



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 30th April 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Sergeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Members, we now have quorum to transact business. Clerk-at-the-Table. Order, Hon. Members. Take your seats.

(Hon. Silvanus Osoro and Hon. Babu Owino walked along the isle)

Order, Majority Whip. Hon. Babu Owino, you are hardly ever here and when you come there is commotion. Take your seat. Hon. Members, I have two short communications to make. The first one is about the Annual National Prayer Breakfast. As you know, we are taking a recess this week and the Prayer Breakfast will be within the recess period.

COMMUNICATIONS FROM THE CHAIR

THE ANNUAL NATIONAL PRAYER BREAKFAST 2024

Hon. Speaker: Hon. Members, as you are aware, the Annual National Prayer Breakfast is held every last Thursday of the month of May. In this regard, the 2024 Kenya National Assembly Prayer Breakfast is scheduled to take place on Thursday, 30th May 2024 at the Safari Park Hotel, Nairobi. The prayer breakfast will be held under the theme "Hope."

The Prayer Breakfast is an inter-denomination prayer meeting organised by Members of Parliament and includes various leaders from across the country and beyond. To facilitate attendance at the 2024 Annual Prayer Breakfast, Members are requested to pick up their invitation cards to the event at the Main Reception. You may contact the Chairperson of the Prayer Breakfast Group, the Member for Ainabkoi, Hon. Samuel Chepkonga, CBS, MP for any further clarification.

Additionally, Hon. Members, the First Lady of Kenya shall host the Women Convocation on Wednesday, 29th May 2024 at State House from 10.00 a.m. All women Members of Parliament are invited to the convocation.

Finally, the National Conversation 2024 shall be held on Wednesday, 29th May 2024 at Safari Park Hotel from 1.00 p.m.

The House is accordingly guided. Thank you.

(Several Members walked into the Chamber)

Hon. Members at the back, please; take the nearest seat. ‘*Hon. Mandazi*’ what is your idea of the nearest?

INVITATION TO NG-CDF 20-YEAR-ANNIVERSARY CELEBRATION

Hon. Speaker: Hon. Members, as you are aware, the National Government Constituencies Development Fund (NG-CDF) was established in 2003 under the NG-CDF Act 2015 with an objective of supplementing infrastructure development at the constituency level in matters falling within the exclusive functions of the National Assembly. Actually, 2015 is when the amendment of the original Act was done.

The Fund commenced operations in April 2004. Over the years, the Fund has been instrumental in enabling grassroots development, including the construction of school infrastructure as well as providing bursaries to needy students.

Hon. Members, in recognition of the enormous achievements of the Fund as demonstrated by substantial transformation across the country, the Board has organised a series of events highlighting the tremendous impact of the NG-CDF. The events will culminate in a national celebration to be observed on Friday, 3rd May 2024 at Safari Park Hotel, Nairobi. The ceremony will be presided over by His Excellency Hon. Dr William Samoei Ruto, CGH, the President and Commander--In-Chief of the Kenya Defence Forces.

In view of the role of Parliament and Members of Parliament, specifically in the conceptualisation, marshalling of legislation and oversight of the Fund, the NGCDF Board has extended an invitation to all Hon. Members to the celebration on Friday, 3rd May 2024 at 9.00 a.m. All Guests are expected to be seated by 8.30 a.m.

All Hon. Members are welcome to the celebrations. Thank you.

(Several Members walked into the Chamber)

Hon. Members at the back, please; take the nearest seat.

REFERRAL OF THE DRAFT AFFORDABLE HOUSING REGULATIONS TO THE COMMITTEE ON DELEGATED LEGISLATION

Hon. Speaker: Hon. Members, this communication relates to the Regulations which have just been laid on the Table by the Leader of the Majority Party. Section 59(3) of the Affordable Housing Act, 2024 provides that the Cabinet Secretary shall table before Parliament, Regulations made under this section within thirty (30) days of commencement of the Act.

In this regard, and as part of the processing of the envisaged Regulations; the Ministry of Lands, Public Works, Housing and Urban Development submitted to the National Assembly the Draft Affordable Housing Regulations 2024 on Friday 26th April 2024. I hasten to note that the Ministry has had engagements with various stakeholders on the Draft Regulations as part of public participation in line with the Statutory Instruments Act, Cap 2A.

Hon. Members, noting the centrality of the Regulations to the full implementation of the Affordable Housing Programme, and pursuant to the provisions of Standing Order 210(2), I hereby refer the Draft Affordable Housing Regulations 2024 to the Committee on Delegated Legislation for consideration.

Hon. Members, while appreciating that matters of affordable housing concern county governments in accordance with Article 110 of the Constitution, I direct the Committee to sit jointly with the Senate Committee on Delegated Legislation to consider the Draft Regulations.

I further direct the Clerk to facilitate the Committee in undertaking public participation activities on the Draft Regulations.

The House is accordingly guided. Thank you.

Hon. Members, that Communication relates to an event that is about to happen. We will, therefore, consider it as having been made after the laying because it will come hereafter. I noticed that anomaly.

(The Hon. Speaker consulted with the leading Clerks-at-the-Table)

The next communication is a bit lengthy. I will, therefore, finish up with the preliminaries before I come to that communication. Let us go to the next Order. Leader of the Majority Party.

The Clerk of the National Assembly will edit the Hansard Report accordingly to reflect that you laid the documents before the Communication.

Go on.

PAPERS

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

1. The Draft Affordable Housing Regulations 2024 from the Ministry of Lands, Public Works, Housing and Urban Development;
2. The Draft Water Sector Trust Fund Project's Funding Criteria 2023 from the Ministry of Water, Sanitation and Irrigation;
3. Sessional Paper No.3 of 2023 on Kenya Policy on Public Participation to Parliament from the Office of the Attorney-General.
4. The Financial Year 2024/2025 Budget Estimates from the Judiciary and the following accompanying documents:
 - (a) Itemized Recurrent and Development Budget for both Votes 1261 and 9011;
 - (b) Financial Year 2024/2025-2026/2027 Medium Term Expenditure Framework (MTEF) Sector Report; and,
 - (c) Financial Year 2024/2025-2026/2027 Programme Based Budget (PBB) Report.
5. Budget Estimates and the Medium-Term of Judicial Service Commission – Vote 2051 for the Financial Year 2024/2025 and the Judiciary Service Commission Sub-Sector Report for Financial Year 2024/2025 to 2026/2027 from the Judicial Service Commission;
6. The Judicial Service (Tribunal to inquire into the conduct of Justice Mohamed Noor Kullow) Rules of Procedure 2024. This concerns Parliament;
7. Estimates of Recurrent and Development Expenditure of the Parliamentary Service Commission for the Year ending 30th June 2025 and projections for 2025/2026 to 2026/2027;
8. Report of the Auditor-General and Financial Statement on Agricultural Development Corporation for the Year ended 30th June 2023 and the certificate therein.

Thank you.

Hon. Speaker: Chairperson of African Parliamentarians Network Against Corruption.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

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The 2024-2028 Strategic Plan of the African Parliamentarians Network Against Corruption (APNAC- Kenya) from the Chairperson, APNAC-Kenya.

Hon. Speaker: Thank you.

Chairperson of Departmental Committee on Finance and National Planning.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Finance and National Planning on its consideration of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI).

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

Hon. Speaker: Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg your indulgence. Today is the last day for laying the Financial Estimates for the National Government but as we were going to do so, we did not have them at that particular time, and they are supposed to be laid before 5.00 p.m., today.

Hon. Speaker: Whenever you are ready, alert the Chair.

Next Order.

NOTICE OF MOTION

RATIFICATION OF MULTILATERAL CONVENTION ON IMPLEMENTATION OF TAX TREATY RELATED MEASURES TO PREVENT BASE EROSION AND PROFIT SHIFTING

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to give notice of the following Motion:

That, this House adopts the Report of the Departmental Committee on Finance and National Planning on its consideration of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI), laid on the Table of the House on Tuesday, 30th April 2024, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, subject to reservations of Article 5 on Application of Methods for Elimination of Double Taxation) and Article 16 on Mutual Agreement Procedure.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kipkelion East, Hon. Joseph Kimutai.

NOTICE OF MOTION FOR ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

ONGOING FLOODS IN THE COUNTRY

Hon. Joseph Cherrot (Kipkelion East, UDA): Thank you, Hon. Speaker for giving me this opportunity. This concerns the Adjournment of the House on a definite matter of urgent national importance regarding the ongoing floods.

Hon. Speaker, pursuant to Standing Order 33(1)(c), I rise to seek leave for the adjournment of the House for the purpose of discussing the ongoing floods and other attendant inconveniences related thereto, as experienced across the country.

Hon. Speaker, as you are aware, the current long rains started sometime in mid-March. Since then, the country has been experiencing heavy rains and devastating flash-floods, leading

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to loss of lives and businesses, destruction of property and disruption of national activities, just to mention a few.

In one unfortunate incident, the Old Kijabe Dam in Kamuchiri Village experienced structural failure characterized by sudden, rapid and uncontrolled release of impounded water, leading to deaths of over 50 persons and hospitalization of more than 100 people as at now.

Hon. Speaker, opening of schools has also been halted due to uncertainty on the safety of the children and teachers as well as the unfortunate conditions on some schools. In addition, there has been loss of livelihood and businesses, and this has exacerbated the already worse economic situation, leading to immense suffering of Kenyans, and mostly small traders.

The unprecedented events of the floods have also led to closure of roads and highways impacting on road connectivity, leading to cutting off of far-flung areas of this country from major towns and thus increasing the prices of basic commodities as a result of shortage of supplies.

Hon. Speaker, it is against this background that I seek leave for adjournment of the House to discuss this matter of great national concern with a view of exploring possible solutions in order to advise the responsible key players, stakeholders and the country at large.

Thank you, Hon. Speaker.

Hon. Speaker: Do you have the requisite numbers supporting you?

Hon. Joseph Chererot (Kipkelion East, UDA): Yes, Hon. Speaker. I am asking them to rise, Hon. Speaker.

(Several Members stood in their places)

Hon. Speaker: Hon. Members, the Motion, for those who are not listening, is to adjourn the House to discuss the raging floods in the country. The support is overwhelming. Member for Kipkelion, I also want to advise you that after I received and approved your Motion, a Nominated Member, Hon. Irene Mayaka, brought an identical Motion. I will probably advise that after we have spoken and moved the Motion, whoever would be the Chair, she be given the second bite.

I direct that the Motion, having overwhelming support, be debated at 6.00 p.m. or after Order 13 on the Order Paper, whichever comes earlier.

Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Member for Turkana South, Hon. Ariko Nomoit. Is he in the House? He seems not. The Statement is, therefore, deferred.

REQUEST FOR STATEMENTS

ABDUCTION OF MR SAMMY EKITELA

(The Request for Statement by Hon. John Namoit deferred)

Next is the Member for Chepalungu, Hon. Victor Koech, *alias Mandazi*.

DISPARITIES IN PROMOTION OF TEACHERS IN BOMET COUNTY

Hon. Victor Koech (Chepalungu, CCM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the

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Departmental Committee on Education regarding disparities in promotion of teachers in Bomet County.

Hon. Speaker, reports following the recently concluded interview processes by the Teachers Service Commission have revealed a trend impacting teachers in Chepalungu Constituency and across Bomet County. Of concern is the stark contrast in promotions, where only four teachers from Bomet County were promoted despite numerous qualified candidates while 57 positions granted to teachers from outside Bomet County despite there being numerous qualified candidates from Bomet County.

Regrettably, experienced teachers who have led schools in the county from their inception, were overlooked in favour of candidates who reside from outside Bomet County. It is noted that teachers from within Bomet County have been involved in running of schools, and significantly growing student population contributing substantially to the development of education in the county.

In this regard, it is observed that external teachers often lack sustained commitment to local education development, viewing their positions as a steppingstone for career progression rather than development of education in schools in the locality.

On 3rd November 2022, this House passed a Motion resolving that the Teachers Service Commission reverses the delocalisation of teachers and devolves the teachers' deployment to zonal level, aligning with the International Labour Organisation (ILO) and UNESCO laws and practices on teacher management and deployment. However, this seems to have not been implemented by the Government.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Education on the following:

1. Could the Chairperson provide the reasons for the significant disparity in teacher promotions within Bomet County and specifically, Chepalungu Constituency compared to other counties?
2. Could the Chairperson provide the rationale behind overlooking long-serving teachers in acting capacities during the promotion process?
3. What measures is the Government taking to postpone the deployment of teachers until adherence to established guidelines, including the ILO and UNESCO practices on teacher's management and deployment?

I thank you, Hon. Speaker.

Hon. Speaker: The Chairman of the Committee on Education, Hon. Melly, you heard the request. Bring your Statement the first week after recess.

Next is the nominated Member, Hon. Umulkher Harun.

OVERFLOW OF MASINGA DAM AFFECTING DOWNSTREAM RESIDENTS

Hon. Umulkher Harun (Nominated, ODM): Hon. Speaker, pursuant to Standing Order 44 (2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding overflow of Masinga Dam affecting downstream residents.

Masinga Dam plays a crucial role in generation of hydro-electric power for our country. However, following the ongoing rains, the water level in the dam have increased exponentially leading to overflow. This has severely affected residents of Garissa and Tana River Counties, which are situated at the downstream area of the dam. Among the hardest hit are farmers, who have suffered immense losses as their crops – including mangoes, bananas, watermelons, tomatoes, onions and chilies – have been swept away. The destruction of these crops will not only affect the livelihood of the farmers but also exacerbates the scarcity of essential food items

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leading to a surge in prices. It is also noted that due to impassability of roads, residents generally rely on boats as a means of transportation. This has resulted in increased safety risks as exemplified by the recent events on the Garissa-Madogo road, where a boat capsized leading to loss of lives.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. What immediate measures have been put in place by the government to address the flood menace in Garissa and Tana River Counties caused by the overflow from the Masinga Dam?
2. What steps are being taken to provide assistance to affected farmers, including provision of financial support?
3. Could the Chairperson clarify whether there are any measures being put in place to improve infrastructure such as the road networks and drainage system in the downstream areas of the Masinga Dam to mitigate flood risks and facilitate emergency response efforts?

I thank you, Hon. Speaker.

Hon. Speaker: Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, Hon. Bowen, we will not wait for two weeks. That is an emergency. Please, bring the Statement on Thursday, which is the day after tomorrow.

Hon. Kangogo Bowen (Marakwet East, UDA): I am most obliged, Hon. Speaker.

Hon. Speaker: Hon. Members, there are more statement requests but we will go back...

(Hon. Jared Okello raised his hand)

Hon. Speaker: What is out of order?

Hon. Jared Okello (Nyando, ODM): Hon. Speaker, I thank you for giving this opportunity. I need your guidance and direction. In line with our Constitution, this House never legislates in vain. This regards the political parties' affairs, specifically political parties' funds. I am glad that you superintend a political party as the party leader of the second liberation party, namely; Forum for the Restoration of Democracy-Kenya Party (FORD-Kenya).

Hon. Speaker: Do not use me as a pretext to make a statement.

(Laughter)

Hon. Jared Okello (Nyando, ODM): Hon. Speaker, that will not change. You are a party leader and we are happy about it. The Political Parties Fund gave a 0.03 per cent of the country's Budget to political parties. We all underscore the role played by political parties in advancing democracy and freedom in our country. There are many other activities underneath political parties, including grassroots election and others. Whereas the law is very clear on the participatory role played by political parties, all political parties in Kenya are not receiving their due fund. As we speak today, Ksh11billion is owed to political parties in this country. When the Budget for the year 2022/2023 was being crafted, during the...

Hon. Speaker: What is your point?

Hon. Jared Okello (Nyando, ODM): I am coming to my point, Hon. Speaker. The Budget and Appropriations Committee removed Ksh800 million from political parties in a Supplementary Budget. Even as we work on the next round of Budget cycle, at this point in time, my concern is to ask you to direct the National Treasury, the Budget and Appropriations Committee and all those who are involved to respond to the needs of political parties as regards

the Political Parties Fund. This country has done great to pay external debts. The Political Parties Fund is owed Ksh11 billion. That is an internal debt that must also be responded to.

Hon. Speaker, I need your direction and indulgence on this as the Secretary for Public Policy and Economic Affairs in the biggest party, the Orange Democratic Movement (ODM).

Thank you.

Hon. Speaker: Your concern is noted. Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I will commit to follow up on the question of Exchequer Issues. On the question of review of the monies allocated to the political parties, I want to state that it was not a decision of the Budget and Appropriations Committee, as the Member asserts. It was a decision of the House, where Hon. Okello also sits. I am certain that he was here when we passed the resolution to reduce the allocation through Supplementary Estimates 1. Our party, UDA, being the largest political party, lost the highest amount in Supplementary Estimates 1.

It is also good for Hon. Okello to know that subsequent to the passage of the resolution by the House where Hon. Okello sits in, to reduce that amount, his Party, ODM, went to court. That matter is before court. I do not want to get to *sub judice* matters but I was hoping that Hon. Okello would tell the House what informed him and his Party to support a Motion on the Floor of the House to reduce the amounts and then go ahead and question the decision in court. I expected Hon. Okello to speak to that aspect, but I can see he has veered off.

Hon. Speaker, I want to commit to check with the National Treasury and maybe report back to the House on Thursday when we can get Exchequer releases, not just for political parties, but also the pending NG-CDF considering that we are now going on a long working recess. I know a number of Members will be keen to get money released for the National Government Affirmative Action Fund (NGAAF), the NG-CDF and other development Exchequer releases before the end of the Financial Year.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Okello, you should have been honourable enough to disclose that your party is in court on this matter. I do not want to open debate on this matter. I will go back to...

(Hon. Jared Okello spoke off the record)

Hon. Speaker: Who do you want to inform?

(Hon. Jared Okello spoke off the record)

The House is not interested.

(Laughter)

Hon. Members, we have other statement requests by Hon. Marianne Kitany and Hon. Gideon Mulyungi, and responses to statement requests by Hon. George Murugara, Hon. Adan Keynan and Hon. Joseph Lekuton. I will go back to Order No.2 to make a communication and then we come back to statements.

Clerk-at-the-Table, call out Order No.2 again.

COMMUNICATION FROM THE CHAIR

DISMISSAL OF CABINET SECRETARY FOR AGRICULTURE AND
LIVESTOCK DEVELOPMENT HON. FRANKLIN MITHIKA LINTURI

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Hon. Speaker: Thank you.

(Several Members stood in their places)

Members on their feet, take your seats.

(Hon. Mark Mwenje stood in his place)

Deputy Minority Whip, take your seat. I have a Communication to make on a notice of Motion for dismissal of Hon. Franklin Mithika Linturi, Cabinet Secretary for Agriculture and Livestock Development.

(Hon. Jared Okello spoke off the record)

Order! Hon. Okello, keep your cool.

(Laughter)

I wish to notify you that pursuant to Article 152 (6) of the Constitution and Standing Orders 64 and 66, I am in receipt of a notice of a Special Motion dated 24th April 2024 from the Member for Bumula Constituency, Hon. Jack Wanami Wamboka, MP. The Member seeks a resolution of the House for the dismissal of the Hon. Franklin Mithika Linturi as the Cabinet Secretary for Agriculture and Livestock Development on grounds of gross violation of the Constitution or any other law, serious reasons to believe that the Cabinet Secretary has committed a crime under national law and gross misconduct.

(Applause)

Standing Order 66(1) provides that before giving notice of a Motion under Article 152 (6) of the Constitution, a Member shall deliver to the Clerk a copy of the proposed Motion in writing. Whereas Standing Order 66(1) is silent on the timeline within which the Clerk is required to consider the proposed Motion and advise the Speaker, it must be noted that a Motion for dismissal of a Cabinet Secretary is a special Motion under Standing Order 61, which ought to be disposed of expeditiously. Consequently, the Clerk is required to consider the proposed motion and advise the Speaker without unnecessary delay.

Further, in the case of the Speaker, Standing Orders 64 and 66 provide that a proposed Motion shall be disposed by the Speaker within three days of receipt of notice by a Member.

(Several Members walked into the Chamber)

The three Members at the Bar, take your seats. This will take a little longer. Take the nearest seats.

Thank you.

The strict timeline of three days is intended to allow the Speaker to examine the proposed Motion and any evidence attached to it, and determine whether the proposed motion meets the procedural requirements outlined in the Standing Orders.

In this regard, I note that the Member for Bumula Constituency submitted the proposed Motion to my office last week on Wednesday, 24th April 2024. Article 259(5) of the Constitution provides for the manner of computation of time. It guides that where time is

expressed as days, the day on which the first event occurs is to be excluded, and the day by which the last event may occur is to be included when computing time.

Consequently, the period of three days that applies to the Hon. Speaker in respect of the proposed Motion started running from Thursday, 25th April 2024. The three days expired on Saturday, 27th April 2024 and as such, the earliest available opportunity for the Hon. Speaker to notify the House on the admissibility of the proposed Special Motion is today, being the nearest available sitting of the House since receipt of the proposed Motion.

Hon. Members, allow me to highlight the legal and procedural requirements that guide the process of dismissing a Cabinet Secretary.

Article 152(6) of the Constitution provides that a member of the National Assembly, supported by at least one quarter of all the Members of the Assembly, may propose a Motion requiring the President to dismiss a Cabinet Secretary—

- (a) on the ground of a gross violation of a provision of the Constitution or of any other law;
- (b) where there are serious reasons for believing that the Cabinet Secretary has committed a crime under national or international law; or,
- (c) for gross misconduct.

Procedurally, Standing Order 66(1) provides that “before giving Notice of Motion under Article 152(6) of the Constitution, a Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars in terms of Article 152(6) of the Constitution upon which the proposed Motion is made;
- (b) signed by the Member; and,
- (c) signed in support by at least one-quarter of all the Members of the Assembly.

Hon. Members, additionally, Standing Order 64(1A) provides as follows on the admissibility of grounds for removal from office:

(1a) The grounds specified in a Motion under this Standing Order shall be admissible if—

- (a) framed clearly to particularise and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal;
- (b) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and,
- (c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.

Hon. Members, it is worth noting that Standing Orders 64(1A) and 66 as presently couched find their basis from the practice of the House in the 11th and 12th Parliament where notices of Motion were submitted by Members for dismissal of various Cabinet Secretaries.

These include the Notice of Motion for dismissal of the then Cabinet Secretary for Devolution, Hon. Anne Waiguru; the Notice of Motion for dismissal of the then Cabinet Secretary for Transport, Mr. James Macharia and the Notice of Motion for the dismissal of the then Cabinet Secretary for Education, Prof. Jacob Kaimenyi.

My predecessor, the Hon. Justin Muturi, Speaker, has had occasion to guide the House on the manner of considering a Special Motion such as the one proposed by the Hon. Member for Burnula. In a Communication issued on 22nd October 2015 on the Processing of Special Motions on removal of state officers, the Hon. Speaker guided the House as follows:

1. That all Special Motions brought before the House under Article 152(6) of the Constitution should comply with thresholds established by the courts of law as to what constitutes gross violation of the Constitution or gross misconduct under the Constitution.
2. That the question of determining what constitutes gross violation of the Constitution or gross misconduct is one that clings and hangs on the impeachable authority of the House and is exercisable in two instances: -

Firstly, at the point of the approval of the Special Motion for impeachment or dismissal by the Hon. Speaker pursuant to Standing Order 47(3)(b) and (e) which requires the Hon. Speaker to be satisfied of the constitutional and evidential propriety of the Special Motions.

Secondly, at the point of investigations conducted by the relevant Select Committee or tribunal, pursuant to the provisions of the relevant Article of the Constitution.

3. Averments made in the Special Motions should be accompanied by the necessary evidence including annexures and sworn testimonies in respect of the allegation as may be necessary.

Hon. Members, our courts have also grappled with the question of the threshold for admissibility of impeachment motions. This has led them to set a standard for determining what constitutes "gross violation of the law" or "gross misconduct" in impeachment processes through a number of precedent-setting cases.

Notably, the High Court of Kenya, in *Martin Nyaga Wambora and 30 Others versus the County Assembly of Embu and 4 others* (Embu Constitutional Petition Nos.7 and 8 of 2014), considered the issue of the required threshold for determining what amounts to a gross violation of the Constitution and gross misconduct in impeachment processes. With regard to what constitutes gross violation of the Constitution, the court observed that the charges framed against the governor and the particulars thereof must disclose a gross violation of the Constitution or any other written law; and the charges as framed must state with degree of precision the Article(s) or even Sub-Article(s) of the Constitution or the provisions of any other written law that have been alleged to be grossly violated.

Hon. Members, the court further gave examples of constitutional provisions whose violation would constitute gross violation of the Constitution. According to the Court, these include: -

1. Chapter 1 – On the sovereignty of the people and supremacy of the Constitution, and more specifically Articles 1, 2 and 3(2) of the Constitution;
2. Chapter 2 – Article 4 that establishes Kenya as a sovereign multi-party Republic and Article 6 that establishes devolution and access to services;
3. Article 10 – On national values and principles of good governance;
4. Chapter 4 – On the Bill of Rights;
5. Chapter 6 – Articles 73 to 78 on leadership and integrity;
6. Chapter 12 – Article 201 on principles of public finance;
7. Chapter 13 – Article 232 on values and principles of public service; and
8. Chapter 14 – Article 238 on principles of national security, among other constitutional provisions.

Further, in respect of what constitutes gross misconduct, the court observed that whether a conduct is gross or not will depend on the matter as exposed by the facts. It cannot be determined in a vacuum but in relation to the facts of the case and the law policing the facts. Gross misconduct is defined as 'a grave violation' or 'breach of the provisions of the Constitution' and a misconduct of such nature as amounts in the opinion of the House of Assembly to gross misconduct.

Drawing from the foregoing, the House amended its Standing Orders at the end of the 11th Parliament to comply with the prescribed thresholds. Presently, our Standing Orders 64

and 66 incorporate the pronouncements of the court on the threshold for admissibility of grounds for removal of a Cabinet Secretary by requiring that grounds in a Motion must be framed clearly to particularise and disclose a gross violation of the Constitution or other written law; and that such grounds must also state with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated.

Hon. Members, having examined the legal and procedural requirements of processing Special Motions for the removal of persons from office, permit me now to determine whether the proposed Special Motion by the Member for Bumula Constituency is admissible. It is worth noting that Standing Order 47(3)(b) and (e) places an obligation on the Speaker to make a determination on whether any proposed Motion is contrary to the Constitution or contains allegations which the Mover cannot substantiate.

As noted earlier, the question of determining what constitutes gross violation of the Constitution or gross misconduct is one that clings and hangs on the impeachable authority of the House. It is exercisable in two instances. Firstly, at the point of the approval of the Special Motion for impeachment by the Speaker and at the point of investigations conducted by the relevant committee.

In determining the admissibility of the Motion proposed by the Member, I am required to examine two key issues.

The first issue is whether the proposed Motion meets the requirements of the Constitution and Standing Orders as to form and the threshold required to it. The second issue is whether the grounds as contained in the proposed Motion are admissible.

On the first issue, I note that from a reading of Article 152(6) of the Constitution and Standing Order 66, a proposed Motion by a Member for the dismissal of a cabinet secretary must be supported by at least one-quarter of all Members of the Assembly. A quarter of all the Members of this Assembly is 87.25. In parliamentary practice, a decimal point is rounded off to a whole number. Consequently, the threshold for initiating a Motion for the dismissal of a cabinet secretary is 88 Members of this House.

Standing Order 66 provides that the proposed Motion should be in writing; the proposed Motion should state the grounds and particulars in terms of Article 152(6) of the Constitution upon which the proposed Motion is made. The proposed Motion should be signed by the Member and signed in support by at least one-quarter of all the Members of the Assembly.

Looking at the proposed Motion by the Member, I noted that pursuant to Article 152(6) of the Constitution and Standing Order 66, the Member has stated the grounds and given the particulars under which he proposes the dismissal of the Cabinet Secretary.

Additionally, pursuant to Standing Order 66, the proposed Motion is also in writing and signed by the Hon. Member. Further, under Article 152(6) of the Constitution and Standing Order 66, the Hon. Member has attached a list of the signatures of 110 Members of the National Assembly who have signed the Motion in support.

(Several Members walked into the Chamber)

Members at the back, please take the nearest seats. Hon. Jalang'o, take the nearest seat.

Consequently, I find that the proposed Motion by the Member for Bumula, meets the requirements of Article 152(6) of the Constitution and Standing Order 66 as to form and the threshold required for a Member to move a Motion for dismissal of a cabinet secretary. This settles the First Issue.

Moving to the second issue on the admissibility of the grounds specified in the Motion, under Standing Orders 64(1A) and 66, grounds cited in a Special Motion are admissible if:

- (a) Framed clearly to particularise and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended dismissal;
- (b) they state, with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and;
- (c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.

Article 152(6) of the Constitution provides for three grounds for which a cabinet secretary may be removed from office. These are gross violation of the Constitution or any other law; serious reasons to believe that the cabinet secretary has committed a crime under national law; and gross misconduct. Permit me now to highlight the grounds specified in the Motion for dismissal of the Cabinet Secretary for Agriculture and Livestock Development.

Hon. Members, on the ground of gross violation of the Constitution, the Member for Bumula Constituency has stated as follows in the proposed Motion.

1. That, the Cabinet Secretary has grossly violated the Constitution in particular Articles 2 and 10(1)(c) of the Constitution on national values and good governance for failure to undertake public participation with relevant stakeholders in the implementation of a far-reaching policy decision on the procurement and distribution of fertiliser.
2. That, the conduct of the Cabinet Secretary of approving procurement and distribution of fake fertiliser by the NCPB disclose a gross violation of national values and principles of good governance contrary to Article 10(1)(b) of the Constitution.
3. That, the conduct of the Cabinet Secretary of approving the procurement and distribution of fake fertiliser discloses a gross violation of the Constitution by infringing Article 46 of the Constitution on consumers rights to goods and services of reasonable quality and their protection of health, safety and economic interests.
4. That, the conduct of the Cabinet Secretary of approving the procurement and distribution of fake fertiliser amounts to gross violation of public trust and the Cabinet Secretary failed to demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence and integrity of the office contrary to Article 73(1) of the Constitution.
5. That, the conduct of the Cabinet Secretary of approving the procurement and distribution of fake fertiliser amounts to gross violation of the principles of public finance contrary to Article 201 of the Constitution as public money was not applied in a prudent and responsible way.
6. That, the conduct of the Cabinet Secretary in which he submitted to the Departmental Committee on Agriculture that NCPB signed an agency agreement with 51 Capital Africa Diatomite Industries for supply and distribution of GPC diatomaceous for its commercial function and that the product was not sold as a chemical fertiliser but a soil conditioner was in gross violation of Article 152(5) (a) and (e), (6), (7), (8), (9) and (10) of the Constitution.
7. That, the conduct of the Cabinet Secretary of overseeing the implementation of the budgets of the NCPB under his control for the procurement and distribution of fake fertiliser is a gross violation of values and principles of public service on use of resources efficiently, effectively and economically.

Hon. Members, the proposed Motion also seeks the dismissal of the Cabinet Secretary for Agriculture on the ground of serious reasons for believing that he has committed a crime under national law.

To this end, the Member for Bumula Constituency has stated as follows in the proposed Motion:

1. That, the conduct of the Cabinet Secretary discloses grounds that there are serious reasons for believing that the Cabinet secretary has committed a crime under national law involving offences relating to abuse of office and false claims contrary to sections 100 and 101 of the Penal Code.
2. That, the conduct of the Cabinet Secretary discloses grounds that there are serious reasons for believing that the Cabinet Secretary has committed a crime under national law relating to forgery, uttering false documents and procuring execution of documents by false pretences contrary to Sections 353 and 355 of the Penal Code.

The Member further avers that the Cabinet Secretary is currently under investigation by the DCI following the findings of the court in FPL versus DPP and Three Others: Registrar of Companies and 10 Others 2021 e/<LR and is further facing arrest and prosecution in six pending civil, commercial and family suits.

Hon. Members finally, on the third ground, the Member for Bumula Constituency seeks the dismissal of the Cabinet Secretary for Agriculture and Livestock Development on the grounds of gross misconduct and states as follows:

1. That the conduct of the Cabinet Secretary of getting into public spats with journalists who announced the distribution of the fake fertiliser, discloses the ground of gross misconduct in so far as, as a State officer, he has failed to demonstrate professionalism in carrying out duties of the office and in a manner that maintains public confidence in the integrity of the office contrary Section (11)(a) of the Leadership and Integrity Act Cap 185 (C).
2. That the conduct of the Cabinet Secretary of storming into the manufacturing plants and purporting to be revoking licenses without conducting investigations amounts to gross misconduct in so far as, as a State officer, he has failed to demonstrate professionalism in carrying out duties of the office and in a manner that maintains public confidence in the integrity of the office manner contrary to Section 11(a) of the Leadership and Integrity Act, Cap 185(c).
3. That the conduct of the Cabinet Secretary of approving procurement and distribution of fake fertilisers so far, as a State officer, he has failed to exercise public trust in the best interests of the people of Kenya, amounts to gross misconduct contrary to Section 8 of the Leadership and Integrity Act Cap 185(c).
4. That, the conduct of the Cabinet Secretary of approving procurement and distribution of fake fertiliser in so far as a State officer, he has failed to exercise his duties to the best of his ability and to carry out the duties efficiently, honestly and in a transparent and accountable manner, and amounts to gross misconduct contrary to Section 10(a) and (b) of the Leadership and Integrity Act Cap 185.
5. That the conduct of the Cabinet Secretary of approving the procurement and distribution of fake fertiliser by the National Cereals and Produce Board discloses the ground of gross misconduct in so far as the State officer, has failed to demonstrate professionalism in carrying out duties of the office in a manner that maintains public confidence in the integrity of the office contrary to Section 11(a) of the Leadership and Integrity Act, Cap 185(c).

6. That, the conduct of the Cabinet Secretary of approving the procurement and distribution of fake fertiliser by the NCPB and misleading the public by giving false information to the Departmental Committee on Agriculture that GPC Diatomaceous was distributed as soil conditioner and not fertiliser, amounts to gross misconduct, contrary to Section 29 of the Leadership and Integrity Act, Cap 185.

Hon. Members at the Bar, take the nearest seats.

(Several Members walked into the chamber).

Thank you.

Hon. Members, in addition to the three grounds that I have just highlighted, the Member for Bumula has attached additional background information to further substantiate his stated grounds. Additionally, the Hon. Member has attached a sworn statement in which he avers that all information stated in the proposed Motion is true and correct to the best of his knowledge. Notably, the Hon. Member has also annexed to the proposed Motion evidence and supporting documents contained in five annexes. This includes the response by the Cabinet Secretary to the Departmental Committee on Agriculture and Livestock, correspondences, statements, a court judgement (Hon. FML versus DPP and three others: Registrar of companies and 10 others, 2021 Kenya Law Reports) and submissions by the Kenya Bureau of Standards (KEBS), the Departmental Committee on Agriculture and call logs, among other documents.

Hon. Members, in light of the foregoing, and pursuant to Standing Orders 64 and 66, I am of the considered opinion that the grounds specified for the dismissal of the Cabinet Secretary for Agriculture and Livestock Development, as contained in the proposed Motion:

1. are framed clearly to particularise and disclose a gross violation of the Constitution and other written law, in this case being the Penal Code and Leadership and Integrity Act;
2. state with precision the provisions of the Constitution or other written law, in this case the Penal Code and the Leadership and Integrity Act that are alleged to have been grossly violated, and;
3. are accompanied by necessary evidence, including an exchange sworn testimonies in respect of the allegations.

Consequently, the grounds for dismissal of the Cabinet Secretary for Agriculture and Livestock Development as contained in the proposed Motion comply with the requirements of Standing Orders 64(1)(a) and 66. This also settles the second issue.

In view of the foregoing, I find the proposed Special Motion meets the applicable procedural requirements for it to be admitted to the next stage.

(Applause)

Order. You can cheer after I finish my ruling.

(Laughter)

The feet thumping is an interruption.

In this regard, I note that Standing Order 47(4)(a) provides that a Member shall give notice of Motion in the House within three sitting days, following approval by the Speaker. In the circumstances following my approval of the proposed Motion, I will allow the Member for Bumula to give the notice of Motion for dismissal of the Cabinet Secretary for Agriculture and Livestock Development this afternoon, under Standing Order 6 for Notices of Motion. Once

the Hon. Member gives the notice of the Motion under Standing Order 47(4)(a), the Motion shall proceed to the next stage.

I will now highlight a summary of what is expected of the House once the Member gives the notice of the Motion in terms of timeline. Pursuant to Standing Orders 64 and 66, the House is required to dispose of the Motion within seven days of the Member giving notice under Standing Order 47. In the event the House does not adhere to the timeline, the Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session except with the leave of the Speaker.

Consequently, if the Member for Bumula gives notice of Motion this afternoon, the House has until next week, Tuesday 7th May 2024 to dispose of the Motion. However, noting the House is scheduled to proceed on a one-month recess from Friday, 3rd May 2024, it is advisable that the House disposes of this Motion by Thursday, 2nd May 2024. This shall allow the House to become seized of the matter before proceeding on recess.

Under Article 152(7) of the Constitution, the House becomes properly seized if the Motion is supported by one-third of the Members of the National Assembly. Upon approval of the Motion, the House is required to appoint a Select Committee of 11 Members to investigate the matter. A third of all the Members of the National Assembly, which is 116.3, rounded off to a whole Member, the Motion shall require the support of 117 Members for it to be referred to a Select Committee for investigations.

With regard to the timelines applicable to the Committee, Standing Order 66(5) provides that the Select Committee shall, within ten days, report to the Assembly whether it finds the allegations against the Cabinet Secretary to be substantiated or otherwise. If the Select Committee reports, finds the allegations are unsubstantiated, no further proceedings are taken thereafter. However, if the Select Committee report finds that the allegations are substantiated, the House is required to afford the Cabinet Secretary an opportunity to be heard, and a vote whether to approve the resolution requiring dismissal of the Cabinet Secretary. Pursuant to Article 152(10) of the Constitution, a resolution requiring the President to dismiss a cabinet secretary must be supported by a majority of the Members of the National Assembly, which is 175 Members. A resolution that achieves the required support must be promptly delivered to the President and is bound to dismiss the cabinet secretary in question upon receipt.

Hon. Members, from the foregoing, you will agree with me that once the Member for Bumula gives the notice of Motion this afternoon, the stage shall be set for the House to commence consideration of the Motion. To this end, Members should take cognisance of the constitutional and procedural requirements, the threshold and prescribed timelines at different stages of consideration of the Motion that I have just highlighted to you.

Members at the Bar, take the nearest seats.

(Several Members walked into the chamber)

Hon. Members, I now wish to guide the House as follows:

1. That, the proposed Motion by the Member for Bumula meets the applicable procedural requirements of Standing Orders 64 and 66 for it to be admitted and considered by the House.
2. That, consequently upon the reading of Order No.6 this afternoon, I will permit the Member to give notice of Motion for the dismissal of the Cabinet Secretary for Agriculture and Livestock Development in accordance with the requirements of Standing Order 47(4)(a).
3. That, since today is not a day for debate, in giving notice of the special Motion, the Member shall limit himself to a summary of its content, state the grounds upon which the Special Motion has been made and the names of the Members

who have appended their signatures in support of the Special Motion as required under Article 152 of the Constitution and Standing Order 66.

4. That, the Clerk is hereby directed to publish the Special Motion for dismissal of the Cabinet Secretary for Agriculture and Livestock Development in the Order Paper for Thursday, 2nd May 2024, in the manner contemplated under Standing Order 66(3) for consideration by the House during the morning sitting of that day, which has been agreed upon by the House Business Committee.
The House is accordingly guided. I thank you.

(Applause)

Read out Order No.6.

NOTICE OF MOTION

Hon. Speaker: Member for Bumula.

REMOVAL FROM OFFICE OF CABINET SECRETARY FOR AGRICULTURE AND LIVESTOCK DEVELOPMENT

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Speaker.

Pursuant to the provisions of Article 152(6) of the Constitution and Standing Orders 64(1)(a) and 66, I beg to give notice of a Special Motion for removal of Hon. Franklin Mithika Linturi as the Cabinet Secretary for Agriculture and Livestock Development on the following grounds:

1. Gross violation of provisions of the Constitution or any other law.
2. That, there are serious reasons to believe that the Cabinet Secretary has committed a crime under national law.
3. Gross misconduct. This is in relation to the approval of procurement and distribution of fake fertiliser by the National Cereals and Produce Board and submitting false information to a committee of the National Assembly on the distribution of GPC Diatomaceous, which was distributed as a soil conditioner and not a fertiliser.

(Loud consultations)

Hon. Speaker: Order, Hon. Members.

(Several Members stood up)

Order! It is out of order to be on your feet when the Speaker is on his feet. The House is still in session. Those Members who want to have conversations, there is a lobby and a coffee shop out there, and there are Speaker's rooms behind here where you can go and converse. Let us give the House reasonable silence to hear one another.

Hon. Wanami Wamboka (Bumula, DAP-K): I have particularised each of the grounds and attached evidence to substantiate each claim.

Now, therefore, in accordance with Article 152(6) of the Constitution, this House resolves to recommend to the President to dismiss Hon.

Franklin Mithika Linturi from the position of Cabinet Secretary for gross violation of Articles 10, 46, 75 and 201 of the Constitution; the Leadership and Integrity Act, 2012; the Public Officer Ethics Act, 2003; and for gross misconduct.

Pursuant to Standing Order 66, the following Members, who constitute at least a quarter of the membership of the House, have appended their signatures in support of the notice of the Motion:

1. Hon. Wanami Wamboka
2. Hon. Joyce Kamene
3. Hon. Raphael Sauti Bitta Wanjala
4. Hon. Fatuma Zainab Mohamed
5. Hon. Paul Musyimi Nzengu
6. Hon. James Wambura Nyikal
7. Hon. Gideon Mutemi Mulyungi
8. Hon. Julius Musili Mawathe
9. Hon. Rebecca Noonaishi Tonkei
10. Hon. Pauline Lenguris
11. Hon. Yussuf Mohamed Farah
12. Hon. Dick Maungu Oyugi
13. Hon. Irene Nyakerario Mayaka
14. Hon. Anthony Tom Oluoch
15. Hon. Marianne Jebet Kitany
16. Hon. Beatrice Kahai Adagala
17. Hon. Adams Kipsanai Korir
18. Hon. Parashina Samuel Sakimba
19. Hon. Antoney Kibagendi
20. Hon. Martin Peters Owino
21. Hon. Catherine Wambilianga
22. Hon. Joseph Maero Oyula
23. Hon. Stephen Mogaka
24. Hon. Dorice Donya Aburi
25. Hon. Beatrice Kadeveresia Elachi
26. Hon. Shakeel Shabbir Ahmed
27. Hon. Clive Ombane Gisairo
28. Hon. John Walter Owino
29. Hon. Thaddeus Kithua Nzambia
30. Hon. Elsie Busihile Muhanda
31. Hon. Fredrick Lusuli Ikana
32. Hon. Daniel Ogwoka Manduku
33. Hon. Mohammed Aden Adow
34. Hon. Patrick Simiyu Barasa
35. Hon. Zamzam Mohamed Chimba
36. Hon. David Losiakou Pkosing
37. Hon. Daniel Wanyama Sitati
38. Hon. Gathoni Wamuchomba
39. Hon. Mohamed Soud Machele
40. Hon. Samuel Onunga Atandi
41. Hon. Charles Ngusya Nguna
42. Hon. Mwago Amos Maina
43. Hon. James Opiyo Wandayi

44. Hon. Junet Sheikh Nuh Mohamed
45. Hon. Obadiah Barongo Nolfason
46. Hon. Gertrude Mwanyanje
47. Hon. Geoffrey Makokha Odanga
48. Hon. Khamis Chome Abdi
49. Hon. Erastus Kivasu Nzioka
50. Hon. Sarah Paulata Korere
51. Hon. Kajwang' Tom Joseph
52. Hon. Makali Benson Mulu
53. Hon. Guyo Waqo Jaldesa
54. Hon. Paul Kahindi Katana
55. Hon. Joshua Aduma Owuor
56. Hon. John Mbadi Ng'ongo
57. Hon. Mishi Juma Khamisi Mboko
58. Hon. Hussein Abdi Barre
59. Hon. Innocent Obiri Momanyi
60. Hon. Millie Akoth Odhiambo
61. Hon. Irene Muthoni Kasalu
62. Hon. Patrick Kibagendi Osero
63. Hon. Jerusha Momanyi Mong'ina
64. Hon. Joshua Odongo Oron
65. Hon. Abubakar Ahmed Talib
66. Hon. Florence Jematiah Sergon
67. Hon. John Okwisia Makali
68. Hon. Mangale Chiforomodo
69. Hon. Jematiah Sergon
70. Hon. John Makali Okwisia
71. Hon. Chiforomodo Mangale Munga
72. Hon. Geoffrey Ekesa Mulanya
73. Hon. Timothy Kipchumba Toroitich
74. Hon. Eckomas Mwengi Mutuse
75. Hon. Gideon Kimaiyo Kipkoech
76. Hon. Victor Kipnetich Koech
77. Hon. Catherine Nakhabi Omanyoo
78. Hon. Jeptoo Ng'elechei Caroline
79. Hon. Stephen Mule
80. Hon. Leah Sankaire
81. Hon. Peter Nabulindo
82. Hon. Mumina Bonaya Gollo
83. Hon. David Mboni
84. Hon. James K'Oyoo
85. Hon. Charles O. Were
86. Hon. Rashid Juma
87. Hon. Bashir Abdullahi
88. Hon. Abdi Ali
89. Hon. Tungule Kazungu
90. Hon. Gonzi Rai
91. Hon. Harrison Kombe
92. Hon. Timothy Wanyonyi
93. Hon. Haika Mizighi

94. Hon. Fatuma Jehow
95. Hon. Kakuta Maimai
96. Hon. Nabwera Nabii
97. Hon. Innocent Mugabe
98. Hon. Christine Ombaka
99. Hon. Kitilai ole Ntutu
100. Hon. Joshua Mwalyo
101. Hon. Githua Wamacukuru,
102. Hon. Mark Mwenje, our Minority Whip
103. Hon. Geoffrey Ruku
104. Hon. Mary Emaase
105. Hon. Eve Obara
106. Hon. Otiende Amollo, SC
107. Hon. Peter Orero
108. Hon. Babu Owino
109. Hon. Joyce Bensuda Osogo
110. Hon. Amina Mnyazi
111. Hon. Adipo Okuome
112. Hon. Johnson M. Naicca
113. Hon. Umulkher Harun.

Hon. Speaker, I received even more signatures.

Thank you.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much, Hon. Speaker. This afternoon, I stand before this House a very happy man. Today you have made history. You have put this House on the pedestal of a transformative institution; an institution that adheres to the rule of law and constitutionalism.

Hon. Speaker, under Article 152, this Motion by Hon. Jack Wamboka is the last resort that the people of this country, through their elected leadership can take as a way of holding to account those that have been put in service of the nation.

Hon. Speaker: Order Hon. Wandayi, you are anticipating debate.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I just want to thank you very much.

Hon. Speaker: That is more than thanking the Speaker.

Hon. Opiyo Wandayi (Ugunja, ODM): I also would like to appeal to my colleagues to turn out in their large numbers. We want this House on Thursday to be full to the brim so that we can speak in one accord and in one voice in defence of the defenceless Kenyan citizens.

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

Hon. Speaker: Hon. Wandayi is on a point of order.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. I thought the Leader of the Minority Party just wanted to thank you, not to appeal to us to do an oversight role which is guaranteed under Article 95 of the Constitution. We are aware about that particular provision. So, there is nothing to appeal to any of us here. We will play our role when that Motion is presented here. I can assure him that there is nothing to appeal to us when it is a constitutional requirement for us.

Hon. Speaker: I have already cautioned him. He was touting and soliciting.

Hon. Members, take your seats. We will go to Order No.8 before we come back. Let us put the Question to Order Nos.9, 10 and 11.

PROCEDURAL MOTION

RESOLUTION TO HOLD A THURSDAY MORNING SITTING

Hon. Speaker: Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(c), this House resolves to hold a Morning Sitting on Thursday, 2nd May 2024, commencing at 10.00 a.m. for purposes of considering priority business ahead of the long recess.

Hon. Speaker, I am sure Members will note I have amended the 9.30 a.m. that was published in the Order Paper as agreed by the House Business Committee this morning, that we begin the Sitting at 10.00 a.m. The reason for having the Thursday Morning Sitting, as you have ably communicated and following the Notice of Motion by Hon. Wanami Wamboka, is that the Motion is time-bound, and therefore, we must dispense with it by Thursday.

Also, considering that we are losing a Sitting tomorrow afternoon, it is important that we compensate that Sitting with a Thursday Morning Sitting. Allow me to plead with all the Members to be available on Thursday 9.55 a.m. for the House to sit from 10.00 a.m. to consider the business that will be on the Order Paper, including that Motion for impeachment of a Cabinet Secretary, which is time-bound. Therefore, I want to ask Members to be available on Thursday. It is also our last sitting day before the long recess, which is a long working recess. Therefore, it is important that we are here in time.

With that, I beg to move and request the Leader of the Minority Party to second.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I rise to second the Motion as moved by the Leader of the Majority Party. Since tomorrow is a public holiday, we need to recover the day we shall have lost tomorrow. More importantly, there are businesses before us that we need dispensed with. We need to dispense with certain businesses before we go on the one-month recess. Top on the agenda is the Motion by Hon. Jack Wamboka where we need to pronounce ourselves as a House the earliest possible time on Thursday before we can adjourn for the long recess.

Secondly, is the IEBC Amendment Bill, which is one of the NADCO Bills that are being processed by Parliament. Hon. Speaker, this morning, we had a session with you, under your able chairmanship and we were able to thrash out some of the sticky issues surrounding that Bill, save for basically one small issue that we shall be dealing with in the course of time between now and Thursday morning. We should, therefore, dispense with that Bill on Thursday at the Committee of the whole House so that the Senate can be seized of it for us to have in place a working, functional IEBC in the shortest time possible.

Therefore, it is for us to support this Motion so that we sit on Thursday morning. Even though we have agreed on Thursday at 10.00 a.m., let us try to be here as early as 9.30 a.m., so that we can deal with these issues properly, Hon. Members. This is a historic moment; you never get it easily. A whole term of Parliament can go without you getting an opportunity to deal with a Motion such as the one presented by Hon. Jack Wamboka.

Thank you very much, Hon. Speaker. I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Leader of the Majority Party, I believe you moved the Motion in the amended form.

(Question put and agreed to)

MOTION

CONSIDERATION OF REPORT ON SENATE AMENDMENTS TO THE WATER (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Senate amendments to the Water (Amendment) Bill (National Assembly Bill No.33 of 2023).

(Moved by Hon. Owen Baya on 25.4.2024)

(Resumption of consideration interrupted on 25.4.2024)

(Loud consultations)

Hon. Speaker: Order, Members on their feet. Take your seats. Order, Hon. Haika. Take the nearest seat.

(Question put and negatived)

(Laughter)

MOTIONS

PROVISION OF SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES

THAT, aware that, Article 21(3) of the Constitution provides that all State organs have the duty to address the needs of vulnerable groups within the society; further aware that the persons with severe disabilities cash transfer programme (PWSD-CT) is one of the four cash transfer programmes implemented by the Government as part of the overall social protection interventions; noting that caregivers undertaking the immense responsibility of providing daily care and assistance to persons with severe disabilities (PWSD) are oftentimes the immediate family members of the PWSD; concerned that, this causes a disproportionate burden on these families as persons who would otherwise be engaged in gainful employment or other activities to provide for the families are limited by these immense responsibilities; further concerned that, this loss of income opportunities and resources exacerbates the challenges faced by these families; cognisant that, the Government ought to take action to recognise the invaluable contributions of caregivers and support them in caring for individuals with severe disabilities; now therefore, this House resolves that the Government, through the Ministry of Labour and Social Protection, recognises primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for these primary caregivers.

(Moved by Hon. Dorothy Muthoni on 13.3.2024 – Morning Sitting)

(Debate concluded on 17.4.2024 – Morning Sitting)

(Loud consultations)

Hon. Speaker: Order, Members on their feet. Take yours seats. Member for Bumula Constituency, take the nearest seat.

(Question put and agreed to)

ESTABLISHMENT OF PRIORITY BOARDING
PROTOCOL FOR KDF PERSONNEL

THAT, aware that, Article 239 provides for the National Security Organs, including the Kenya Defence Forces; further aware that, the Kenya Defence and Kenya Special Forces play an indispensable role in promoting and safeguarding national security in accordance with the Constitution; recognising that, members of the Forces face life-threatening risks as they carry out their duties to protect our citizens, particularly in high-risk and volatile areas; noting that there is currently no token of appreciation for the remarkable dedication, service and sacrifices made by the Kenya Defence and Special Forces; acknowledging that it is important to accord special privileges and honours to our military and veteran personnel, akin to the practice observed in other countries including being allowed to access services like banking hall and boarding of flights ahead of the general public; further acknowledging that this practice would not only instill a sense of pride among the Kenya Defence and Kenya Special Forces personnel, but also enhance their morale and motivation, thereby boosting their performance and commitment to our national security; cognisant of the fact that there exists no national policy or framework to facilitate the implementation of such a practice; now therefore, this House urges that the National Government, through the Ministry of Roads and Transport, encourages local airlines to establish a priority boarding protocol for the Kenya Defence and Kenya Special Forces personnel which grants them the privilege to board local aircrafts before the general public.

(Moved by Hon. Ruweida Mohamed on 24.4.2024 – Morning Sitting)

(Debate concluded on 24.4.2024 – Morning Sitting)

Hon. Speaker: Order, Members on their feet. Take the nearest seats.

(Question put and agreed to)

We will now go back to Order No.7. Let us have Hon. Marianne Kitany.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENTS

DELAY OF MAENDELEO YA WANAWAKE ELECTIONS

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the delay of the Maendeleo ya Wanawake elections.

Maendeleo ya Wanawake is an NGO that deals with women's rights issues and gender equity in the country. The organisation plays a critical role in advocating for the equality and empowerment of women. Maendeleo ya Wanawake's management decided to postpone this year's elections until 2028, citing challenges related to the COVID-19 pandemic.

Consequently, an election board had been constituted to oversee preparations for the next election. The Non-Governmental Organisations Co-ordination Act mandates that a non-governmental organisation operates within its framework, under the supervision of the NGO Co-ordination Board. Elections are a very important aspect of such an establishment, and they signify adherence to the basic values of democracy and good governance.

Hon. Speaker, it is against this background that I request a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Aware that the effects of the COVID-19 pandemic are now under control, what plans does the Maendeleo ya Wanawake have to call for elections at the earliest feasible date?
2. What mechanisms are in place to ensure NGOs adhere to the existing Act?

Hon. Speaker: Thank you, Hon. Marianne. Chairperson, Hon. Tongoyo, are you in the House?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, Hon. Speaker.

Hon. Speaker: You should have a response in the first week after recess.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I wish to seek your guidance. I have keenly listened to the request, and I am a bit worried that it might fall under a different committee, perhaps one that deals with matters of gender.

Hon. Speaker: Hon. Marianne, have you not misdirected your request? What does Maendeleo ya Wanawake have to do with the Departmental Committee on Administration and Internal Security? Is it a national security threat? Why did you not direct it to the committee that deals with gender issues?

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, Maendeleo ya Wanawake is an NGO that is guided by the NGO Co-ordination Act. That is the reason why I have requested a Statement from the Departmental Committee on Administration and Internal Security.

Hon. Speaker: I see your point. I am satisfied. Hon. Tongoyo, you should submit a response within the first week after recess. The NGO Co-ordination Board is under your docket.

Hon. Gideon Mulyungi.

CIRCUMSTANCES SURROUNDING THE DEATH
OF BENJAMIN MWANIKI KATHENGU

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, pursuant to Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the death of Mr. Benjamin Mwaniki Kathengu.

On January 8, 2024, Mr. Benjamin Mwaniki Kathengu of ID No.10360586 was brutally murdered within the confines of his home in Hola, Tana River County, under unclear circumstances.

The family subsequently filed a report at Hola Police Station on 9th January 2024, under OB No.32/9/01/2024. Sadly, the family has yet to receive updates regarding the progress of investigations. The lack of information exacerbates the grief experienced by the immediate family that is further burdened by the unresolved circumstances surrounding Mr. Kathengu's tragic demise.

Hon. Speaker, it is against this background that I request a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. What is the status of investigations into the circumstances that led to the death of Mr. Benjamin Mwaniki Kathengu in his house on 8th January 2024?
2. What measures has the Ministry of Interior and National Administration put in place to ensure that the deceased's family gets justice following the murder of their kin?

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo, give the response the first week after recess.

Hon. Gabriel Tongoyo (Narok West, UDA): I am guided.

Hon. Speaker: Thank you. Next is a response to a statement by Hon. George Murugara about the mysterious death of Ms. Peris Karimi Mugeru. Hon. Tongoyo, do you have the response?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes. I have two responses: one for Hon. Murugara, and another for Hon. Keynan.

Hon. Speaker: Start with Hon. Murugara's response.

STATEMENTS

MYSTERIOUS DEATH OF PERIS KARIMI MUGERA

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. Following your guidance, I will begin with a statement that Hon. Murugara has requested. The Member for Tharaka Constituency, Hon. George Murugara, had requested a Statement regarding the mysterious death of Ms. Peris Karimi Mugeru of Tharaka-Nithi County. The Member requested information on the following issues:

1. The status of the investigation into the disappearance and mysterious death of Ms. Peris Karimi, including the identity of the killers and their motive.
2. Steps the Government has taken to ensure that all the perpetrators of the disappearance and death of the said person are brought to justice for prosecution.
3. The Government has taken action to ensure that Ms. Peris Karimi's family is protected from threats by people likely to be associated with the death.
4. The measures that the Government has put in place to ensure the safety and right of expression of all Kenyan political bloggers are protected.

Ms. Peris, who was 38 years old and a mother of two, left her home on February 29, 2024, at about 1.00 p.m. and did not return. Subsequently, her daughter, Shavi Mukami, aged 15 years, reported her disappearance at Chuka Police Station on March 4th at around 10.30 a.m. via OB No.36/43/2024.

Preliminary investigations indicated that her phone was switched off on February 29th. The signal was last traced on March 1st, 2024, at around 1.00 a.m. at a place called Difathas, towards Nairobi from Embu. Unfortunately, on March 1st, 2024, a body was discovered along

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the Makutano-Sagana Highway in Kirinyaga County. A member of the public reported it to Kiamaciri Police Station via OB No.313224 at around 10.30 a.m. Kiamaciri police officers collected the body and moved it to the mortuary at Kerugoya Referral Hospital.

On March 8th, the deceased's relatives positively identified the body and recorded it at Chuka Police Station via OB No.4383224 at around 3.10 p.m. The Kerugoya County Referral Hospital conducted the post-mortem on March 14th. The cause of death was indicated to be a severe head injury. Further samples were collected from the body for toxicological analysis, whose results are still pending.

Investigations are still ongoing with the goal of not only identifying her killers, but also bringing them to court to face the law. The motive for the killing is also yet to be known. Unknown cellphone contacts are being analysed, and several statements have so far been recorded from unknown friends and the last person who saw her alive. The statements are being analysed with a view to identifying and prosecuting perpetrators. The investigation process is a joint effort of the National Police Service (NPS) and the family members whom the police officers have worked closely with since the time her disappearance was reported. So far, no threat has been reported, through any mode that is directed at any of the family members. The Constitution guarantees the right of expression to all Kenyans, without any form of discrimination, irrespective of their political, social, economic, or any other status.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Murugara, I believe you have heard the response.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. I had a glimpse of the response, and I have also listened to it. The only issues that remain outstanding are timeliness and analysis of the telephone contacts of the last person who was with Ms. Peris. There is need to speed up because there is a lot of anxiety in the family and county. Everybody is concerned because this poor lady died a miserable death, and those who killed her are walking around scot-free. So, I require a little bit of guidance on the timelines we have.

Hon. Speaker: Hon. Tongoyo, *mtawashika lini?*

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I really appreciate his concern. However, we should also appreciate that the majority of these deaths are complex in nature. Our investigative officers need a little bit of time to get deeper into the real cause of all these problems. I can assure the Member, her family, and the rest of Kenyans that our officers are really up to the task, and they will know who killed this innocent lady. I am asking for a little bit of patience as our officers carry out their duty.

Hon. Speaker: He has talked about timelines. Will the officers find out about the killers in a week, two weeks, or three weeks?

Hon. Gabriel Tongoyo (Narok West, UDA): It is hard for me to say that with certainty, taking into account the complexity of this case. However, the forensic investigators are taking samples. I discussed this with the Member, but I will still do my best to try to speed up the investigation.

Hon. Speaker: Next, it is you again in response to a request by Hon. Adan Keynan regarding the disappearance of Mr. Omar Mahamed Nur.

DISAPPEARANCE OF OMAR MAHAMED NUR

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I am responding to the Statement that Hon. Adan Keynan requested.

The Member for Eldas Constituency, Hon. Adan Keynan, had requested a Statement regarding the disappearance of Mr. Omar. On March 30th, at around 9.22 p.m., Mr. Hamad Omar, a resident of Wajir County, reported the disappearance of his father, Mr. Omar Mahamed, at Marsabit Police Station, OB No.13300324. He is 65 years old and a resident of

Eldas Sub-County, Wajir County. On March 25th, 2024, he left his home to search for his missing camel, last seen in Shur, Marsabit North Sub-County. A white landcruiser later picked him up in Shur Location. His phone has since been turned off. When he went missing, his general description was a brown complexion with no beards and a clean-shaved head without a headdress. He was wearing a white kanzu on the date of his disappearance. The case is under investigation.

The following measures have been put in place to trace the whereabouts of Mr. Omar:

1. Circulating details of the missing person.
2. Obtaining information from members of the public and analysing it for the purposes of investigations.
3. Conducting a physical, detailed search and tracing the place he was last seen.

Hon. Speaker, we have implemented the following measures, among others, to ensure the safety of not only businesspeople but also the general public: We have enhanced the deployment of police officers throughout the country; sharing information regarding the missing person with members of the public; enhancing the capacity of police officers to deal with contemporary and organised crimes; the presence of specialised units, for example, the General Service Unit (GSU), the Directorate of Criminal Investigations (DCI), and the Quick Response Unit (QRU); and working in partnership with members of the public to effectively manage crimes. The Member can confirm there are units formed in that area. We are also planning decisive operations and mapping out emerging hotspot areas.

We are enhancing the coordination, command, and control of multi-agency security teams; deployment of specialised equipment and motor vehicles to security agencies; engagements of opinion leaders in the communities; recruitment, training, and deployment of National Police Reservists (NPR); enhanced community policing programmes; sustaining high-level political engagements; ensuring the use of alternative dispute resolution mechanisms; fast-tracking of appointments and the deployment of administrative officers to fill the vacant administrative units; and fast tracking and enhanced implementation of socio-economic programmes. The document bears the signature of Kithure Kindiki, the Cabinet Secretary for Interior and National Administration.

Hon. Speaker, we have had a lot of cases of missing persons in the last several months. Hon. Members, I can confirm that our police officers are trying their best and working around the clock to do what is required of them. I have not spoken to the Hon. Member again.

Lastly, in Tana River, about four people or more had disappeared, but in the course of investigating and searching, they were found. Even in this case, I pray that our police officers will keep searching and get help from the community so they can trace these missing people.

Hon. Speaker: Hon. Keynan, do you have anything to say?

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. While I really appreciate the response by the Chairperson, most of the answers he has given are futuristic. This person has been missing since March 30th, 2024. He has alluded to the fact that there are many people who will still go missing. However, the circumstances in this case are different because we reported to the DCI Office in Marsabit and were given lead information. They are yet to apprehend any of the individuals and suspects who were named by the people with information. The DCI Office in Marsabit has not been responsive on this particular issue.

As far as the public in that region is concerned, there must be particular information they are hiding from them. I understand the difficulties in his response because he is just a messenger. He has been given information by the Cabinet Secretary for Interior and National Administration to bring to Parliament. I understand the limitations and difficulties, but this answer does not address anything at all. If anything, it is futuristic. It talks about reigning in the Kenya Police Reserve (KPR) and filling vacancies in administrative units, which is

extremely good because we need them. However, this person is missing, and no efforts have been made other than reporting. The investigative office in that particular area has not responded. In fact, when we questioned them, they stated they would provide advice, but this is not a response.

Hon. Speaker, as I conclude on this matter of disappearances, this Government has taken a public position that the era of what used to happen will end. I hope we will not see the same happening through the backdoor in another name of missing persons. If there are criminal elements, the law is very clear; let them be investigated, arrested, arraigned in court, prosecuted, and jailed. That is the procedure, and that is what our criminal justice system demands. This issue has been going on and is rampant in pastoral communities, like where the Chairperson and I come from. I request that the Chairperson asks or directs the DCI Office in Marsabit to urgently follow the leads given and apprehend the accomplices who are known.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo, answer that.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I agree with the senior Member. I said earlier that the issue of security, especially in this case of disappearing Kenyans, can be of great help. They can help the police with very important leads. I agree, but I also challenge the Member that, if by any chance he has important information that can help the police officers, he can as well present it forward.

Hon. Speaker: Hon. (Dr) Rachael Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Speaker, for giving me a chance to comment on this. I was present in this House when Hon. Murugara and Hon. Keynan raised their respective questions. While we appreciate the Chairperson's response from the Cabinet Secretary, we are concerned about our police officers' ability to locate and identify the culprits.

For example, in the first incident, he told us where the phone signal was last located although in the second incident, there was no such finding. In this House, we have not heard anyone talk about the use of deoxyribonucleic acid (DNA), as is the norm in other jurisdictions. If someone is killed and the corpse is found, is the technology used in other countries available to our police officers? Can this Committee guarantee adequate equipment for our police officers, enabling them to solve crimes similar to those in other countries?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Zamzam, do you also want to hang on this?

Hon. Zamzam Mohammed (Mombasa County, ODM): Yes.

Hon. Speaker: Go ahead.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Spika, kwa kunipatia hii fulsa ili niweze kutoa mchango wangu. Swala ambalo Mhe. Keynan alileta limekuwa donda sugu. Kila wakati vijana wanapotea, na hatujui vipi. Mombasa tumepoteza watoto wengi sana, na kila tukienda kufuatilia uchunguzi, hatupati njia mwafaka. Kawaida wakija kuwachukua, huwa wanajitambulisha kama maafisa wa Serikali. Lakini wakati ambapo tunaanza kufuatilia tujue hao watoto wako wapi, kila mmoja anakwepa.

Kama wazazi na viongozi wa *North Eastern* na Mkoa wa Pwani, tuna wasiwasi sana vijana wetu wakipotezwa. Kwa hivyo, ningependa kumuelezea Mhe. pamoja na Waziri wakae na waangalie mambo haya ambayo yanatamausha sana. Ikiwa mtu amekosea, basi sisi tunaomba vyombo vya usalama wanapomshika wampeleke kortini afanye kesi. Ikiwa anayo hatia, basi afungwe, na sisi tutaridhika. Lakini, watoto kupotezwa hivi hivi, imetuuma sana na mimi ninaomba jambo hili lifuatiliwe kwa kina.

Asante sana, Mhe. Spika.

Hon. Speaker: Hon. Tongoyo address those concerns.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I understand the feelings and concerns of Hon. Members because we are all affected. This is happening not only in Hon. Keynan's area, but throughout the country. I want to assure Hon. Members and the public that our police officers, especially investigative agencies, are well equipped. I want to give assurance that we have a forensic laboratory where DNA and other tests are undertaken. It is state-of-the-art, and if any member has the opportunity, they can visit. Our officers are well equipped and have the modern technology to carry out investigations. I challenge all of us to remember that security starts with you and me. Let us, as leaders and citizens, take responsibility for helping our police officers in such situations.

Hon. Speaker: Next is the Chairman of the Departmental Committee on Environment, Forestry and Mining. Is he here?

Hon. Owen, who is the Chairman?

Hon. Owen Baya (Kilifi North, UDA): Hon. Kangogo Bowen is the Chairman.

Hon. Speaker: I thought Hon. Kangogo was the Chairman of the Departmental Committee for Blue Economy and Irrigation. Who is the Chairman? Hon. Titus Lotee, are you standing in for him?

Hon. Titus Lotee (Kacheliba, KUP): I am standing in for him.

Hon. Speaker: Do you have the Statement?

Hon. Titus Lotee (Kacheliba, KUP): Yes.

Hon. Speaker: Is Hon. Lekuton in the House?

An Hon. Member: Yes.

Hon. Speaker: Go ahead.

GOVERNMENT PREPAREDNESS IN CURBING THE IMPACTS OF CLIMATE CHANGE IN NORTHERN KENYA

Hon. Titus Lotee (Kacheliba, KUP): Hon. Speaker, the Cabinet Secretary has noted that climate change is here with us and the impacts are poised to worsen.

Africa is identified as one of the most vulnerable continents to climate change. This is due to the frequency and intensity of extreme weather events such as droughts, floods, and other pre-existing vulnerabilities, such as high levels of poverty and significant ongoing fiscal challenges.

Kenya is highly vulnerable to climate change. The Kenyan economy is particularly vulnerable to climate change because:

1. Its dependence on natural resources, such as water for energy and food,
2. The country's exposure to climate-sensitive sectors includes agriculture, tourism, and wildlife, among others.

Furthermore, the repeating patterns of floods and droughts in Kenya have had devastating socioeconomic impacts and high economic costs.

The Cabinet Secretary provided the legal and policy frameworks whose goals are to promote climate-resilient development. We achieve this by pursuing several objectives, which include providing an effective and efficient institutional framework for mainstreaming climate change, reducing vulnerability and catalysing the transition to climate-resilient development, incentivizing private sector involvement, and establishing a framework for resource mobilisation to support adaptation. They include:

1. National Climate Change Response Strategy, 2010;
2. National Policy for the Sustainable Development of Northern Kenya and Other Arid Lands, 2012
3. National Climate Change Action Plans, 2013-2017, 2018-2022, and 2023-2027;
4. National Adaptation Plan 2015–2030;

5. Second National Communication to the UNFCCC, 2015;
6. Climate Change Act, 2016.
7. The National Drought Management Authority Act, 2016
8. Climate Risk Management Framework, 2017;
9. Kenya Climate-Smart Agriculture Strategy, 2017-2026;
10. Kenya Climate-Smart Agriculture Implementation Framework Programme, 2018-2027;
11. National Climate Change Framework Policy, 2018
12. National Biodiversity Strategy and Action Plan, 2019–2030;
13. Nationally Determined Contribution, 2020, and
14. Guidance on Climate-Related Risk Management, 2021.

The Cabinet Secretary noted that the Ministry, through engagement with development partners, is implementing several projects and programmes. They target building resilience in communities and the ecosystem as well as abating and reducing greenhouse gas emissions. A few of these projects and programmes include the following:

1. The Ecosystem Restoration Towards a 15 Billion Tree Growing Programme: This program will help the country sequester carbon dioxide and enhance ecosystems that are critical for community resilience.
2. Financing Locally Led Climate Action, which is building the resilience of the local communities in 45 counties.
3. Strengthening Drought Resilience among Smallholder Farmers and Pastoralists in the IGAD Region, which is supporting resilience building in Samburu and Kitui Counties as a pilot programme, among others.

The Cabinet Secretary further stated that, in collaboration with other MDAs, the Ministry has been assisting all sectors in mainstreaming climate action in sector plans.

The following are climate projects under the State Department for Livestock:

1. The De-Risking, Inclusion, and Value Enhancement (DRIVE) for Pastoral Economies Project: The DRIVE Project is a five-year regional project covering Djibouti, Ethiopia, Kenya, and Somalia. The World Bank Group and participating countries are jointly funding this project.
2. TWENDE: Towards Ending Drought Emergencies: Ecosystem-Based Adaptation in Kenya's Arid and Semi-Arid Rangelands: This is a five-year Green Climate Fund (GCF)-funded project that started in 2019. The Government of Kenya (GoK) implements the project through the Ministry of Agriculture and Livestock Development (State Department for Livestock Development), the National Drought Management Authority (NDMA), and Conservation International (CI). The main beneficiaries are pastoralists in 11 of Kenya's Arid and Semi-Arid (ASAL) counties. They are: Garissa, Tana River, Isiolo, Marsabit, Samburu, Kajiado, Kitui, Makeni, Tharaka-Nithi, Meru, and Taita Taveta. The total project cost is US\$ 34.5 million.

The other project is the Regional Pastoral Livelihoods Resilience Project (RPLRP-Kenya). The Ministry of Agriculture, Livestock, and Fisheries funds this project, leading the World Bank-aided initiative. This project is done in select counties to improve the capacity of the selected counties, including the semi-arid lands.

The following are the projects under the National Drought Management Authority (NDMA):

1. Towards Ending Drought Emergencies (TWENDE), which is implemented jointly with the Ministry of Agriculture, Livestock, and Fisheries;

2. The Dryland Climate Action for Community Drought Resilience (DCADR) Project is aimed at improving livelihoods and climate adaptation in arid lands. It started in January 2023.
3. The National Drought Emergency Fund (NDEF) has been set up and operationalized as a government instrument for financing drought risk management. The government so far has put in Ksh555 million, including Ksh200 million in FY 2021/2022, followed by Ksh325 million in FY 2022/2023, and Ksh20 million during FY 2023/2024.

Of these monies, 50 percent have gone to the sector of drought preparedness and resilience; 40 percent to the drought response; five percent to drought recovery; and three percent to administrative costs.

The Government, through the Ministry of Blue Economy and Irrigation, has undertaken the following five major water projects in the concerned areas: the Chemususu Dam Water Supply Project in Baringo County; Yamo Dam in Maralal; and the Groundwater Mapping Programme and Sustainable Development of Lake Turkana and its River Basin.

In total, the government has pumped Ksh474,267,000 to orphans and vulnerable children, older persons, and persons with severe disabilities in 15 ASAL counties.

Signed by the Cabinet Secretary, Ms. Soipan Tuya.

Thank you.

Hon. Speaker: Hon. Lekuton, is that okay? Kindly give him the microphone.

Hon. Joseph Lekuton (Laisamis, UDM): Thank you, Hon. Speaker. I thank the cabinet secretary for a very detailed and informative answer. I would, however, like to better understand the issue of climate change and pastoralists. For the last 10 or 15 years, there have been policies that target pastoralists for various livelihood changes because of the loss of their livestock. As pastoralists, we have not seen much change with any of those programmes. My supplementary question is, therefore, based on the answer on Page Four in the body of the paper about TWENDE: Towards Ending Drought Emergencies: Ecosystem-Based Adaptation in Kenya's Arid and Semi-Arid Lands. This programme was started in 2019 and should end in 2024. As I said before, we are very sceptical of these climate change resilience programmes. Therefore, I would like to ask the Cabinet Secretary's representative a question: according to the provided information, I understand that you are working on successful ecosystem projects from 2019 to 2024. Given that every study involves a mid-term review of each project, could you provide a single case study of a successful or nearly completed ecosystem project within pastoralist communities?

Hon. Speaker: Yes, Hon. Lotee. Can you give me one?

Hon. Titus Lotee (Kacheliba, KUP): Thank you, Hon. Speaker. The Cabinet Secretary has categorically stated that Garissa, Tana River, Isiolo, Marsabit, Samburu, Kajiado, Kitui, Makueni, Tharaka Nithi, Meru, and Taita Taveta Counties have received a total of US\$34.5 million in response to the TWENDE Programme. Because of the volumes of those documents, I beg that one of those case studies be presented to the Member for purposes of his question.

Thank you.

Hon. Speaker: Thank you.

Member for Turkana South Constituency, Hon. Ariko.

REQUEST FOR STATEMENT

ABDUCTION OF SAMMY EKITELA

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Speaker, for giving me this second opportunity to read this Statement.

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Hon. Speaker: Apologise to the house for not being here when I called it out. I had called this Statement earlier...

Hon. John Namoit (Turkana South, ODM): Hon. Speaker, I apologise for coming in late.

Hon. Speaker: When you have a statement, you must be in the House in good time. I am just accommodating you out of...

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Speaker.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the abduction of Mr. Sammy Ekitela of ID No.32872871 at Cherinas Hotel in Turkana Central by known persons.

Mr. Sammy Ekitela, a constituency manager for Turkana South Constituency, an office funded by funds appropriated by Parliament, was reported missing on April 29th, 2024, under OB No.02/30/4/24 at Lodwar Police Station. As he was leaving the hotel, known persons abducted Mr. Sammy Ekitela from the parking lot. During his abduction, three individuals in his company sustained injuries and are currently receiving treatment at the Lodwar County Referral Hospital. Further, valuables of unknown amounts were also lost in the process. Efforts by his family to establish his whereabouts have borne no fruit, subjecting his family to mental anguish and uncertainty regarding his well-being.

The Turkana County Governor has been making public statements at public gatherings, posing an insecurity to people with divergent political views. This intolerant political warfare has not been given befitting attention by the Turkana security authorities, and no efforts have been made to have the governor record statements over his utterances. Lodwar Town, parts of Turkana South, and Loima Constituency have been experiencing recurring insecurity incidents, yet the authorities have taken minimal action against those responsible.

On October 13th, 2023, during the Tobong' Lorre Cultural Festival, an attack targeted the convoy of Rt. Hon. Raila Amolo Odinga and the Turkana South Constituency Coordinator. These attacks pose threats to my security and that of my family.

Hon. Speaker, Article 29 of the Constitution provides for the right of every person to freedom and security. This includes the right not to be deprived of freedom without just cause and the right not to be detained without trial.

Against this background, I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. What is the status of the investigation into Mr. Sammy Ekitela's abduction?
2. Could the Chairperson update us on the progress of the investigation into the attacks on Hon. Raila Amolo Odinga and the Turkana South Constituency Coordinator during the Tobong' Lorre Cultural Festival?
3. What steps has the Ministry taken to guarantee Mr. Sammy Ekitela's reunion with his family?
4. What measures has the Government put in place to apprehend the perpetrators?
5. Could the Chairperson explain measures being put in place to ensure the safety and security of people living and working in Turkana South, particularly in light of recent incidents?
6. What is the status of my request for National Police Reservists to serve as my additional security?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ariko.

The Chairman of the Departmental Committee on Administration and Internal Security? The Deputy Leader of the Majority Party, Hon. Owen, told Hon. Tongoyo to bring a response in the first week after recess. I thought he was here a few minutes ago.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I am guided.

Hon. Speaker: Hon. Members, before we go to the next order, allow me to acknowledge Bishop Njiru Girls' Kangeta from Igembe Central Constituency, Meru (I hope they are still in the public gallery; wametoka?); and St. Mary's Sosio Girls High School from Kimilili in Bungoma County.

(Applause)

Even if they have gone, we welcomed them when they were in the House of Parliament. Thank you.

Clerk-at-the-Table, go back to Order No.5. Call it out so that I can give the Leader of the Majority Party an opportunity.

PAPERS

Hon. Speaker: Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. It is very important that we lay this Paper because it is time bound.

Hon. Speaker: It is time bound. I am aware.

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

1. Budget estimates for the Financial Year 2024/2025 and Medium-Term for the National Government from the National Treasury, which includes;
 - (a) Financial Year 2024/2025 Programme Based Budget;
 - (b) Financial Year 2024/2025 Estimates for Recurrent Expenditure Volumes I and II;
 - (c) Financial Year 2024/2025 Estimates of Development Expenditure Volumes I, II and III;
 - (d) List of projects for the Financial Year 2024/2025 and the Medium Term;
 - (e) The Budget summary for the Fiscal Year 2024/2025 and the supporting information;
 - (f) Estimates of revenue grants and loans of the Government of Kenya for the FY 2024/2025. (vii) Annex of the estimate of revenue and expenditure for state corporations of the Government of Kenya for the Financial Year ending 30th June 2025, and
 - (g) Financial statements for the fiscal year 2024/2025.

With the laying of these Papers, the budget cycle begins. I thank you, Hon. Speaker.

Hon. Speaker: Hon. (Dr) Oundo, is it about the same?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, it is just a follow-up on Questions and Statements. Sorry to take you back. We seem to have a backlog of Questions directed to the Cabinet Secretaries to answer here. I have Questions from the other Session. I have resubmitted close to five or so to the Ministry of Water, Sanitation and Irrigation, the Ministry of Public Service, Performance and Delivery Management, and the Ministry of Roads and Transport. Is it possible you could order or instruct the Leader of the Majority Party to ensure that when we resume after the long recess, they prioritise Questions that have been pending for far too long? We are trying to avoid putting chairpersons of the departmental committees under unnecessary scrutiny because they cannot answer rejoinder questions. If that is the case, we might have to go back to the old system of requesting Statements and asking Questions through the committees. Probably through them, we can have the Cabinet Secretaries and the Principal Secretaries respond to the Questions.

Thank you, Hon. Speaker.

Hon. Speaker: This is noted. We will do exactly as you have requested.
Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(Senate Bill No.9 of 2022)

The Temporary Chairlady (Hon. Martha Wangari): Order Members, we are now in the Committee of the Whole House for the County Licensing (Uniform Procedure) Bill, Senate Bill No.9 of 2022.

(Clause 3 agreed to)

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Chairlady.
The Temporary Chairlady (Hon. Martha Wangari): What is your point of order, Hon. Baya?

QUORUM

Hon. Owen Baya (Kilifi North, UDA): My point of order is that as we move, we are not properly constituted in terms of quorum.

(Loud consultations)

The Temporary Chairlady (Hon. Martha Wangari): Order Members! Serjeant-At-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Temporary Chairlady (Hon. Martha Wangari): Order Members, we have the requisite numbers and we shall continue. Sergeant-At-Arms, I order ringing of the bell to stop and let us continue with the business. Hon. Member for Fafi Constituency, break up your *kamukunji*

We continue with the Committee of the Whole House on County Licensing (Uniform Procedures) Bill (Senate Bill No.9 of 2022). Hon. Marianne Kaitany.

Clause 4

Hon. Marianne Kaitany (Aidai, UDA): Hon. Chairlady, I beg to move:

That, Clause 4 of the Bill be amended-

(a) By renumbering the existing provision as sub clause (1); and

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- (b) By inserting the following new sub-clause immediately after sub-clause (1)
 (2) A licensing authority shall, in considering an application for a license to carry out business which is ordinarily regulated by a professional body, undertake due diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”

The justification for that is that the Committee propose the amendment to introduce the aspect of consultation by the county governments and this will ensure that duplication of roles or encroachment on the mandate of the Standards Board which were in matters related to the final standards

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you. I want to support. You remember when we were in Senate, we had very many challenges in terms of just getting to know who is the right person to license and how when one county government has silenced, how do we ensure that the investor or business when they are transferring their businesses to another are not taxed again? So, I support.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Mathare Constituency.

Hon. Anthony Oluoch (Mathare, ODM): I rise to support this provision. The House will know that the standards need to be established under statutes, and therefore, to avoid any conflict and arbitral by the counties, the requirement for consultation is within the law. Therefore, I support.

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

(Clause 4 as amended agreed to)

Clause 5

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kaitany (Aidai, UDA): Hon. Chairlady, I beg to move:

That, Clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “license” appearing in paragraph (a).

The justification for that is that the proposed amendment to this Clause is intended to ensure ease and simple license application process for persons living with disability.

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

(Question of the amendment proposed)

Kindly indicate on the intervention if you are willing to speak on each of these amendments.

Hon. Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. I wish to support this provision. It is an affirmative action measure that is embedded in our Constitution. It is particularly extended to persons with disabilities to ensure that ease of doing

business is extended to them. During our public participation, this was brought out by most of the presenters.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Temporary Chairlady. This is a good amendment. It will give opportunity to persons living with disability and it will not be difficult for them to acquire licenses.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Seme, is your intervention on this one?

Hon. (Dr) James Nyikal (Seme, ODM): Yes, Hon. Temporary Chairlady. I just want to support. This is a good affirmative action.

The Temporary Chairlady (Hon. Martha Wangari): Member for Gichugu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Chairlady. I rise to support the amendment. It takes care of the disadvantaged groups, especially persons with disability. In all the public hearings that we had as a Committee, it gained a lot of prominence, and it was deserved.

Thank you.

The Temporary Chairlady (Hon. Martha Wangari): It looks the support is unanimous. I will put the Question.

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

(Clause 5 as amended agreed to)

Clause 6

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, Clause 6 of the Bill be amended—

(a) in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”;

(b) by deleting paragraph “(c)” and substituting therefor the following new paragraph —

“(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”;

(c) by inserting the following new paragraph immediately after paragraph (f)—

“(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with Article 209(5) of the Constitution.”

The justification is that, taking into consideration the views of the public, the amendment proposes to include that the county governments shall protect the right of distributors. The Clause had only provided the right of consumers, producers, suppliers and service providers living out the distributors.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Mombasa, do you want to contribute on this one?

Hon. Zamzam Mohamed (Mombasa, ODM): No.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, your interventions are for specific clauses.

Member for Funyula.

Hon (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, I support the amendment. I want to draw the attention of the House and the country as a whole to the fact that one of the most important aspects of this amendment is to deal with double taxation. As one moves goods from one county to another. I want members to look at the Order paper on page 489. New paragraph(g) will ensure that we deal with that matter.

When we went round for public participation, that complaint was unanimous. Members of the public felt that it was extremely unfair to transport goods from Busia and pay for it all the way up to the Coast, Siaya, Kisumu, Kericho, Nakuru, Nairobi, Machakos, Makueni and Taita Taveta counties. The idea now is to try and harmonise that so that there is uniform licensing procedure.

Thank you.

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

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

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

(Clause 6 as amended agreed to)

Clause 7

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 7 of the Bill be amended—

(a) by inserting the following new sub clauses immediately after sub-clause (1)—

“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licences under subsection (1).

(1B) A County Licensing Board established under this section shall comprise—

(a) the Chief Officer for the time being responsible for matters relating to revenue in the county government or a representative appointed in writing who shall be the Chairperson;

(b) the Chief Officer for the time being responsible for matters relating to trade in the county government a representative appointed in writing;

(c) the Deputy County Commissioner in charge of the specific subcounty where the licence is to be issued;

(d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and

(e) a subcounty administrator responsible for the specific county where the licence is to be issued.

(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—

(a) the conduct and regulation of the business and affairs of the County Licensing Board;

(b) the appointment of persons under subsection (3)(c) and (e) on a rotational and need basis depending on the subcounty where a licence is to be issued;

(c) the appointment of the persons appointed under subsection (3)(d);

(d) remuneration of Board Members;

(e) staff of the Board.

(b) by inserting following new sub-clauses immediately after sub-clause (2)—

“(2A) The mechanisms referred to under subsection (2) and the platforms to facilitate electronic application of a licence shall be designed while taking into account the needs of persons with disabilities.”

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. In our many rounds of public participation, most of the presenters were of the view – this amendment speaks to it – that the power to issue licensing should not be vested in a single individual. Therefore, it should be a corporate responsibility. Therefore, a need arose for us to put the representation as listed in the proposed amendment.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, I support this amendment to the extent that the Cabinet Secretary has been given powers to make regulations in respect to conduct and regulation of the licences. This will grant uniformity to the matter of licensing in this country.

The Temporary Chairlady (Hon. Martha Wangari): Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Chairlady, I support this amendment. I also appreciate that in Nairobi there is the licensing liquor committee. This amendment will sanitise the process and help counties to understand that licencing will now be done within this structure.

Thank you.

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

(Clause 7 as amended agreed to)

(Clause 8 agreed to)

Clause 9

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 9 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub-clauses—

“(2) A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).”

The justification is that the amendment seeks to prescribe a timeline where an applicant is notified to provide any additional information requested by the licencing authority.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. The original text of Clause 9 did not have a time limit within which information requested of an applicant was to be issued. That would have been a loophole to persons who are applying and it could perhaps deny them an opportunity to be properly considered for licencing.

I, therefore, support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Funyula, is it on this one.

(Hon. (Dr) Ojiambo Oundo spoke off the record)

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

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

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

(Clause 9 as amended agreed to)

Clause 10

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c).

The justification is that the amendment seeks to ensure that the public receives sufficient and timely information on variation of licence fees for purpose of decision making by the licensees.

(Question of the amendment proposed)

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

(Clause 10 as amended agreed to)

Clause 11

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause —

“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—

- (a) one daily newspaper of wide circulation within the county;
- (b) in one local radio station;
- (c) a designated public notice board at the county, ward and village levels;
- (d) official website or social media platform.

The justification is that the amendment seeks to provide that the licencing authority, for purposes of public participation, place a notice of the application in, at least, three platforms that are specified in the amendment.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairlady, under Article 35 of the Constitution, access to information is a requirement. I have seen that the amendment has added official website or social media platform. So, I support the amendment to the extent that it approves the social media as one of the platforms that advertisement will be done.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, the amendment brings a very interesting case. Probably, the county governments will need to move with speed to designate a public notice board at the county, ward and village levels. Each village must have a formal notice board, where items advertisement of this nature will be pasted. They, therefore, need to work very hard in their village to ensure there is a public space for a notice board. Indeed, that is the import of the amendment.

Thank you, Hon. Temporary Chairlady.

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

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

(Clause 11 as amended agreed to)

(Clauses 12 and 13 agreed to)

Clause 14

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I beg to move: THAT, Clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”.

The justification for that amendment is that, it seeks to provide that a licensing authority may reject an application with reasons and ensure that the licensing authority does not issue a license unconditionally.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Mathare, do you want to contribute to this amendment?

Hon. Anthony Oluoch (Mathare, ODM): No.

The Temporary Chairlady (Hon. Martha Wangari): No. Hon. Member for Funyula, do you want to contribute to this amendment?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): No.

The Temporary Chairlady (Hon. Martha Wangari): No.

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

(Clause 14 as amended agreed to)

Clause 15

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I beg to move:

THAT, Clause 15 of the Bill be amended in sub clause (1) by inserting the words “in writing” immediately after the words “inform the applicant”.

The justification for this is that the amendment seeks to provide for a mode of communication on a decision by the licensing authority on an application of a license to be in writing. This will ensure that there is clear communication on any decisions made.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Kitui South.

Hon (Dr) Rachael Nyamai (Kitui South, ODM): Thank you very much, Hon. Temporary Chairlady.

This is a very good amendment. It is important for the person who has made an application to be given the response in writing so that there is evidence that the matter was considered and it is either a yes or no but in writing. So, I support.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Mathare. Your microphone seems to be malfunctioning.

(Hon. Gichimu Githinji spoke off the record)

(Laughter)

Hon. Gichimu, you are totally out of order.
Hon. Member for Funyula.

(Hon. Anthony spoke off the record)

Hold on, Hon. Oluoch.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Let me speak as he is still looking for his microphone.

Hon. Temporary Chairperson, the original Bill that came from the Senate had no mode of communication. In this regard, the Committee having listened to the members of the public, it became necessary to include the words “in writing.”

The consequential import of that is that when you are applying for a license, you must disclose a place where they can deliver the written response. You must disclose a postal address where a written response will be posted. It is going to have far much consequential advantage to this country that we can trace people so that we do not use imposters to apply for licences.

Therefore, this is a very good progressive amendment which we need to carry as a House.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Gichugu.

(Hon. Anthony Oluoch spoke off the record)

Hold on, Hon. Oluoch, I will come to you.

Hon. Gichimu Githinji (Gichugu, UDA): His microphone has also failed.

The Temporary Chairlady (Hon. Martha Wangari): Finally, find your microphone.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Chairlady. I think Hon. Oluoch can approach the Dispatch Box. There was a microphone there.

On this matter, I support the amendment because it is removing the ambiguity that was there because there must be a form of communication. Having it in writing makes it very clear so that people will not use any other form of communication that is not verifiable.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. Hon. Member for Mathare, you have a roaming microphone.

Hon. Anthony Oluoch (Mathare, ODM): Thank you. I finally have a microphone. Hon. Temporary Chairlady, I support this amendment because it is very progressive.

Under Article 47 of the Constitution, every person has a right to administrative action. Clause 15, speaks to a decision and having this in writing will entitle the applicant to approach either the board or the appellate forum to challenge the decision.

It is a very progressive one. Therefore, I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Dagoretti North, Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Chairlady, this amendment is very important for Nairobi. There are officers in the county who decide whether you can have a license or not. This amendment forces them to ensure that if they do not give anyone a license, they reply in writing to inform the applicant so that he can know. It is better than the way they have been playing games. This Clause closes the gaps of giving money to county officers to get something.

Thank you, Hon. Temporary Chairlady. I support.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Tinderet.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairlady.

This is a very important clause not only for this particular Bill but also to others. It makes sure that county officers are put on toes to answer at times when they are supposed to. They have even been giving verbal information. But now, if they do not issue a licence, they should put it in writing and everything will be in order.

Thank you. I support.

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

(Clause 15 as amended agreed to)

(Clause 16 agreed to)

Clause 17

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 17 of the Bill be amended —

(a) in sub clause (2) by deleting the words “and for the period stipulated in the licence “appearing immediately after the words “date of licence it renews”

(b) by inserting the following new sub clause immediately after subclause (2)—

“(2A) A licence shall be valid for the period stipulated in the licence:
Provided that a licence issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

The justification is that the amendment seeks to make provision concerning the duration and validity of a licence. This is to cater for the needs of a short-term as well as a long-time licence and ensuring that the licences lapse on the anniversary of their issuance as opposed to the current scenario where they lapse at the end of a financial year.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I support this amendment.

Many people who came before the Committee complained that there is lack of uniformity and discrimination in the manner in which licences lapse. If I apply for my license today, at the end of the financial year it lapses and I have eight or seven months as opposed to somebody who applied at the beginning of the financial year.

Therefore, I support.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, I also echo what my colleagues have stated.

Basically, the argument presented by members of the public is that I can choose to start a business anytime of the year. I am not conditioned to start it in January or 1st July. Therefore, when I pay, that amount should cover for a period specified in the licence, one-year or whichever period. It should not be that if I pay in December, it ends on 31st December and I

have to pay again. This is a good amendment that allows flexibility on how to decide when to start a business.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Mombasa County.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana Bi. Mwenyekiti wa Muda kwa kunipa nafasi nipigie upato marekebisho haya. Wanabiashara wengi wamekuwa wanaibiwa muda wa kufanya biashara yao baada ya kulipa leseni. Kwa hivyo marekebisho haya yataweka safi kuwa, wanaweza kulipa leseni yao wakati wowote na kumaliza mwaka mzima kabla ya kuisha. Ninajua watu wengi walikuwa wanaibiwa. Leo wanabiashara watakuwa na furaha sana tukifanya mabadiliko haya.

Kwa hivyo ninayaunga mkono marekebisho.

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

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

(Clause 17 as amended agreed to)

(Clause 18 agreed to)

Clause 19

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I propose to withdraw the amendment.

The Temporary Chairlady (Hon. Martha Wangari): You are on record, so we will prosecute it without amendments.

(Proposed amendment by Hon. Marianne Kitany withdrawn)

(Clause 19 agreed to)

Clause 20

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 20 of the Bill be amended—

- (a) in subclause (1) by inserting the following new paragraphs immediately after paragraph (c)—
 - (d) obtains a licence fraudulently;
 - (e) operates a different business from that which it is licensed to operate.
- (b) by inserting the following new sub-clauses immediately after subclause (1)—

(2) A licensing officer shall issue a 14-day notice to a licensee before cancelling a license under subsection (1)(a), (b), (d) and (e).

(3) Each county government shall establish a committee to undertake the review of a decision to cancel a licence.

(4) The committee established under subsection (3) shall comprise—

(a) The county executive committee member for the time being responsible for matters relating to finance;

(b) The county executive committee member for the time being responsible for matters relating to trade;

(c) two representatives for county respective chamber of Kenya National Chamber of Commerce and Industry;

(d) the County Commissioner; and

(e) the County Attorney.

The justification for the amendment is to give additional grounds for the cancellation of a licence and obligate the county government to establish review committees with mandates of reviewing cancelled licences. This is to protect traders from abuse of powers by licensing authorities.

It also seeks to entrench fair administrative action procedures in accordance with Article 47 of the Constitution. In this regard, the amendment provides that the licensing authority shall issue a 14-day notice to a licensee before cancelling a licence under the section.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Tinderet.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairlady. This amendment is meant to stop arbitrary decisions made by county officers. It also gives time—and this is a constitutional requirement—for any individual whose licence is not issued to appeal and know the reasons for objection. In so doing, you allow the applicant to have their constitutional right to work as a citizen of this country.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Gichugu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Chairlady. The import of this amendment is two-pronged. Firstly, the reasons for cancellations were not exhaustive, so we are providing two other reasons why a licence can be cancelled. The other reason is to provide for the review committee. The original Bill did not provide for a review committee. It only provided for review without providing any review committee. That is why members of the public and the Committee have provided a review committee comprising people at the county level.

The Temporary Chairlady (Hon. Martha Wangari): Member for Mathare.

Hon. Antony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I support this provision. Again, this speaks to the question of the right to administrative action under Article 47 of the Constitution. This also explains why the previous clause on variation was deleted. This will allow aggrieved people 14 days, which was deemed to be reasonable, to ventilate by way of appeal.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Chairlady, I support. More importantly, the team that has been proposed is very neutral and will never be biased in terms of why one's licence has been cancelled or needs a review. This is going to sort out all the challenges every county has been facing, especially when a licence is just cancelled abruptly.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Seme.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I support. Of all the reasons said, what is important is that this will stop rent-seeking. If you give the power of cancellation to an individual and no clear reasons are set, that is a recipe for serious rent-seeking. This amendment protects the businessperson and reduces the risk and rate of rent-seeking.

I support.

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

(Clause 20 as amended agreed to)

(Clauses 21, 22 and 23 agreed to)

Clause 24

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 24 of the Bill be amended—

- (a) in subclause (2) by inserting the following words immediately after the words 'respective county'—
 - taking into consideration the following factors—
 - (i) nature and scope of the licensed activity;
 - (ii) economic considerations;
 - (iii) administrative and regulatory costs;
 - (iv) public interest, and resource utilisation; and
 - (v) interests of vulnerable groups, women youths and persons with disabilities.
- (b) by inserting the following new sub-clause immediately after sub-clause (2)—
 - (2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months of the commencement of this Act, establish strategies and guidelines for—

- (a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties; and
- (b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.

(c) in sub-clause (4) by deleting paragraph (b).

The justification for these amendments is to reduce the cost of doing business by avoiding multiplicity of licences as well as the imposition of multiple fees for goods in transit across various counties, hence promoting economic activities across boundaries pursuant to Article 209(5) of the Constitution. The provision also empowers the Council of Governors to establish guidelines and strategies for harmonisation of licence regulations, procedures, requirements and fee structures to ensure freedom of transit goods and provision of services across various counties. For instance, charges for goods in transit may be applicable at the county of origin and county of destination.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, the beauty about legislation is that we keep improving the law. Two very important issues need to come out very clearly. Yes, the Bill is about uniform licensing. We want to dissuade people from believing the licence paid for a particular business in Busia will be the same that will be paid for, say, in Mandera. That is why we are saying that in deciding how much to charge, we must look at the nature and scope of the licensed activity. This is because the volume could be different in Nairobi compared to Wajir. We must look at economic considerations. The economy of Nairobi is far bigger than that of Kisii or Gilgil. We must look at the administrative and regulatory costs. We have listed all those issues.

When you go to the second part on the issue of harmonisation, let us remember we are one country. We have 47 physical counties, but we are one undivided country. The only issue is that we need to be very careful not to get challenged in any court of law. We should ensure the Council of Governors is a legal entity established under the law. That way, whatever regulations or harmonisation guidelines they make will have the force of law and it will help avoid ambiguity as we move forward. I support.

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

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

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27 and 28 agreed to)

Clause 29

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended:

(a) In sub Clause (1) by deleting the word “may” and substituting therefor the word “shall”.

(b) In sub Clause (2) by deleting the word “may” and substituting therefor the word “shall”.

The justification is that the amendment seeks to make it mandatory for the county assemblies to enact this legislation to give effect to the provisions of this Act.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Magarini.

Hon. Harisson Kombe (Magarini, ODM): Thank you, Hon. Temporary Chairlady. This will actually deter the officers concerned from soliciting bribes. This is mandatory and if you use the word ‘may’, it gives options and leaves room for them to solicit bribes from those who are seeking licensing.

The Temporary Chairlady (Hon. Martha Wangari): Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, UDA): Thank you, Hon. Temporary Chairlady. The word ‘shall’ connotes a mandatory nature, but I differ with this amendment. This is because the legislative role of the counties cannot be dictated by statute law. It is a requirement under the Constitution and, therefore, cannot be dictated by legislation. I need further guidance on that.

The Temporary Chairlady (Hon. Martha Wangari): Member for Gichugu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairlady, we are legislating for this law to be obeyed. If we have to create uniform licensing procedures in the entire country, the county assemblies have no option. It is not their discretion to make laws. The county assembly laws are subordinate to the statute laws by this House and they, therefore, have no option. If the word ‘may’ is retained it will give them a leeway to choose whether they want to legislate or not. If the Constitution commands this House to do something, we do not have an option. The county assemblies must and shall legislate within the specified period.

The Temporary Chairlady (Hon. Martha Wangari): Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, there is a reason why this provision was deemed necessary. Remember that the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) is a uniform licensing Bill for counties by both the Senate and the National Assembly. To put it to effect, there is a need for the county to actualise it by way of legislation. If you leave a lacuna where the counties decide, we will have made a law that amounts to nothing. It was deemed necessary during public participation and we agreed with the participants.

The Temporary Chairlady (Hon. Martha Wangari): Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, I am proud that the young first-term legislator has caught up well. He now understands the law-making process and is always keen to pick out the technical issues unlike others who talk on generalities.

This is an adoptive Bill for counties to adopt as a best practice. There is need to change the word to ‘shall’ and to domesticate it to the circumstances of a particular county. If we retained the word ‘may’ there is no obligation to implement this Bill. There will be no grounds

for implementation in any particular county. That is why it has been made mandatory to adopt or domesticate it. I am sure that he is now convinced.

The Temporary Chairlady (Hon. Martha Wangari): Well said.

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

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

(Clause 29 as amended agreed to)

Clause 2

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended:

(a) In the definition of “Cabinet Secretary” by deleting the word “licensing” and substituting therefor the word “trade”.

(b) By deleting the definition of “County Executive Committee Member”.

(c) By deleting the definition of “licensing authority” and substituting therefor the following new definition.

(d) “licensing authority” means a County Licensing Board established by a county government under section 7.

This Clause gives clarity as to which Cabinet Secretary is responsible for matters relating to this Bill, who in this case is the Cabinet Secretary for Investments, Trade and Industry. It also gives clarity about the licensing authorities which are the licensing boards to be established by county governments. It is intended that once the boards are established, they will have full authority to undertake licensing at the county level.

(Question of the amendment proposed)

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

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.10 of 2024)

The Temporary Chairlady (Hon. Martha Wangari): Deputy Leader of the Majority Party, can you go on record regarding the Bill that was meant to come under this Order? For

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guidance, we were informally informed that this was stepped down to a later date. Could you go on record that the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.10 of 2024) is deferred?

Hon. Owen Baya (Kilifi North, UDA): That is what I want to say. Hon. Temporary Chairlady, in conferment with the substantive leader, we step down this to the next available time.

The Temporary Chairlady (Hon. Martha Wangari): Well said. That is noted and therefore we will conclude on this Bill.

(Consideration of the Bill deferred)

Mover, kindly move reporting.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the County Licensing (Uniform Procedures) Bill (Senate Bill No.9 of 2022) and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF THE REPORT ON THE COUNTY LICENSING
(UNIFORM PROCEDURES) BILL

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

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the County Licensing (Uniform Procedures) Bill (Senate Bill No.9 of 2022) and approved the same with amendments.

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

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the County Licensing (Uniform Procedures) Bill (Senate Bill No.9 of 2022) and approved the same with amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, please, approach the Table.

(Hon. Marianne Kitany consulted with the Clerks-at-the-Table)

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I beg to move that the House agrees with the Committee in the said report.

I request Hon. Owen Baya to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to second the Motion for agreement with the report of the Committee of the whole House. This is an

important Bill. We have tried to bring order to county licensing procedures. Therefore, I support the Motion for agreement.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, instead of starting a new Order, we shall go to the Motion of Adjournment. We only have two minutes left to the start of the allotted time.

MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

ONGOING FLOODS IN THE COUNTRY

Hon. Joseph Chererot (Kipkelion East, UDA): Thank you very much, Hon. Temporary Speaker. The House has been adjourned because of the issue that I had raised concerning floods in our country. We have been experiencing long rains since March 2024. The country has experienced intense rainfall which has led to loss of lives, businesses, destruction of property, and disruption of national activities, just to mention a few. We have all been affected in one way or another.

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

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

The latest flooding disaster is Kijabe Dam in Kamuchiri Village, which has led to the loss of more than 70 citizens, with hundreds more injured or hospitalised. This unfortunate incident...

Hon. Gathoni Wamuchomba (Githunguri, UDA): On a point of order, Hon. Temporary Speaker.

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

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Speaker, allow me to inform my friend and colleague, Hon. Chererot, that the incident that recently happened in Mai Mahiu is not because of a dam burst. If you call it a dam and try locate it on the map of Kenya, you may not be able to find a dam called Kijabe Dam.

The Temporary Speaker (Hon. Martha Wangari): You could be right, Hon. Wamuchomba, but that is not a point of order. It is a point of information.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chererot.

Hon. Joseph Chererot (Kipkelion East, UDA): Thank you, Hon. Temporary Speaker, for saving me from Hon. Wamuchomba.

This unfortunate incident has left a big gap in the lives of the grieving families. They are also facing difficulties, especially when it comes to meeting their basic needs. Their well-being and safety are at stake as they face extreme weather conditions. Therefore, they are vulnerable and susceptible to diseases, more so, waterborne diseases and other illnesses.

Further to the foregoing, we have also had road network interruptions, which has led to road closures, especially major highways that act as economic gears in the transportation of

goods and services. Different parts of the country risk price variations leading to uncontrolled demand as supply will be affected in one way or another. The Kenya National Highways Authority (KeNHA) has since closed the Mai Mahiu-Narok Road due to its impassability caused by the aftermath of the old Kijabe Dam burst.

The continued extensive rains have also wreaked havoc elsewhere. Other major roads which have been closed include the Murang'a-Kiria-ini Road which connects Nyeri and Murang'a counties, and the Garissa-Madogo Road, which serves as a major network for goods and transport.

As a result of the excessive rains, the Government, through the Ministry of Education, also called off the re-opening of schools due to safety concerns for the learners and the risks of commuting to their respective schools as evidenced by the bad roads. Needless to say, some schools have been hit hard by the floods and are in a bad state. They are thus uninhabitable by the learners.

More than 70 per cent of Kenyans depend on day-to-day activities and events for their daily meals. Therefore, the continuous floods, which have disrupted normal activities, have rendered them destitute and lacking food and other basic needs. Flooding is also associated with the loss of business trading activities thus leading to a greater number of the population being forced to eke out a living through life-threatening measures. The aggravated loss of livelihood and businesses is irreparable, irredeemable and needs to be swiftly responded to.

As Kenyans, we need to reflect on the much talked about climate change and its impacts, whether short-term, medium-term, or long-term. It is prudent to appreciate that the current floods are not only hitting Kenya, but also the larger East African region, with Tanzania also reporting wide impacts of the same. In addition, floods are also being reported in the Middle East, China and other parts of the world. As a country, we need to embrace policies put in place by the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC).

Since the rains started, over 50,000 citizens have been displaced. The situation keeps worsening as the rains increase day by day. The displaced citizens are in dire need of basic needs. They are looking up to the Government, well-wishers and other stakeholders to help them. This House is not excluded.

As I conclude, I urge this House that as we ventilate on this topical issue, we propose tangible measures on mitigating the effects of floods. We should also call for a co-ordinated approach in responding to such effects. In the wisdom of this House, we should also propose that the Ministries, Departments and Agencies (MDAs) save some of their allocated budget and donate such resources to the flood victims.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Members, I wish to remind you that this being Motion of Adjournment on a Matter of Urgent National Importance, each Member will have five minutes. However, I will give Hon. Irene Mayaka a maximum of 10 minutes because she had an identical Motion. Hon. Irene, take this chance to contribute.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I stand to support this Motion. Indeed, I had a similar Motion because this is a matter that has really affected many Kenyans. Before I give my remarks on this Motion, firstly, I express my sincere condolences to all the Kenyans who have lost their loved ones. I also sympathise with the families that have been affected by the ongoing floods.

This is one of those issues that I urge the Government to declare as a national disaster. This is because it has not only cost lives but also affected major infrastructure in the country. One of the main roads that connects many Kenyans around the country, Mai Mahiu – Narok Road, has been closed. We all know that its closure means that the Western, Rift Valley, and

Nyanza parts of Kenya are literally disconnected from Nairobi City County. This issue has affected children and mothers. We saw incidences of young children at the rooftops of their houses because of being helpless. They do not know what they need to do.

We got reports that there would be El Nino about nine months ago. However, it did not happen at the time it was expected to start. So, we took our feet off the gear, in terms of disaster preparedness. We stopped being vigilant about floods. Even before we ask the national Government questions, we need to find out what the county governments have done. This is because the Public Finance Management (PFM) Act gives two per cent of the funds allocated to them for disaster management emergencies. Some of the counties that have been adversely affected by the floods like Nairobi City, Nakuru, Marsabit, Narok and Murang'a have excess money that they can use to help those who are indisposed.

Today, the Cabinet directed that the people residing in areas affected by floods to move out within 48 hours. However, where will they move to? By now, we should have rescue centres in the affected areas, so that the victims can be rescued to higher grounds. There is a saying that when the waters are hungry and they want to reclaim their space, there is nothing you can do about it. Because of our greed to have property in different places, people have even built in riparian lands. So, the waters do not have anywhere to flow to. When the water passes through its natural course, it will flow where it wants to and there is nothing you can do about it.

I have heard people comparing the situation here to what is happening in Dubai and Australia. They said that we should not feel like Kenyans are not ready. However, these countries have already or quickly put in place measures to ensure that they rescue their people. As Kenyans, what are we doing? I invite all of us to look at the issue of preparedness. We are one of those countries with the best policies in disaster management. For example, we have the National Policy for Disaster Management, National Disaster Management Authority Act, 2019 which was further amended in 2021, and the National Disaster Response Plan. We have the required papers to put in place measures to address this situation. However, what do we do? We end up having knee-jerk reactions to issues all the time. People panic and start wondering what to do, yet we have these papers that are just gathering dust that have put in place plans that are properly laid down.

Today, the President visited the flood victims in Mai Mahiu. About two days ago, we also had a similar situation in Garissa where we lost many people. However, nobody has gone there. Is Garissa not part of Kenya?

(Applause)

Why is it that there are no senior officials from the National Government who have visited the people in Garissa to find out what is going on there?

We talk about issues all the time. However, what are the solutions? How have we prepared the people who live around the flood-prone areas to know what to do when a disaster like this happens? Recently, we had a sad situation where we watched people hop into a lorry that was already being driven very closely to a river. They ended up losing their lives as a joke. We should have people like the National Government Administrative Officers (NGAOs) and police officers in some of these locations to tell people not to drive in these areas. Why do people travel towards those directions, inviting and walking towards death, yet we should know better than that?

This is an issue that has invited a lot of attention from most Members. I do not have to finish the 10 minutes to make my point. I have already made it. As a House, we must look for tangible solutions and push for this issue to be declared a national disaster. This will ensure

that the necessary policies and regulations that follow through such an issue can quickly take effect. This will ensure that we do not lose more lives.

Finally, Hon. Temporary Speaker, we heard the other knee-jerk reaction that was given on Monday at 1.00 a.m. where children were told not to report to school. If the floods will not end on 6th May, what next? We need to hear the plans the Cabinet Secretary for Education has put in place. If the floods continue, these children will never go back to school. Are there alternative measures in place for the parents and children who will not be in school? This is because it is driving everyone into panic.

Hon. Temporary Speaker, with those few remarks, I support the Motion.

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

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. At the outset, I join my colleagues in sending condolences to the families which have lost their loved ones through the disaster that we have witnessed in this country.

It is a big concern. I cannot say that the situation we are in was unforeseen. We knew the rains were coming. As a country, how are we prepared to manage disasters? The level of preparedness is wanting. I have been in Nairobi City County long enough. Prior to the start of the rains, I used to witness serious works along our roads; clearing and cleaning of the trenches and water drainage systems. By the time the rains start, the water has its way and flows away. We have never witnessed the kind of floods that we have today. Whereas some incidences are unavoidable, there are certain deaths that could have been avoided or prevented. Today, even the kind of works done on the roads are very shoddy. The waste is removed from the water drainage system and trenches, and dumped right on top of the surface next to the drainage.

So, when the rain comes what happens? The waste is pushed back into the trenches and the systems are blocked. The national Government and county government agencies concerned need to get serious. The lives lost in riparian areas should not have been lost. In the first place, why do they allow citizens to build houses in those areas, and yet we have laws that guide that?

As a country, we need to be serious. We should not wait until a disaster happens then we start running up and down. We know that whenever it rains, we will have challenges in Budalang'i, Busia County because River Nzoia will flood. It has happened before so we are not reinventing the wheel. Why should we not address this issue once and for all? Why do we not dig trenches to accommodate the huge volumes of water whenever there is a lot of rain so that we can prevent some of these disasters?

It is high time we put in place preventive measures as opposed to the opposite; what we are witnessing happening across the country. Every area of the country is flooded and classrooms are collapsing. I got a call that two classrooms in Omoloi Primary School have collapsed and I am wondering where the children will learn from.

There is a place called Gorja in my constituency which is an island at this time. People cannot cross to the other side because of floods near the border. There are floods everywhere although not of the same magnitude. We have to get serious, put preventive mechanisms in place and resources to address this issue. We cannot lose Kenyans during drought because there is no food and continue to lose them when it rains. This year is the worst.

Thank you, Hon. Temporary Speaker. Once again, my condolences to the families that have lost their loved ones.

The Temporary Speaker (Hon. Martha Wangari) Thank you. Next is Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. From the outset, let me send my sincere condolences, on my behalf and the people of Funyula

Constituency to those who have been affected by floods; lost their loved ones, properties, businesses and everything they had.

This is a natural disaster and a manifestation of climate change. In many parts of this country, we always thought that climate change was a foreign idea, a matter that has nothing to do with us. It is now very devastating and has severe consequences. Where I come from, we always say wherever the river used to pass or there was some kind of a water path, it will never change. You will find especially, here in Nairobi the most devastation is where people have built on river courses blocking the flow of water.

As I stand here today, with the help of science and technology, there is a possibility we can predict the magnitude of a disaster. With proper technology and attention, we could have easily managed to identify the land and mudslides that devastated Mai Mahiu and Murang'a. For example, in Budalang'i, my neighbouring constituency they have a traditional way of detecting the possibility of floods. That is why they have community radio stations to communicate that a disaster is about to happen or the water flow will be much higher so that they can take mitigation measures. I want to urge both the national Government and county governments to invest in disaster detection so that we can put in place mitigation measures to minimise the damage.

As I stand here today, I have a very interesting phenomenon in Bumbe and Nasari villages in my constituency, where because of the heavy deluge, underground water is seeping in. I have about 178 homesteads that have been vacated and villagers had to look for alternative spaces for accommodation. This is because water seeped and literally made their houses impossible to live in. Compounds are waterlogged, and they have nowhere to go. Outside Budalangi which is naturally notorious for flooding, there is Rwambwe Village where half of the homesteads are submerged. I want to say as we always say, *Serikali saidia*. I can see the Leader of the Majority Party is here. *Serikali saidia* so that our people do not continue suffering yet the national Government and county governments have money for disaster management. *Tunalia Serikali saidia*.

I want to call upon the leaders from Nairobi because some of the flooding and deaths that occurred could have easily been avoidable. It is high time Members of Parliament asked their governor to be accountable to the people of Nairobi. I am also a resident of Nairobi, and so they owe me a duty of care because I pay taxes and do many things here. I want to tell the governor, whom everybody was questioning his academic papers and ability to manage a city like Nairobi, to shape up or the people of Nairobi will do the necessary.

Thank you, Hon. Temporary Speaker.

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

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I am very much pained by this situation of floods because I come from Garissa. In as much as I am a nominated Member of Parliament, I represent the people of Garissa as well. In November last year, Masinga Dam released water which carried away the road that connects Garissa to Madogo. We lost lives and there was an increase in food prices.

The Cabinet Secretary for the Ministry of Roads, Transport and Public Works, Kipchumba Murkomen ignored the plight of the people of Garissa. He did not bother to come to the scene. After two months, Hon. Rigathi Gachagua came and we thank him for that. If the Cabinet Secretary had acknowledged the challenge we had last time, the same issue would not have recurred.

Two days ago, the same road turned into a river and the residents were forced to cross using a boat which ended up capsizing. It had carried 53 people and 25 died. Incidentally, the Mai Mahiu disaster happened a day after, and we all saw how the Executive and national Government responded. So, as I stand in this House, I want to ask whether the people of Garissa do not matter. This is because today, the President showed up in Mai Mahiu and the media

highlighted the people who died but nothing about Garissa was highlighted. It pains me a lot and as a young person I ask myself, when will we stop seeing the strategic marginalisation or ignoring of the people of Garissa and Tana River since they were also affected.

The media refused to name those who lost their lives. So, I will name them. They are; Shurahim Dawood, Mustafa Bashir, Laila Gohad, Ibrahim Bathi also known as Abuja, Abdiqani Mohamoud, Mariam Hassan, Omar Dahir, Osman Hillow and Yahya Dekow. There are others whose names I have not received because they are missing. Just two hours ago, Kenya Navy was deployed to look for the dead bodies. What are we going to do with dead bodies? We will just move on.

I am asking for heads to roll. I call upon Hon. Kipchumba Murkomen to resign from his position because he has failed. We have seen what has happened in other departments in his ministry like roads, airports and across the country. Why is he still in office because he is not serving the interests of Kenyans? Or who does he respond to if not the public? It pains me as a young Kenyan standing on this Floor.

Hon. Temporary Speaker, I condole with the people across the country who have lost their loved ones and the ones whose crops have been affected. The farmers in Garissa are crying. I wonder what will be done. Are we going to sit and watch as it happens? From the Ministry's budget allocations, I would want to know why other counties were each allocated approximately Ksh1.6 billion yet Garissa County received Ksh100 million. In the current allocations, Garissa, Mandera and Wajir are not receiving anything. I would really like to understand what is happening in this House, and for the Ministry of Roads and Transport to make us understand. Does the Cabinet Secretary care about the people of Garissa? I would also like to request the President to visit his people.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangare): Thank you. Member for Marsabit County.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker for allowing me to contribute to this very important Motion that touches on the lives of Kenyans.

As I support this, I want to pass my condolences to all the people who have lost their loved ones and those who are still searching for the missing bodies. I also wish quick recovery to those who have been injured, and those who are still in hospital. I pray that there will be no more destruction.

Hon. Temporary Speaker, it is not the first time we are facing this challenge. It has happened before, and we have no one to blame. The issue of climate change is with us; mother-nature is taking her position, and Kenya, is now experiencing floods. Just the other day, we had serious drought in most parts of the country where we lost many of our animals while others lost their lives. Today, we are talking about a different thing, and that is why it is good for us, as a nation, to see how best we can deal with the issue of disaster management.

As it has been said, it is not that we lack policies. We have all the policies and funds that we need in place because we usually put aside some money for disaster management. But due to mismanagement, misuse and corruption, Kenyans continue to suffer. And as responsible leaders, every coin that has been put aside for disaster management should serve its purpose.

During the COVID-19 pandemic, some Kenyans became millionaires while others billionaires. There are people eagerly waiting for disasters to happen so that they can benefit. It is high time we put in place measures that would reduce corruption in our country, and ensure Kenyans benefit from what is allocated to them.

Our Government must work very hard to strengthen disaster risk governance that would manage disasters –and that is what is lacking. We have in place policies but have not been

implemented. We also have funds that have been allocated to such disasters, but unfortunately, have been misused.

I want to congratulate our President because he is very keen on how every coin is used in this country. It is high time we got rid of all the corrupt people so that every coin would be put into use. Our target should now be investing in disaster risk reduction. Many people are saying that probably after these heavy rains, we would have drought that will affect us for the next many months, and Kenyans will still go back to where we were two years ago.

It is quite ugly because it is like firefighting. We are not doing things that will fix our problems but rather, reduce the challenges that we are in. Again, we need to focus on enhancing disaster preparedness for effective response. For instance, any time from now, there will be heavy rains. How prepared are we? Experience is the best teacher as we have already lost many people. We should ensure that no more lives are lost. We must ensure that every county government is responsible enough at the grassroot level to save lives. It is my prayer that the national Government will be ready to effectively respond, and save lives where necessary.

Hon. Temporary Speaker, with those few remarks, I pray that Kenyans will get out of this reactive way of doing things. And that way, we will prevent any problem that might arise so that we are able to save lives.

The Temporary Speaker (Hon. Martha Wangari): Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

I also rise to support this Adjournment Motion, as I pass my condolences to Kenyans who have been affected in one way or the other by these floods but more importantly, to the people of Mai Mahiu, Nairobi, Mathare, Ruaraka and the ones in camps. I also want to appreciate the multi-sectorial team that has been put in place.

I would like to speak about Nairobi. We are facing a man-made challenge with the floods. If we had not interfered with the drainages by throwing in garbage, probably, there would not have been floods, and we would have salvaged some properties and saved many people. The water levels are currently very high.

I was watching Cable News Network (CNN) with Larry Madowo on the ground reporting but did not see anything on our people because they were all international journalists yet he is Kenyan. As a country, we should ensure that whoever represents us there, should be able to report such incidents rather than having a Kenyan on the ground yet reporting international news.

I am still on the Nairobi issue because the rains will still continue. There are things that we must agree on with the agency because we need a solution. This is by ensuring that there will be resources to cater for the affected families. For example, we should give our people some money for them to leave the camps to enable them go and rent houses on higher grounds as the Government has said. I do not think we want to see camps in Nairobi because it does not help anyone but rather, bring a lot of emotions because some people will now even want to leave their homes to go and stay there. Therefore, we are discouraging it, and we are telling the Government that we only need resources. As a Member of Parliament, I have a list of the people whom I represent, and who have been affected by these floods. The chiefs and other responsible people have their lists too. Let us deal with our people and close those camps.

All of us in this House must go back and assess the schools. I tend to believe that some schools do not have toilets anymore because they are already filled with water, and everything is out and thus, children will not be able to use them. Even as we talk of opening schools on May 6th, it might not be of help. Situations in some schools are dire because they are even leaking. I went to Kilimani and Kawangware primary schools, and all were filled with water. If you manage to go to the ground now that we are going on recess, you will realise that many schools will need renovations. We are, therefore, pleading with the Government to release the

NG-CDF allocations that are there for Members to do what they can with the challenges they are going to face in school. I doubt whether the upper schools in Nairobi County will be able to open because the infrastructure in most of them is not that stable. With these rains, the schools have been destroyed.

I am pleading, and at the same time appreciating what the Government, and particularly the Deputy President has done. I also appreciate what the Governor has done in Nairobi. He has done his best though he has his challenges.

Right now, we are not talking about those challenges that he is facing. We are saying that he organises a team so that we are one team in order to assist our people, and later come to deal with the other mess. That is what we are pleading for. Even in the Government agencies, we want one team. Coordinate the team. Do not go to Maai Mahiu with very many things that are not available.

With those few remarks, I support but let us not travel at night, but daytime. For our children who have gone to school, let them stay in school. We should not bring them back home because of holidays and all these things. I support.

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

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I thank you for giving me this opportunity to contribute to this Motion.

Yes, disaster has struck this country. It is a sad day for this country and a sad week indeed. We have lost many lives which we condole with the families of the victims. We have this situation in the country. This situation is unprecedented and not only in this country, but also in the whole of East Africa and other parts of the world.

When I saw the planes “swimming” in water at the Dubai Airport, I was surprised. I thought that Dubai was one country which was really set for disaster preparedness. But we saw that. We saw what happened in Abu Dhabi and other parts of the world, including France.

These are unprecedented times. The weather has changed and climate change is real. I have heard people, especially here in Nairobi where I am also a resident, pointing ugly fingers at the Governor of Nairobi. I do not really think that we are justified to do that.

Disaster preparedness or not, we have a problem that is climate change driven and that we must all face as Kenyans. Some of the best roads that were built in this country have not been washed away. They were built with harsh weather in mind, but we saw what had happened on the expressway, because of excess rain. We saw excess rain at the coast and the damage that it caused.

What we need to do as a world is to find a global solution to climate change challenges. We need to look at what we can do as a globe to ensure that we are prepared for such adverse changes of the weather.

I have heard someone say that, this country has talked big on climate change and done very much, yet we are faced with this situation. I do not think that there is any government that is adequately prepared for today, regarding the climate changes that we have.

Countries will continue to face these challenges and have heavy rains, but we must ultimately come together as a globe. The President of the Republic of Kenya was at the forefront to see that we shall have climate change issues in the world. He rallied the whole of the world. and Africa to come together and discuss issues of climate change.

As a country we are ahead of time in terms of climate change. We however need to allow the government’s approach and ourselves to consolidate and face what we have. A lot has been damaged. Today, I laid the Budget Statements. The Budget is coming to this House for discussion and approval. I want these Members to stand and say that we must allocate money to mitigate disasters. But when it comes to where we are called upon to look at issues from that aspect, everybody will want to pull on their side. There is a saying in Swahili that

mwamba ngoma huvutia kwake. That is what will happen in this. But, if all of us look at this situation and try to ensure that we have put money in the right places, we will not have the challenges that we are experiencing today. As the Budget comes, we have the disaster management law that is coming.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, use your cards. If you have a point of order, press the intervention button.

Hon. Owen Baya (Kilifi North, UDA): Hon. Irene Mayaka, use your card.

Hon. Temporary Speaker, we have to ensure that we have allocated enough resources...

Hon. Irene Mayaka (Nominated, ODM): On a point of order, Hon. Temporary Speaker.

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

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, is it in order for the senior Member of Parliament to mislead this House by telling us that money is going to be allocated, yet we know it was already allocated? Can you please give the House correct information, especially considering that you are a senior and ranking Member?

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen, did you say money will be allocated or has been allocated?

Hon. Owen Baya (Kilifi North, UDA): Let me say this, Hon. Temporary Speaker. I am not one person that plans in hindsight. I am looking at the next Budget and in it, money will be allocated by this House. I also inform the Hon. Mayaka...

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, you have only five minutes and I said no extension regardless of time. Next person will be the Member for Mombasa, Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, UDA): Mhe. Spika wa Muda, asante sana kwa wakati huu adhimu nami nichangie mjadala huu wa mafuriko.

Kwanza ninamkosoa Mbunge wa Kilifi North, Mhe. Owen, Baya kwa kusema kuwa pesa za *disaster* haziko na tunaenda ku-*allocate*. Tulipewa Ksh6 bilioni ambazo ni za mikasa. Lakini mpaka leo watu wanaumia Kenya kwa sababu ya mafuriko na hizo pesa hazijatoka. Ninaomba yule ambaye anahusika azitoe hizo pesa. Ninajua nikianza kuwataja mtaniambia mimi ni kitunguu na natoa harufu. Wacha ninyamaze.

Ninaeleza hivi, siku zote maji yanajua njia yake. Kwanza, ninawapa pole familia za Wakenya ambao wamepoteza wapendwa wao. Ni uchungu kuona kina mama wamezama ndani ya matope na watoto wamezama ndani ya maji. Watu wengi walipoteza maisha yao pale Tana River na Mai Mahiu. Hapa Athi River sikuona mafuriko ila kile kitu ambacho nimekiona pale ni watu walienda wakajenga sehemu za maji na maji siku zote yanajua mkondo wake. Maji yamekuja kuwatoa watu kwa nafasi yao. Hii nafasi ambayo watu wamejenga ni nafasi ya mkondo wa maji. Ndio maana sisi siku zote tunaambiwa kama Wakenya, hata kama unataka kununua sehemu ya kujenga jaribu uangalie historia ya sehemu hiyo. Wakenya wanaangamia kwa sababu wanadanganywa. Kwingine, idhibati za mashamba zinatoka kwa serikali ya kaunti na zingine *national Government*. Wanauzia watu sehemu ambayo ni kando ya maji. Nimeona sehemu ambapo maji yamejaa mpaka kwenye dirisha. Picha zimezungushwa zikionyesha watu wakisema ni mafuriko, lakini mimi leo ninasema yale si mafuriko bali ni maji imechukua sehemu yake, maji imekuja kuomba sehemu yake ilionyakuliwa na maji imeingia katika sehemu yake.

Ni sehemu chache tu ambazo nimeziona ambapo barabara zetu hazikujengwa kwa uzuri au kwa design ya *drainage*. Ninamwambia Mhe. Murkomen achape kazi. Ninamwambia aangalie Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA) na hao ambao wanajenga mabarabara. Hata kule kwetu Nyali mabarabara hayapitiki kwa sababu wamejenga barabara lakini hawakuweka sehemu ya kupitisha maji. Kwa hivyo maji yanapata njia ya kwenda sehemu za nyumba.

Sheria ni msumeno, hukata mbele na nyuma. Na hata kama sisi tuko hapa kupigania Wakenya, lazima pia tuwambiane ukweli. Kuna wakati nimemuona Rais akiwaambia watu watoke sehemu za maji. Ukienda kujenga kwenye bonde ambapo maji yanapita na pia kando ya bahari, ile bahari itakuja kufurika na kubeba nyumba. Ile sehemu nimetaja haikuwa sehemu ya mtu aliyefunikiwa nyumba; ilikuwa sehemu ya maji na maji yamedai haki yake na maji yamerudi sehemu yake.

Kwa hivyo, mimi ninawaomba Wakenya, mvua inapozidi kunyesha wakati huu, waondoke waende sehemu ambazo ni salama. Ondokeni muangalie sehemu ambazo mnaweza kukaa na familia zenu ikawa hamuwezi kuathirika na mambo haya. Maji yatazidi kuja kwa sababu nimeona mito nyingi iliyokuwa imekauka ikafanywa barabara, sasa maji yanarudi katika sehemu zile. Hakuna tena barabara, tunaziita mito Mhe. Naibu Spika.

Kwa hivyo, mimi ninatoa rambirambi zangu na kumwambia yule ambaye ameshika shilingi bilioni sita katika ofisi ya Naibu Rais, atoe hizo pesa ziweze kuwasaidia wananchi ambao wanahangaika. Hizo ni pesa nyingi.

Ningependa pia kumshukuru Naibu wa Rais. Nilimwona akizunguka kwa ndege akiangalia. Lakini hizo pesa ziko wapi? Azitoe ziweze kuwasaidia wananchi.

Asante sana.

The Temporary Speaker (Hon. Martha Wangari): Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I thought I would not be able to speak. I am a victim. The people of Suba South have lost five people.

But let me begin by expressing my condolences to the families who have lost their loved ones and pray to God to grant them eternal life and let the perpetual light shine upon them. Those who have been injured and are in hospital, we pray for their speedy recovery and quick return to their normal lives.

Here in Nairobi, the Suba community from Suba South lost a gentleman called Peter Otiende who was swept by the floods in Lucky Summer. That is the son of *Mzee* Silas Otiende from Nyakiya Village. Back at home in Suba — and I was there yesterday — in a place called Got Kombuto, a *mzee* by the name Orufeyeye, the leader of the Kisii community there lost his wife, Alice Orube. In a place called Nyabomo a lady called Benta Anyango Otieno lost three of her children: Calvins Okang'a, Florence Okang'a and Moses Okang'a, while the husband Silvano Otieno Okang'a was badly injured. We were able to evacuate him to get treatment in Kisii. In total, 21 people are in hospital in Suba South and we have lost too many homes. We also lost crops and livestock. We lost a lot of infrastructure, power lines and roads, and too many schools have been cut off. In total, 244 people had their homes partially destroyed; 51 were completely destroyed in Got Kombuto and Nyabomo. In Sindo Town, 940 homes were destroyed, out of which 396 are completely destroyed.

Hon. Temporary Speaker, I think the Government should take immediate action and make special funds available. For us in Suba South, we have done a bit of work with Red Cross, World Vision, and the general administration.

We need over 3,000 iron sheets for reconstruction, food, seeds, roadwork to remove the debris, and medical assistance. What we have done there is to try and integrate all the affected with the normal families and their neighbours, instead of having them in rescue centres. I thank those families that have agreed to accommodate the victims.

This problem is not a natural disaster; what we have here is a man-made disaster, and you do not have to be educated to see it. If you move around Nairobi and visit the national park, which is the same as Kapiti Plains, Athi River or Kitengela Plains, there is rain there, but there are no floods because nothing is built there. Across or outside, we have built on the water pathways and that is why we are having a problem. If you move around Nairobi, people have built along the riparian lands of rivers where they were not supposed to build.

It is about poverty. I know it is difficult for people, but what is happening in Kenya now is not a natural disaster. A natural disaster is something that is sudden and that is contained within nature. What we are seeing is consequences of long-term poor leadership in this country. We have encouraged deforestation. We have not had competent leaders to manage our cities and we have not invested in proper civic education to educate our people on what to do and to instil a high sense of civic responsibility. That is what is currently happening in this country. We should not waste time blaming God or saying all sorts of prayers. We should just get our act together as leaders and start doing the right thing. That is the most important thing. This is a purely man-made disaster.

I will save time for other Members to contribute.

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

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Adjournment Motion. First of all, let me convey my condolences to the bereaved families, more specifically the families in Kijabe and Mai Mahiu. The Member for Naivasha has been moving up and down standing with her people.

All parts of this country have been affected by floods. Every part of this country from Kisumu to Turkana, to the Coast, to the Mount Kenya region where we had mudslides, and to the Tana Delta, has been affected by floods. Floods are a natural phenomenon. Disasters happen. The most important aspect of any disaster is management and risk mitigation. For three or four weeks, the weatherman issued warnings and updates on the impending floods. The Government, especially the functionaries, did not listen to the weatherman. The weatherman issued warnings to the general public, farmers, traders and road users that there was an impending disaster, especially with the kinds of rains we were expecting.

As much as I commend the President and the Government for the much they have done, Government officers and functionaries should be on the ground, especially during the distribution of food, blankets and medicine to ensure that the risks that result from floods are mitigated. Many families across the country do not have places to sleep, and roads have been cut off. We need to marshal a plan to open our roads. The military and the KeNHA need to be involved. How will we ensure that roads in various parts of the country are linked together so that food distribution is not restricted?

We also need to ensure that citizens do not cross flooded rivers. You see instances where individuals cross rivers on lorries thinking that they are heavy enough not to be swept away by the flood waters. The Government should issue a decree to put a stop to this suicidal behaviour by citizens. Certain disasters could have been avoided were it not for the carelessness of citizens. I saw the Cabinet Secretary for Interior and National Administration coming out strongly to ask citizens not to cross flooded rivers.

The other issue is that disaster management in this country is wanting. Some of the search and rescue teams are composed of locals, NGOs, and the Red Cross. Even individual citizens are volunteering for disaster relief efforts. These floods should be a lesson to the Government and to all of us that we need a very strong disaster management department in the Government, so that all those who are supposed to act, both in the county governments and the national Government know their roles. We should not cry year in, year out. We know very well that disasters will strike in one form or another. Let us make sure we have a very workable system on how to manage disasters in this country. As a country, we really need to do this.

Hon. Temporary Speaker, I support the Motion. Thank you, Hon. Temporary Speaker.

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

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Temporary Speaker. I rise to pass my sincere condolences to the families that have been affected by the

menace of the floods all over the country, and more particularly those who were affected by the water at Muniu and Maige villages in Mai Mahiu, and Kijabe.

It is, indeed, very sad to note the water that really ravaged homes and properties of people around Mai Mahiu was meant to have been sorted out by the Ministry of Roads, Transport and Public Works. Why do I say so? It is because a lot of media stations have reported that it was a dam, while we know very well it was not. It was water that was blocked by a railway tunnel that could have been unblocked long time ago by the Ministry of Roads, Transport and Public Works. Even as we speak about the errors of omission and commission, we must speak to the relevant ministries on their errors of commission. Why did the Ministry of Roads, Transport and Public Works not avert the situation? That was not a natural dam. It was water that was blocked by trees and ravages from the rains. If the Ministry took its job seriously, we would not have had that kind of scenario.

I am very happy to see the kind of response the Government is now giving. Two days after this menace or accident happened, where were our military and disciplined forces who in their camps and barracks have specific forces that are trained on disaster management? It is very unfortunate that we do not give much weight to planning and disaster management cycle in this country. Before a disaster happens, we should have a planning team on preparedness, mitigation measures, recovery, rescue and response. That is the cycle of disaster management. We do not put weight on preparedness, mitigation and recovery in this country. We only give money to response and rescue. We find ourselves getting into a cycle of repeated accidents and we do not offer long-lasting solution.

There are countries that have created a whole ministry of disaster management and response. Bangladesh has a fully-fledged budgeted ministry for this kind of activity, yet in Kenya this is just a unit tacked somewhere under the Ministry of Interior and National Administration. When it comes to budgeting, we do not give much money to such activities that can determine the number of people that can die or be rescued.

I am happy because His Excellency the President toured Mai Mahiu today. The people of Mai Mahiu are happy because the President and Deputy President visited them. As a mother, I was wondering why we did not see this kind of response in Embakasi, when people were affected by fire. Why has the same delegation not gone to Garissa? I saw the people of Garissa sleeping on a tarmac road yesterday. Nobody has rescued them. Why are we doing selective rescue and response? Every Kenyan life matters. Everybody should be treated equally with the same kind of importance put on other lives.

Otherwise, I send my sincere condolences to the affected families. I hope and pray that we will engage our youths in the Kazi Mtaani Programme to go back to our streets and clean the blockages, so that we can avert many accidents that are on the way.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Unfortunately, our time is up.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Thursday, 2nd May 2024, at 9.30 a.m.

The House rose at 7.00 p.m.

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