the management of the Equalisation Fund and to establish an Advisory Board. The Message conveys that on Tuesday, 12th October 2023, the Senate considered and passed the Equalisation Fund (Administration) Bill, (Senate Bills No.14 of 2023), with amendments.

Hon. Members, the third Message relates to the passage of the County Governments Additional Allocations Bill, (National Assembly Bill No.23 of 2023). The Bill was published vide *Kenya Gazette* Supplement No.77 of 24th May 2023. It seeks to provide for additional allocations to county governments for the 2023/2024 Financial Year and the responsibilities of the national Government and county governments pursuant to such allocation. The Message conveys that on Tuesday, 12th October 2023, the Senate considered and passed the County Governments Additional Allocations Bill, (National Assembly Bill No.23 of 2023), with amendments.

Having considered and passed the two Senate Bills, the Senate now seeks the concurrence of the National Assembly on each of the Bills pursuant to Articles 110 and 111 of the Constitution and Standing Orders 46(1) and 116 of the Senate Standing Orders. With respect to the County Governments Additional Allocations Bill, (National Assembly Bill No.23 of 2023), the Senate now seeks the concurrence of the National Assembly on the

Schedule of Amendments pursuant to Article 112(1)(b) of the Constitution and Standing Orders 46(1) and 164(c) of the Senate Standing Orders.

Hon. Members, I direct that the two Senate Bills be read a First Time in line with Standing Order 143, when the House sits next. After being read a First Time, the Bills shall stand committed to respective Committees as follows:

1. The Learners with Disabilities Bill, (Senate Bills No.4 of 2023), to the Departmental Committee on Education.
2. The Equalisation Fund (Administration) Bill, (Senate Bills No.14 of 2023), to the Departmental Committee on Finance and National Planning.

You will recall that on Tuesday, 27th June 2023, this House passed the County Governments Additional Allocations Bill, (National Assembly Bill No.23 of 2023), following which I referred it to the Senate for consideration. Therefore, the House is expected to consider the schedule of the Senate's amendments to the Bill in the manner contemplated in Standing Orders 145 to 147 of National Assembly Standing Orders. To this end, I hereby refer the schedule of the Senate's amendments to the County Governments Additional Allocations Bill, (National Assembly Bill No.23 of 2023), to the Budget and Appropriations Committee for consideration.

In conclusion, the three committees are expected to table their reports on the Bills to guide the House on the next steps to be taken on the Bills.

The House is accordingly guided.

(Hon. Jayne Kihara and several other Hon. Members walked into the Chamber)

Hon. Members, take the nearest seat. I have a petition to convey. Member for Naivasha, take the nearest seat.

Thank you.

PETITION

ENACTMENT OF PROPOSED GEOPHYSICAL PROFESSIONALS BILL

Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend, or repeal any legislation. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petitions other than those presented by a Member. In this regard, I wish to report to the House that my Office has received a Petition from one Charles Ochola Osango of ID No.6056427 and P.O. Box 18671-00100, Nairobi, being the Chairperson of the Kenyan Society of Geophysical Professionals (KSGP). The Petitioner calls for the intervention of this House to enact legislation to regulate the geophysical profession.

The Petitioner avers that the geophysics field plays a crucial role in various sectors, including natural resource exploration, environmental assessment, infrastructure development and disaster management. That, as there increases demand for geophysical services, there is a need for a comprehensive legislative framework for the profession to ensure competence, accountability and ethical conduct amongst the practitioners. The Petitioner states that the proposed piece of legislation outlines key provisions, among them is the establishment of the institute of geophysical professionals as a regulatory body. The Petitioner also proposes to define geophysical practice, licensing and registration, as well as professional development needs.

The Petitioner avers that the proposed legislation will enhance the quality of services, strengthen consumer protection and promote Kenya as a world-class tourist destination.

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Alongside the Petition, the Petitioner has presented the proposed legislation he refers to as “The Geophysical Profession Bill, 2023”.

Therefore, the Petitioner prays that the National Assembly enacts the proposed Geophysical Profession Bill to address the various gaps in the geophysical space.

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

Thank you.

Hon. Speaker: Yes, Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. I have something on the Petition by Charles Ochola on a Bill to regulate the practice of geophysics. Considering the Public Petitions Committee has a lot at hand, the best thing would be for Mr. Ochola to approach any of the Members of Parliament representing him to present his proposed Bill on his behalf, and then the Bill can come to this House. That would have been the best way for anyone interested in introducing a Bill. One can approach their Member of Parliament or any other Member of Parliament. Then, our drafters will draft a Bill to regulate the practice of geophysics in this country, instead of petitioning the Public Petitions Committee, which is already overwhelmed by work.

That is my comment, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. I rise to support the Petition.

I chair the Departmental Committee on Environment, Forestry and Mining. This has become an issue. Most of the time, we depend on experts from outside the country to give us critical information. Hon. Pukose will agree with me that we had the same problem with the exploration of oil in Turkana. When we were with him in the Departmental Committee on Energy during the last Parliament, we depended on some people who were here just for a while. We did not have people to give us the quality information we needed.

I agree with Hon. Pukose as I support that, maybe, the Bill could be taken to a Member of Parliament or the Committee that deals with those things.

Hon. Speaker: Hon. Dido Raso. You will be the last on that.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. I beg to support the Petition by that Kenyan citizen. That citizen is exercising his democratic rights and the right to petition Parliament. It is in both our Standing Orders and the Constitution. It is also the easiest and best way for Kenyans to appear before Parliament without coming here physically.

Whereas the Public Petitions Committee may have its hands full, a Kenyan has spoken from a position of knowledge and authority. As we legislate in this House, we want as many Kenyans as possible to suggest to us the laws that have not been touched or areas of the profession that have gaps, and they feel the House must express itself. For that reason, despite having your hands full, the ball is squarely in the court of this House to discuss something about it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. I also rise to support this Petition. Indeed, almost all professions in this country such as the pharmacists, architects and quantity surveyors have attempted to have an Act of Parliament that guides how they operate because that is a professional way to do it.

Hon. Speaker, I am also of a similar opinion to some of my colleagues that, for us to have an Act of Parliament, there are three ways. One of them is through a private Member, and the other one is through the committees. The third one is through the offices of the Majority or Minority Leaders. I am concerned that this Petition, which requires a Bill, and I think this is a unique case that seeks to be enacted in this House, and this person has already proposed the Bill. He is bringing the Bill in the form of a Petition that will end up at the Public Petitions Committee, which is supposed to be dealing with life matters that are happening out there, such as demolitions. That is what this Committee should be dealing with. I tend to think that this would have been best handled by the Departmental Committee on Environment, Forestry and Mining, which deals with the geophysical profession. We need to look at it a little further to make the right decision because I do not know whether the Chairperson of the Public Petitions Committee will eventually own this Bill and front it on the Floor of the House. This is because the Bill has to have an owner in the House eventually.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mbui, you know the Petitioner is a private citizen and a lay person. What he has attached to his Petition is what he thinks is a Bill. It is not necessarily a Bill, but his idea of a Bill. And it has come to the House. It will go to the Public Petitions Committee which, in its findings, can direct or advise the Leader of the Majority Party to take up the matter to bring the Bill. It can also advise that the Chairperson of the Departmental Committee on Environment, Forestry and Mining takes up the matter or any other individual in this House. So, let us not be too harsh on members of the public who do not have your expertise in legislation. The Petition is committed to the Public Petitions Committee.

It is closed.

(Hon. Ruku GK raised his hand)

Hon. Speaker: Yes, Hon. Ruku? I wanted to close that there.

Hon. Ruku G.K. (Mbeere North, DP): Thank you, Hon. Speaker. I offer myself to take up the challenge.

(Laughter)

I will assist the member of the public to develop this Bill and bring it to the Floor of the House after going through the Committee's stage. I am going to write to you, with your permission, so that we can start the process immediately.

Thank you.

Hon. Speaker: Hon. Ruku, there is a legal maxim that equity does not assist volunteers.

(Laughter)

You can go to the Public Petitions Committee and offer to take up the challenge. The matter ends there. I commit the Petition to the Public Petitions Committee to act within the statutory time of 60 days and bring back the Report.

Next Order.

(Loud consultations)

PAPERS

Hon. Speaker: Leader of the Majority Party.

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Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I beg to lay the following papers on the Table:

1. Supplementary Estimates I for the FY 2023/24 from the National Treasury and Economic Planning and the following accompanying documents:
 - (a) FY 2023/24 Supplementary Estimates No.1 (Programme Based Budget);
 - (b) FY 2023/24 Supplementary Estimates No.1 (Recurrent Estimates - Volumes I & II);
 - (c) FY 2023/24 Supplementary Estimates No.1 (Development Estimates Volumes I, II & III); and,
 - (d) Memorandum on FY 2023/24 Supplementary Estimates No.1.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the years ended 30th June 2021 and 30th June 2022, and the certificates therein:
 - (a) Kinyui S.A. Girls High School;
 - (b) Masii Boys High School; and,
 - (c) Machakos Girls High School.
3. Report of the Auditor-General and Financial Statements on Kenya Seed Company Limited and its subsidiaries for the year ended 30th June 2022, and the certificate therein.
4. Reports of the Auditor-General and Financial Statements in respect of the following projects for the year ended 30th June 2023, and the certificates therein:
 - (a) East Africa Public Health Laboratory Networking (EAPHLN) Project Credit WB KE-4732 – Kenya Medical Supplies Authority;
 - (b) Resilient Sustainable Systems for Health (RSSH) KEN-T-TNT 2067 Sub-Recipient – Ministry of Health;
 - (c) Technical Support Programme (Financing Agreements No. KE/FED/2009/021421, No. KE/FED/023-733 and No.KE/FED/037-941) – National Treasury;
 - (d) Second Informal Settlement Improvement Project No.P167814 Credit No. 6759KE – State Department for Housing and Urban Development;
 - (e) Kenya Informal Settlement Improvement Project No.P113542 Credit No.4873KE - State Department for Housing and Urban Development;
 - (f) Kenya Italy Debt for Development Programme – State Department of Vocational and Technical Training; and,
 - (g) Coordination of Population Policy Implementation Project (UNFPA-KEN09POP) – National Council for Population and Development.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Vice-Chairperson of the Select Committee on Implementation, Hon. Rose Museo.

Hon. Rose Mumo (Makueni County, WDM): Thank you, Hon. Speaker. I beg to lay the following papers on the Table:

Reports of the Select Committee on Implementation on:

- (a) The First Report on implementation status of Reports on Petitions and Resolutions passed by the House; and,
- (b) The Second Report on implementation status of Reports on Petitions and Resolutions passed by the House.

Hon. Speaker: Thank you, Hon. Museo. Chairperson of the Select Committee on Members' Services and Facilities, Hon. Karani.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Select Committee on Members' Services and Facilities on an inquiry into quality of services rendered to the Members of the National Assembly by various Directorates.

I thank you.

Hon. Speaker: Hon. Joseph Kahangara, Leader of the Delegation, 71st London Westminster Seminar on Effective Parliaments. Go ahead, Hon. Kahangara.

Hon. Kahangara Mburu (Lari, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the 71st Westminster Seminar on Effective Parliaments held in London, United Kingdom, from 13th to 17th March 2023.

Thank you.

Hon. Speaker: Thank you. Next is the Chairperson, Departmental Committee on Administration and Internal Affairs. Is that Hon. Tongoyo?

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Administration and Internal Affairs on the Report of the National Government and Coordination (Amendment) Bill No.25 of 2023.

Thank you, Hon. Speaker.

Hon. Speaker: Next is Hon. (Col.) Dido Raso, Vice-Chairperson, Departmental Committee on Administration and Internal Affairs.

Hon. Ali Raso (Saku, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Joint Departmental Committees on Administration and Internal Affairs; Defence, Intelligence and Foreign Relations and Select Committee on Diaspora Affairs and Migrant Workers.

Hon. Speaker: Next is the Chairperson, Departmental Committee on Finance and National Planning, Hon. Kimani.

Hon. Kuria Kimani (Molo, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Hon. Speaker: Hon. Kimani, hold on. I have been told that Hon. Raso did not complete reading the title of the Report. For purposes of the *Hansard*, can you repeat? Start afresh.

Hon. Ali Raso (Saku, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Joint Departmental Committees on Administration and Internal Affairs; Defence, Intelligence and Foreign Relations and Select Committee on Diaspora Affairs and Migrant Workers on the Participation in the Mobile Consular Service Exercise held in the United States of America from 13th to 24th April 2023.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kimani, Chairperson of the Departmental Committee on Finance and National Planning.

Hon. Kuria Kimani (Molo, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Finance and National Planning and Departmental Committee on Communication, Information and Innovation on its Inquiry into the 100 per cent Buyback of Telkom Kenya Limited by the Government of Kenya.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

Hon. Speaker: Hon. Rose Museo.

ADOPTION OF REPORTS ON IMPLEMENTATION STATUS OF PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

Hon. Rose Mumo (Makueni County, WDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the First and Second Reports on Implementation Status of Reports on Petitions and Resolutions passed by the House.

Hon. Speaker: Thank you. Chairperson of Select Committee on Members' Services and Facilities, Hon. Karani.

Hon. Wachira Karani (Laikipia West, UDA): Hon. Speaker, I beg to give notice of the following Motion...

Hon. Speaker: Are you ready?

Hon. Wachira Karani (Laikipia, UDA): Sorry, Hon. Speaker.

Hon. Speaker: Go ahead.

ADOPTION OF REPORT ON INQUIRY INTO QUALITY SERVICES RENDERED TO MEMBERS OF THE NATIONAL ASSEMBLY BY VARIOUS DIRECTORATES

Hon. Wachira Karani (Laikipia West, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Members' Services and Facilities on its Inquiry into the Quality of Services Rendered to the Members of the National Assembly by Various Directorates, laid on the Table of the House on Thursday, 26th October 2023.

I thank you, Hon. Speaker.

Hon. Speaker: Next is the Vice-Chairperson of the Departmental Committee on Administration and Internal Affairs, Hon. Dido Raso.

Give him the microphone. There you are.

ADOPTION OF REPORT ON PARTICIPATION IN THE MOBILE CONSULAR SERVICE EXERCISE IN THE USA

Hon. Ali Raso (Saku, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Joint Delegation from the National Assembly Departmental Committees on Administration and Internal Affairs; Defence, Intelligence and Foreign Relations and the Select Committee on Diaspora Affairs and Migrant Workers on their Participation in the Mobile Consular Service Exercise held in the United States of America from 13th to 24th April 2023.

Thank you, Hon. Speaker.

Hon. Speaker: Clerk-at-the-Table, can you switch off Hon. Museo's microphone? It has a problem.

Next is Hon. Kuria Kimani, Chairperson of the Departmental Committee on Finance and National Planning.

ADOPTION OF REPORT ON INQUIRY INTO 100 PER CENT
BUYBACK OF TELKOM KENYA LIMITED BY THE
GOVERNMENT OF KENYA

Hon. Kuria Kimani (Molo, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Joint Departmental Committees on Finance and National Planning and Communication, Information and Innovation on its Inquiry into the 100 per cent Buyback of Telkom Kenya Limited by the Government of Kenya.

Hon. Speaker: Thank you, Hon. Kimani. Next Order.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

Hon. Speaker: Member for Changamwe, Hon. Omar Mwinyi.

UNFAIR TREATMENT OF EMPLOYEES OF ASHTON APPAREL (EPZ)
LIMITED AND MOMBASA APPAREL(EPZ) LIMITED IN MOMBASA COUNTY

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Labour regarding unfair treatment of employees of Ashton Apparel (EPZ) Limited and Mombasa Apparel (EPZ) Limited in Mombasa County.

Article 41 of the Constitution entitles every person to the right to fair labour practices, which include fair remuneration, reasonable working conditions, formation, joining or participating in the activities of a trade union and going on strike. The rights are also expounded in the Employment Act, 2007, which expressly provides that the rights apply to both permanent and pensionable and contract employees.

In what appears to be a blatant negation of Article 41 of the Constitution and the provisions of the Employment Act, Ashton Apparel (EPZ) Limited and Mombasa Apparel (EPZ) Limited, both owned by the same owner, have been in the limelight in the recent past for incidences of unfair treatment of over 4,000 employees.

The injustices include denial of leave days and sick offs, sexual advances and harassment in exchange for preferential treatment or otherwise unexplained deductions of dues, unlawful contract terms, prohibition of joining trade unions and unlawful termination of employment or dismissal.

It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Labour on the matter. In the statement, the Chairperson should:

1. Provide a report on the extent of compliance by Ashton Apparel (EPZ) Limited and Mombasa Apparel (EPZ) with the provisions of Article 41 of the Constitution and the Employment Act regarding the companies' treatment of employees.

2. State the supervisory measures and actions taken to ensure that the above-mentioned employers, their agents, trustees and/or assignees fully comply with the provisions of Article 41 of the Constitution and the Employment Act on fair labour relations.
3. Explain why the named companies have been unlawfully compelling employees to take up one-month contracts contrary to Section 9(1), which stipulates contract service to be a period of several working days, which amounts, in the aggregate, to the equivalent of three months or more.
4. Explain whether the two companies followed due process in terminating service for affected employees as spelt out in Section 46 of the Employment Act. If not, could the unlawful termination of employment be immediately reversed?
5. State whether all terminated employees have been paid gratuity for the number of years served prior to the takeover by the new management. If not, when will the dues be settled?

Hon. Speaker, before I sit, I beseech you, in your wisdom and generosity, to allow a few Members of this House to ventilate on this matter because it is of national importance and concern. I submit.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Omar Mwinyi. Statements are statements. The best I can do for you is to direct the Chairperson of the Departmental Committee on Labour, Hon. Karemba. I direct the Leader of the Majority Party to direct the Chairperson to bring a response to that request for a Statement in two weeks. Hon. Omar Mwinyi, thank you for your generous description of me, but that notwithstanding, we must follow the rules.

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Speaker, those are your qualities, which I am proud to highlight because you deserve it. Otherwise, I oblige.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Next is the Member for Soy, Hon. David Kiplagat.

IMPENDING SALE OF UCHUMI LANGÁTA HYPER LR No.209/12593

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I rise to request a statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the impending sale of Uchumi Langáta Hyper LR No. 209/12593 under Insolvency Petition 25 of 2018 by the UBA Bank.

Uchumi Supermarkets Limited is a public limited liability company in Kenya that was placed under receivership in 2006 after 30 years of operation. The Company closed down its operations due to financial woes. Since 2020, it has been operating under a Company Voluntary Arrangement (CVA). The arrangement allowed the restructuring of its debts to be paid over a period of six to 10 years.

Whereas the agreed CVA was to be financed by proceeds of the sale of the Kasarani Mall property, Uchumi has been unable to sell the said property due to disputes. The Company has a revised CVA approved with creditors on 31st August 2023 to allow settlement of the creditors' debts in two lumpsum payments with proceeds from the sale of two separate parcels of the Kasarani Mall properties, namely LR 5875/2 and LR 23393.

Following the Company's inability to implement the revised CVA, UBA Bank filed Insolvency Petition 25 of 2018, seeking leave to sell the Langáta property LR No. 209/12593, charged under its name, in order to recover its principal loan amounting to Ksh161,502,101, including interest. In 2017, the National Treasury loaned Uchumi Ksh1.2 billion and charged it on the same property. Uchumi's appeal to the National Treasury and Economic Planning to support its defence against the imminent sale has been met with a cold response.

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If the UBA Bank is allowed to sell the property at a depressed valuation, the Government risks the loss of its secured asset, which stood at Ksh1.48 billion in 2016 and yet the Bank's interest in the property is Ksh161,502,101. The sale would also jeopardise the Company's chance to implement the revised CVA, and other creditors would lose their dues.

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

1. Explain the circumstances under which the National Treasury and Economic Planning has been reluctant to enjoin Uchumi's defence against the impending sale of its Langáta property LR No.209/12593 under Insolvency Petition 25 of 2018 yet the Ministry is the custodian of the Government's stake in Uchumi, its assets and property.
2. Explain the plans that the Government has put in place to rescue Uchumi Langáta property from being auctioned at a loss in order to safeguard public interest for posterity as well as protection of other vulnerable and unsecured creditors from imminent loss. I submit.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. David Kiplagat. Hon. Member for Kesses, you had asked me if you could speak to this, but I will not allow you. I will follow the same precedence I had set with Hon. Omar Mwinyi. Hon. Kimani, does this fall under the Departmental Committee on Finance and National Planning?

Hon. Kuria Kimani (Molo, UDA): Yes.

Hon. Speaker: As the Chairperson, bring us a response to that request for a statement in two weeks.

Hon. Kuria Kimani (Molo, UDA): Sure.

Hon. Speaker: Leader of the Majority Party.

STATEMENT

BUSINESS FOR THE WEEK OF 7TH TO 9TH NOVEMBER 2023

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I beg to give our Thursday Statement on behalf of the House Business Committee (HBC), which met on Tuesday, 24th October 2023, to prioritise the business for consideration during the week.

At the outset, allow me to commend the leadership of the House, including Chairpersons of committees and all Members, for the dedication and diligence you have exhibited so far during this part of the Session. The participation of Members in committees has seen the consideration and conclusion of a number of key business items in the House. Members will note that in accordance with the Calendar of the House for the Second Session, regular Session, the House will adjourn for the short recess commencing tomorrow, Friday, 27th October 2023. The House will resume on Tuesday, 7th November 2023 at 2:30 p.m. This time, I hope Members will go to their constituencies and stay there and pray together with those who are doing their Kenya Certificate of Primary Education (KCPE) examinations. We should not be seeing them loitering. They should go to their constituency and join their families.

Upon resumption, the House is expected to consider the following business, some of which are listed in today's Order Paper:

1. Second Reading of the National Government Constituencies Development Fund (NG-CDF) (Amendment Bill 2023);
2. Second Reading of the Conflict of Interest Bill 2023;
3. Consideration of the reports of the Auditor-General on the Financial Statements for the NG-CDF for 12 constituencies in Kakamega County;

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4. Report on the 1970 UNESCO convention on the means of prohibiting and preventing the illicit import, exports and transfer of ownership of cultural properties;
5. Sessional Paper No.1 of 2023 on Kenya National Population Policy for Sustainable Development;
6. Report of the Kenya Delegation to the 4th General Assembly of the East African Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN) held in Kigali, Rwanda;
7. Report on inspection of various one-stop border posts in the Northern Corridor in the East African Community region;
8. Report on the loans contracted by the National Government between May 2022 and April 2023;
9. Reports of the Auditor-General on 23 non-compliant State corporations;
10. Reports on the proceedings of the Second Ordinary Session of the Sixth Pan-African Parliament (PAP); and,
11. Reports on the proceedings of the 2023 United Nations High-Level Political Forum on Sustainable Development.

Notably, the House awaits reports on various items, and I urge the committees to use the short recess to expedite any pending business. This includes reports on Bills, treaties, approval hearings, inquiries and responses to statements for onward process by the House. It is worth noting, Hon. Speaker, that the ongoing approval hearings include:

1. The consideration of a nominee for the appointment of a Member to the NG-CDF and nominees for appointment as Ambassadors, High-Commissioners and Permanent Representatives to various foreign missions.

Hon. Speaker, in accordance with the provisions of Standing Order 42(A)(5) and (6), I wish to convey that the Cabinet Secretary for Interior and National Administration, who was scheduled to appear before the House yesterday, Wednesday, 25th October 2023, will now appear on Wednesday, 8th November 2023. The Cabinet Secretary will be here to answer our Questions, which are as follows. Those Members that have Questions to the Cabinet Secretary for Interior and National Administration, please note your Questions so that you are here during that time:

1. Question by Private Notice No.012/2023 by the Member for Mathioya Constituency, Hon. (Dr) Edwin Mugo MP, regarding the disappearance of Ms Esther Ruguru, a resident of Mathioya Constituency.
2. Question by Private Notice No.013/2023 by the Member for Nakuru Town East Constituency, the Hon. David Gikaria, who is currently in his place, regarding the death of a minor, Yasmin Njoki at Mbaruk Centre in Gilgil Constituency.
3. Question by Private Notice No.014/2023 by the Member for Kinango Constituency, the Hon. Gonzi Rai MP - I do not know whether he is at his place - regarding the status of the investigations into the death of Nyaya Ngalaa Chamtu, a minor.
4. Question by Private Notice No.015/2023 by the Member for Nyakach Constituency, Hon. Aduma Owuor MP, regarding the insecurity situation in Sondu within Nyakach Constituency.
5. Question by Private Notice No.016/2023 by the Member for Lamu County, the Hon. Monica Marubu - she is not at her place - regarding the frequent attacks in Witho, Salama, Juhudi, Ziwa la Taa, Bobo and Roka within Lamu County.
6. Question by Private Notice No.017/2023 by the Member for Mwingi Central - I cannot see him at his place - the Hon. Gideon Mulyungi MP, regarding the

apprehension of suspected armed bandits terrorizing the residents of Wukasi and Waita area within Mwingi West Constituency.

7. Question by Private Notice No.143/2023 by the Member for Kanduyi Constituency, the Hon. John Makali MP, regarding the accessibility of registration services within Bungoma County.
8. Question by Private Notice No.197/2023 by the Member for Mombasa County, the Hon. Zamzam Mohammed MP - I cannot see her at her place - regarding the dismantling of juvenile criminal gangs operating within Kisauni, Likoni and Old Town in Mombasa County.
9. Question by Private Notice No.198/2023 by the Member for Mwingi North Constituency, the Hon. Paul Nzengu MP, regarding the status of investigations into the death of Mr Muuo Muthengi.
10. Question by Private Notice No.201/2023 by the Member for Kitutu Masaba Constituency, the Hon. Gisairo Clive Ombane MP, regarding the status of investigations into the gruesome murder of Mr Edward Murema Nyangechi and Mama Grace Murema.
11. Question by Private Notice No.203/2023 by the Member for Ndhiwa Constituency, the Hon. Martin Peters Owino MP, regarding the sub-division of the constituency into three operational and adequately staffed administrative sub-counties and corresponding divisions.
12. Question by Private Notice No.264/2023 by the Member for Kinangop Constituency, the Hon. Kwenya Thuku MP, regarding the various status of investigations into the death of watchmen in various schools by gangs in Kinangop Constituency.
13. Question by Private Notice No.265/2023 by the Member for Kitutu Chache South, the Hon. Antoney Kibagendi MP, regarding the measures by the Ministry to address the widespread abuse of drugs and banned substances in the country.
14. Question by Private Notice No.266/2023 by the Member for Endebess Constituency, the Hon. (Dr) Robert Pukose MP - who is firmly in his place and always present - regarding the status of the investigations into the death of Provincial Commissioner (PC) Emmanuel Kiprop from Endebess Constituency, who was killed by a mob in Kathanje Market of Tharaka Nithi County.
15. Question by Private Notice No.270/2023 by the Member for West Pokot County, the Hon. Rael Kasiwai MP, regarding the efforts by the Ministry to address the conflicts on boundaries within West Pokot County.
16. Question by Private Notice No.344/2023 by the Member for Wajir West Constituency, the Hon. Yussuf Mohamed MP, regarding the status of investigations into the death of two minors, namely Abdisalan Hussein Issack and Monazil Adow, on 4th May 2023 and 4th June 2023.
17. Question by Private Notice No.345/2023 by the Member for Kisumu West Constituency, the Hon. Rozaah Buyu MP - I cannot see her at her place - regarding the status of the investigations into the death of a minor by the name Marion Atieno on 3rd June 2023.
18. Question by Private Notice No.389/2023 by the Member for Gilgil Constituency, the Hon. Martha Wangari MP, regarding the changes made to the National Police Service (NPS) Medical Insurance Scheme.
19. Question by Private Notice No.454/2023 by the Member for Lamu East Constituency, the Hon. (Cpt.) Ruweida Obo MP, regarding the apprehending of *Al-Shabaab* militants in Lamu County.

Hon. Speaker, as stated in your Message, His Excellency the President is scheduled to address the House of Parliament during the Annual State of the Nation Address on Thursday, 9th November 2023, in fulfilment of the provisions of Article 132(1) of the Constitution.

Hon. Speaker, in conclusion, the House Business Committee will reconvene on Tuesday, 7th November 2023, to schedule business for the rest of the week. On behalf of the House Business Committee, I take this opportunity to wish Members a fruitful working recess as they discharge their parliamentary and constituency obligations. I want to lay this Statement on the Table of the House. I thank you, Hon. Speaker.

(Hon. Owen Baya laid the document on the Table)

Hon. Speaker: Thank you, Deputy Leader of the Majority Party. Hon. Members, before we go to the next issue, you recall yesterday, I directed the stepping down of the Kenya Drugs Authority Bill and gave several directions on how to handle it. The Committee, in bringing together all Members with proposed amendments, must work to ensure that by the time we resume from the short recess on 7th November 2023, they will be through with the process.

I direct that the Bill be on the Order Paper of 7th November 2023. The Office of the Clerk is further directed to facilitate the Members of the Departmental Committee on Health to have expedited meetings. Members with amendments to that Bill, please note that you have up to next week to deal with your issues with the Committee under the chairmanship of the Vice-Chairperson, but with the active participation of the Chairperson of the Committee. Thank you.

Next, allow me to recognise Kandongu Secondary School from Mwea Constituency, Kirinyaga County. The Member for Mwea has asked me to give her one minute to welcome her school. Hon. Maingi, go ahead.

Hon. Mary Maingi (Mwea, UDA): Thank you, Hon. Speaker, for allowing me a chance to welcome Kandongu Secondary School from Mwea to this House. I want to encourage the students to aspire to return to this Honourable House someday as Members of Parliament. Also, allow me to wish all the candidates of Mwea Constituency success in their examinations and, indeed, all the candidates in this country.

Thank you, Hon. Speaker.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

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

Hon. Deputy Speaker: Next Order.

MOTION

CONSIDERATION OF THE REPORT ON THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022).

(Hon. Rahim Dawood on 25.10.2023 – Morning Sitting)

*(Resumption of consideration
interrupted on 25.10.2023 – Morning Sitting)*

Hon. Deputy Speaker: Chairperson

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Deputy Speaker. I beg to report that the Committee of the whole House has considered the Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill No.46 of 2022), and approved the same with amendments.

Hon. Deputy Speaker: Mover.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. (Dr) Robert Pukose to second the motion for agreement with the report of the Committee of the whole House.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

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

Hon. Deputy Speaker: Mover.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Deputy Speaker, I beg to move that the Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill No.46 of 2022), be now read a Third time. I also request Hon. (Dr) Pukose to second.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. I stand to second the Public Service (Values and Principles) Bill, (National Assembly Bill No.46 of 2022). I want to thank Members for supporting this Bill, which has come to this stage, and wish them an enjoyable short recess. I also wish candidates of Endebess Constituency who are sitting the Kenya Certificate of Secondary Education (KCSE), Kenya Certificate of Primary Education (KCPE), and Kenya Primary School Education Assessment (KPSEA) success in their examinations.

Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Deputy Speaker: It is the mood of the House that I should put the question.

Hon. Members: Yes.

Hon. Deputy Speaker: Hon. Members, I have confirmed that the House is properly constituted for the purpose of making this decision.

(Question put and agreed to)

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

MOTION

CONSIDERATION OF THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the National Construction Authority (Amendment) Bill, (National Assembly Bill No.59 of 2022).

(Hon. David Gikaria on 25.10.2023 – Morning Sitting)

*(Resumption of consideration interrupted
on 25.10.2023 – Morning Sitting)*

Hon. Deputy Speaker: Chairperson.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Deputy Speaker. I beg to report that the Committee of the whole House has considered the National Construction Authority (Amendment) Bill, (National Assembly Bill No.59 of 2022), and its approval thereof without amendments.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Mover.

Hon. David Gikaria (Nakuru Town East): Thank you, Hon. Deputy Speaker. I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Wachira Karani to second the motion for agreement with the report of the Committee of the whole House.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

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

Hon. Deputy Speaker: Mover of the Bill.

Hon. David Gikaria (Nakuru Town East): Hon. Deputy Speaker, I beg to move that National Construction Authority (Amendment) Bill, (National Assembly Bill No.59 of 2022), be now read a Third Time. I also request Hon. Wachira Karani to second.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Deputy Speaker: Hon. Members, I have confirmed that we have the requisite quorum in the House for the purpose of making this decision.

(Question put and agreed to)

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

Next Order.

BILLS

First Reading

THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) (NO. 2) BILL
(National Assembly Bill No.40 of 2023)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Second Reading

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL
(National Assembly Bill No.13 of 2023)

Hon. Deputy Speaker: Mover.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to move:

THAT, the National Government Constituencies Development Fund (Amendment) Bill 2023, (National Assembly Bill No.13 of 2023), be now read a Second Time.

It is a Bill that is co-sponsored by the Leader of the Minority Party, Hon. Opiyo Wandayi, MGH, and the Leader of the Majority Party, Hon. Kimani Ichung'wah, MGH. I wish to commend the Select Committee on the National Government Constituencies Development Fund (NG-CDF) on the work that it has done.

I will now give a brief highlight of the proposed amendments. As you know, this is a very crucial Bill, especially for Members of the National Assembly. We cannot say much about what NG-CDF has done. It has done tremendous good things for this country and, therefore, this is one of those pieces of legislation that is transformative. I want to state that this Bill seeks to amend various provisions in the National Government Constituency Development Fund Act, 2015, that have been challenged in court and attracted adverse opinion and thus seek to ensure compliance with the Constitution of Kenya, specifically about separation of functions.

The Supreme Court of Kenya Judgement held that the National Government Constituencies Development Fund Act, 2013 violated the vertical division of powers between the national Government and the county governments. Currently, there is an ongoing Petition in court challenging the constitutionality of the NG-CDF Act of 2015, citing that the Act violates the principle of separation of powers and the division of functions between the national Government and the county governments and that the Act was passed without involving the

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Senate and the Commission on Revenue Allocation. The Petition in court also states that the Act violates the basic structure of the Constitution, the rule of law and the distinctiveness of the levels of Government.

Lastly, the Petition also has something that says that the Act violates the principles of public finance. However, it is good to note that the Chief Justice is yet to constitute a bench to consider the Petition. We are informed that the matter will be mentioned on the 30th of November, 2023, to confirm whether the bench would have been constituted by then. Therefore, this Bill comes at a good time such that by the time the bench is constituted, allegations of unconstitutionality of the NG-CDF Act 2015 will be moot, and the concerns raised in the Petition would have been addressed through this amendment. This Bill seeks to address the issues of constitutionality that are being raised in the Petition that is before the court of law. As we debate and pass this Bill, we will be addressing the issues of constitutionality as raised in the Petition.

The Bill has 14 clauses. It is a small Bill, and you can pick it up from the Table Office. Go through it to understand. The memorandum is self-explanatory, and the issues canvassed here are very easy to understand. I request Hon. Members to pick a copy of the Bill from the Table Office.

The 14 clauses and the amendments can be generally classified as aligning the Act to funding projects that are falling under the exclusive functions of the national Government as set out in the Fourth Schedule of the Constitution. In addition, the amendments seek to separate powers between the two levels of Government; that is, the national Government and the county governments.

Clause 2 of the Bill provides for the amendment of Section 3(h) of the Act to provide that the object of the Fund shall be to facilitate the National Assembly to exercise its oversight role. The National Assembly and NG-CDF will now play an oversight role. That is what that clause tries to do over exclusive national Government projects and supplement the infrastructure development of projects falling under the exclusive functions of the national Government at the constituency level, as provided for in the Constitution. This ensures that the Fund shall only fund projects that are falling under the exclusive functions of the national Government at the constituency level as set out in the Fourth Schedule of the Constitution. This is just to make this area neat, and to just emphasise that NG-CDF will only fund those functions that are in the purview of the national Government, as provided for in Schedule Four of the Constitution.

Hon. Deputy Speaker, Clause 3 provides for the deletion of Section 4(3) to cater for situations where collected Government revenue is lower than the preceding year and which may necessitate lower allocation to the Fund than the previous financial year.

In Clause 4, the Bill provides for the amendment of Section 15 of the Act to empower the Public Service Commission to make recommendations to the Cabinet Secretary on the persons to be appointed as members of the NG-CDF Board. In the past, the Public Service Commission has not been involved in identifying and ensuring that we have a replacement of board members, but when we amend Section 15, the Commission will have a say on who is appointed to the Board.

Clause 5 of the Bill provides for the repealing of Section 19 and substituting it with elaborate provisions that incorporate the public service recruitment process of Board members as envisioned under Article 234 of the Constitution, that the appointment of members of the Board should be competitive. We are allowing this amendment to provide for the issues as provided for in the Constitution; that we do not just pick people but ensure that the process is competitive and follows the values and principles of public service. Therefore, Section 19 does that.

Clause 6 of the Bill provides for the repeal and replacement of Section 24 of the Act to provide that a project under the Act must only be in respect of works and services falling within the exclusive functions of the national Government under the Constitution. It seeks to remove funding for community-based projects that benefit widespread cross-section of the inhabitants of a particular area.

Clause 7 of the Bill provides for the deletion of Section 25(8) and (10) of the Act, which empowers the NG-CDF to fund sports and environmental activities within the constituencies, provided those activities do not exceed 2 per cent in respective of the total allocation to the constituency in every year.

If you go to Clause 8 of the Bill, it provides for the amendment of Section 34 by inserting a new paragraph to provide that the total allocation to a constituency shall not be less than the amount allocated to the constituency in the preceding financial year, so that there is gradual graduation of the Fund from a lower level so that each year, we cannot allocate less than what was allocated in the previous year.

Clause 9 of the Bill provides for the amendment of Section 43(2) by increasing the number of male and female members nominated to the constituency committee from two to three. Clause 9(b) of the Bill provides for the amendment of Section 43(6) by providing that the first meeting of the constituency committee shall be convened within 120 days of the holding of a general election.

Clause 9(b) of the Bill provides for the amendment of Section 43(6) by providing that the first meeting of the NG-CDF Committee shall be convened within 120 days from the date of holding of a general election. Within one hundred and twenty days after holding a general election, a new NG-CDF Committee is constituted and put in place. That is what that Clause will do.

Clause 9(c) of the Bill provides for the amendment of Section 43(8) by increasing the term of office of a member of the NG-CDF Committee from two years to three years renewable. As you know, after two years we usually come back to this House to approve the reconstitution of the NG-CDF Committees. However, we are proposing to increase that from two years to three years so that the contract of the people who will be working runs for three years. We will gauge the output of the NG-CDF committees that we will have.

Clause 2 of the Bill seeks to repeal Section 52 of the Act that provides for allocations under the Act.

Clause 11 of the Bill seeks to repeal Section 53 of the Act which establishes the Constituency Oversight Committee. It shall comprise the constituency member of the National Assembly and not more than four other members appointed by the Member of National Assembly for the constituency in consultation with other stakeholders.

Clause 12 of the Bill seeks to repeal Section 53A of the Act that provides for the facilitation of the Constituency Oversight Committee, consequential to the repeal of Section 52 of the Act. This amendment seeks to align with the principle of Public Finance Management Act of prudent use of public resources by avoiding double allocation of funds in accordance with Article 201 of the Constitution. This will prevent imprudent use of public resources created by the unnecessary parallel and duplicate offices, bodies and structures. If you run the NG-CDF you will know that there is a Constituency Oversight Committee whose chairperson is a Member of Parliament. In the new arrangement, the Bill seeks to repeal that section so that there is no duplication role. As a Member of Parliament, it is your duty to oversee NG-CDF and you do not have to sit in a committee where you will be remunerated to do your job. This is a job that you do as a Member of Parliament. That is the essence of that amendment. So, it means that the Constituency Oversight Committee will be repealed. A Member will oversee the NG-CDF as it is supposed to be in his ambit as a Member of Parliament whose other role is overseeing Government projects.

Clause 13 of the Bill provides for deletion of Section 54(2) of the Act which provides that normal Government development allocations shall continue alongside the projects funded under this Act.

Clause 14 of the Bill provides for the consequential amendment to Section 14 of the National Government Coordination Act No.1 of 2013 to ensure that constituencies are recognised as National Government Service Delivery Units. The present NG-CDF setup is seen as separate from the National Government offices. In this proposal, the NG-CDF will be part of the National Government Service Delivery Units such that if a County Commissioner or a Sub-County Commissioner calls for a meeting of Government officers, the Fund Managers and officers of the NG-CDF will be welcome because that entity will be part of the National Government Service Delivery Units. It will not be separate. Therefore, the amendment will ensure that they are part of the co-ordination that is done at the National Government Services.

As I conclude, I note the amendments to the Bill as proposed by the Committee include, but are not limited to ensuring additional funding of education bursaries, climate change mitigation measures and recurrent activities or utilities for the constituency in the digital hubs. So, there are several amendments there, especially on other areas that need to be funded. The Committee is looking at them.

I, therefore, beg to move this important Bill. It will ensure that the importance of the NG-CDF continues without issues that specifically make people go to court. The passage of this Bill will tell the busy bodies that are always ready to take the NG-CDF to court for being unconstitutional that, that has been cured. We will not have people saying that the NG-CDF is unconstitutional. This is a death nail to the people who always want to subvert the activities of the NG-CDF.

I request Hon. Robert Mbui, the eminent Deputy Leader of Minority Party to second.

Hon. Deputy Speaker: Proceed Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Deputy Speaker and the Acting Leader of the Majority Party. The substantive Leader was not here when the Bill was moved for Second Reading. It is a Bill that has been sponsored by both the Leader of the Majority Party and the Leader of Minority Party. I stand to second the Bill on behalf of the Leader of Minority Party. It is important to first look at the history of the NG-CDF. Its history has changed a number of times. The NG-CDF was started in 2003. The real intention behind the NG-CDF was to ensure that there is equitable distribution of development resources across the country so that far-flung corners of the country and those that are near the centre get some share of the money to develop their regions.

In 2013 the Constituencies Development Fund (CDF) Act was repealed and replaced by the CDF Act of 2013. In 2015, the CDF Act was repealed and replaced with the NG-CDF Act of 2015. The reason behind these changes in the CDF Act were, the major changes in the landscape of the country in terms of developmental needs, how the programme works and how the Fund can be improved so that it can serve citizens better. There was also the challenge of people constantly going to court to challenge the Fund. When the new Constitution of Kenya 2010 - currently I call it old Constitution because it is 13 years old - was promulgated, we had to make sure that we align the CDF Act with it so that the Act is not against the supreme law.

These changes have taken place over the years. We are now making further changes to make the Act better. It is important to note that changes are not necessarily bad. Every time one has to adjust to the circumstances and the situation they are in.

Historically, the CDF has been one of the most successful Funds that this country has ever had. In fact, it has been a game changer. There are places which absolutely did not have schools when the CDF started. Schools have been put up there through the CDF. There were chiefs who had no offices and the CDF put up offices for them. When the CDF started - at that time it was dealing with issues to do with healthcare and dispensaries - too many dispensaries

were put up under the CDF. If they had not been put up then, the county governments today would probably have not reached the level they are now. Therefore, the CDF has been a game changer.

The most interesting thing to note is that the NG-CDF does not have a lot of money. Every financial year the NG-CDF gets Kshs100 million per constituency. However, if you look at what it has done in all our constituencies within the counties, you will be shocked. You cannot compare what has been done by the CDF with what has been done by the counties. It is incredible. I do not know the magic the NG-CDF committees do. As Members of Parliament, we are not part of the NG-CDF. In fact, one of the reasons that people keep going to court is that they believe that the Members of Parliament are the ones who control the NG-CDF. Members of Parliament are far removed from the NG-CDF.

One of the things that we have proposed to make sure that Members of Parliament are not involved is to remove the Constituency Oversight Committee that is chaired by a Member of Parliament. That will make sure that Members of Parliament are no longer directly involved with the NG-CDF. One of the responsibilities of Members of Parliament is to oversee. So, even without the Constituency Oversight Committee, Hon. Members can go and look at what is being done and make sure that there is prudent use of resources in their regions before they can do that work at the national level.

Hon. Deputy Speaker, this Bill seeks to amend various provisions of the NG-CDF Act of 2015, which has been challenged in court, and ensure we align it with the Constitution. It is also to ensure that there is no conflict at all between national and county government projects. One of the proposals is to ensure that this Fund is for exclusive use in national Government projects as spelt in the Fourth Schedule of the Constitution of Kenya 2010. That is to make sure that whatever this Fund can do does not in any way conflict with what Governors and county governments are doing so that there is no duplication. We will not put money in a project and the county government is also doing the same project. That has made sure there is complete separation so that the problem, which has ended up in court many times is averted.

Hon. Deputy Speaker, other amendments have also been critical; one of which is to deal with the current situation of climate change. We were allocating money for the environment. You know that it is very limited when you call it environment. We are now looking at it from the perspective that the world and the climate are changing. What we called short rains a long time ago and the predictability of the short and long rains is no longer what it was. During those days, we knew there would be rain when schools were closing at a certain time. Nowadays, you almost cannot even prepare. We were assuming that there would be *El Nino*. The meteorological department has been having a problem. They say there will be *El Nino* and the following day they withdraw and say it looks like there is a change. We need to deal with the real issue. It is climate change. This Fund will help the national Government deal with that matter.

As currently constituted, the NG-CDF Act of 2015 does not allow any recurrent expenditure. However, in support of the national Government programme of making sure that we set up ICT hubs in all the regions in the country and ensure there is connectivity, electricity is one of the requirements for these hubs to work. You cannot set up a project of that nature and leave it hanging. It has been done in the past. We tried the ICT hubs. They failed those of us who constructed and equipped them simply because there was no way the recurrent cost of running them could have been met. There was no money being generated. Now, the Fund is allowing the use of part of that administrative money to deal with the cost of electricity incurred by ICT hubs across the country so that we ensure our people are connected to use this system for their benefit.

Hon. Deputy Speaker, there is an amendment to Section 34 that adds a new paragraph to ensure an amount of the total allocation to a constituency is not less than the amount allocated

to the constituency in the preceding year. This has been brought about by the fact that this Fund has always been pegged on a percentage. However, there is a possibility that Government revenues could fall. It would be painful if they were to fall and yet funded projects requiring going to phase II were unable to be implemented. That is why we have ensured monies received under the NG-CDF Act of 2023 will not be reduced below that amount. We all know the cost of inflation. We know that even the people who work under that Fund have to be paid and salaries cannot go down. They keep going up. That has been proposed to ensure the Fund does not reduce but is maintained at a certain level to only go up.

Finally, there is recruitment of the board. We are proposing that they do competitive recruitment. Whenever the Government is recruiting for any of the boards, the NG-CDF Board being one of them, the Public Service Commission (PSC) must be involved. What we are doing is to make sure that the recruitment of the board is competitive and that those who qualify are vetted and presented by the PSC so that the jobs are not done by hand-picking specific individuals and yet everyone knows the Fund is for ensuring there is equity and fair distribution of resources. Every corner of this country can develop and achieve its objectives.

With those many remarks, I second the Motion.

(Question proposed)

Hon. Kuria Kimani (Molo, UDA): On a point of order.

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

PROCEDURAL MOTION

REDUCTION OF DEBATING TIME

Hon. Kuria Kimani (Molo, UDA): Pursuant to Standing Order 97, I beg to move:

THAT, debate on this very important Motion be reduced from 10 minutes to 5 minutes so that we can allow as many Members as possible to talk about a matter of national importance as the NG-CDF.

I ask Hon. Linet Chepkorir Toto to second.

Hon. Linet Chepkorir (Bomet County, UDA): Thank you for giving me this chance to support because of the demand of Members who would like to contribute to this Motion. Therefore, I second.

(Question proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Hon. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker.

Let me begin by thanking the Deputy Leader of the Majority Party and the Deputy Leader of the Minority Party for moving and seconding this Bill on my behalf and the Leader of the Minority Party respectively.

As stated, the Leader of the Minority Party and myself co-sponsored the Bill. It is a consequence of the work done by an *ad hoc* Committee of this House formed to look at the issues raised by the court. The Deputy Leader of the Majority Party, Hon. Owen Baya, has clearly articulated the inconsistency the Supreme Court found between this Bill, the Constitution, and the NG-CDF Act of 2015, especially on the question of principles of separation of powers and the division of functions between national and county governments.

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There are also new and emerging issues like climate change that the old Act of 2015, as it were, would not address. Of course, as was mentioned, there are issues to do with ICT digital hubs and allowing the NG-CDF Fund to cater for a certain amount of recurrent expenditure in the running of ICT digital hubs. Hon. Deputy Speaker—I was about to say, Your Excellency, Hon. Deputy Speaker. Maybe I am dreaming of good things for you.

Hon. Deputy Speaker, the ICT hubs that His Excellency the President has purposed to be established in each of our 1450 electoral wards are ICT hubs that will revolutionise how we perceive the creation of jobs. You do not necessarily need foreign investors to invest in your localities for you to create jobs. You do not need very huge industries. Even with a building holding or facilitating an ICT innovation hub, you can create jobs to hundreds of people within that ward by enabling them to access the digital world and work online and digitally for companies outside this country or their areas of settlement.

Tomorrow, by sheer coincidence, I will be launching an ICT hub in Kikuyu Constituency at the Nachu Technical and Vocation Education Training (TVET). Nachu Ward, which is in my constituency is among the most marginalised places in Kiambu County and part of the semi-arid and arid areas of our country. It would be possible that young men and women in that area will work for corporations like Google, Facebook, Amazon and anywhere in the world just from the comfort of a TVET centre in Kikuyu. That will be the case for a young man or lady in Mandera County within a TVET institution or an ICT hub. Those who would have looked up to other job opportunities, where industries are being established in their localities, will now work from the comfort of their own counties for international and local companies.

With the coming of COVID-19 in 2020, many things changed in the labour markets. Before COVID-19, everybody believed that for you to work, you had to be in some office space somewhere. Indeed, COVID-19 taught the world a very good lesson that you do not need to work from the comfort of an office, but that you can comfortably work from the precincts of your house for your local company or those from outside. Bearing in mind that we are now establishing these ICT hubs across the country, it was important that we enable the NG-CDF to cater for a certain level of recurrent expenditures, be it water and electricity bills and internet services that the youths will be using in those centres or even simple repairs and maintenance of gadgets and equipment that will be in the hubs.

Matters to do with climate change are live to us. The NG-CDF has also to be responsive to climate change issues and how to mitigate matters touching on it. Therefore, we will again incur a little bit of these monies allocated to NG-CDF to deal with issues touching on climate change.

In dealing with challenges that have confronted NG-CDF over the years, on the question of separation of powers on how we align the vertical division of revenue between the national and county governments, we are now making it very clear that NG-CDF will in no way interfere with the level of financing or revenue being divided vertically to our county governments. The NG-CDF will get from the national Government its share of revenue. Those who have perceived that NG-CDF is in a way clawing back on devolution, can now have the comfort that the monies going there will not in any way affect the allocation to our county governments. Therefore, our good governors in the Council of Governors can rest easy knowing that the NG-CDF money will come from the national Government share of revenue. This money will also go strictly to functions under Schedule Four of our Constitution that are designated to be carried out by the national Government. We shall not be involved in issues, as important as they are, touching on functions of the county governments. The National Government Constituencies Development Fund Act, 2015 allowed NG-CDF to allocate money to sporting activities. With enactment of this Bill, that will not now be possible since sports, under Schedule Four of our Constitution, are designated to the county governments. It will now not be possible for NG-CDF to engage in that.

We have sporting facilities within schools. That does not mean a Member of Parliament cannot get his people during public participation to propose to have sporting facilities within an educational institution because education is not just academics and what they do in class. In today's world and under the Competence Based Curriculum (CBC), education is all encompassing, including sporting facilities. It will not be possible, for instance, sponsor sporting tournaments in our communities, or even to work on sports facilities out of educational institutions. This, as I have said, is pursuant to aligning out NG-CDF Act, with the challenges that we have faced in the courts, last of all being the petition against the NG-CDF Act, 2015. As Members are aware, there is already a petition that is before the courts challenging the 2015 Act. We are moving ahead of time to address some of the issues that are being raised by those who are against NG-CDF.

In conclusion, allow me to speak to those who sponsor cases in court against NG-CDF with the imagination that it is a Fund that is managed, implemented or belongs to Members of Parliament. Members of Parliament, and this amendment Bill is making it clear; is simply playing their oversight and representative role in matters to do with NG-CDF. This Bill is now making it very clear that a Member of Parliament has absolutely no role in the implementation of NG-CDF projects or in fact any national Government project. Our singular role in NG-CDF and other national Government projects is to offer meaningful oversight to ensure that there is value for money and projects are delivered in a timely and effective manner for the benefit of the people we represent. Our second constitutional mandate is to ensure that we represent our people.

For those that have been challenging NG-CDF based on their fights with their Members of Parliament, may it be clear to them now that this Bill is making sure that no Member of Parliament, even the Oversight Committee...

Hon. Deputy Speaker: Allow him to finish his sentence.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Under the NG-CDF Act of 2015, we had an Oversight Committee where a Member of Parliament could be a member or designate members of the public to sit in that committee. It will now not be possible for a Member of Parliament to sit in that Oversight Committee. There is a clear separation of roles between those who are implementing NG-CDF or national Government projects and those who are offering oversight. Understandably, there has been that argument and the school of thought that you cannot be the ones appropriating money in the National Assembly, then you have a role in their implementation and at the same time oversee the same amount. We will now have the role to appropriate money to national Government projects including those under NG-CDF. We will have no role at all in the implementation phase so that we can clearly oversee money that we appropriated to ensure it is utilised for the purpose for which it was intended.

I beg that we all support this bill. It will not just help us to deal with emerging issues like the digital economy and the ICT hubs, recurrent expenditures, but also those of climate change. It will also help us deal with challenges that have confronted the NG-CDF with a lot of litigation in our courts. Besides aligning the NG-CDF Act 2015 with the Constitution of Kenya 2010, and what the Supreme Court said in the petition filed against the NG-CDF Act, and part of which has been borrowed by the petitioners who have filed another petition against the NG-CDF Act, now the separation of powers between the national and county governments, Legislature and Executive, are quite clear.

I beg that we all support this Bill. I beg to support.

Hon. Deputy Speaker: Member for Kitui South, Hon. Rachael Nyamai. You can give me a minute first to recognise a school that is here.

I wish to recognise students from Sitoito Secondary School from Kuresoi North Constituency, Nakuru County, who are seated in the Public Gallery.

(Hon. Silvanus Osoro spoke off the record)

The recognition will still remain in the *Hansard*, Hon. Osoro.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity to contribute to this very important Bill that concerns NG-CDF. I also take this opportunity to join you in welcoming these students who have visited the National Assembly. I wish them well in their Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) examinations that will be done in the next few days. Before I go to the Bill, I also take this opportunity to wish students from Kitui South Constituency and those from the rest of the country in the upcoming examinations.

I support this Bill which has been ably moved by the Deputy Leader of the Majority Party, Hon. Baya, and seconded ably by the Deputy Leader of the Minority Party, Hon. Mbui. I have listened keenly to the Leader of the Majority Party as he spoke on this very important Bill that we, as Members of Parliament, must work on and make sure it passes. It will enable the NG-CDF Act to be aligned to the Constitution.

I have realised that when people do not like something, they say it is unconstitutional. The NG-CDF has suffered this fate for far too long. The amendments that have been proposed by the Leader of the Majority Party and the Leader of the Minority Party will handle this matter. It will be aligned not only to the Constitution of Kenya but also to other existing Acts of Parliament. It will also be aligned to the new order which has been brought by the Constitution 2010 where we have funding at the national Government and county governments. This will make it extremely clear that NG-CDF does not draw any money from the county but only from the national Government. I would like to congratulate our leaders and Select Committee on National Government Constituencies Development Fund for the good work they have done.

This Bill will also deal with removal of Members of Parliament and the perception that they are part and parcel of NG-CDF. After this Bill is passed, Members of Parliament will only play the oversight role. Members of this Board will be identified competitively. They must meet the requirements of the Constitution, including Chapter Six. Anybody will be free to apply. It will also consider youth and women matters, so that everyone feels fully involved.

Hon. Deputy Speaker, this Bill will also ensure that we cater for emerging issues. One of them is climate change which has become a huge topic in this country. We, as Members of Parliament, must be awake to it. NG-CDF committees will now decide on how much they will spend on climate change matters. We have seen a lot of things that never happened in the areas that we represent. We have seen very high amounts of rainfall and coldness, dryness and heat that we have never felt. This means that Members of Parliament must rise to the occasion and make sure that this is funded.

We have highly talented children in our constituencies. There are also highly talented middle-aged and aged people who need to expose themselves to the world. Undoubtedly, people from various parts of the world make lots of money by exposing their talents and sharing what they are able to do on social media world over. They are paid not only by this country but also by other revenue sources in the world. Members of Parliament can encourage our people who are talented in our constituencies to go out there and expose their talents.

Beyond this, Hon. Deputy Speaker, our youths will make use of digital centres by applying for jobs.

Hon. Deputy Speaker: Member for Eldama Ravine, Hon. Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Deputy Speaker. First and foremost, I would like to take this opportunity to thank the leadership of the House for bringing up this Bill which is sponsored by both sides of the House.

I thank Members of the Committee who really traversed this country to do public participation and attended 24 county forums in various places—defunct provinces. I also thank

members of the public who listened very carefully to what the Bill is all about. They opposed some of the issues we have raised here which we will remove from the NG-CDF Act. Because of the court issue, they accepted them. They were requesting for a referendum to air their views and put forward the interest of this country. This would shame the busybodies who always go to court because they fight the basic things that help members of the society.

This Bill will address the big issue of the Supreme Court matter that challenged NG-CDF Act, 2015 which is still pending. Once we have NG-CDF Act, 2023, it will mute NG-CDF Act, 2015. Therefore, we shall be guaranteed of the amount of money which we are supposed to get. The biggest milestones which we have achieved is dealing with national Government projects and making constituencies the delivery units for all national Government projects which is a way in the right direction.

We have climate change and digital hubs issues which we want to do in all 1,450 wards. We already have two digital hubs in my constituency. This Bill will bring life into them because we shall pay the recurrent expenditures which are there. Our young fellows are making money. We have people who make between Ksh10,000 and Ksh5,000 a week in my constituency. These translate to Ksh40,000 and Ksh20,000 in a month which is a milestone. We need to encourage and ask Members to really support this initiative of changing our country into a digital compliant country. When you have a business, you do not need to travel far away. You are able to make money where you are.

The 14 clauses of the Bill have been explained well by Deputy Leader of the Majority Party and Deputy Leader of the Minority Party. So, I do not want to go back to that point. The only thing I will add is that we need to support our economy and take care of the environment. We should engage the youth in growing seedlings and put up digital hubs for them. That way, we shall eradicate poverty from our villages.

Thank you, Hon. Deputy Speaker. I support.

Hon. Deputy Speaker: Member for Wajir North, Hon. Ibrahim Saney.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Deputy Speaker. I appreciate that NG-CDF is duly recognised as the centrepiece for development in this country. It was once anathema and a curse. It was viewed as a conduit for stealing money by Members of Parliament. Today, the only visible fund spurring economic growth in this country is NG-CDF. The other devolved funds are not...

(Hon. Silvanus Osoro consulted loudly)

The Whip of the Majority Party is interrupting me.

As I was saying, the NG-CDF, today, gets a plethora of delegated functions including Information and Communications Technology (ICT), environment and CBC. I do appreciate these delegated roles. However, these additional roles must be accompanied by a budgetary allocation. Otherwise, NG-CDF is limited in as far as its already existing duties are concerned. In as much as I appreciate the Leader of the Majority Party's position, we cannot easily accept additional roles. We need more funds if we are to accept these roles.

With those few remarks, I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Nairobi City County, Hon. Esther Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Deputy Speaker. I rise to support the Bill. We have seen back and forth and in and out of the courts matters NG-CDF. I appeal to those who always rush to court to stop legislators from doing the work that has been entrusted to them or from achieving what they have to do as representatives of the people to stop. One cannot write off the benefits of NG-CDF. There is a connection that NG-CDF brings between the legislator and the people. If we did not have NG-CDF, most of our students would still be studying under trees or under *mabati* shades. It is NG-CDF that has put

up many schools and classrooms, both in urban and rural centres. NG-CDF has also built offices for the police where they serve the citizens from, because NG-CDF has a mandate on constructing police stations. The Fund has also built dormitories for our schools. It also has other tasks and duties like conserving the environment.

The issue of separation of powers has been raised, but at the end of the day one has to look at the overall benefit. We must ensure that we devolve services to mwananchi as far as we can, through the leaders that they have elected to serve them. This is because when parents are looking for a school for their children and are denied a chance, they do not ask whether it is the Executive, the legislator or the Judiciary that will help. All they want is service.

This Bill will ensure that we have separation of powers. At the same time, we should not kill something that has been very beneficial to the people of Kenya. A majority of schools that have been put up in our country have been done by legislators. This is because they are where the people are and they understand the needs of the people. I hope that this Bill will be entrenched into law so that we do not have this back and forth. The NG-CDF has helped a number of students and families to go to school and complete their education through bursaries.

The only area that we need to look into is the fact that we have focused too much on public schools and yet we are aware that a majority of the schools are community-based. Some of the community-based schools are in a deplorable condition. We should get a way to look at the community-based schools that are run on people's private land. We should have Public-Private Partnerships (PPPs) with community-based schools so that we ensure that they are upgraded. A child is a child and the Constitution of Kenya says that we should not discriminate any. It is appalling to see some of the schools that our children go to. The government should partner with the people who run these schools. The reason they are filled up is because we do not have enough schools to cater for all the children. So, while the government works on improving public schools which have run out of land, we should consider community-based schools. There are community schools that excel in exams. NG-CDF should allocate some funding, in partnership with the community-based schools, to build such schools.

The Teachers Service Commission (TSC) should also provide teachers in those schools. This is because children born in this county do not understand why the community schools do not have the same services as the ones in public schools. So, there should be a way for us to get into PPPs and ensure that we also cater for the community-based schools.

We also have a problem of providing sanitary towels to our children in the community-based and mission schools. All round, whatever laws we make, we should ensure that we leave no one behind. I support this Bill and hope that very soon we will be able to discuss the National Government Affirmative Action Fund (NGAAF), which also needs to be entrenched into law.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Kitutu Masaba, Hon. Clive Gisairo.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. As a member of the Committee on the National Government Constituencies Development Fund, I support this Bill. As we went round this country during public participation, we appreciated the importance of NG-CDF. There is a lot in terms of what it has done to our people, the lives it has changed and what the people expect of it. This Bill is to protect NG-CDF from the many busybodies who are ever in court trying to fight this very progressive Fund.

The NG-CDF has given the majority poor of this nation a lifeline in terms of education and quality infrastructure. The amendments are timely as they will do away with any issues that were raised by the courts. There is the element of sports, which the courts said is a devolved function. This Bill now gives the counties and their leadership a chance to showcase their abilities in terms of developing skills without pointing a finger at the NG-CDF.

On issues to do with environment, we now have NG-CDF to look into climate mitigation which is a global phenomenon. We shall allocate more resources, through NG-CDF, to mitigate climate change challenges being faced globally. Our committees shall see how best to address these issues at the constituency levels.

The NG-CDF is the only fund that can be seen to work at the grassroots level. In my constituency, children are now able to have quality classrooms. Some have never seen a classroom with tiles or ceiling boards, but this has been achieved now through NG-CDF. Infrastructure does not only include classrooms. Through NG-CDF committees, we will have sports fields that are well levelled and up to standard to allow talent-building for our children in schools.

Hon. Deputy Speaker, when we build classrooms, we support a child who is brainy and talented academically. What about the child who is talented in other areas like sports? Through the NG-CDF, the fields are able to be done and sports arena in schools can be upgraded to ensure that children build their talents. The NG-CDF must be protected. We thank the leadership of this House for having come up with a Bill that ensures the future of the NG-CDF is protected and our children are going to have a better chance, infrastructure and environment for them to grow and succeed in their future lives and careers.

I support this amendment Bill.

Hon. Deputy Speaker: Dr Jackson Kosgei.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Deputy Speaker. I take the Floor to support this Fund because of the following reasons. First, you cannot take a right away from the people which they have enjoyed and it has had some demonstrable positive effect in the society. Therefore, finding a way in which we can meet the demands raised by the courts in subsequent rulings in the past would be very important.

Secondly, this Fund as it is indicated by the content, has minimised bureaucratic discrimination in terms of social development in that more people have been able to access the economic empowerment intention by the State. It also adds the spread and scope of ownership of the country by the citizens of this country.

So, I support and this must be done so that we can answer those who are sceptical about this particular Fund.

Hon. Deputy Speaker: Hon. Opiyo Wandayi

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker let me also add my voice to this matter of the NG-CDF. As you will recall, this is an Amendment Bill that I have co-sponsored with the Hon. Leader of the Majority Party. Therefore, it is a Bill that enjoys bipartisan support across the political divides for the simple reason that NG-CDF is an extremely important fund. The importance of NG-CDF cannot be over-emphasised; it cannot be gainsaid. What we are doing in simple terms through this amendment is to further align the NG-CDF Act with the Constitution, because that has been the bone of contention in most of the court suits that have ensnared the Fund from its inception to date. What we are doing is simply to make the Fund to be aligned with the requirements and dictates of the Constitution.

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

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

Everybody will agree with me that the NG-CDF has been one such fund that has had the greatest possible impact on the lives of the ordinary citizen. As a matter of fact, it is the pioneer devolved fund. If there is anything we can do as a House to protect it from possible sabotage or frustration, then, as a House, we should be able to do so without blinking an eye. This is because, it is a Fund that is meant for the people down there. Many a times I shudder to

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imagine what would happen if NG-CDF were to be removed. What would really happen in the lives of the common person down in the villages? From matters to do with payment of school fees to construction of school facilities and infrastructure, to construction and establishment of security installations, including police stations, name it. I think we shall have done justice to those who elected us and, in fact, even those who did not elect us if we supported these proposed amendments in totality, so that this Fund can continue to flourish.

However, I have got one rider. You know there is misconception out there and it has continued to linger that Members of the National Assembly have got a say in the management of NG-CDF. Other than the legislative work that we do here by way of creating a legislative framework and perhaps the appropriations of funds that we do, there is no other role that is contemplated by the NG-CDF Act for Members of Parliament. This is one such model of a fund that should be emulated not only in the East Africa region but also in the entire world. The entire world should take cue from the practice in Kenya in so far as NG-CDF is concerned.

So, without really saying too much, I totally support these proposed amendments and I urge my colleagues to equally support them so that we can continue to serve our people. I want to thank the Chairman of the NG-CDF Committee, Hon. Musa Sirma for doing a good job, in that very important Committee. I also want to thank the Budget and Appropriations Committee (BAC) under their Chairman...

(Technical hitch)

You know you could be accused of sabotaging, Hon. Ndindi Nyoro. I was going to mention him shortly. You know the Chairman of the Budget and Appropriations Committee and his team have been instrumental in ensuring that monies are appropriated towards the NG-CDF. I want to thank all other Members who have in one way or another supported the entrenchment of the NG-CDF, but ultimately we must also thank the NG-CDF Board under the able Chairmanship of Hon. Olago Aluoch for coming forth whenever we need them to support this Fund in the manner they have done in the past.

Thank you very much, I support.

The Temporary Speaker (Hon. David Ochieng’): Can I have the microphone?

Let us have Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. I want to join my colleagues in congratulating the Committee on NG-CDF chaired by the able Hon. Sirma for the good work they have done and the great input to this Bill. The difference between the life of any Kenyan lies not on the potential they have, but on the quality of public schools in the country. The possibility of their success in life, who they can become is not based just on their potential but most importantly on the quality of public education. With the onset of the CBC in this country, we have seen an influx of parents taking their kids to private schools. We have also seen increase in the cost of educating children in private schools. This calls for greater attention in facilitating the transition from the 8-4-4 system to CBC because it needs a lot of infrastructural development. This is where this Fund comes in. The country was in panic last year when the courts suspended the implementation of NG-CDF. One could tell the cry of parents who rely on bursaries to educate their children. One could see the cry of teachers who know that NG-CDF is the only avenue that helps them when toilets are collapsing or when they need extra classrooms or laboratories.

So, this Bill is timely. It will ensure that this is enshrined in our laws and will never be challenged in our courts again. I am happy that the bipartisan talks at Bomas of Kenya have also taken up this issue of enshrining NG-CDF in our Constitution. Those talks were approved by this House. There is still an ongoing debate on the same to amend the Constitution and have

the NG-CDF Fund protected in the Constitution. This means that we are headed in the right direction.

As the Speaker has said, I have been on record countless times admitting that I would not be the person I am today were it not for bursaries. I am a product of bursary funding through my secondary and university education. This has greatly contributed to who I am today.

We have talked about the new programme spearheaded by the NG-CDF and the Ministry of Information, Communication and the Digital Economy. This will ensure we have digital centres in our constituencies. A few years ago, once one completed Form IV, one was sent to study computer packages. Most of us did computer packages immediately after Form IV. You would find a 16-year-old or 17-year-old interacting with technology for the first time. In the job market, these individuals are supposed to compete alongside individuals who studied in private schools, and have had access to computers or tablets or ICT technology from when they were probably four or five years old.

The competitiveness of these two candidates when they pursue further education, or even when they join the market, is quite disadvantaged. The ones from public schools are most likely to be disadvantaged. The Government programme on digital centres and what Members and NG-CDF committees do by allocating money for building and equipping Information, Communication and Technology (ICT) labs in our schools is going to bridge that digital technology gap that exists between these students in public schools and those in private.

The Departmental Committee on Finance and National Planning oversees NG-CDF, in terms of allocating money to them. I would like to congratulate them for the good work they are doing, and the more...

The Temporary Speaker (Hon. David Ochieng’): Hon. Chairperson, I do not know whether you are done. You have one minute to finalise your point.

Hon. Kuria Kimani (Molo, UDA): Thank you very much. The proposal by the Departmental Committee on Education and Research and the Budget and Appropriations Committee to have the infrastructure funds by the Ministry of Education, through JSS, to come as a counter-funding to NG-CDF is a big win towards education equality. I urge Hon. Members to read through that circular and communicate effectively with their respective committees so that they do not miss out on the counter-funding by the Ministry of Education. This is one of the commitments that His Excellency the President made. That the Ministry of Education and Research has no business building classrooms. This business was left to an institution that has experience in infrastructure development. The NG-CDF has proven to do quality work at a lower price. The impact of it is felt by ordinary Kenyans because we use local resources and employ locals.

I thank you, Hon. Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much, Hon. Kimani. The next chance goes to Hon. Dekow.

Hon. Dekow Mohamed (Garissa Township, UDA): Hon. Temporary Speaker, I rise to add my voice to this important debate on the NG-CDF. As many of the Members have said, the impact and importance of this Fund cannot be over-emphasised. In the last general election, I had an opportunity to traverse my county, Garissa, as a candidate for governorship. In all the villages I went to during the campaigns, all the public facilities were courtesy of the NG-CDF. Any other project put up by the county government has stalled. Even the projects initiated by devolved Funds that were done before the 2010 constitutional change, which are, dispensaries, health centres and water points have all been abandoned. Some of them have become homes to donkeys and other domestic animals.

So, this Fund is the first level of devolution. I wish that when we are changing the Constitution, we would have used this model before fully going into county governments. Nevertheless, putting more effort and resources into NG-CDF should be done.

The other day when I was launching a 50-million bursary scheme for the constituency, I felt the happiness of families and mothers who could not afford to pay fees for their children. It is important for those busybodies trying to sabotage this Fund in courts to go to the ground and see for themselves the impact this Fund has had on poor families. For example, Garissa Township Constituency had three secondary schools before NG-CDF. Over the last 10 years with NG-CDF, we now have 16 public secondary schools in my constituency. One can only appreciate NG-CDF once they go to the ground and see for themselves.

The drafters or the originators of this Fund should be honoured for coming up with this initiative. This is the best that has happened to our country. Even the national Government feels that this is the best way to fund their projects. National government projects have also stalled due to lack of supervision and not knowing what the people on the ground need. In my opinion, this is the best thing that has happened to us.

I want to congratulate the Leader of the Majority Party and the team that worked on this Bill and for bringing it here for debate. We totally support this Fund. I ask this House to look into expanding this Fund. There are many health facilities, dispensaries and health centres that were there before devolution that are no longer functional. Legislators and constituency committees on the ground understand the needs of the people. So, this is the way to go.

Thank you, Hon. Temporary Speaker, for this opportunity. With those few remarks, I support the Bill.

The Temporary Speaker (Hon. David Ochieng’): Let us have Hon. Sunkuli if he is in the House.

Hon. Julius Sunkuli (Kilgoris, JP): Thank you, Hon. Temporary Speaker. I stand to support this important Bill. It continues to emphasise the fact that of all the funds given for development in Kenya, the one which has an impact is NG-CDF. I do not know why it attracts a lot of jealousy but it is easy to see it outshines all other funds, although it is insignificant in terms of money allocated.

In my opinion, it is unfortunate that Members of Parliament have continued to play a lesser role as we pass this law. That is the problem of democracy. The people accountable for constituencies are Members of Parliament. Separation of powers seem to have been interpreted widely. So, it looks like there is an issue and Members are restrained from being directly involved. Separation of powers in my opinion has been abused in this regard. I do not think that when Montesquieu stated separation of powers he foresaw these exceptions. There are many parts in the Constitution of Kenya where separation of powers is not applied for instance, there was a time when the Attorney-General was a Member of Parliament, Member of the Executive and Head of the Bar. At that time there was no separation of powers issue. I am not trying to campaign for that system to be brought back. We have to work with what we have and ensure we lessen in as much as possible, the criticism held by members of the public, who do not believe that NG-CDF works.

I have been a Member of Parliament for one year now. I was here for 10 years and I looked back at the amount of development I did because we raised money through Harambee. During those years, we raised a total amount of Ksh25 million. People thought we did a lot of development because we would raise Ksh100,000, Ksh200,000 or barely Ksh1 million for schools. That was what we did then. Even, when they did not want Members of Parliament to participate, we were the ones being invited to Harambee. In those days, schools developed courtesy of Members of Parliament. For this one year alone, I have seen NG-CDF undertake 36 projects in Kilgoris like two laboratories, two teachers’ houses, building and renovation of classrooms. This is what is practically happening on the ground. For those 10 years, I never reached that level.

This is a testimony of the good work NG-CDF is doing. Members of Parliament must jealously guard this Fund. I am happy we are being made one of the Government institutions

for purposes of delivery of services. So, from here in Nairobi, we can supervise what our committees are doing and people can get value for money.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. David Ochieng’): Next is Hon. Thuku.

Hon. Kwenya Thuku (Kinangop, JP): Thank you Hon. Temporary Speaker, for giving me an opportunity to speak to this Bill. From the outset, I want to congratulate and thank the two leaders of the House: the Leader of the Majority party and the Leader of the Minority Party for coming together in the spirit of national dialogue for bipartisan talks and bringing this Bill which is co-sponsored.

As many previous speakers have stated, this Bill and the content therein must be protected. We must fight for this Fund till the last man is left standing because it has transformed lives. Many of us have sad stories and the only difference brought to our lives is the establishment of this fund by one Muriuki Karue who happens to be my countymate. Every time, I see people running to court to fight NG-CDF, my heart bleeds. I run a full scholarship programme for vulnerable children who would never go to school were it not for the provision of this fund.

The attempts we are making as a House are to correct anomalies which were there to the extent that we were perceived to be the people who implement, run and oversee this Fund at the same time. In as much as that would be the case, I want to bring to the attention of this House that only one per cent of funds allocated to NG-CDF is under contention. The Constituency Oversight Committee and the rest of the fund has no contention. Therefore, anybody who runs to court to challenge this Fund in terms of administration is fighting a battle to make us go back to the dark days when our children would not access education.

There is some interesting thing about development and I propose to bring amendments. If you look at funding of projects, there are proposed amendments to Section 25 which states:

“(4) Notwithstanding the provisions of subsection (3), the Constituency Committee may identify a religious body or organisation as an appropriate specialised agency for purposes of section 8 with regard to emergency support.”

I think this is shooting ourselves on the foot. This is because which religious organisations will we identify? Where I come from churches are the majority. If we allow NG-CDF to be used for religious activities, then we will be going back to the same quagmire we are in because of our involvement in constituency oversight activities.

Again, in my constituency, one of my predecessors bought a grader. The proposed amendments to Section 25 states:

“(7) Projects may include the acquisition of vehicles, machinery and other equipment for the constituency.”

We are allowing for the acquisition of machinery but we do not have funds for recurrent expenditure like fuel and employment of people to run these machinery. The reason I am opposing these proposed amendments is because they will bring audit issues. I wish machinery is bought by county governments because they are the ones expected to maintain our roads and other things.

Again, I represent a very big constituency. Kinangop is both populous and vast. The formula we are using at the moment has been proposed to continue where three-quarters of the shareable revenue is equally given to all constituencies. This amount is insufficient given the sizes of some constituencies. I think we should look at this matter widely and broadly so that there is equity. All we have been asking for in this country, is equity so that everybody enjoys the share of revenue collected.

Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. David Ochieng’): Let us hear Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise as a Member of the Committee to appreciate the Chair and the Leaders of Majority and Minority Parties for giving us the opportunity to go round the country and listen to Kenyans.

Wherever we go, Kenyans talk about NG-CDF positively. If there is anything that this country ever did, then it is this Fund. It has led to construction of schools. When you look at the classrooms done by the National Government, they were built and left halfway. I will give you an example of Lavington Girls Secondary School. They built classrooms but they never put stairs for anyone to go to those classrooms. When you question them, they say there was no money for those stairs, but somebody went up with a ladder and ensured they built the classrooms.

In terms of infrastructure in schools, especially in Nairobi, we are going to sit down with the Ministry of Education and ensure we use the model of NG-CDF to build 6,000 classrooms that we are talking about. I appreciate the President for that. Currently, there are roughly 209 schools across 17 constituencies with a huge population. I have a school in my constituency that has more than 4,000 Children. I also have a day school that has more than 3,800 pupils. When you look at that, you realise that there is need, as most of my colleagues have said, to look at equitable sharing.

The other thing we must appreciate in this Bill is that it ensures that we do not have conflict with county governments according to the Fourth Schedule of the Constitution. The Bill allows us to align ourselves with the new Constitution, functions of the national Government and more importantly, ensure the judgment that we had from the courts is a thing of the past. If you keep going to court, you either have another agenda, cannot see what NG-CDF has done, or you are not in support of CBC. That is why you are running to court. But if you are in support of these children, we must ensure that CBC infrastructure functions. I am hoping those few Kenyans, and some of them are my friends, are not going to make the same mistake they have made.

This is the only Fund you can audit by going to the ground to see. Today, I can say proudly that I am now doing better at Gatina Primary School, I have already done the laboratory at Muslim Primary School, I am about to start the laboratory of Nairobi Primary School and renovations at Muthangari Primary School and chief camps that I never used to have in Dagoretti North.

With those few remarks, I am one Kenyan who is very proud today. Thank you.

Hon. Temporary Speaker (Hon. David Ochieng'): Hon Thuku says that as much as you have five secondary schools, he has 40 secondary schools and 85 primary schools. You can imagine what he has to go through.

The Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker, for this opportunity to join my colleagues in support of the proposed amendment by both the Leaders of the Majority and Minority Parties. The history of NG-CDF cannot be over-emphasised because it has spoken for itself.

One of the things that has come out very clearly, is that the Bill now aligns NG-CDF with the Fourth Schedule of the Constitution. This was lacking in the previous Bill. This Bill proposes a clear separation of powers between the national Government and the county governments which was not clearly stipulated before.

The activities of the civil society have not been very friendly to NG-CDF but they have now seen that they have no space in trying to manoeuvre the operations of NG-CDF through the court system. The operations of NG-CDF have now been clearly stipulated in the proposed amendment, particularly on the selection of committees. I have seen that the new Bill proposes

expansion of duties of NG-CDF, specifically on the matters ICT, climate change and CBC infrastructure.

I want to thank the Committee because it has now opened the limitation on the blanket of bursaries to include primary schools. We have too many children out there whose parents are not able to push them from primary school to secondary school where NG-CDF would previously come in. Like many of my colleagues have said, we have seen too many poor families get their children through the education system and become very valuable members of our society.

This Bill also brings in the element of employment through NG-CDF. As you are aware, NG-CDF funds TVET and polytechnics students for both short-term and long-term courses. In my Constituency of Buuri, through NG-CDF, we have been able to establish what I call a mini-factory for producing footballs. We have bought brick-making machines and we are now expanding the base for youth employment.

The fact that the Bill now allows us to purchase some moderate equipment is a step ahead. I do not agree that there will be problems of recurrent expenditures. What I know is that the Bill has expanded the aspect of administration expenses which is stipulated clearly in the Schedule. Allowing us to purchase some equipment, particularly machinery, is a good step. Through NG-CDF, we will be able to create employment, creativity and proper management of our resources. I congratulate both the Leader of the Majority Party and the Leader of the Minority Party for this initiative.

Thank you.

Hon. Temporary Speaker (Hon. David Ochieng’): Member for Sotik.

Hon. Francis Sigei (Sotik, UDA): Hon. Temporary Speaker, I also rise to support this amendment. From the outset, I would like to thank the House leadership for the role they have played in this amendment. Particularly, I want to thank the Chairman of NG-CDF Committee for the role he has played in the last one year in office. I thank our President, who in his address this year, gave us a lot of goodwill. I remember he mentioned that as the Member for Eldoret North, he did a lot of development projects in that region. After the passage of this Bill, NG-CDF will have a bright future. Our children will go to school. The projects that we are proposing in our constituencies will see the light of day.

I want to speak about Sotik Constituency. I am proud to say that my people have benefited from NG-CDF for the last one year. Anybody who opposes it, is opposed to the poor who have benefited from this Fund. There are few projects that I have done in my constituency. The NG-CDF Committee in Sotik Constituency has sponsored several students, mainly from poor families, to acquire skills in TVET institutions. As we speak, I have about 52 students whom I sponsored to go to the National Industrial Training Authority (NITA) in Kisumu. They are now on attachment. One of the things which I have seen is that those students on attachments in Kisumu are already being offered jobs in whatever they studied.

I want to single out the ones who have gone to TVETs, specifically those who trained on tiling. They get employment even before they finish training. We have supported total orphans in Sotik Constituency. These children could not have seen the light of day in my area. I am very grateful for that. God knows that we have assisted poor people who would not have achieved anything.

As a committee in my constituency, we are embarking on day schools. They will be the future of this country. Students who cannot afford to go to boarding schools go to day schools. I am very happy. I thank the Members who brought this amendment to the House.

I support this Bill. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Speaker (Hon. David Ochieng’): This chance now goes to the Member for Narok North. Is the Member for Igembe North in the House? Go ahead, Hon. Pareyio.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this important Bill which touches on NG-CDF. It means a lot to the communities that we represent in this House. It has helped the community to construct schools. That is why most of our children do not learn under trees. If it were not for this money, some of our children would be learning under trees because they do not have money to construct classrooms.

This Fund is really felt by the community at grassroots levels. They feel that they are part of it. When we go for public participation, they decide on their priorities. I really wonder what those who are opposed to this Fund think about.

If it were not for it, most of our children would not be in school. It helps them to go on with their education through bursaries that they get. The money can now be used to help primary schools. It will go further to help children who come from very poor families. By doing so, these children will enjoy the same rights that are enjoyed by those who come from families that take care of their school fees and construct classrooms. For that reason, I thank the leadership of this House, both Minority and Majority Parties, for coming up with the amendments to this Bill.

I support the Bill. Thank you, for giving me this opportunity to contribute.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, you know how I preside over the proceedings of the House. Stop walking to the Chair. Hon. Mulyungi walked to the Chair to ask for a chance to speak, yet he is the next in line. He has been queuing for all this time. This is your chance now.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker, for your kindness and giving me this opportunity to add my voice to this Bill. Allow me to thank Leader of the Majority Party and Leader of the Minority Party for bringing up this Bill to the Floor of the House. It is timely. It was overdue because of the attack on NG-CDF by busybodies.

The NG-CDF is an exemplary innovation. If you fly around the country, the only development projects you see deep inside the villages are its icons. Therefore, I stand to support these amendments because they will cushion its attack by the busybodies who have been taking it to court. This will never happen again. I want to send them a warning. They can go back to the drawing board and find out what they can do next but not on NG-CDF.

I agree with the amendments that separate projects to be done by NG-CDF under the National Government and county governments. Further, I support the amendment that the term of NG-CDF committee members be changed from two to three years, so that they are aligned to the term of Parliament. When it was two years, the two terms would expire shortly before the elections. It will now be much easier because it will be in between.

Further, Hon. Temporary Speaker, I support the amendment that the Cabinet Secretary does not have a role in appointing members of the NG-CDF Board. Its membership will be advertised competitively and appointed by the Public Service Commission (PSC) and then brought to the House for approval. So, it will not be political as it was in the past.

Hon. Temporary Speaker, I agree with the proposal that the NG-CDF allocation for each constituency will never be below the previous year. It will always continue growing year in, year out and if the Government does not have money, it will remain static. This cushions parliamentarians when planning future developments in their constituencies.

My constituency has a total of 365 schools, both primary and secondary. In all those schools, you will find a project funded by the NG-CDF and many of them have been completed. With time, you realise most Members of Parliament will have built all schools and completed them. Moving forward, they will be expanding them. On the amendments that will be brought by the NG-CDF Committee, I will move a proposal to increase bursary allocation from 35 per

cent to at least 50 per cent. When we are done with development and construction of classrooms, we will deal with bursaries.

Thank you very much, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Sirisia.

Hon. John Koyi (Sirisia, JP): Thank you very much, Hon. Temporary Speaker, for giving me a chance to also contribute to the NG-CDF (Amendment) Bill which is very important. First, I want to thank the two leaders of the House; the Leader of the Majority Party, Hon. Ichung’wah, and the Leader of the Minority Party, Hon. Opiyo Wandayi. They have come out boldly and brought this Bill.

For a very long time, the NG-CDF has had many cases in court. I want to thank the President for his boldness because he was a Member of Parliament and used the NG-CDF. He supervised it well and completed many projects which I have been seeing for many years as I drive on the road. The NG-CDF has done a lot until it has created a lot of jealousy from county governments. The sponsors of court cases are county governments. The governors are the ones who sponsor people to go to court because of what the NG-CDF has done although it gets little money of about Ksh100 to Ksh200 million, compared to county governments that get billions of shillings.

We have seen other countries sending their parliamentarians to benchmark in Kenya and see what the NG-CDF has done. You will not see a Member of Parliament in the NG-CDF Board sharing revenue. I want to thank the CEO of the NG-CDF Board, Mr Mbuno. Since I came here, I have seen him and his board managing this Fund very well. I also want to thank the Chairperson of the NG-CDF Committee, Hon. Sirma and the Members for the good work.

This is the only money which Kenyans can say has done a lot of work in terms of building schools, administration offices and bursaries for our children. If you ask the poor mwananchi out there, he or she will tell you that this is the only Fund which seems to be working and has done a lot everywhere. Many projects stalled after devolution came in, but I am proud of the NG-CDF because you can count and show somebody...

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Butula. Hon. Waluke, in future you should contribute while looking up a bit so you can see the light.

Hon. Maero Oyula (Butula, ODM): Thank you Hon. Temporary Speaker, for giving me an opportunity to add my voice to this very important Bill. I am a Member of the NG-CDF Committee and I proud to be associated with these changes. You will note that the NG-CDF has faced many threats from other sources because of the Act and so, realignment will assure *wananchi* the life of the NG-CDF. Having gone for public participation, the first question we got from *wananchi* was whether we would increase the amount given to the NG-CDF. They were not prepared to hear anything other than an increase in funding. This shows how important the NG-CDF is to the ordinary mwananchi out there.

A lot of developments have taken place in many areas. Constituencies have become a platform for national Government development because of the NG-CDF. Wananchi can look around and see this, but in some constituencies like mine, you will not see any project sponsored by the county government. Any project you see is by the NG-CDF. Therefore, realigning the Act will ensure that the NG-CDF is not threatened again. This is a very important move which the House must support fully. The constituencies have benefited. The changes that have come up in this Bill are very important. The appointment of the Board and the position of the Member of Parliament in the oversight committee, which was creating a threat to NG-CDF, have been removed to ensure the threat to NG-CDF does not recur.

I wish to support this Bill wholeheartedly and ask Members to fully support it. The only proposal we did not make in this Bill is an increase of the funding from 2.5 per cent to 5 per cent, but I think it is something that we can further amend in future. As far as we are concerned,

I believe there will be no threats, and I am sure those who were opposing NG-CDF will now be threatened. I support.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Bomet County, Hon. Linet Chepkorir.

Hon. Linet Chepkorir (Bomet County, UDA): Thank you, Hon. Temporary Speaker, for this opportunity to contribute. First, I would like to congratulate the Chairperson of the Committee, the Leader of the Majority Party and the Leader of the Minority Party for these amendments. I support NG-CDF. It has made a huge impact in the community in matters development. I want to speak on the education sector where NG-CDF has really assisted us through bursaries. I know there are many students who have been beneficiaries of bursaries which have enabled them to complete their education. I am one of the beneficiaries.

I remember when I was in high school, I faced a lot of challenges with school fees. Because of NG-CDF, I was able to complete my high school education and proceed to university. At the university, I faced similar challenges but I benefited from bursaries which enabled me to stay in school and complete my studies. NG-CDF has really assisted our learners. Most of us are beneficiaries and are now leaders, pilots and great people in this country. Additionally, NG-CDF has assisted in the construction of classrooms, which has created a conducive study environment for learners. I, therefore, support the amendment to retain NG-CDF.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Igembe South, Hon. Paul Mwirigi.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the National Government Constituencies Development Fund (Amendment) Bill. The NG-CDF has done a lot in our constituencies and the projects we have undertaken are tangible. This has made many envious of the NG-CDF until some took us to court. The action which our Leader of the Majority Party and the Deputy Leader of the Majority Party have taken to entrench NG-CDF in law is something that will develop this Fund.

In my constituency, Igembe South, for example, this Fund has enabled me to be elected the second time because of the allocation of bursaries which we give to the less fortunate families. The NG-CDF has helped many vulnerable students or pupils to acquire education. This has helped our community to rise to a level where if this Fund was not there, it could not have managed to be where it is currently. Learners in most of the schools within my constituency used to conduct their learning under trees, but through the NG-CDF, we have built many classrooms within this constituency. We have enhanced security by building of security facilities and so, we have managed to bring security near the people of Igembe South Constituency.

This NG-CDF being enacted to law will also create a defense where those who were not happy when the Fund was being utilised by the Members of this House to work for the people will not get a chance to take us to court again. This Fund is good. I foresee a situation where this Fund will be increased because some of the constituencies have many primary schools and administration offices. If it will be increased, it will do a lot for our people.

Hon. Temporary Speaker, today I am the Member of Parliament for Igembe South. Were it not for the NG-CDF, I would not have managed to be elected the second time. This Fund is working. It is doing marvelous within our constituency. I conclude by wishing my students who are going to do their KCSE, the KCPE and the JSS exams all the best.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Let us have the Member for Suba South.

Hon. Caroli Omondi (Suba South, ODM): Thank you, Hon. Temporary Speaker, for the opportunity to speak on this important amendment Bill.

Let me begin by paying tribute to Hon. Muriuki Karue, the initiator and the founder of the concept of Constituency Development Fund (CDF). Unfortunately, he was not even rewarded with a second term. He left an idea that will last for a very long time in the history of our country. It has impacted very positively on very many lives. We give honour and praise to him.

The big contention has always been the role of Members of Parliament in the management of the NG-CDF. Now there is a lot of clarity that that role is limited to oversight. There was a lot of misunderstanding before then. If you look at many political systems, especially parliamentary ones, Members of Parliament do budget planning and exercise oversight within Parliament. For a long time, I think we did not understand properly how this Fund worked hence the unnecessary litigation in the past.

Be that as it may, I want to highlight a few issues that I think we need to relook in the proposed amendment Bill. I am very happy that a component of the Fund can be used to support sporting activities in constituencies. There has always been a problem that cash rewards are not part of eligible expenditures under the NG-CDF. This demotivates the young men who engage in sporting activities. The Government has come up with something called Talanta Hela where you monetise talents. Giving uniforms is not as good as giving cash rewards. Some of these young people could use the money to buy school items or support themselves by paying fees. We need to relook this. We need to cap it or agree on a limited amount from the allocated 2 per cent. It should be given as cash rewards to young people in sporting activities.

For environmental activities, I strongly suggest that we refocus this to target schools, especially measures to mitigate climate change by encouraging schools to plant fruit trees as part of school feeding programmes, and trees for commercial purposes in certain areas. That is to help finance other activities in schools rather than just leaving the idea for environmental programmes. Those environmental projects should be tied to schools and climate change mitigation measures.

Thirdly, we need to strengthen local takeaways from NG-CDF projects by keeping as much money as possible within each constituency whether they are bursaries or contracts awarded by the NG-CDF projects. Retaining money within constituencies would be truly giving life to the spirit of devolution.

I am very happy to note that this amendment finally will allow us to acquire machinery and equipment. This will be very important for road projects as well as creating sports fields. Many fields in schools need to be graded. We would save a lot of money if we could align this with the funding arrangements of the Kenya Rural Roads Authority (KeRRA). Probably, much of the KeRRA funds would go to fuelling and then we would do more roads if constituencies could have their road maintenance equipment. This is a very positive development. We can get road-grading equipment for our constituencies.

I also appeal that we relook at this Bill and agree to support faith-based learning institutions. Currently, there are many schools started by churches, even madrassas and other learning institutions, excluded from the support of the NG-CDF. We need to support them because they are very important. I see a very bright future for the NG-CDF. I hope one day it will be extended to give direct economic empowerment to the youth by even having a loan component for group activities.

With those many remarks, right Hon. Temporary Speaker, I thank you very much for the opportunity.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Kwale.

Hon. Fatuma Masito (Kwale County, ODM): Asante sana Mhe. Spika wa Muda kwa kunipa nafasi hii.

Nami pia ninapenda kuingia katika kumbukumbu za kupigia upato na kupatia Mswada ulio mbele ya Bunge hili kongole. Umeletwa na vinara wetu wa Bunge hili la taifa; Kinara wa Wengi na Kinara wa Wachache. Ninawapa hongera kwa kuleta marekebisho kidogo ili kufanya Mswada huu kuwa wa kikatiba. Mimi kama mama-kaunti wa Kwale ninafurahia pesa za NG-CDF. Ninafurahi ninapowaona Wajumbe wakiwajibika kuwafanyia miradi watu wa Kwale. Kwanza pesa ile ambayo inafanyiwa miradi inamfaidisha mwananchi wa Kwale kupunguza umaskini. Biashara inayofanywa na NG-CDF pale Kwale ni biashara ambayo imebaki katika eneo la Kwale na inafaidisha kina mama na vijana wengi sana.

Mhe. Spika wa Muda, ujio wa NG-CDF kwa kusema kweli umemaliza umaskini mashinani. Wakati wa nyuma sisi tukiwa tungali tunasoma, wazazi wetu walikuwa wanatulipia karo ya shule ambapo walilipa kila kitu. Ujio wa NG-CDF ni wa maana sana. Na kupitia njia hii, wanafunzi wengi kutoka Kwale ambao wametoka familia maskini wameweza kupata elimu. Wanafunzi hao hawangeona elimu kama si ujio wa NG-CDF.

Mimi ninapenda kuunga mkono marekebisho haya na pia niseme kwamba nimefurahishwa na ibara ya 19(a) ambayo inasema Waziri hawezi kumaliza kazi yake wakati ameteua *board members*. Lazima wataletwa katika Bunge hili waweze kupigwa msasa na Wabunge ili waweze kuidhinishwa kuweza kufanya kazi. Ninajua kwamba kama hii nafasi ingechiwa mawaziri basi wangechagua *ma-girlfriends*, marafiki zao na watu wao wa karibu lakini Bunge linavyofanya kazi...

Mhe. Spika wa Muda, pole. Ninajua nimekukwaza; naomba msamaha.

The Temporary Speaker (Hon. David Ochieng’): Hujanikwaza. Ninauliza kama Waziri pia anaweza kuwa wa kike.

Hon. Fatuma Masito (Kwale County, ODM): Asante Mhe. Spika wa Muda. Kweli inaweza kuwa ni waziri wa kike. Waziri wa kike pia anaweza kuleta rafiki yake wa kiume au *boyfriend* wake. Lakini Bunge hili linavyolitambua na kufanya kazi yake, linapiga msasa na kuweza kuleta watu ambao watawajibika na kuangalia pesa inavyofanya kazi ili kuonekane kuna uwazi na usawa katika pesa ya NG-CDF. Pesa hii ni pesa ya Serikali na lazima tuitunze katika ile sehemu yetu ya *oversight* ili tuhakikishe pesa ya umma imeweza kutumika vizuri, kwa njia nzuri na kwa njia ambayo haina mapendeleo kwa wengine.

Ninasema asante sana kama Mama Kaunti wa Kwale. Ninaipigia upato sera hii. Asante.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Ndaragwa.

Hon. George Gachagua (Ndaragwa, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance to support the amendment to the NG-CDF Bill. This Fund has been proven to be the only Fund that has effectively reached the common man down there. The community has really benefited from it. I am wondering why someone would oppose it taking into consideration the number of students who have been aided by the bursary that is given through NG-CDF.

The scope that is undertaken by the NG-CDF is quite important to wananchi because things like environment, security and classrooms are normally constructed and renovated by the NG-CDF and everybody can see. I wonder why the people opposing it cannot go around the country, conduct a survey, see the impact and try to ask wananchi whether that Fund is effective. I believe if they could only do that, they could see that these funds are the only ones that are effectively felt by wananchi down there. Going forward, I wish to see an increase in the scope and the funds so as to support more socio-economic activities by wananchi. I believe that if that is done, the classrooms that are deplorable in our constituencies will be made aesthetically conducive for learning in schools. I wish the person who introduced the CDF – I am proud that he comes from my constituency – could be awarded a medal. Members will agree with me that, this is the only Fund that can go all the way and reach the poor children in our constituencies and make them realise their dreams of going to school and undertaking courses.

In my constituency, I have revived a TVET institution that had gone down and sponsored some students to go and undertake technical courses. These are students who could have gone into drinking, stealing and end up being useless people. However, they are now students in the TVET being sponsored by the NG-CDF. That is going to be a game changer in the lives of these students.

I wish this Fund can continue and, as I said, even be added more funds. I support the Bill and wish that the busy bodies who oppose it can take a survey and see the impact it has to the people of this country.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Kaiti.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker for this opportunity to contribute to the National Government Constituencies Development Fund (Amendment) Bill. I want to thank the Committee for the good job they have done to come up with such an amendment. When I talk about the NG-CDF, I know how it is benefiting people. If I may go back to my constituency since I joined Parliament in 2017, I know how I have transformed it through the NG-CDF. The work we are doing with this Fund is helping the community. When we talk about the JSS classes, our pupils are suffering. There is a lot of commotion in our schools. This is the time we should rush and help our people because we are in hardship. When you see where the economy is, it is only the NG-CDF that will rescue our people.

I want to talk to those who are against this NG-CDF (Amendment) Bill and tell them that it is a plus to us, as Members of Parliament. We are looking at how we can improve the living standards of our people. One way we can improve the living standards of our people is through education. Education is key. I know how people are suffering down in the villages. When we take the initiative to support the people through improvement of infrastructure, that will change someone’s life. Last week, I toured my constituency and I went through my schools, which are over 182 schools.

(Technical hitch)

Thank you, Hon. Temporary Speaker. Someone is sabotaging me. I do not know who that is.

All the 182 schools that I toured are in need of classrooms and renovations. The schools are looking up to me for support as their Member of Parliament. The NG-CDF is helping our people. So, I support the NG-CDF (Amendment) Bill. We need more money in the NG-CDF. They are the only projects you can show in our counties and constituencies. If you go to other constituencies, you will get people travelling far distances to look for education. We are now here. I urge my colleagues to support these projects. We even need to do more classrooms, build new schools, and come up with new projects in our communities to help our people because education is the only tool that can change a community, a family, or an individual.

I am saying this because I know what education can do. We are giving scholarships in our constituencies. In my constituency, I remember sponsoring some students who were total orphans. I supported them during the last Parliament. As we speak, they are working with one of the top organisations in this country. They are giving back to the society. I met them when I went to the village over the weekend. They held a Harambee to help their former primary school. That is a plus and something to be happy about because they are products of our constituencies.

I thank the Committee. I support.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Let us have the Member for Loima. Is that the Member for Loima? Do we have the Member for Loima in the House? He is not there. The next in line is the Member for Central Imenti.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker.

I herein support amendments to the NG-CDF Act of 2015 and say that the Bill is timely. It has come at the right time because people who are very anti-development in rural areas have fought the NG-CDF on different fronts. The NG-CDF has assisted the most unfortunate and less fortunate people in society, especially where we have people who benefit from bursaries in various schools.

Once upon a time, only boarding schools existed. At that time, most students from poor families were denied a chance to attain high school education. When day schools came, they came as a saviour to the rural society. The NG-CDF played a great role then when it was allowed to assist day school students, at least, with feeding programmes because the Government was meeting other things as it was said. Really, it has played a great role.

In my constituency, I cannot profess or say that there is anything I have seen being carried out by the national Government during my lifetime. No projects at all. Not even building an office of the chief or the assistant chief or a school other than one building that houses the Deputy County Commissioner (DCC). It is only one during my lifetime. You can see I am not young. It is only through the NG-CDF that things started taking shape in constituencies. Today, you can find upcoming offices or new buildings; structures of either chiefs, assistant chiefs, Assistant County Commissioners (ACCs), schools and laboratories, or anything else that can be traced to the national Government through the NG-CDF.

The amendments to the NG-CDF Act are very important. As they are, they are giving it some strength to withstand the storm of being taken to court now and then by activists who are very much against the NG-CDF. They always profess that there is a conflict of interest when it comes to separation of powers. If passed as it is, the public is going to be a great beneficiary of the same without getting worried that projects started are going to be left halfway because of court orders or threats from activists who live in the major towns and do not know what takes place in rural areas. This Bill needs to be supported by any Kenyan, who thinks of our people who live in the rural areas and the less fortunate ones, because they have no other access of any national resource, other than through the NG-CDF. I, therefore, support the Bill wholeheartedly.

In the same breath, I wish students undertaking their national examinations in my constituency success. Let them do their best as the NG-CDF has done a lot of work to maintain and keep them in those schools.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Member of Parliament for Rangwe.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker and the son of Siaya. We appreciate the good work you are doing.

I rise to support this amendment to the NG-CDF Act. I want to speak in the shortest time with a lot of emotions concerning the NG-CDF. Anybody who has had any intention, ill or well, on the NG-CDF should make a trip to Rangwe Constituency and see what it has done. They should make a trip to Rangwe and see sons and daughters of ordinary Kenyans, peasant farmers, children whose parents are not able, learn in classrooms that look like those found in group of schools. Oh, mighty NG-CDF. The NG-CDF has made it possible for the son and daughter of an ordinary Kenyan in Rangwe Constituency and other constituencies across the country to get bursaries that would mitigate on their financial needs as they go to school.

We know very well that education is an equaliser. Even if it does not equalise, education exposes you. It opens your mind and makes you somebody. This is what I want to say. If there is anything, we must align the NG-CDF to the Constitution and better still if we can make it to be part of the supreme law of this land. We should go out of our way as Kenyans to put this Fund in our Constitution so that naysayers, evil-minded people who do not want children of

our people to succeed, should be ashamed as we would find it there and they will never remove it forever.

Oh, mighty NG-CDF. Had they been to Rangwe, they would find a beautiful sub-county headquarter, a nice structure, where my ACC, DCC and the cohort of all Government officials are going to be hosted, beautiful structure because of the NG-CDF. If it were not for NG-CDF, Nyarut Primary School in the middle of nowhere, but close to the lake, would not have classrooms that are tiled where my girls can mop the floor, feel important and learn in a clean environment. If it were not for the NG-CDF, Nyandiwa and Nyando primary schools would not be in the condition they are in now.

If there were only amendments, I would support them without thinking. I would support them without even reading. There are a few things that I normally leave to Raila Amollo Odinga to decide for me. However, for this one, I know we will do it together, Hon. Temporary Speaker. If you agree, I will also agree. I do not even need to read it. What I care is that the NG-CDF remains intact and better still, if we could even increase the amount.

Hon. Temporary Speaker, every student or pupil in Rangwe Constituency needs to apply *mirni mach* which is 'French' that is also allowed to be spoken in this House. When you are needy, you apply and you are given money. Period. Simple. As I end, I urge my colleagues to please do our oversight role, so that this Fund is used well. It should be increased, so that more children from vulnerable families can go to school and become responsible Kenyans.

Any student who is doing the upcoming examinations in Rangwe Constituency and all over the country, I wish you well. Success is your portion. God is on your side.

I appreciate and celebrate you, Hon. Temporary Speaker. Thank you.

The Temporary Speaker (Hon. David Ochieng'): You will agree with me that Dr Gogo has spoken for almost all of us on this matter. This is one of the days when we decide this is a very good point to contribute. Let me give this chance to the Member for Turkana East.

Hon. Nicholas Ng'ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker, for giving me this chance to contribute to this Bill.

Hon. Naomi Waqo (Marsabit County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): There is a point of order from the Deputy Whip of the Majority Party.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 95...

(Loud consultation)

The Temporary Speaker (Hon. David Ochieng'): Allow her to move her point of order and then we can do what is required.

Hon. Naomi Waqo (Marsabit County, UDA): I feel this matter has been debated well. I call upon the Mover to reply.

The Temporary Speaker (Hon. David Ochieng'): Is it the mood of the House that the Mover be called upon to reply?

Hon. Members: No.

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng'): Can I put the Question?

Hon. Members: Yes.

The Temporary Speaker (Hon. David Ochieng’): Looking at the list I have here, I only have four Members who want to contribute to this Bill. I will use the same Standing Order as Hon. Naomi to give these four opportunities and then I will call upon the Mover to reply.

I will request the four that we meet midway. When you get a chance, take a short time so that we also take care of the interests of the leadership. You can imagine they have also been sitting here for the last two hours waiting for this chance. Let us allow them to contribute.

Hon. Ngikolong, before you speak, I would like to know the name of the Member behind you. Say it without a microphone.

Hon. Jackson Lekumontare (Samburu East, KANU): Hon. Lekumontare.

The Temporary Speaker (Hon. David Ochieng’): Hon. Lekumontare, we cannot see your name. You could have come ahead of Hon. Ngikolong, but I cannot see you either on the map or board. Put your card again. Go ahead, Hon. Ngikolong.

Hon. Nicholas Ng’ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker, for giving me this chance to add my voice to this important Bill.

I fail to understand why the busybodies are fighting this Fund. I believe that the NG-CDF has become a threat to other development partners, or even the devolved money. It has done a lot with little money. If you compare 2.5 per cent of our revenue against 290 constituencies and 15 per cent of the total budget of this country against 47 counties, NG-CDF, through the management committees, has done a lot. Maybe, the busybodies are sponsored by those who are supposed to do development in other parts of this country. That is why they rush to court most of the time to talk about it. It is our time to find out what all this is about. We need busybodies to be incorporated into public participation on the many matters that need to be incorporated into the NG-CDF so that they stop disturbing us. Instead of talking about how we can increase allocation to NG-CDF, we continue talking about negative issues about it.

I believe that if we take these people who have gone to court around this country, to every constituency, they can even be stoned to death by the public. This is because of the benefits the public get from NG-CDF. This is the only money that gets to the common mwananchi. It is the only money for which mwananchi makes a decision on their own on the projects to be undertaken. The 85 per cent budgetary allocation to the national government is run by the Executive. The devolution money disbursed to counties is also run by the county executive. It is only NG-CDF that is run by the common mwananchi. When we talk about this Fund, we talk about a reality, something that touches on the lives of our people every day.

My home county receives an allocation of about Ksh13 billion but if you go to those villages, there is no county project to account for that money. But in the same villages you will get NG-CDF projects. That tells us that NG-CDF is very important in the development of this country. As Members, we need to support NG-CDF by all means. Even if it is about what the Member for Rangwe has said, it is time we made this Bill a law so that we forget about it and focus on other development issues. We should not take long to talk about this issue because it is very important to our people.

With those remarks, I wish to stop there. I also wish all students sitting their exams in my constituency the best of luck. Let God be with them. I am sure they will all be successful.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much. Hon. Jackson Lekumontare.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Temporary Speaker, for this opportunity. I join my colleagues in supporting this Bill. NG-CDF has touched the lives of very many people, more so in areas that have been marginalised for a very long time. We are almost at par with the rest of Kenyans. Schools in our constituencies have classrooms and all the infrastructure, courtesy of NG-CDF. In the last 10 years, we have seen a great improvement in terms of development because of NG-CDF. Children from humble

backgrounds can now go to school because of NG-CDF. This is a good Bill because we need to align NG-CDF to the Constitution.

There is a lot of inequality in Kenya, but NG-CDF has reduced that gap. Even if a constituency may not get funds from the national Government, at least, we have NG-CDF. There are very many funds in every department of national Government, but not all constituencies get the same funds. The only thing I have seen when it comes to budgeting of the NG-CDF is that we are now using the wards. That one has disadvantaged some areas because of the number of wards in certain constituencies. If you look at the constituencies which have few wards they are also behind in terms of development. If we can look at it later so that the NG-CDF would be used per constituency instead of wards, then it will help us to improve in terms of development and infrastructure in our schools. I support this. It is a very good idea which has come at the right time and will help in terms of development in Kenya.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Hon. Eng. Nebart Muriuki. If we could avoid repetition, we would really move very well.

Hon. (Eng.) Nebart Muriuki (Mbeere South, Independent): Thank you, Hon. Temporary Speaker, for giving me the chance to put my voice on this Bill. I want to thank the Leader of the Majority Party and the Leader of the Minority Party for coming up with this Bill which is very important to the citizens of this country. I want to thank the Committee on the NG-CDF for even taking public participation regarding this Bill. I rise to support the Bill because the NG-CDF is the only Fund which is felt on the ground. Those who are opposed to this Fund are also witnesses that it is actually performing what it is supposed to do on the ground. It is a Fund which is being felt and they are opposing it not because it is not helping the citizens of this country, but because of other reasons, which I may say are more political than social or economic.

This Fund is very important that the citizens of this country do not know its boundaries. They would come to the NG-CDF for the support of anything, medical-related issues, burial and any problem facing the community. Even those who are in the county government are asking the NG-CDF to support functions which are very much under the county governments. For example, you will find many of our medical facilities are dilapidated and the citizen of this country would wish that the NG-CDF can be used in the same way we use it to build schools, to build dispensaries and hospitals. However, because of separation of powers, it cannot be used.

I support this Bill because it has clearly spelt out what the NG-CDF should be doing for the citizens of this country and what the county government should do. It will help us as Members of Parliament to address the issues which concern us and also refer others which concern the county governments.

I thank the Committee of the NG-CDF because there are certain things which we have not been able to do with this Fund, such as buying machinery and equipment which is very necessary to support the education sector. Take an example of the semi-arid areas where you will find that during the dry seasons, schools do not have water. Yet the Fund was not permitted to buy water bowsers to supply water to schools because the supply of water would involve some kind of re-current expenditure. However, Clause 7 provides that the Fund can now be used to buy machinery, equipment and even vehicles. Now money can be set aside to support recurrent expenditure for that. This will help those who come from such areas, like myself, to support schools in the supply of water.

Hon. Temporary Speaker, this Fund is useful, especially to vulnerable families. Students from these families are unable to complete their education due to lack of school fees. This year, this Fund has helped me finance Form IV students in my constituency who would have otherwise dropped out to complete their education. I wish to take this opportunity to wish

those students from Mbeere South every bit of success in their exams. I also pray that we will still support them...

The Temporary Speaker (Hon. David Ochieng’): Thank you. Next is the Member for Moyale.

Hon. Prof. Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker, for giving me this opportunity.

I have been a Member of Parliament for the past one year, but the NG-CDF was disbursed to the constituencies in July. Nevertheless, there has been a significant impact within these four months. For that, I support the Bill.

The NG-CDF is the only equaliser that has brought the country to par. Historically, some areas have been marginalised, but through the NG-CDF, we are bringing justice to these areas. For that, I support this Bill. Unfortunately, the NG-CDF projects are heavily taxed by the Government. This is Government money yet the projects are taxed 16 per cent Value Added Tax (VAT). We need to revisit that because that money belongs to the Government. The Government should not tax its expenditure. This is not an income. By taxing this money, we cut on the value of the projects to be undertaken by the Government. We need to look at this issue.

The bursary initiative is noble. It touches the life of every household in the constituencies. Many children from vulnerable families have managed to go to school through bursaries. I want to thank the Chairperson of the NG-CDF Committee and the Departmental Committee on Education, for negotiating with the Ministry of Health to bring the infrastructure money Fund to the NG-CDF kitty. This will enable us to further contribute to the construction of schools.

I take this opportunity to wish all the students from Moyale Constituency and the greater Marsabit County the best of luck in their exams. Those who will pass and go to secondary schools will definitely get funding from the NG-CDF kitty.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Umulkher Harun.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker, for giving me this chance to also contribute to the matter before the Floor. I stand to support the Bill. I am a first-time nominated Member of Parliament and hence I do not have the privilege to manage this Fund, but I see the impact it has on the ground. For the longest time, we have seen areas that have held national resources and those that were left behind. This Fund came in as an equaliser and we have seen the numerous schools and institutions which have come up. As at now, nomadic regions and Arid and Semi-Arid Lands (ASAL) are still lagging behind.

When other debates come up like the one man-one shilling issue it is quite unfortunate because such funds have made quite an impact. Additional funds to such regions will not only bring development, but progress to people who have been marginalised and historically left behind. Still on nomadic regions because I come from one which is a predominantly Muslim community, where children are first enrolled in madrasa before enrolment in primary schools, it is important for such a fund to be expanded to support institutions like madrasa, to allow more children to be accommodated in schools and there will be retention, transition and further enrolment.

I would like to send a message to my fellow leaders who manage these funds. We are human beings at the end of the day. When we come from a heated election, we tend to own the Fund and manage it like individual property. These are public funds and the culture of the winner takes it all must not come into place. This is because I engage with young people in this country who tell me *a, b, c* and *d* are the factors we are unable to access the NG-CDF bursaries.

We should ensure that every child benefit from these funds and end the winner takes it all culture.

Finally, I wish all the candidates in the country the best in their examinations.

The Temporary Speaker (Hon. David Ochieng’): Hon. Timothy Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Bill which is very important in terms of development in our constituencies. We should protect it by amending the Constitution to anchor it so that even future regimes which may not buy the idea of the NG-CDF will not interfere with it unless they amend the Constitution. For me, it is important as a House that we follow-up so that this law will not only serve the current generation but also for posterity.

Secondly, I have read the amendments and they are very progressive. They have given us clarity particularly on the role of the National Assembly in oversight of this Fund.

Hon. Temporary Speaker, I am aware there is the Constitutional Implementation Oversight Committee which was established under the current law. This amendment will give us clarity as Members of Parliament on our role to independently oversee this Fund. To me, this is very important. I have seen something which we must look at critically when this Bill comes for Third Reading. In terms of sports activities, I do not see any reason why we should exclude cash awards. Every time we have a sports tournament in our constituencies, we are told to only give non-cash awards. This does not make sense.

For a football tournament or any other tournament to make sense, we should amend the law to enable us get a certain amount of money to reward those who were playing. The issue of non-cash awards is something which as a House we should look at critically during the Committee of the whole House. I will propose an amendment so that we can include cash awards for sports activities.

Hon. Temporary Speaker, I also laud the provision on acquisition of vehicles or machinery because some of us come from communities where there are no access roads to schools. You have to engage a contractor so that a road is opened. If that leeway is available so that you are able to purchase machinery, then it will assist us to open up areas so that our young students and pupils can access education without being tied down.

Generally, I support this Bill, but with certain amendments when it comes to the Committee of the whole House.

I wish the very best to students who are sitting for the KPSEA, KCPE and the KCSE in Marakwet West Constituency in the forthcoming national examination.

Hon. Temporary Speaker (Hon. David Ochieng’): Finally, before the Mover replies, this chance goes to the Member for Seme, Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, I sincerely thank you for giving me this opportunity. I will try to be brief. What the NG-CDF has done is known to all of us. It is also the most cost-effective Fund that I have seen, including the main budget. Sometimes I wonder why we do not use the same principle even in the bigger budget instead of opposing it. Find a way. This is the only Fund where we are using less than 10 per cent in recurrent expenditure. Others are thinking about 30 per cent while we have a Fund where we are using about 10 per cent. In that context, it has worked.

Hon. Temporary Speaker, in education and security, it has also done a lot. For me, just like in your constituency, I have been able to put up a technical training institute, a medical training centre, a teacher training college and all my schools now have tiled classrooms and electricity. Across the country, when there are school functions, you see yellow buses which are purchased by the NG-CDF.

I have been in Parliament long enough that I have seen students who got bursary go to university and are now working. They would not have done that without bursary. The NG-CDF

has done a lot and I, therefore, support this Bill. In fact, what it is trying to do in general is improving the Fund. The first thing is to reaffirm that all it does is within the mandate of the national Government. I like that. That is a great thing. The other thing is that it ensures that the funds given never go below the last year. That is what we want.

In Clause 9, it is increasing the number of members that are in the constituency committee. This has been very hard for us to balance because of the need and popularity of it. It is also increasing the term of the Constituency Development Committee. In general, it has done well. It has also tied neatly the first meeting with the election.

Another important thing, and we have to look at this one, is assignment of selection or appointment of the Board to the Public Service Commission. That is the only thing that I will have to look at in detail. Do we really need to do that? I support all the other proposals made. We will lose a little bit of sport and environment, but in general, it is a good Bill. We will look at the issue of Public Service Commission and the appointment of the board, and if there is need for amendment, we will propose.

In general, it is a good Bill. I support it.

Hon. Temporary Speaker (Hon. David Ochieng’): Thank you. Leader of the Majority Party, there is a ranking Member in the House. I do not know if you have heard his voice in a long time. I want to allow him to do two minutes, and then you will speak. Hon. Moroto.

Hon. Samwel Chumel (Kapenguria, UDA): Thank you very much, Hon. Temporary Speaker. I want to join my colleagues by sincerely thanking those brains that sat and came up with this good Bill. I was here during Kibaki's time when we started the CDF. In fact, it was brought by Hon. (Eng.) Karue. It was easy because the President accepted it. We started with Ksh6 million. The little we had did a lot of ground work like building schools and health centres. It did well. I also want to sincerely thank the current President because he came in and defended it when some busybodies wanted to destroy it completely. We are enjoying now. We can see some fruits coming out of it, now that the economy is very hard and parents cannot raise school fees, especially in some areas where some of us come from; Arid and Semi-Arid Land, where there is hunger... This kitty has really supported children. During the Committee of the whole House, I know there will be amendments to improve the Bill.

I support it totally. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Leader of the Majority Party, this is now your chance to reply.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Let me begin by thanking all the Members who have contributed. As I sat in the office listening to the contributions, I could tell many of the Members are eager to have this Bill enacted to become an Act of Parliament, to safeguard the existence of the NG-CDF. This will not be for the benefit of Members of Parliament, but for millions of our constituents who depend on it for the roll out of development projects ranging from security in areas where there is insecurity to schools; building classrooms, and increasing transition of students from primary to secondary schools by ensuring that we have enough or adequate classrooms in our secondary schools. It will also ensure that there is proper roll out of Junior Secondary School under CBC. This is not possible without the participation of NG-CDF.

I have heard concerns on its quantum. Many Members are appealing for increased allocations. I know there are many people who wanted this Bill to have a prescribed percentage. There were many representations to have an increment from a minimum of 2.5 to 5 per cent. In the last Parliament, Hon. Makali Mulu had a legislative proposal or Bill to increase that allocation from a minimum of 2.5 to 5 per cent. As the wording says, it is a minimum. As we pass and allocate resources during the budget-making process, nothing stops us from allocating percentages that are higher than 2.5 per cent, with the availability of resources being a factor.

I want to assure Members, because of the concerns that have been raised, this Bill at least guarantees that you shall never get money allocated for NG-CDF that is less than what was allocated in the preceding year. For instance, if each constituency gets Ksh170 million this year, irrespective of the revenue collected, we are safeguarding that you cannot get less than that next year. That means that the NG-CDF amount can only be incremental year-on-year.

Hon. Temporary Speaker, I beg to reply and thank Members. I hope that after this short recess of one week, we shall come back and progress to the Committee of the whole House and Third Reading for the Bill to become an Act of Parliament. As I said in my contribution, it will, in a big way, address many of the concerns that have been raised in courts by many of the petitioners. I also spoke to them to understand that the NG-CDF is not for the Members of Parliament. This is a Fund of the national Government to deliver services to Kenyans who reside in our counties, constituencies and wards. Therefore, it is indeed an important Fund. It has changed the entire landscape of our development projects and programmes across the country in a big way. There is not a single part of this country you will go to and not identify projects funded through the NG-CDF. That is unlike county governments because there are areas around the country where people do not even know devolution came. Almost 13 years after devolution, people have yet to reap its benefits. They have not seen even an Early Childhood Development (ECD) classroom or a dispensary built by their county governments; not even a borehole project.

However, in every corner of this Republic and all the 1450 wards of this country, Kenyans can show you a project funded by the NG-CDF. Indeed, this is the way to decentralise development in our country, ensure it is equitable and it is rolled over the entire country irrespective of one's political affiliation. You have seen the agitation amongst Members of County Assemblies (MCAs) for the autonomy of their county assemblies and the Ward Development Fund, something that I truly support. In some counties, we have governors who imagine that MCAs should be acting as their lapdogs that sing songs of praise to them. When they do not, those MCAs suffer from governors not rolling out development projects in their respective wards. That is why we must also support the enactment of the Ward Development Fund to go to the ward level. Many of our Members here will tell you that we are under immense pressure from residents because MCAs are not able to do roads and dispensaries or roll out very simple projects in their wards because governors are not allocating resources to them.

I beg to reply, and allow me to take this opportunity to wish all Members who are here and those who may have left ahead of us a very restful one-week working recess. I know many committees have indicated that they will be sitting throughout the week. I know the NG-CDF Committee will be working, especially on any proposed amendments. The Departmental Committee on Defence, Intelligence and Foreign Relations is in the vetting process. Many other committees of this House are working within and out of the precinct of Parliament. Allow me to wish all of them a good short recess and hope to see all of us back to this House next Tuesday, but one.

With that, I beg to reply and request that you now invoke Standing Order 53(3) and defer the putting of the Question to the next time we sit.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Thank you very much. Members, as the Leader of the Majority Party has said, we will defer the putting of the Question on that matter to the next Sitting.

Next Order.

(Putting of the Question deferred)

MOTIONS

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR CONSTITUENCIES IN KAKAMEGA COUNTY

THAT, this House adopts the Report of the Decentralised Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for twelve constituencies in Kakamega County for Financial Years 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House on Thursday, 27th July 2023.

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

The Temporary Speaker (Hon. David Ochieng'): What is out of order, Hon. Baya? The Leader of the Majority Party, do you have something to say? Give him the microphone.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I could raise the issue that Hon. Baya wanted to raise. It is nothing out of order. It is only that the Mover of the Motion that follows this one left earlier. Therefore, we request that you stand down the next Order.

ADOPTION OF REPORT ON INSPECTION OF ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAC REGION

THAT, this House adopts the Report of the Select Committee on Regional Integration on its Inspection of Various One-Stop Border Posts in the Northern Corridor in the East African Community, laid on the Table of the House on Wednesday, 5th July 2023.

(Motions deferred)

Hon. Temporary Speaker, the time being five minutes to 7:00 p.m., when the House rises, I beg that we stand down Orders No. 13, 14, 15, 16, 17, 18, 19 and 20 until the next sitting.

The Temporary Speaker (Hon. David Ochieng'): Very well. Hon. Members, if that is the case, there being no other business to transact, I take this opportunity to wish our candidates, who are sitting for their examinations next week the very best. I hope that they had time to revise well.

(A Member spoke off the record)

I wish them the best in their exams, including my son and the Member's daughter.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, the time being 6:56 p.m., the House stands adjourned until Tuesday, 7th November 2023, at 2:30 p.m.

The House rose at 6.56 p.m.

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