

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 19<sup>th</sup> November, 2013

The House met at 2.30 p.m.

*[Hon. Deputy Speaker in the Chair]*

PRAYERS

PETITION

UPHOLDING RIGHTS OF PRISONERS

**Hon. Deputy Speaker:** Hon. Members, Standing Order No. 225(2) requires that the Speaker presents to the House any petition other than those presented through a Member. I, therefore, wish to convey to the House that my office has received a petition regarding the rights of persons detained or held in custody or imprisoned. The petition was sent to the Clerk of the National Assembly by prisoners serving life imprisonment or long sentences at Kamiti Maximum Prison. It was submitted on their behalf and on behalf of all prisoners in the Republic of Kenya regarding rights of persons detained, held in custody or imprisoned. The petition received on 12<sup>th</sup> November, 2013, is signed by seven prisoners praying several matters, including the following:-

- (i) that Parliament reviews the Prisons Act, Cap. 90, to align it with the Constitution of Kenya, 2010;
- (ii) that Parliament pursues the reforms hitherto commenced in this sector to ensure that rights of persons detained in custody or in prison are observed;
- (iii) that Parliament considers legislating on the fate of decisions made by the judges and magistrates who have since been removed from the Judiciary on grounds of integrity; and,
- (iv) that Parliament explores ways of causing the Power of Mercy Committee to expeditiously examine requests sent to them.

Hon. Members, this petition is the first of its kind in our young democracy. I, therefore, direct that the petition be committed to the Departmental Committee on Administration and National Security for their consideration. The Committee is requested to consider the petition and report its findings in accordance with Standing Order No. 227(2).

Thank you.

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Departmental Committee on Administration and National Security on the vetting of Mr. John Mututho, nominee for appointment as Chairperson of the National Authority for Campaign Against Alcohol and Drug Abuse.

*(By hon. Abongotum)*

Ratification of the Doha Agreement to the Kyoto Protocol.  
Ratification of Bilateral Air Services Agreement between Kenya and Kuwait.  
Ratification of Bilateral Air Services Agreements between Kenya and Angola, Kenya and Canada, and Kenya and Mozambique.

*(By hon. Katoo)*

## NOTICE OF MOTION

### REPORT ON VETTING OF NOMINEE FOR APPOINTMENT AS CHAIR OF NACADA

**Hon. Deputy Speaker:** Hon. Kamama, can you place a request? You have not requested for the Floor.

**Hon. Abongotum:** No, I have not, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Then use the Dispatch Box.

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

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the vetting of Mr. John Mututho, nominee for appointment as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse.

## REQUESTS FOR STATEMENTS

### STATUS OF IMPLEMENTATION OF AFFA ACT

**Hon. Injendi:** Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c) I wish to request for a Statement from the Chairpersons of Departmental Committees on Agriculture, Livestock and Cooperatives and the Select Committee on Implementation regarding the status of the implementation of Agriculture, Fisheries and Food Authority Act commonly known as the AFFA Act.

Hon. Deputy Speaker, the AFFA (Amendment) Act creates a single body charged with regulatory functions currently performed by different entities within the agricultural sector in the country. Additionally, on the relationship between the Common Market for Eastern and Southern Africa (COMESA) and the AFFA Act the Ministry of Agriculture, Livestock and Fisheries was to develop safeguard mechanisms to regulate the importation of sugar into the country through the allocation of special quotas for local sugar. This process began in March, 2012 and is to end in February, 2014 and is targeted at making locally produced sugar more competitive. However, there have been no attempts by the

Ministry towards the said policy, regulations, and legislative framework to operationalized the AFFA Act and COMESA.

In the Statement, the Chairpersons should inquire into and report on:

(i) status of the operationalization of the AFFA Act, 2013 and whether the timelines are still adequate for the implementation of the same; and

(ii) whether the process of developing safeguard mechanisms to regulate the importation of sugar in the country as well as sugar production with regard to COMESA is still on course.

**Hon. Deputy Speaker:** Is the Chairperson or the Vice-Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives present? Could we, please, have an indication as to when the response to that Statement will be made? Do you want to respond on their behalf, hon. Washiali?

**Hon. Washiali:** Hon. Deputy Speaker, as a senior Member of this Committee and now that I cannot see the Chairperson and the Vice-Chairperson, I pledge on behalf of the Committee that we shall give this Report in three weeks' time.

**Hon. Deputy Speaker:** So, three weeks it shall be.

#### STATUS OF KENYA AS BENEFICIARY OF EDF

**Hon. Aden:** Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c) I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance, Planning and Trade regarding the European Development Fund (EDF).

Hon. Deputy Speaker, the EDF is the European Union's main instrument for providing community aid for development co-operation in the African, Caribbean and Pacific or the so-called ACP Partner States and Overseas Countries and Territories or the (OCT). The EDF consists of several instruments, including grants, risk capital and loans to the private sector. Several rounds of the EDF have been disbursed since the origin of the programme. The tenth EDF covers the period between 2008 and 2013 and provides an overall budget of Euros 22.6 billion. Of this amount, Euros 21.966 billion is allocated to the ACP countries. Planning is ongoing for the next phase of the EDF from 2014 to 2020. It is currently not clear whether Kenya has been taking advantage of these funds for development in the various sectors.

Hon. Deputy Speaker, the Chairperson should inquire into and report on:

(i) the status of Kenya as a beneficiary of the EDF in the past;

(ii) whether any funds have been given to the Kenya Government from the current EDF funding period running from 2008 to 2013;

(iii) the plans in place by the Government for benefiting from the future EDF funding, including applying for the 11<sup>th</sup> EDF period slated from 2014 to 2020.

I thank you.

**Hon. Deputy Speaker:** Thank you, hon. Aden. As the Co-President of the ACP I am also very interested in the response to that Statement. So, the Chairperson, can we know when we will have a response to that request? The Chairman is not present. Who is the Vice-Chairperson of this Committee? Hon. Gaichuhie!

**Hon. Gaichuhie:** Hon. Deputy Speaker, I want to assure the Member that our Committee has a lot of work to do, but maybe within three weeks, we will be able to give a Statement.

**Hon. Deputy Speaker:** Let us hope that we do not go beyond the time that we should have applied as a country. Hon. Mbarire, you are next.

#### NON-EMPLOYMENT OF TEACHERS IN EMBU COUNTY BY TSC

**Hon. (Ms.) Mbarire:** Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c) I wish to request for a Statement from the Chairperson of the Committee on Education, Research and Technology regarding the failure of the Teachers Service Commission (TSC) to employ teachers in Embu County since 1997.

Hon. Deputy Speaker, between 1997 and 2007 no teachers were employed in Embu County, yet TSC continued to employ teachers in other counties. Between 2007 and 2012 only 33 teachers were employed. In 2013 only 22 have been employed. This has led to massive unemployment among teacher graduates and they are unable to get employment from outside the county as they are considered outsiders in other counties. As a result, we have teacher graduates of 1998, 1999, and 2000 who are still unemployed in Embu County.

In her Statement, the Chairperson should inquire into and report on:

- (i) the number of graduate teachers in Embu County who are currently unemployed in order of their year of completion; and
- (ii) the steps the TSC and the Ministry of Education are taking to clear the employment backlog in the county.

I wish to state that I have a concern because I also did seek another Ministerial Statement from the same Committee on 29<sup>th</sup> of October. It was due for response on 5<sup>th</sup> November, 2013, and up to now I have not received any feedback. I am worried that this very important issue that I have raised, and which is urgent, might take a similar time.

**Hon. Deputy Speaker:** Okay; the Chair or the Vice-Chair, Committee on Education, Research and Technology. Yes, Hon. Huka

**Hon. Huka:** Thank you, hon. Deputy Speaker. The Chair and the Deputy Chair are both out of the country on official tour. The question hon. (Ms) Mbarire has asked is a weighty one. We were with TSC last Thursday, the issue of employment was raised. With regard to the time, I suggest that we shall give the answer next Thursday, since this is not going to be an issue that requires a lot of investigation. It requires direct search from their data and we pass the information. Regarding the Statement, since both the Chairperson and the Vice Chairperson are out of the country, I request the hon. Member to hold on until they come back.

**Hon. Deputy Speaker:** Now, I am not sure. You do not want to commit the Committee? That is what the other Members have been doing. If we wait until they come back, do we even know when they are likely to come back? We will have so many Statements and it will be very difficult to revisit them once the Chairperson comes back. It is easier for you to commit yourself, but it is also important to prioritize the one that has been pending for some time. Please hon. Huka, since you have taken the responsibility and have been sitting on that hot chair, you have to pay for sitting on it and taking responsibility.

**Hon. Huka:** Thank you, hon. Deputy Speaker. I will take the responsibility on behalf of the Committee. We will give the response together with the one that has just been requested on Wednesday next week.

## DELAY IN PAYMENT OF NSSF BENEFITS

**Hon. Deputy Speaker:** Okay, that is one week. Let us have hon. Shinali.

**Hon. Shinali:** Thank you hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding continued delay in payment of National Social Security Fund (NSSF) benefits to retirees. Many retirees upon attaining 60 years of age are allowed to receive the funds, but they are finding it difficult to access their hard earned NSSF savings. Most have had to spend a lot of money in back and forth travel to NSSF Headquarters in Nairobi and regional offices to pursue their payments. In the Statement, the Chairperson should inquire into and report on one, reasons for continued delays in processing money for retirees even after NSSF rebranded itself and introduced its services for registration, payments and general management and two, why the process of payment of NSSF benefits for retirees was moved from NSSF regional offices to the National office situated in Nairobi.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, hon. Shinali. Hon. Were, Chair of Labour and Social Welfare Committee, give your response.

**Hon. Were:** Thank you, hon. Deputy Speaker. I promise to give the Statement in the next two weeks.

**Hon. Deputy Speaker:** In the next two weeks it shall be. Hon. Kombe, are you on intervention; is it a point of order?

**Hon. Kombe:** It is a Statement.

Thank you hon. Deputy Speaker. I requested a Statement from the Chairperson of the Departmental Committee on Lands and Natural Resources.

**Hon. Deputy Speaker:** Hon. Kombe, that is not a point of order, please allow the other Members who are asking for --- Just put your request in the normal channel not as a point of order. Hon. Theuri in place of hon. Mutura.

## CANCELLATION OF TLB FOR UMOINNER SACCO VEHICLES

**Hon Theuri:** Thank you hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Committee on Transport, Public works and Housing regarding the fatal accident that occurred on Wednesday 30<sup>th</sup> October, 2013 in Umoja.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon Members, Order! The consultations are too loud.

**Hon. Theuri:** It involved a *matatu* and a train at Mutindwa area, Nairobi. Twelve innocent Kenyans lost their lives in this accident, which was caused by, among other things, professional negligence and human error, considering the design of the road. Following the accident, the Cabinet Secretary in charge of Transport and Infrastructure revoked the Transport Licensing Board, (TLB) and licence for the Umoinner SACCO vehicles. In his Statement, the Chairperson should inquire into and report on one, why

authority was given for the use of the road without ensuring adequate safety measures, including the construction of barriers and pedestrian flyover; two, whether action will be taken for professional negligence on the part of the designer of the road.

*(Loud consultations)*

**Hon. Deputy Speaker:** Members, Order!

**Hon. Theuri:** Three, whether the Cabinet Secretary for Transport and Infrastructure followed the law in grounding all Umoinner SACCO vehicles while the accident was caused by an individual driver and four, he should give the measures the Government is taking to ensure road safety across the country.

Thank you.

**Hon. Deputy Speaker:** Okay; Chair for Transport, Public works and Housing, hon. Kamanda.

**Hon. Kamanda:** Thank you, hon. Deputy Speaker. We can deliver this answer by Thursday. We are having a meeting with the Cabinet Secretary on Thursday this week and I will invite the Member to be around.

**Hon. Deputy Speaker:** Are you going to deliver the Statement on Thursday, or you will do the investigations on Thursday when you meet the Cabinet Secretary?

**Hon. Kamanda:** We want him to appear at the Committee, so that the Cabinet Secretary can answer those questions in front of him, since that has been the procedure.

**Hon. Deputy Speaker:** Okay; so hon. Member, you have been informed. Hon. Ng'ongo.

#### RATIONALIZATION OF STATE CORPORATIONS

**Hon. Ng'ongo:** Thank you, hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c) I wish to request for a Statement from the Leader of Majority Party regarding the impending rationalization of State corporations and parastatals through a taskforce appointed by the President. The Executive is in the process of restructuring the existing State corporations which inevitably will result in some being dissolved or merged for efficiency, effectiveness and cost saving. The taskforce was mandated to undertake an analysis, and has reportedly completed the same and forwarded a report to the President for action. The President has publicly stated that he intends to act on the Report within three months.

Hon. Deputy Speaker, in the Statement, I would like the Leader of Majority Party to inquire into and report on:-

(i) whether the rationalisation, especially if it results in dissolution of some State corporations will be done within the provisions of Sections 26, 27 and 28 of Part V and VI of the State Corporations Act, Cap.446;

(ii) whether the process will be done in accordance with the provisions of Section 44 of the Public Finance Management Act (PFM) with regard to the role of Parliament in the process of declaring a State corporation dissolved; and

(iii) finally, whether the process will reflect the provisions of Section 6(g) of the PFM Act, which makes the Public Finance Management Act prevail over any other legislation in the event there is inconsistency between the PFM Act and any other

legislation, including the State Corporations Act on establishment and dissolution of State corporations.

**Hon. Deputy Speaker:** Is it directed to the Leader of Majority Party or the Majority Whip?

**Hon. Kato:** Hon. Deputy Speaker, we will respond to the Statement on Thursday next week, but I can assure my good friend that everything is going to be done within the legal framework. The detailed Statement will be issued on Thursday next week.

#### DELAYED OPENING OF NCPB MAIZE BUYING CENTRES

**Hon. Wekesa:** Hon Deputy Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives with regard to maize trade in the country. The Government is yet to open the National Cereals and Produce Board maize buying centers. This is, therefore, causing a lot of uncertainty among the farmers and the maize buyers, hence affecting the price of maize. In some areas such as Uasin Gishu and Trans Nzoia counties, middlemen have taken advantage of the absence of the NCPB centres and are buying maize at a throw away price to the disadvantage of farmers.

In his Statement, the Chairperson should inquire into and report on the definite timeline on when the Government will open accessible maize buying centers in maize growing areas countrywide; and the official price of a 90-kilogramme bag of maize as set by the Ministry of Agriculture in consultation with the stakeholders. The Chairperson should take this seriously and treat it as urgent. As I speak, maize farmers in the North Rift, namely, Trans Nzoia and Uasin Gishu counties, are selling maize to middle men at a throwaway price at between Kshs2,000 and Kshs2, 200---

**Hon. Deputy Speaker:** But hon. Wafula, you have asked the Statement. Do not start debate now.

**Hon. Wekesa:** But I want the Chairperson to take the issue seriously and treat it as urgent because we need to protect our farmers, especially the small-scale farmers.

**Hon. Deputy Speaker:** I think the point is made. Could the Chair of the Committee on Agriculture, Livestock and Cooperatives give an indication as to when this Statement can be given, so that hon. Wafula can have time to ask supplementary questions?

**Hon. Waititu:** Hon. Deputy Speaker, the Chairperson and the Vice-Chairperson are with the Cabinet Secretary, as I speak. We were with him this morning because of the same maize issue. He assured us that he has started opening those outlets. He told us that they are considering maize selling at 3,000 per bag. He has assured us that within a few days, 1,000 bags will be bought. He said that they are doing something about it, including bringing the Agriculture Act, as stated by hon. Washiali. We should give him a week and he will act on that.

**Hon. Deputy Speaker:** That seems to be fast enough. Hon. Wafula, you will get an answer to your question.

#### TRANSFER OF TEACHERS FROM KNUT TO KUPPET

**Hon. Gitari:** Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the allegation of transfer of teachers who are members of the Kenya National Union of Teachers (KNUT) to the Kenya Union of Post Primary Education Teachers (KUPPET) without their involvement.

In the Statement, the Chairperson should inquire into and report on the following:-

(i) whether the alleged transfer of 4,513 teachers without the involvement of the affected teachers is true;

(ii) if yes, the measures the TSC is putting in place to reinstate the said transferred teachers to their preferred unions and ensure that such a thing never happens; and

(iii) the action taken against the officers responsible for the said transfer between the unions.

**Hon. Huka:** Hon. Deputy Speaker, we take the request and we will deliver the Statement in the next two weeks. We will deliberate on the request. Once we plan to meet the relevant TSC officials, we will invite the Member to attend the meeting, so that he can also participate.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Members! The consultations are too high. Yes, you have come from the weekend and political rallies, but this is now the Chamber. Let us concentrate on what is happening here. These Members who have put up their hands, it is only hon. Kombe whom I had given the opportunity. The rest are not on our list for requests for Tuesday. Hon. Harrison Kombe, proceed to raise your request. Hon. Moses Malulu, you have already spoken; hon. Ken Okoth, you are not on the list; hon. Grace Kipchoim, you are not on the list and hon. Peter Kinyua, you are not on the list.

**Hon. Kombe:** Thank you, hon. Deputy Speaker. Several weeks ago, I requested for a Statement from the Chairperson of the Departmental Committee on Lands. To date, I have not received that Statement. I understand and appreciate that they were to move to the site and find out more facts. It is unfortunate that Mr. Joel Oganda was arrested on Sunday and charged with forcefully staying on a piece of land that does not belong to him yet he has lived on that parcel of land for the last 30 years. I wish to request for a specific date when the Committee will move to the site and when they will present the report to this House. I can foresee some clashes.

**Hon. Deputy Speaker:** Hon. Mwiru, the Statement has taken too long and the Member has been requesting severally.

**Hon. Mwiru:** Hon. Deputy Speaker, it is indeed, sad and unfortunate that these things are happening when the Committee is seized of this matter. It has taken quite a while, but the Committee has already made some steps towards the same. We have visited the area. Unfortunately, the information we have been getting from the other side of the Ministry has not been satisfying the Committee. I want to commit myself and say that I will give the Statement on Thursday next week without fail.

**Hon. Deputy Speaker:** Okay, Thursday next week. You asked for a specific date, you have been given a specific date. I think that should bring that matter to rest.



**Hon. Ng'ongo:** On a point of order, hon. Deputy Speaker. My point of order is with regard to your directive. You made a ruling sometimes back about the appointment of the Chief of Staff and Head of Public Service. This was referred to the Committee on Justice and Legal Affairs. We need to get an indication as to when this matter will be brought to the House.

**Hon. Deputy Speaker:** Justice and Legal Affairs Committee; do we have the Chair or the Vice-Chair?

**Hon. (Ms.) Kanyua:** Thank you, hon. Deputy Speaker. I will get the position from hon. Mbadi, but we would need about three weeks to answer.

**Hon. Deputy Speaker:** Okay, they require three weeks to answer. Hon. Mbadi, let us not have a---

**Hon. Ng'ongo:** She has taken too long with it.

**Hon. Deputy Speaker:** The Member is saying that you have taken too long with it already and you are making it even longer. Hon. Nyokabi, can we not have the answer faster, it does not seem to be a very difficult task?

**Hon. (Ms.) Kanyua:** Thank you, hon. Deputy Speaker. In that regard, we will bring an answer next week, but by all means it will have to be provided before the recess.

**Hon. Deputy Speaker:** Okay then, that puts that matter to rest. Hon. Moses Malulu, you had already given your Statement, I can see you are on a point of order, you may take the Floor.

**Hon. Injendi:** Thank you, hon. Deputy Speaker. In September, I requested for a Statement from the Committee on Implementation about the pyramid schemes and I have not yet had any response or communication from them. I can see the Chairperson is around. I understand her situation, but maybe she could say something about how far they are.

**Hon. Deputy Speaker:** What situation do you understand about the Chairperson of the Committee on Implementation? Do you have a situation, the hon. Chair of the Committee on Implementation?

**Hon. Injendi:** I can see she is heavy, she does not require a lot of pressure, but I am just pleading with her.

**Hon. Deputy Speaker:** That is not an illness. Hon. Chair of Committee on Implementation, are you not able to work?

*(Laughter)*

**Hon. (Ms.) Tuya:** Thank you, hon. Deputy Speaker. I do not think that I am in any situation that needs to be raised as a concern on the Floor of the House, especially in reference to my work. Indeed, the question raised on the pyramid schemes by hon. Injendi has taken us quite a bit of time and for those of us who know about this particular case, it is a very intricate matter.

It is taking time to compile a comprehensive report, to bring to the House. The matter is still seized of the Committee. We have met a number of witnesses but we still need to meet the Cabinet Secretary for Industrialization and Enterprise Development, as well as hon. Nyenze, who was the Chair of the taskforce looking into that matter. I would urge the Member to give us one more week and we should be able to table a comprehensive report in the House.

**Hon. Deputy Speaker:** Very good, the report can be brought to the House because this is quite a sensitive matter; many Kenyans lost their savings to that scheme.

Hon. William Kabogo; I truly apologize, hon. William Kamanda. I can see you have indicated that you want to speak. Your card is on; you do not want to speak? Then switch off your card, hon. Kamanda.

## **BILLS**

### *First Reading*

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL

THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL

*(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)*

### *Second Reading*

THE MEDIA COUNCIL BILL

*(Hon. A. B. Duale on 13.11.2013)*

*(Resumption of Debate interrupted on 14.11.2013)*

**Hon. Deputy Speaker:** Now, this Bill had been sufficiently debated and we will just take a few Members before we move to the next Bill. I see there are no requests, can we then ask the Mover to respond.

**Hon. Katoo:** Thank you, hon. Deputy Speaker. Let me take this opportunity to really thank Members who had contributed to this Bill, and I am sure they were about eight of them. Their sentiments have been taken and I want to repeat that no one is interested in gagging the Press or their freedom or curtailing the freedom of the media by any means.

The sentiments that were given by Members while contributing are going to be taken care of when we go to the Third Reading, where amendments will be proposed by both the Committee and also individual Members. Without taking much time, I beg to move.

*[Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker (Ms. Mbalu) took the Chair]*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I now therefore put the Question.

*(Question put and agreed to)*

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

## **MOTION**

### THE PUBLIC FINANCE MANAGEMENT (*UWEZO* FUND) REGULATIONS

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. I beg to move that the Public Finance Management (*Uwezo* Fund) Regulations, 2013 be read the Second Time. I want to propose that the Temporary Deputy Speaker do now leave the Chair to enable me to move this Motion.

I want to ask Members to pay attention because this is a very important Motion that we are embarking to discuss. I want to say that the *Uwezo* Fund stems from the pledge that His Excellency the President made to allocate Kshs.6 billion that was meant for the presidential run off to youth and women groups. Following this, the National Treasury allocated and Parliament approved a sum of Kshs.6 billion towards this Fund in the budget covering the Financial Year 2013/2014.

His Excellency the President, who is the national champion and the overall patron of *Uwezo* Fund, officially launched it on 8<sup>th</sup> September, 2013. The objectives of this Fund are three; one, is to expand access to credit that will promote youth and women businesses and enterprises at the constituency level and this will enhance economic growth towards realization of the goals of vision 2030.

Secondly, this Fund is meant to generate gainful employment for the youth.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, hon. Members! You are consulting on high tones. Please lower your tones as you consult. Let the Mover have ample time as he moves.

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. I was on the second objective of the *Uwezo* Fund. I was saying that the second objective is meant to generate gainful self-employment for the youth and women.

Thirdly, it is also meant to model an alternative framework in funding community-driven development. The *Uwezo* Fund will employ the principle of table banking which is what is known locally at the grassroots level as *chama*. Also, the revolving Fund will create a unique blend of financing for the youth groups and will be disbursed at the constituency level; modelled along the Constituencies Development Fund (CDF) framework. This will enable the youth and women to access the Fund at the local level, thereby reducing the transaction costs that would have been otherwise, incurred.

The *Uwezo* Fund will operate in two ways or in several structures. One, it will have a structure called the *Uwezo* Fund Oversight Board. This is primarily meant to provide overall management design and oversight of the Fund. The Board will be supported by a secretariat at the national level.

Another structure is the Ministry responsible for the time being for the youth and women affairs; which will facilitate and oversee the operation of the *Uwezo* Fund Oversight Board, in its implementation of the *Uwezo* Fund. As a Ministry, this will specifically be responsible for capacity building of the *Uwezo* Fund recipients; on what they call table banking and business entrepreneurship; public procurement and other business development areas.

The third structure is Constituency *Uwezo* Fund Management Committee which will be modelled along the CDF framework. The role of this committee shall be to facilitate the establishment of *Uwezo* Fund management to manage the Fund at the constituency level. The following will be the members of the Constituency *Uwezo* Fund management committee:

- (i) The sub-county commissioner or his representative.
- (ii) The sub-county development officer or his representative.
- (iii) The sub-county accountant responsible for national Government operations within the constituency.

*(Loud consultations)*

**Hon. Onyonka:** On a point of order, hon. Temporary Deputy Speaker. Thank you for your indulgence. Even after you have already made a request that we need to have our consultations done in low voices, there are still loud consultations. This is a very important issue we are looking at here. It would be important for hon. Members of this House to just take time and be attentive so that we can listen and get to a point where we understand what exactly is being debated in this House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you for your observation. Hon. Members, please be advised that this is a House of procedures and rules. We are legislators and need to have decorum in the House.

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. I had read part (iii). I will go on.

(iv) A representative from each ward in the constituency appointed following consultations between the County Woman Representative of the National Assembly and the constituency Member of Parliament. The representative from the ward will comprise of the youth and women. The total tally of representatives from the ward must have equal number of men and women or form the women quota which shall have a third of women youth, at minimum.

(v) One person with disability per constituency

(vi) The CDF Fund manager will be an *ex-officio* of the committee and the secretary.

That is the proposed membership of the committee at the constituency level.

*Uwezo* Fund allocation totals Kshs6 billion and it is proposed that there will be an administration charge of three per cent which will be deducted. There will be Kshs500 million which will be earmarked for capacity building for the groups in order to ensure that the recipients are given skills, knowledge and market linkages necessary to run respective enterprises.

The balance of the Fund therefore, will be divided among all the constituencies with 70 per cent shared equally among all the constituencies and 25 per cent being shared on the basis of poverty index for equalization purposes.

Hon. Temporary Deputy Speaker, of the total amount received per constituency, it is proposed that 20 per cent will be earmarked for religious institutions, a grant to administer the women and youth groups within their jurisdiction. The balance per constituency thereafter will be administered as 75 per cent loan and 25 grants for each beneficiary group. Fund administration will be payable only to a group from a minimum of Kshs50,000 and not exceeding Kshs500,000

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I want to make a communication.

## COMMUNICATION FROM THE CHAIR

### PROCEDURE OF DEBATE ON *UWEZO* FUND

Hon. Members, as we proceed with this Order, I would like to guide the House on the procedure which shall apply to the considerations of the Public Finance Management (*Uwezo* Fund) Regulations, 2013.

As stated in the Communication from the Chair on Wednesday, 13<sup>th</sup> November, 2013, the regulation will be considered in two stages: First, when the Order of the Motion is read, the Leader of Majority Party will move the Motion:-

THAT, the Speaker do now leave the Chair.

The purpose of this Motion is to initiate general debate on the policy and principle of the draft regulations. This debate should take a maximum of one hour. Upon conclusion of this debate, the House will resolve into Committee of the whole House. The purpose of moving into committee is to enable hon. Members to examine each of the proposed regulations one by one, as in Committee Stage of a Bill.

Hon. Members, I have received formal requests in the Chambers from some of you on the amendments contained in the Order Paper, particularly on the application of the requirements of Article 114 of the proposed amendments.

From the outset, I note that in addition to the amendments proposed by the Committee, there are other amendments proposed by individual hon. Members. An analysis of some of the proposed amendments reveals that some of them have the potential of making provisions for--- Listen to the definition of a money bill in Article 114 (3) of the Constitution.

As a matter of example, the amendments proposed by the hon. Member for Kipkelion, urge Parliament to allocate the *Uwezo* Fund at least, at 1 per cent of all the revenue to the National Government, calculated on the basis of the most recently audited revenue, as approved by the National Assembly; calculated on the basis of revenue allocation to the National Government, the Division of Revenue Act, 2013. This amendment implies that Parliament will allocate, at least, Kshs7.1 billion every subsequent year.

The Committee has also proposed amendments that have a similar effect. Another example is a proposed amendment by the Member for Nairobi County to Regulation No.15 which seeks to increase the membership of the *Uwezo* Fund management committee by two members per county and per every constituency. This amounts to increasing the national membership by 580 members. This may affect the administrative cost of the Fund.

Indeed, the Member has another amendment that proposes to deem the *Uwezo* Fund as a supplement to the Constituencies Development Fund (CDF). Clearly, these are the kind of amendments that ought to have been examined by the Committee, having consulted the Cabinet Secretary for the National Treasury. I know the Committee in its amendments had consulted the Cabinet Secretary for Devolution and Planning. However, this does not meet the constitutional threshold for matters spelt out in Article 114 which requires that the Cabinet Secretary for the National Treasury be consulted on money matters. This is also the case for several other amendments proposed by the Committee and others proposed by individual Members.

Hon. Members, in this regard I now order the following proposed amendments inadmissible for consideration in the Committee of the whole House: One, the proposed amendments to Regulation 7 and Paragraph 1(d) of Regulation 18 as proposed by the Committee. Second, the proposed amendments to Regulations 7 and 20 by the Member for Kipkelion. Third, the proposed amendments to Regulation 15 and the proposed New Regulation 19A as proposed by the Member for Nairobi County.

Hon. Members, finally when the House resorts to Committee to consider the regulations, the Clerk will read each regulation one after the other for the Committee to consider the regulations and the proposed amendments sequentially in accordance with the procedure contained in the Standing Order Nos.132 and 133. At the end of the consideration, the Chair will ask the Leader of Majority Party to move the Motion which is:

THAT, the Committee do report to the House its consideration of the Public Finance Management (*Uwezo* Fund) Regulations 2013 and its approval thereof with or without amendments.

Hon. Members, if the Question is agreed to the House will resume allowing the third and last phase of the consideration of the regulations. When the House resumes, the Chair of the Committee of the whole House will report that the Committee has considered the Public Finance Management (*Uwezo* Fund) Regulations 2013 and approved the same with or without amendments.

Finally, I will call upon the Leader of Majority Party to move the Motion; THAT the House do agree with the Committee in the said Report. After the Motion is seconded, I will propose the latter and later put the Question for the decision indicating the conclusion of the matter. Thank you.

Hon. Members, let me take this opportunity to advise the House to observe the regulations of Article No.114 of the Constitution at all times. Where you fail I will not hesitate, as your Speaker, to guide the House. Let me also request that you observe the requirements of Standing Order No.131. I now ask hon. ole Metito to move. There is a point of order by hon. Wambui Shebesh.

**Hon. (Ms.) Shebesh:** Thank you, hon. Temporary Deputy Speaker. I really apologise for having to ask you to just clarify a point that I did not understand very well because I am one of the Members you spoke about. Let me know whether you read out what we cannot bring or what we should bring to the Floor of the House. I did not get it very clearly, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Shebesh, I was putting across the amendments that have been proposed by the hon. Members that will be discussed during the Committee of the whole House. You are one of them. I read your

name as the County Member of Parliament for Nairobi and I am sure you will bring your amendments at that point. There is a point of order from Washington Jakoyo Midiwo.

**Hon. Midiwo:** Thank you, hon. Temporary Deputy Speaker. I was going to rise on a point of order to raise the same issue that was raised by my colleague Rachel. I do not think the Communication you have read to the House is clear. Are you declaring some amendments inadmissible or what?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Exactly.

**Hon. Midiwo:** If you are, you are not clear because you are saying: "Observe the requirements in Standing Order No.114." However, I think a ruling of the House should be categorical. You should tell us these amendments are not admissible so that we are categorically sure.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Midiwo, I said and I used the word "inadmissible". The ones that I read will not be allowed. Please note the word "inadmissible". The ones that I read will not be allowed and this is the Communication from the Chair.

Thank you. Hon. Katoo, please proceed.

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. I think hon. Midiwo is quite right. I think what you have put across is about amendments that have money effects that need to have been processed through the Committee in consultation with the Cabinet Secretary for the National Treasury. Since this Motion has only one hour for debate I will just be concluding by saying that the minimum being proposed to be given to a group is Kshs50,000 and a maximum of Kshs500,000 at any time. It is also proposed that the interest for the loan component should be charged between zero per cent to a maximum one per cent per annum and in this financial year, the proposal is that there will be no interest chargeable.

The Fund is also to be disbursed on a first come first served basis depending on the eligibility of the application. The eligibility of a group to receive the money depends on some of these considerations; one, the total amount contributed by the group because the group must be in existence and must have some internal structure and rules for contribution; two, the current status of the contribution; three, the proposed loan plan; four, the length of time the group has been in existence and preference will be given to groups that have been in existence for at least six months. The repayment period for the loan element will be determined by the amount borrowed by the group, the size of the group and the proposed plan of the loan. The group will also be allowed a six months grace period before commencement of the repayment of the loan component and all loan components will be payable within two years from the end date of the grace period.

On the eligibility, as I said earlier, it will be for youth and women groups and some religious organisations that are registered and can participate in the *Uwezo* Fund processing. For women groups and youth groups to qualify, they must be as I said registered by the Department of Social Services or the Registrar of Societies. On the group age, the membership of the group should be between 18 and 35 years for the youth but for the women groups all their membership must be women. Preference will be granted to groups that have been in existence for six months and must be based and operating within the constituency. They should be operating as women groups, like in a *chama* structure. We are calling it here table banking. It is the structure where members

make monthly contributions according to the groups' internal guidelines. Evidence of those monthly contributions should be a requirement.

In conclusion, hon. Temporary Deputy Speaker, the groups should hold a bank account in the name of the group. There have been some proposals on this. I know the Committee is having many amendments and we are in agreement. There are proposals that the groups be recommended by the chiefs. For the religious institutions to qualify, they must be registered and must be recommended by the Inter-Religious Council of Kenya. I have listed youth and women in the groups.

Hon. Temporary Deputy Speaker, there should be a signed guaranteed form executed by each member of the women or youth group individually committing to repay the loan component requested by the group. The requirement of individual group member reference letters from recognized leaders in business, religious institutions, national and county government institutions has been proposed.

Finally, I want to say that Members should really pay attention to this Motion because this regulation may elicit many Members' contributions and proposed amendments as has been tabled. Therefore, I request all Members to approach it with a very sober mind. I request hon. Members to support this Motion.

Hon. Temporary Deputy Speaker, in that regard, I request the Deputy Leader of Minority Party, my good friend, hon. Jakoyo Midiwo to second the Motion.

I beg to move.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Yes, hon. Washington Midiwo.

**Hon. Midiwo:** Hon. Temporary Deputy Speaker, this "Wash" thing is very sweet in your mouth but I do not mind it anymore because it is beginning to be my name.

I rise to second the Motion. In the last few days, there has been a lot of noise in some quarters particularly from the media that Members of Parliament are hijacking the *Uwezo* Fund. This is a Fund being established by the Government and none other than the President stood on the podium where you are sitting and said that he will have it run alongside the Constituencies Development Fund (CDF) structure.

When the President made that comment on the Floor of this House, the media never contradicted him. It has become fashionable that Members of Parliament must be bashed even when they mean well for the country. I thought I should point out that because it is a waste of time to go that direction.

Hon. Temporary Deputy Speaker, having said that, the problem in our country is that no money circulates in some parts of this country. Our people are poor because the youth and women do not touch any money in most parts of our country. This is a good beginning.

The *Uwezo* Fund is a good beginning because for once Kenyans will touch the money they pay in form of tax. That money will go directly to them. I have been a Member of Parliament for three terms. I have seen the transformation made across this country through the CDF. I dare say that even the progressive economic growth that we have had over the last 10 years is because of the CDF.

*(Applause)*



This House must participate in dismantling the centralization of money in Nairobi. Somebody leaves Isiolo or Siaya just to come and carry *magunia* in Industrial Area because there is no investment on the ground. Many of us, as Members of Parliament, have tried even table banking but you cannot fund such things from your pocket all the time and yet the Government has money.

I have on three successive years, last year included, tried to bring a Bill that regulates interest rates so that our people can afford or take affordable loans in order to start small-scale businesses but the cartels in the banking industry are too strong. Kenya is the only country---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, please be seated and consult in low tones. Let hon. Midiwo second this Motion.

**Hon. Midiwo:** Thank you for protecting me, hon. Temporary Deputy Speaker. I was saying Kenya is the only nation under the sun where the economic growth is negative but banks make billions. What this Parliament is doing today is what Brazil has done that has made that country surpass Great Britain as a world economic power. What we are doing today is what India did to make it begin to compete with super powers like China. What we are doing today shall transform this country.

It was canvassed in this House whether the amendments which you have just overruled--- If we were to change the Constitution so that money can go to the ground, we would do it in a minute. It is hard being a Member of Parliament. This is because you will lead people who the Government over the years has gone out of its way to make sure they stay poor. We must make sure as a Parliament that we participate in getting our people out of poverty.

Hon. Temporary Deputy Speaker, having said that, there are issues. When we spoke about the *Uwezo* Fund a few months ago, I said on the Floor of this House that Members of Parliament need to consider, understand and be alive to the fact that the County Women Representatives are also Members of Parliament.

*(Applause)*

This is important because all we are doing is developing our people and it does not matter who does it. It does not matter whether you are a Member of Parliament from a single constituency or a county representative. We must accept that. There is no point of lip service to our opposite gender every time but when it comes to the crux of the matter, we then talk in low tones.

**Hon. Members:** *Wacha hayo!*

**Hon. Midiwo:** Hon. Temporary Deputy Speaker, the opposite gender haters are heckling me and they happen to be on my side. I will not be cowed but I will say what I think is right for this country.

Nothing stops us from being magnanimous and saying that the posts in the committees that will run this Fund in the constituencies should be shared 50-50. Let us carry everybody along. Why do we look for every opportunity to put them down and yet they are part of us?

I want to plead with the House that even as we face challenges as we try to increase this, given that it has financial implications, we ask the Budget and Appropriations Committee to look for a way of increasing that Fund in the next Budget, so that it can be permanent and have sufficient resources for our people to access.

With those remarks, I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question! Put the Question!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, before I put the Question, I want to make a clarification. I can see that this is a debate to which we all want to contribute. My clarification relates to what hon. Midiwo and hon. Shebesh have said. I want to read again from my Communication on inadmissible considerations during the Committee of the whole House. As we debate them in the Committee of the whole House, let us observe the following:-

(i) The proposed amendment to Regulation 7 and paragraph (1)(d) of Regulation 18 or as proposed by the Committee.

(ii) The proposed amendment to Regulations 7 and 20 by the Member for Kipkelion.

(iii) The proposed new Regulation 19A as proposed by the Member for Nairobi County.

Hon. Members, Regulation 19A is a correction of Regulation 15. So, the proposed Regulation 19A by the Member for Nairobi County is the one applicable as inadmissible.

Next is hon. Diriye Abdullahi Mohamed, but I can see that he is not in. So, let us have hon. Kirui Joseph Limo.

**Hon. Limo:** Thank you very much, hon. Temporary Deputy Speaker, for giving me the chance to contribute to this important debate.

Today, we are making history in this country because we are empowering two important sections of our society – women and youth. We know that those are two key groups in our society which have not been empowered for a long time. So, these regulations, which are going to govern the most important Fund that was promised by the Jubilee Government, are very important and we have to support them. It is important to note that the funding that was provided for women and youth before was very restrictive.

The President and the Deputy President had good intentions in introducing that Fund, but we have seen that some of the provisions in these regulations are restrictive. That is why we are committed to cleaning these regulations. Even if they are not completely cleaned today, we are committed to doing so even in the future. One of the restrictive regulations is Regulation 20. Even though Regulation 20 is amongst the ones you have said that are not admissible, I want to state clearly that the President and the Deputy President had promised women and the youth of this country that the *Uwezo* Fund will not attract any interest.

Unfortunately, in the Regulation, a proposal has been sneaked in to unfairly charge the youth and the women 1 percentage interest. This will restrict them from accessing the funds, contrary to the President's promise. I have consulted on this matter and I would like to say that I will move an amendment during the Committee of the

whole House. I have even consulted our legal counsel. We are saying that this will not deter us from speaking on behalf of the youth and the women of this country.

The Temporary Deputy Speaker, under Regulation 7 we are saying that the Kshs6 billion that was allocated to the Fund is not sustainable. There is no provision of enhancing the allocation to that Fund to ensure that women and the youth who may not access money from the Fund this year will get funding in the next years. I consulted the Legal Department and they agreed with me that we can bring a persuasive amendment. It is not an amendment that will say that we must appropriate. As Parliament, we are saying that we shall endeavour to appropriate. "Endeavour" does not mean that it is a must. So, I am sure that if it is read properly, you will consider your ruling and make it possible for us to consider appropriating more funds to this noble Fund on an annual basis. We are, therefore, pleading with you to reconsider your ruling to allow the House to consider the amendment.

We have also seen in the regulations that there is the restriction that youth and women groups interested in borrowing from the Fund must have registered, at least, six months before they present their application for funding. Counting six months before today means that the groups should have registered in April, just a month after the Jubilee Government came into being. So, it is not practical. Secondly, we are all aware that, for the last couple of months, there has been a problem in procuring certificates for purposes of registration of groups in this country. We are not sure whether this was done deliberately or it was due to inherent inefficiency in the relevant Government departments. So, we are saying that these regulations must be amended to ensure that registered youth and women groups are allowed to apply for funding. Insisting on the six months clause is retrogressive because only a few groups will qualify. So, I will also move an amendment for the removal of that requirement in the regulations.

The Temporary Deputy Speaker, I urge this House that we bring a lot of harmony as we form the committees. I know that the regulations target specific areas but I am saying that we must reduce bureaucracies in that Fund. Therefore, we must also ensure that we reduce the number of civil servants who are going to be involved in the operations of that Fund. We already have the Youth Enterprise Development Fund (YEF) and the Women Enterprise Development Fund (WEF), which have done little to improve the welfare of those two groups in our society. That is why the President and the Deputy President came up with the *Uwezo* Fund. Unfortunately, we are bringing on board the same officers for them to bring their inefficiencies. So, we must stand firm, as Members of this House, and work together to ensure that we have, at least, one-third youth and women representations in the committees. One-third should be shared between men and Government officers. That way, we can have people who have the two groups' interests at heart running the *Uwezo* Fund.

In conclusion, I would like to say that this is a noble Fund and urge hon. Members representing constituencies and those representing the counties that it is in the interest of this country for us to work together in harmony and even forming the committees. Therefore, as we consider these regulations, let us do so in harmony and ensure that all of us play a key role in making that Fund successful. A successful implementation of that Fund will reduce our burden not only because we will not be supporting a lot of other activities, but because we will have many people contributing to the development of our country as everyone gets something to do in the constituencies. I

am sure that the people of Kipkelion East Constituency are happy today because we are bringing that Fund which we have been talking about for a long time.

I support these regulations with amendments. Thank you, very much.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I have many requests on this Motion. From the Chair, I want to propose that we reduce the debating time to five minutes.

**Hon. Members:** Three minutes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, we will reduce the debating time to three minutes per speaker, with exception of the Chairperson of the Committee.

**Hon. Cheptumo:** Thank you, hon. Temporary Deputy Speaker for giving me a longer time. I have a lot to say on this Motion.

The Committee on Delegated Legislation spent several hours going through these regulations. I wish to thank the President for coming up with this very important Fund. The objective of the Fund is to expand access to credit and to promote youth and women businesses and enterprise at the constituency level, thereby enhancing economic growth. One of the challenges that we have in this country is the unemployment of the youth who form over 65 per cent of our population. They are a very important sector of our society. The objective of that Fund is to address the plight and future of our young people.

I want to appeal to my colleagues in this House that, as we debate this Motion and as we debate this matter and consider the various amendments, we bear in mind the fact that, that Fund should be made available easily to our young people. Later, when we go into the Committee of the whole House, I will bring some amendments. For now, I will just say three issues.

That Fund has two components. There is the component on the youth and that one on women. The Kenyan women are equally an important sector of our society. I want to agree with hon. Midiwo and other Members that, as we form the constituency committees, we should be guided by the fact that we need to move together. My committee had a challenge in the usage of the word “consultations”. This country is aware of what consultations between two persons can lead to sometimes. The regulations say that the appointment of the constituency committee can be done through consultations between the County Woman Representative and the Member of Parliament. Our worry is that, that particular provision, in some counties, might result in a situation where we may not at all agree on the membership of the constituency management committee.

The Temporary Deputy Speaker, instead of using the words “in consultation” let us share these nominations. I will be later showing this House our proposals as a Committee so that our Women County Representatives are able to appoint directly without consultations with Members of Parliament. If we leaders cannot agree, how do we expect our constituents to agree on issues that affect them? We need to move together so that we can build a cohesive and united society.

The other issue is that we want to reduce the connection between that Fund and the CDF in many respects. One of the ways we are going to propose--- When you look at the regulations, it is said that the CDF manager should be the Secretary of the Constituency *Uwezo* Fund Committee. That is a provision that we feel should not be accepted. That is because in some constituencies, the managers may not be as popular as

it is in other constituencies. There are areas where the CDF has succeeded – that is okay – and there are areas where it has not succeeded. This can easily impact negatively on the *Uwezo* Fund which is a very noble initiative.

Lastly, with regard to the Ministry of Interior and Coordination of National Government, one of the regulations - I think it is the fifth or third one - states that the Principal Secretary for the Ministry of Interior and Coordination of National Government must sit in the National Oversight Board of the Fund. These are people who should be concerned with the security of the country and not to sit in a Fund dealing with youth and women issues. These are issues that can be dealt with better by the relevant Ministry of Devolution and Planning.

This 11<sup>th</sup> Parliament will go into the records of this country as having been able to come forward with very good regulations for our young people and women to access credit. However, we have a big challenge. We already have the Youth Enterprise Development Fund and the Women Enterprise Development Fund which are not very successful. My prayer and wish is that this *Uwezo* Fund, with the support of Parliament and constituency committees, becomes successful and that it achieves the intentions meant by the President.

In future, we might need to have one legal framework for all the funds, so that we can have YEDF, WEDF and *Uwezo* Fund under one umbrella. That way, they will be managed in a more transparent and effective manner. I will later move amendments to these regulations.

Thank you, The Temporary Deputy Speaker.

**Hon. (Ms.) Mbarire:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. I want, from the outset, to say that I strongly support the creation of the *Uwezo* Fund. I also support the regulations that have been brought before us, obviously with a few amendments.

The purpose for which we create *Uwezo* Fund is to enable youth and women in the country to access credit - and cheap credit for that matter - with less bureaucracy. For the last five or more years that we have had WEDF and YEDF, it is not right for us to say that they have been a failure at all because there are some places where they have been a big success, especially where people have been able to pay back the loans.

Where it did not work in totality was because of the bureaucracy that was placed on it and the fact that the intermediaries of providing the loans were the same banks that have always been a hindrance to women and youth accessing loans. As a result, it is most welcome that we are having a Fund that is less bureaucratic, has no interest rate and that will be easier for the women and the youth of this country to access. The most important thing that we must work with, as we put together the *Uwezo* Fund, is the whole issue of ensuring that we create enough capacity in these groups, so that they do not borrow money to pay fees and meet their daily needs. That they are borrowing to put it into income generating activities.

Therefore, there is need to ensure that the training will also include serious entrepreneurial skills, so that they can identify income generating activities that they can engage in and that will earn them profits so that they can then pay back the loans. I also want to say that it is one thing to give money to the youth and women across the country to start various income generating activities, but it is another to create market linkages for the products that they will produce. Many times, you find that we have everybody doing

poultry, rabbit keeping, dairy farming and basket making, but how do we market those products? Therefore, the Ministry should come up with a component of creating market linkages. It is very important that, as Members of Parliament, even as we begin to engage with the *Uwezo* Fund, we must also start looking for markets for the products that our youth and women will produce in the constituencies and counties.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over, hon. Mbarire. We agreed it is three minutes.

**Hon. (Ms.) Mbarire**): Give me one minute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, do you agree I give her an extra minute?

**Hon. Members**: Yes.

**Hon. (Ms.) Mbarire**): Thank you, hon. Temporary Deputy Speaker. I want to urge the House that we need to ensure that we accommodate the 47 women from the counties to participate in the distribution of that Fund. I do not think it is enough to call them champions of that Fund. I also do not think it is enough to just tell them to bring two members appointed by them to this committee. We need to engage them in a more serious way, so that they can have something to do back in the counties where they were elected. If we do that, we will not only show the reason why we needed extra representation of women in this House, but also real output by Members elected from the counties.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Mbarire. Being the Chair of Kenya Women Parliamentary Association (KEWOPA), I know you have a lot to say. Members, let us summarize. We agreed that we will take three minutes each. Let it remain three minutes and, please, manage your three minutes well. There are no exceptions any more. We are all equal Members of this House.

**Hon. Gichigi**: Thank you, hon. Temporary Deputy Speaker. I rise to support this particular Motion. I support the establishment of the *Uwezo* Fund and I thank the President for finally fulfilling his promise to this country. I thank the Jubilee Government for that.

The amount of Kshs6 billion is a good figure as seed money but, in as much as we may not be able to bring amendments to bring further appropriations of funds to that Fund today, it is something that we need to think about so that, later on, through the process provided for in the Constitution and through the Budget and Appropriations Committee as well as the Cabinet Secretary in the Treasury, we come up with measures to sustain this particular Fund by providing more funds in the coming years from next year.

We already know that it is not the entire Kshs6 billion that is going to the youth and women. A bit of it is going to capacity building and some of it will go to the administration of the Fund. My people of Kipipiri have done the calculation and divided the Kshs6 billion into 290 constituencies and thought that Kshs20 million is going to them. They thought that Kshs10 million will go to the women and Kshs10 million to the youth. At the end of the day, what is going to the constituency is less than Kshs15 million. It is important that we put more money in that Fund.

I will be supporting an amendment to remove Government officials and give more weight to the representatives of the people. I will also support any amendment that will

simplify the process. Let us not make it so difficult for the youth and women to access that Fund. Further, we require more transparency and publicity in those funds. Many people out there are not even aware of the Women Enterprise Development Fund and the Youth Enterprise Development Fund.

**Hon. Kaluma:** Thank you, hon. Temporary Deputy Speaker, for the opportunity to speak to this Motion. I had occasion to attend the proceedings of the Committee on Delegated Legislation when this matter was coming up. To start with, may I clarify to Members that it takes this House to budget and appropriate funds. This is not a Fund being given to the Kenyan women or youth by the President. It is a Fund that we budgeted for in this financial year to be given to the youth and the women. It is us who did it. It is us who will oversee its disbursement. We forget about this and this is something that we did when we were looking at the regulations. We want a fund that can be in existence for posterity.

May I confirm to the House that I witnessed the negotiations that took place in as far as the amendments of the regulations are concerned. Several meetings were held and the Cabinet Secretary and Principal Secretary in charge of Devolution and Planning attended. Time is very limited and I would request the Members to take time to see the amendments the Committee is proposing for the regulations which were previously there. If you look at them keenly, you will support the Committee's report on the regulations. I do not want to take so much time, but I believe that we need to accommodate all Members.

**Hon. Njomo:** On a point of order, Hon. Temporary Deputy Speaker. Is it in order for hon. Kaluma to mislead this House, while we know very well that the President promised the people of Kenya that he is going to provide Kshs.6 billion to be loaned to youth and women? What we are doing here today---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Njomo, what is out of order?

**Hon. Njomo:** We are being misled. What we are trying to do today is to put structures and rules to govern the Fund that was promised by the President to the people of Kenya.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Njomo, there is nothing out of order. Hon. Members, when you look at your Standing Orders, let us learn this. You can read what it means to be out of order, so that we can get directions as to when we should state a point of order or a point of information and we can always be able to differentiate. Hon. Kaluma, please, continue.

**Hon. Kaluma:** The money the President of the nation promised the country was money that was to be used for the presidential run-off. It was money that was to be available in the Financial Year 2012/2013. I am not misleading the House to clarify that this money was budgeted and it is not money that was promised. That is not the issue.

I know it was agreed that we will be appointing two people into the committee from each constituency, plus ourselves as *ex-officio* Members. That makes three people. If we have that in Nairobi for instance, we will have 34 people sitting in the committees at any given time. We should agree that this is a fair deal, we move forward and entrench the Fund and avail the money to the youth and women.

Thank you, hon. Temporary Deputy Speaker; I leave so that my colleagues can contribute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Gladys Wanga, take the Floor.

**Hon. (Ms.) Nyasuna:** Thank you, hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Motion. What I can say about *Uwezo* Fund is that it is much awaited by the youth and women of this country. There is nothing that is more talked about in the villages than the *Uwezo* Fund currently.

What I can urge the Ministries concerned is to expedite the issue of certificates so that our youth and women groups can have certificates in good time. I do hope that we are going to reduce the period of six months for one to qualify for registration, so that when the money goes to the ground, our women and youth will be able to access it promptly.

I am very happy that these regulations have come to Parliament for debate so that we can look at the most appropriate way of disbursing the money. I am also happy that it will have ownership of the political leadership of the constituencies and counties of this country. Initially, the Fund was supposed to follow the model of Women Enterprise Development Fund and Youth Enterprise Development Fund. While we know that the Youth and Women Enterprise Development funds have had their successes in various areas, we do know that generally, they have not succeeded as much because of lack of championship and accountability from the political leadership. I am happy that this has come to the House. The County Members of Parliament did also move to have this money come through Parliament.

Initially, the thinking was that since Members of Parliament have CDF, the County Members of Parliament would have the *Uwezo* Fund. Then we went to an arrangement that was 50-50, and finally we were, in fact, outside the House and we managed to come back inside the House. I am happy that we are going to find a way of working together. If we ask for one or two additional slots, I do pray that we get those slots so that we are also able to operate efficiently within the constituencies and work hand in hand with our County Members of Parliament.

The most important thing is that we hope that our youth are going to use this opportunity to come together and get into enterprises that are going to succeed, so that by 2017 we have a culture where it is our youth supporting the politicians rather than asking for handouts. That is because they will have succeeded accordingly.

With those many remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Isaack Mwaura, take the Floor.

**Hon. Mwaura:** Ahsante sana, Bi. Naibu Spika wa Muda. Ningependa kusimama na kuunga mkono Hoja hii ambayo inaweza kuhakikisha kwamba akina mama na vijana wanapata nafasi ya kuweza kutumia fedha ambazo zimetengwa na Bunge hili na Serikali kwa miradi ya biashara.

Jambo ambalo linafurahisha ni kwamba watu walemavu pia wataweza kuakilishwa katika ile bodi ya kitaifa kupitia baraza la kitaifa kuhusu watu walemavu na pia katika eneo Bunge ambapo mojawapo wa wale ambao watakuwa ni wanakamati atakuwa ni mtu mlemavu ambaye atateuliwa na mashirika ya watu walemavu katika kiwango hicho.

Hili ni jambo la kufurahisha kwa sababu ukiangalia maeneo yetu, kila gatuzi linajaribu kuwekeza ndiposa kuwe na watu ambao wataweza kushiriki katika masoko



yao. Lakini jambo ambalo pengine ni la kushangaza ni kwamba watu wetu hawana hela mifukoni. Watu wetu bado ni fukara, hawajaweza kujihusisha katika biashara kwa sababu imekuwa ni vigumu sana kupata fedha za kuendeleza zile ajenda ambazo wako nazo, yale mawazo ambayo yataweza kuwafaidi.

Naunga mkono Hoja hii kwa sababu inaimarisha vile ambavyo tunaweza kujiendeleza, ukianagalia vizuri kabisa. Lakini, pia kuna dosari kwa sababu sijui kwangu mimi kama ingelikuwa bora Hoja hii ipendekeze ule mfuko wa fedha wa akina mama na ule wa vijana uweze kujumulishwa. Wale ambao wamekuwa wakiendesha mifuko hiyo wamekuwa na ujuzi na wamepata maarifa kutokana na vile ambavyo wamekuwa wakiendesha shughuli hizo. Ndiposa tusifanye yale makosa pengine ambayo waliyafanya.

Kwa mfano, wanaweza kueleza kinaga ubaga zile changamoto ambazo vijana, akina mama na watu walemavu wanapitia katika shughuli zao za kibiashara. Ninatumaini kwamba kama Bunge tutahakikisha kwamba haya maarifa yanaweza kusaidia ili kuimarisha utekelezaji wa mfuko huu.

Pia, ni muhimu kuangazia kwamba, kumekuwa na vijana wengi ambao wamekuwa na maarifa ya kuweza kuanzisha kampuni naku---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Christine Ombaka, take the Floor.

**Hon. (Ms.) Ombaka:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. First of all, it is a great pleasure to have this *Uwezo* Fund because it is aimed at alleviating poverty among women and the youth. It is a great welcome, but there are a few things that we still need to learn from other funds to make this one successful.

I happen to have been the Chairperson of Constituencies HIV and AIDS Committee and that was a while ago. The structure is so simple and effective. There are no Government officials. You only have the community, teachers and women; successful people in the community but they are not necessarily civil servants. They really know what it means to have this Fund. So, it was always working so well with no struggle. I do not know how we could not learn from HIV and AIDS Community where you are just dealing with the local people. Here we have civil servants who are very busy running to Nairobi for meetings. They also have meetings over there. I do not know whether they will have enough time to be meeting to talk about the *Uwezo* Fund. My recommendation is that we leave them out totally because the Government has a role in here. They will be able to assess or evaluate how those who receive the funds will account for them.

Secondly, we need to minimize the fear that goes with funds given to women and youth. Many people are afraid of taking those funds because they believe that once you get the funds and you are not able to pay, then some of your property will be taken away. That is why there is need for training or capacity building long before the Fund is disbursed. We need to ensure that even when they fail to pay back, their property is not taken away. They can renegotiate and extend the repayment period, instead of grabbing what they have already achieved. I think that needs to come out very clearly; that, no property of women or the youth will be taken away from them should they fail to repay the loan taken. Otherwise, I support the Motion with amendments, and look forward to working with women and the youth. Besides, we can do the reverse in terms of the

structure of women representatives as the proposed Act says; women representatives can bring two---

**Hon. Njenga:** Thank you, hon. Temporary Deputy Speaker. This is a good idea and I support it. We are looking for systems and regulations, but I am also considering that we have the Women Enterprise Development Fund and the Youth Enterprise Development Fund. I would like that this House considers merging all these funds to become *Uwezo* Fund, which will be a fund that we will contribute to annually. Otherwise, we will find having so many funds not very good. But we could do better if we merge the two funds.

The other thing is that these funds create employment and bring Kenya to the culture of working to break from the vicious circle of poverty and all that. It is my own appeal that instead of giving these funds through the banks, because banks will come in as agents, we give this money directly. I would advise hon. Members, including women Members of Parliament, to consider forming Savings and Credit Co-operative Societies (SACCOs) that will actually manage their accounts and keep records, for the *Uwezo* Fund. If it is going to be continuous then, SACCOs will be better; they are cheaper, convenient and fast.

I am also having a problem with the kind of work that these funds will do and urge our people to consider going back to the cottage industries of earlier years. Cottage industries would make goods and products that are consumed by households in our constituencies. That can enhance savings which will go a long way in making our people break away from a cycle of poverty. So, the money should be given to institutions or organizations that will be able to produce soap and the like.

The other thing that I am concerned about is the portion of this money which is a grant. We need to educate our people that the 60 per cent loan, which I find to be a little bit low, is different from the grant. Otherwise, we do not have repayment and having this fund as a going concern is problem. I am also concerned with the kind of saving that we shall do. One per cent is very little. My question is; if we are going to have 1 per cent, and we have the percentages that are going to administer this Fund--- We should consider a percentage that will motivate and repayment at 3 per cent or 5 per cent per annum to increase this Fund to meaningful amount of money in the long term. Otherwise, I support the Fund and I would like to urge Kenyans to know that this money is not for free.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I can see we are excited.

Hon. Ng'ongo, the Floor is yours.

**Hon. Ng'ongo:** Thank you, hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Motion about the first of public finance management regulations that are before us; this is about the *Uwezo* Fund. I am happy that we are going to have some funds that we can use to target the youth and women of this country to be able to give them capacity. I know we had the Youth Enterprise Development Fund and the Women Enterprise Development Fund. But these funds have enriched the banks as opposed to the targeted beneficiaries.

Hon. Temporary Deputy Speaker, I have heard some concerns being raised why this money should be managed by hon. Members of Parliament. I want to ask those who are asking such questions, if they do not want hon. Members to be involved in management of the Fund, who do they want to be involved? If you look at the statistics

of the donor-funds that go through Government Ministries, analysis and research have shown that only 15 per cent go to the intended use; compare this with the so-called CDF that has been talked about. Out of the total allocation, almost 90 per cent of that goes to the targeted beneficiary.

Hon. Temporary Deputy Speaker, Sir, elected representatives have a unique way of accounting to their electorate. Elected representatives are accountable to the electorate directly and after every five years, you have to go and renew your credibility and integrity before your electors. I want to remind hon. Members that most Members fail to come back to Parliament because of CDF. If we mismanage *Uwezo* Fund, many of us will be defeated, especially now that this is going to be money targeting the youth, a very impatient lot of our society. They will treat us harshly.

Hon. Temporary Deputy Speaker, allow me to say one more thing with regard to management of these funds. At one point, I actually thought that we would allow our County Women Members of Parliament to manage this Fund because we have so much. We have the CDF, KERRA, *et cetera*. This arrangement where the groups of MPs are going to get involved in managing funds is acceptable. I only want to plead with my colleagues that we do not pressurize the women MPs further; we allow them to participate and work with us because they were also elected so that---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. Hon. Members, as I have always reminded you, this is a House of procedures. As per my previous communication, this debate was supposed to take a maximum of one hour. It is over one hour now. Therefore, I call upon the Mover to reply.

**Hon. Members:** No! No!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I have 49 requests. If you want me to read them out, I can read out all of you. I know this is one of the Motions--- I really want to admit that we all want to contribute, but we are going to the Committee of the whole House. Please, hon. Members, let us contribute; we have amendments by hon. Members. So, since it was one hour for debate, I call upon the Mover to reply.

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. Allow me to give two minutes each to hon. Sakaja and hon. Sane.

**Hon. Sakaja:** Thank you, hon. Temporary Deputy Speaker. I would request that I be given a bit more time as the Chairman of the Kenya Young Parliamentarians, this is a matter that affects young people. Still, I will be very brief in the two minutes.

I just want to make two points; one, this is a great opportunity for the young people of our country, who are the trustees of our nation's prosperity. For a long time, young people have not been in the mainstream of financial inclusion but now we are seeing a situation where young people are actually getting opportunities to get involved in the economic life of this country. That is very positive; this is a promise that was made in the Jubilee Manifesto and it has come to pass.

Hon. Temporary Deputy Speaker, I just want to make it clear that as hon. Members constitute these committees, it is important that they consider having people in the committees who can mentor the young people in business. These committees must be looked at in the light of the 30 per cent procurement opportunity that the Government is providing. The Bill that I have sponsored has been read First Time today. If it is done

well, we are sure that we will be able to transform our economy by money circulating in all parts of the country.

Hon. Temporary Deputy Speaker, I would appeal to hon. Members not to sideline young people who did not vote for them; fears have been expressed by certain young people in the country. Administering this Fund should be as inclusive as possible, so that businesses actually thrive and become success stories tomorrow.

Therefore, I beg to support the Public Finance Management (*Uwezo* Fund) Regulations; I will leave it at that.

Thank you.

**Hon. Sane:** Thank you, hon. Temporary Deputy Speaker. I also wish to thank hon. Katoo ole Metito for his generosity.

In contributing to this Motion, I dare say that this is a good Fund. It will help our youth and women and the objective of it is clear. It is to support youth enterprises. One thing I realised is that the targeted beneficiaries of this Fund are only groups and institutions. It has neglected a very good component of our society, and one that has always struggled and upheld the spirit of entrepreneurship – those poor youth and mothers in the rural villages who operate shops. I think if we are to support entrepreneurship we should realise that it is not vested in groups. I come from a civil society background. I have been working with groups and to be honest, all groups have failed. It is good to appreciate individual Kenyans who can at least give ownership to their business, and who have always been struggling and toiling in that regard, I would request hon. Members to at least accept individuals as beneficiaries of this Fund and not groups. It is these individuals who move the economy at the rural level. It is these individuals who are always putting their careers and financial security on the line.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. Hon. Chris Wamalwa, you have been given two minutes.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. I rise to support these regulations. First before that I want to thank *Mheshimiwa* Metito for giving me two minutes. Seventy per cent of unemployed people in this country are the youth. So, this is the Fund that we must guard carefully. I want to go on record as saying that there is no fight between the Members of the County Assemblies (MCAs) and the constituency Members of Parliament. When it comes to *Uwezo* Fund we are going to work together as a team, so that we are able to deliver.

Hon. Temporary Deputy Speaker, we have had Kenya Women Finance Trust (KWFT). In my constituency I have had problems with this women fund. People in this fund always follow up on women. They are not even sleeping in their own houses.

When it comes to this Fund, we want to call upon the beneficiaries to know that it is a loan and they are supposed to pay it back. That is very critical when it comes to capacity building. It is not free money and we do not want what is happening to the women through the KWFT to happen to this *Uwezo* Fund, because it is a pity. In my constituency, I have been seeing people having problems. They cannot even sleep in their own houses because they are being harassed by the KWFT agents.

Hon. Temporary Deputy Speaker, we must put a monitoring and evaluation framework in place, so that we are able to follow up projects in order to make them a success. When you look at this, the issue of SACCOs is very critical. We can have a clear framework with the co-operatives so that these funds can be channeled through

these SACCOs. This is very easy because SACCOs have something called FOSAs. Some of these people might not be able to go to banks.

I am also telling this House that we should not go for the six months; we should allow one month, as it is good enough for people to do business. It is not an issue of how long you have been there. If we are going to have monitoring and evaluation framework we are going to know the returns. We want this Fund to be replenished yearly. If at all it is going to work fairly well, I call upon this House to even increase the funding.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. Hon. Joyce Emanikor, you have been given two minutes.

**Hon. (Ms.) Emanikor:** Thank you, hon. Temporary Deputy Speaker. I want to give credit where it is due. I want to repeat that we appreciate the fact that the President and his deputy considered the youth and women of this nation, knowing that poverty has been feminized and knowing that crime is linked to idle youth; this is why we got this money.

Hon. Temporary Deputy Speaker, I also want to appreciate the Cabinet Secretary for Devolution and Planning for allocating Kshs500 million for capacity building. We know previously there have been problems with micro-enterprises in issues of defaulting, making wrong choices and decisions in terms of entrepreneurship, sustainability, choosing between options and selecting businesses. All these will be addressed by capacity building.

Hon. Temporary Deputy Speaker, I want to urge the House that we should not put many roadblocks before this Fund, and also many caveats that will hinder the youth and women from accessing this Fund. This has been addressed by earlier speakers. As for the Members of the County Assemblies (MCAs) and the constituency Members of Parliament working together, I want to assure the MCAs that constituency Members of Parliament do not have constituents that are their own other than the people who elect them. We share them; the MCAs are umbrella mothers of all the constituents in our constituencies. So, we need to work together as partners.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Now, the Mover, and you have two minutes.

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. First of all, I want to thank all those who got a chance to contribute. I also want to assure those who did not get time that they will contribute during the Committee stage, which we are going to straightaway.

Hon. Temporary Deputy Speaker, I also want to put it very clearly how this money came into being. His Excellency the President and his deputy promised that the money which was meant for the run-off of the presidential election that was never to be would be available for youth and women. However, as you all know, that was in the Financial Year 2012/2013. Since there was no run-off that money had to go to Treasury for it to come to Parliament for reallocation and it was through the initiative of the Executive that that money came back for approval and allocation in this House during the Financial Year 2013/2014. So, that was how *Uwezo* Fund came to be.

I want to assure Members that your sentiments have been heard and if you approve the Second Reading, we will go to the Committee of the whole House, and we are going to carry forward those sentiments through amendments.

With those few remarks, I beg to move.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Members. As I said, we have many requests. I actually now have 31 of you but we will contribute during the Committee of the whole House. I want to appreciate your participation. Hon. Members, I will now put the Question.

*(Question put and agreed to)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Temporary Deputy Speaker*

*(Hon. (Ms.) Mbalu) left the Chair]*

*[The Temporary Deputy Chairman  
(Hon. Kajwang') took the Chair]*

### THE PUBLIC FINANCE MANAGEMENT (UWEZO FUND) REGULATIONS, 2013

**The Temporary Deputy Chairman** (Hon. Kajwang'): Order, hon. Members. We are now in the Committee of the whole House. I call upon you to resume your seats and be composed. We intend to be very slow, cautious and careful. We are going to examine regulation by regulation. We will check every comma and full stop. However, I want to remind you that this business must be done and finished today. We have to go through the Third Reading by the time we leave this House.

Hon. Members, we are considering the Public Finance Management (*Uwezo* Fund) Regulations, 2013 and communication has been given from the Chair that hon. Members are now familiar with this.

Hon. Members have proposed several amendments and there are amendments that have been brought by the Committee, which are on the Order Paper. You probably need to look at the Order Paper to familiarize yourself with the amendments, so that you know where we are.

This is an informal committee and so the rules are a bit relaxed. You are able to interact with the Chair because this is very important to each one of us. We do not want to leave anybody behind.

*(Regulations 3 and 4 agreed to)*

### *Regulation 5*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Regulation 5 be amended in paragraph (2), by-  
(a) deleting subparagraph (d);

(d) deleting subparagraph (h)

Hon. Temporary Deputy Chairman, Sir, I withdraw my amendment to subparagraphs (e) and (f) of Regulation 5. What I am withdrawing reads:-

(a) “deleting sub-paragraph (e) and substituting therefor the following new sub-paragraph-

“(e) two persons who are male youth, nominated by the National Youth Council and appointed by the Cabinet Secretary.”

I withdraw that.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you explain to the House what you are doing instead of just saying that you withdraw that part of the amendment? Say that this, therefore, has this effect so that hon. Members really know what you are doing.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, let me combine both that one and subparagraph (f) which says:-

“(f) two persons who are also female, one of whom shall be a youth, nominated by the National Gender and Equality Commission and appointed by the Cabinet Secretary.”

We are trying to avoid a situation where this Fund will be politicized. You will realize that the National Youth Council is a body that may not necessarily be guided by principles of business and so on. The principal aspect about this Fund is that it is about entrepreneurship, the youth wanting to do business and so on. That is the basis of my intention to withdraw that amendment.

The National Gender and Equality Commission is a constitutional commission. We feel that it is not the business of that commission to nominate somebody to serve on the oversight board.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Did I hear you say that you are dropping the amendments which you have proposed on paragraphs (b) and (c) of your proposal?

**Hon. Cheptumo:** Yes, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Hon. Kajwang’): How about “a”?

**Hon. Cheptumo:** That one remains, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Hon. Kajwang’): How about “d” for “daddy”?

**Hon. Cheptumo:** That one also remains.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, the Chair of the Committee on Delegated Legislation is proposing to drop the amendments that he has proposed under paragraphs (b) and (c) and he is entitled to do so. However, I need you to understand where we are going; it remains as it were, two persons appointed by the Cabinet Secretary, one person representing women appointed by the Cabinet Secretary. That is the way it was in the original regulations that you have. That is on page three. This is the effect of what we are having. The Chair also proposes to delete paragraph (d) which is on page two of the regulations that reads: “Principal Secretary”. According to the Committee, the Principal Secretary does not have a part to play. That in essence is what the Chair of the Committee is doing. Hon. Nyokabi, did I hear you give a

communication to the Chair in view of what the Chair has said? Can you now see where we are?

*(Question of the amendment proposed)*

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Chairman. In view of the fact that the Chairperson of the Committee has withdrawn the amendments, persons who are entrepreneurs or managers in matters of entrepreneurship will have no role to play. I think we should go by the Chairperson's recommendations.

**The Temporary Deputy Chairman** (Hon. Kajwang'): That is what I wanted you to say. If you look at page three, you will see that what you are trying to cure is there. Let me hear what hon. Members are saying on this.

Yes, Dr. Nyikal.

**Hon. (Dr.) Nyikal:** Thank you, hon. Temporary Deputy Chairman, Sir. I am of the opinion that the amendment under subparagraph (e) should remain at least to have the National Youth Council in place. This is because what we are doing is, otherwise, giving all the nominations to the Cabinet Secretary. All we have been saying is that we want as little of Government as possible. So, I propose that subparagraph (e) should remain.

**The Temporary Deputy Chairman** (Hon. Kajwang'): The Member for Seme, this is a Committee's proposal. The best you can do is to lobby him and try to persuade him to be able to sustain his amendment, unless you are bringing an amendment which we will look at, and which I do not have now.

**Hon. (Dr.) Nyikal:** Hon. Temporary Deputy Chairman, Sir, I will lobby him. Hon. Sakaja, can you start the lobbying?

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, Sir, I would like to plead with the Chair of the Committee to really reconsider dropping those amendments. I was very happy when I saw this amendment because the National Youth Council, honestly, is a body that has mandate under an Act of Parliament to represent young people.

Throughout the conversations that we have had on the *Uwezo* Fund, I have not heard any young Member of Parliament say that he or she wants to be involved in the same way as the hon. Members representing the counties, who happen to be women have been saying that they want to be involved. We understand that the NYC has the mandate of talking about issues of young people and safeguarding their interests. The members of the NYC have been elected from the grassroots. Whether we like them or not, these are people who have the mandate. They have been elected at the grassroots. They are a national body. So, I do not see why you want to remove the two youths representing the NYC when that is why the NYC was set up. *Uwezo* Fund is about young people and women. So, I do not see any compelling reasons for removing the two youths.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Okay, I hear you, hon. Sakaja.

Can I hear lady hon. (Ms.) Shebesh?

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Chairman, I also want to do the same as hon. Sakaja. I want to plead with the Chair of the Departmental Committee not to withdraw his amendment that provides for the nomination to the board by the NYC and the National Gender and Equal Opportunity Commission. I think that when the Committee was looking at the matter, they must have realised that we must remove the provision for nomination to the board by Cabinet Secretaries – which we have been doing



in this House regularly on all other matters. I think when they looked at these two particular bodies, they realized that those are the two representatives.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, hon. Shebesh. Committee Chairman, what is your comment?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I want to be very clear on my position. What we are trying to say is that we want these committees to be guided by principles of business. Of course, the NYC is a body that is constituted through an Act of Parliament. Our considered opinion, after consultations, is that we should not have these two. It is for the House to decide.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Fair enough! That is your amendment. I will now put the Question.

**Hon. Wandayi:** On a point of order, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang’): What is your point of order? How am I supposed to recognise you when you are not on my intervention list?

**Hon. Wandayi:** Hon. Temporary Deputy Chairman, I have a problem, even as you attempt to put the Question. The Deputy Speaker gave us guidelines on how this debate is supposed to be executed. One of the guidelines was that no one was going to bring an amendment on the Floor of this House during debate. Therefore, it was on account of the amendment that was proposed by the Committee that some of us did not bring similar amendments. So, if you allow him to withdraw the amendments at this stage, we will not have room to introduce similar amendments on the Floor. So, I need guidance on that position. That is the only issue I have. Otherwise, in so far as what my position is concerning the NYC, I reserve my comments.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Well, you have made a point but the truth is that as a Committee of the whole House, we are now dealing with the amendments before us. I may sympathise as I understand your position but, right now, we are dealing with the amendments that are before us. I know that the Chairman of the Departmental Committee should be guided by the debate that we are having.

Yes, Departmental Committee Chairman.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, there is some kind of understanding. If you may allow hon. Sakaja--

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, I want you to address me on record.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I can agree to a proposal that those to be appointed be people with expertise in business. Such a proposal can be accommodated. So, let me allow hon. Sakaja to raise the issue.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Sakaja, can you just second his position, so that I understand it?

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, I would like to second that position. We have quickly consulted and agreed that we can retain those two people to be nominated by the NYC, National Gender and Equal Opportunity Commission and appointed by the Cabinet Secretary, so long as we have a further amendment stating the appointees should be experienced in entrepreneurship and business.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Order, hon. Members! I have two comments to make on that development. That position presupposes that you are doing a further amendment to your amendment, which you need to give to us in writing. Secondly, I can see on page three, Sub-regulation (3), paragraph (a). I think that is addressing what hon. Sakaja has said. It says that a person shall not be nominated if he does not hold a university degree in economics, finance, entrepreneurship, law and so forth. So, it is already there.

I am not getting help here. Can I hear hon. Agostino Neto?

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Speaker. Allow me to say that you qualify to sit in that seat. However, it is good for us to notice that there is a tendency where when it comes to matters of the youth, people dillydally from left to right. If this was an amendment that had already been proposed when the Committee discussed it, I would not see people walking towards the Chair and confusing the Chair of the Committee. Allow the Chair to ventilate and do things with the responsibility given to him.

I support that the National Youth Council--- This is the only body created through an Act of Parliament. It is the only one which can speak legally on behalf of the youth. If it nominates people qualified to that Board there will be no problem. You could be talking about these other commissions, but I do not know what an independent commission wants in this. As for the youth---

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Can I hear the Chairman now?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, this issue is before the House. I do not intend to bring back---

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Thank you very much. I am going to put a Question on Sub-paragraphs (a) and (d) of Regulation 5. Subparagraph (a) is about deleting Subparagraph (d) of Regulation 5. Subparagraph (d) is about deleting paragraph (h) of Regulation 5.

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

**Hon. Sakaja:** On a point of order, hon. Temporary Deputy Chairman, Sir. May I be guided. The amendments on the Floor are the Committee’s amendments; they are not an individual’s amendments. Therefore, they should go as per the Committee’s recommendations. Therefore, after deleting subparagraphs (d) and (h), I do not know where we stand.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Thank you, I hear you. Could everybody sit down, please? The thinking is this: You know the rules. A Member has a right, coming from the Committee or otherwise to propose amendments and withdraw others partially or fully. Any of you has that right and I cannot stop any Member from doing that.

The second thing is this, that as we are debating these things you could be writing a further amendment, so that you are able to cure what is happening here. You should be doing that. You should be busy doing a further amendment and then bring it to me here. To try and debate from there without an amendment brought to the Chair is trying to tell

me to do what I cannot do. I do not have the power to amend without you giving me a written amendment here. So, instead of raising points of order you should be busy bringing me amendments here, so that we debate them.

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, Sir, I want to bring a further amendment. It will be very unfortunate that at the top, the National *Uwezo* Board does not have representation of youth or women.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I understand that you have an amendment. Could you, please, move the amendment?

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, I am bringing a further amendment that Regulation 5 be further amended in Paragraph 2 by---

**The Temporary Deputy Chairman** (Hon. Kajwang’): It is a further amendment. Can you get that wording right, please?

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Regulation 5 be further amended in Paragraph 2 by deleting Subparagraph (e) and substituting therefor the following new sub-paragraph –

“(e) two persons who are male youth, nominated by the National Youth Council and appointed by the Cabinet Secretary.”

I also beg to move that Sub-paragraph (f) be deleted and replaced with the following new subparagraph –

“(f) two persons who are female, one of whom shall be a youth nominated by the National Gender and Equal Opportunity Commission and appointed by the Cabinet Secretary.”

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, can I explain something? The problem is that your mind is so set on points of order that you do not allow yourselves to chew or absorb what we are doing here.

If I listened to Hon. Sakaja well, he seems to be saving the position that Members are arguing about. That is what is happening.

What we have on the Floor is a further amendment to subparagraphs (e) and (f).

*(Question of the further amendment proposed)*

Shall I hear hon. Millie Odhiambo, Member for Mbita?

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I am really a bit concerned that from the mood of the House Members are largely agreed on a lot of the issues and amendments. Some of them may be lost because we are moving very unprocedurally – with due respect.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just direct me to the unprocedural issues so that I can correct them.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairman, I will give you the unprocedural issue. Number one, at this stage, if it is the Chairman of the Committee who is moving, no other Member can move an amendment. The procedures are very clear that we must have given notice. At this point you cannot just wake up, write and give an amendment; it is unprocedural. The Chairman alone can move amendments at this point.

The other issue---

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are raising too many things. Hold on to that one. I suppose that what you are talking about is that Members may move amendments with notice to the Chair, but you should know that in the Committee of the whole House any Member can move a further amendment to an amendment which is before the House. This seems to be a further amendment to the amendment which is before the House. So, unless you direct me to the Standing Order that I am offending--- Quickly look at your Standing Orders.

Yes, Eng. Rege, you have something burning. Member for Karachuonyo!

**Hon. (Eng.) Rege:** Hon. Temporary Deputy Chairman, Sir, what hon. Millie Odhiambo is saying is the instruction we were given by the Speaker, but I do not think it is right. What you are saying is the correct thing. Otherwise, it will have no meaning bringing here debate on these Regulations.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I hear you, Member for Karachuonyo. Let me guide the House. Where are we now? There is a further amendment moved by the Member, hon. Sakaja, before the House in the terms that he has read. It is before the House. We are debating that further amendment. So, it has been proposed. I do not have time and I am really pushing you. So, unless somebody has a very burning issue, I want to put the Question.

**Hon. Onyonka:** Hon. Temporary Deputy Chairman, Sir, the confusion is that we already have the amendments which we have been presented with. The best thing we will do is to go through every amendment; then if there is need for us to amend the amendment, then we do it from the list that we have.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Unfortunately, every Member has rights to bring a further amendment in a manner that he wants. This is where we are now.

**Hon. Onyonka:** Hon. Temporary Deputy Chairman, Sir, let us take the amendments that the Chairman had already presented to the House and then we can bring amendments to them if there is need for that.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We have dealt with that, have we not? All right, yes, Member for Rongo!

**Hon. Anyango:** Hon. Temporary Deputy Chairman, Sir, first, there was the ruling that Members would not bring amendments if they had not done so before. I am supporting hon. Sakaja; so, could he wait?

The amendment is now before the House. It was privileged by the Chair’s prior ruling. Any withdrawal should only be by leave of the House. If he is allowed to do so, he is ambushing us. Now that he has a solution that it is a further amendment--- Hon. Sakaja has moved that further amendment; I support that further amendment because the argument that the youth council and the gender commission should have no business with this Fund is faulty. They have a general mandate to speak for youth and women. So, it is proper that hon. Sakaja’s reinstatement of the original Committee’s recommendation should be supported.

*(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)*

*(Regulation 5 as further amended agreed to)*

*Regulation 6*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Regulation 6 be amended by deleting paragraph (i) and (j).

**The Temporary Deputy Chairman** (Hon. Kajwang’): Chair, I really want you to expound. I need you to carry the Members with you by explaining what your amendment is all about.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, Regulation 6(i) and (j) talk about overseeing the management and administration of the Fund, including recoveries from loan beneficiaries. If you look at the provisions of (i) and (j), the objective is well taken care of by (a) which talks of providing overall management, design and oversight of the Fund. We feel that 6(a) captures what is intended to be covered by (i) and (j).

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is clear enough.

*(Question of the amendment proposed)*

**Hon. Onyonka:** Hon. Temporary Deputy Chairman, Sir, I hope my colleagues will look at it positively. My feeling is that instead of completely deleting the issue of overseeing the management and administration of the Fund, including recoveries of loans and beneficiaries, I would want the amendment to state that there will be a necessity for an inclusion of an agency or any other institution that may oversee the management and administration of the Fund, including recoveries of loans from beneficiaries.

The point I am making here is that the Committee which will run this Fund, which will be at the constituency level, should have the capability of negotiating with an agency; in this case it could also be a bank or a SACCO managing this Fund.

**Hon. (Ms.) Wahome:** Hon. Temporary Deputy Chairman, Sir, I would like to urge the Members to reject the proposed deletion of those two provisions, namely, (i) and (j), because if we are talking of a revolving fund and we are giving money that will be repaid without interest, it is important, for clarity and avoidance of doubt, that those two provisions remain to facilitate loan recovery from beneficiaries. Indeed, we even need further mechanisms to be put in place. I am very sure that after this, we shall require to, possibly, come up with other new provisions.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I hear the voice of hon. Zuleikha. I have never understood that Zuleikha is that Member standing. You cannot. Can I give it to somebody else who is ready to contribute. Hon. Gichigi, take the Floor.

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, I would like to respond to what my brother, hon. Richard Onyonka, has indicated and even what the other hon. Members have said. When you read Regulation 6(a) it provides overall management, design and oversight of the Fund. That takes care of those management issues. Therefore, we do not need to bring in issues of agency and recovery. That was the work of the board.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Do we have a consensus on this matter? Anything which is burning? I want to carry the House with me. Can I have the hon. Member on the microphone?

**Hon. Njomo**: Thank you, hon. Temporary Deputy Chairman. If we want this Fund to succeed, it must be a revolving fund. Money that is loaned to our youth and women will be repaid. So, we must be very clear in our regulations, so that even our people will understand that there is a body that is supposed to follow up to see if repayments are not done. If we cannot do that, people will think that this is money given for free and they will not be able to repay it. Therefore, the Fund will not achieve its objective.

I, therefore, support that we reject the deletion of those two items.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are opposing the amendments?

**Hon. Njomo**: I am opposing the amendments for clarity.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Let us hear from Maj-Gen. Nkaissery.

**Hon. (Maj-Gen) Nkaissery**: Hon. Temporary Deputy Chairman, Sir, I am also of the view that the Regulations cover the requirement as per the *Uwezo* Fund Board and, therefore, the deletion is really not necessary.

**Hon. Diriye Mohamed**: Thank you, hon. Temporary Deputy Chairman, Sir, I support that sections (i) and (j) be deleted, because the role of the national board is clearly to develop guidelines, performance and approve disbursement. So, this role will obviously be for the Committee at the constituency level. Therefore, the suggestion by the Chairman that Sections (i) and (j) be deleted is in order; those two roles will be taken over by the Committee at the constituency level.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. David Ouma Ochieng’, I salute you for being in the Chamber today. I am told that you were unwell, having been involved in a road accident. It is good that you have been able to appear in the House today.

**Hon. Ochieng**: Thank you so much. We thank God for that, hon. Temporary Deputy Chairman, Sir. I want to stress the fact that what we are trying to create is a very important fund; the moment we start doing politics with it, we will lose it.

I think the idea that this is free money for hon. Members to dish out is a very wrong idea. If we do not put mechanisms in place, this is going to be a--- If we are not careful, we will give money to people in the first instance, and then you will not have money to give to the next group of people and we will have problems. I personally oppose the deletion of these two sections.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are opposing the deletion. Thank you.

**Hon. Anyango**: Hon. Temporary Deputy Chairman, a list of functions does not necessarily have to be mutually exclusive. The two sections, (i) and (j) are really not superfluous because management is very general. This is a specific focus; when we will be analyzing the performance of the board, section (i) and (j) will also have to be rated as far as the board’s performance is concerned. So, they should be left as they are.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Do I have a feeling that there is consensus building?

**Hon. Members:** Yes.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay, Chairman, give a reply to this. I feel that there is some consensus.

**Hon. Katoo:** Hon. Temporary Deputy Chairman, I really have no problem. What we were trying to do was to avoid a situation where the board would tend to micromanage the constituency committees. But if hon. Members want to have the sections the way they are, there is no problem and I have no problem with them.

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

*(Regulation 6 agreed to)*

*(Regulations 7, 8, 9 and 10 agreed to)*

### *Regulation 11*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, regulation 11 be amended in paragraph (2)(f), by deleting the words “as he or she may consider to be” and substituting therefor the words “which is”.

Hon. Chairman, what we are avoiding here is that you realize the manager is given wide discretion to decide which information to give to the Auditor-General when information is required. That can easily be abused and it is important that he should be able to avail any information as requested to the Auditor-General. To allow him to decide what information to give is not fair.

*(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)*

*(Regulation 11 as amended agreed to)*

*(Regulation 12 agreed to)*

### *Regulation 13*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, regulation 13 be amended—

(a) by renumbering the opening part as paragraph (1).

(b) in paragraph (2), by—

(i) inserting the word “respectively” immediately after the word “level” in subparagraph (a);

(ii) inserting the words “constituency and” immediately after the word “appoint” in subparagraph (c).

Hon. Temporary Deputy Chairman, you realise that the County Woman Representative (CWR) is the patron at the county level and the constituency Member of Parliament (MP) is a patron at the constituency level; that is why we need to use the word “respectively.” It refers to both the CWR and the constituency Member of Parliament. That is the essence of those amendments, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. We have studied the amendments which have been proposed by the Chair and the ones which have been brought in by Members, in particular hon. Shebesh who has an amendment which you see on the Order Paper. There are also amendments by hon. Limo, which are also on the Order Paper. This is the direction. We will start with the amendment proposed by hon. Shebesh. In the Chair’s view, it is substantive. It seems to the Temporary Deputy Chairman that if hon. Shebesh’s amendment is carried then it will have taken care of what is proposed by hon. Cheptumo in Part “a”.

We will then consider hon. Cheptumo’s second amendment in Part “b” on Paragraph 2(a). Then finally, depending on how the others are handled, we will consider the amendment by hon. Limo. Then we will come back to the Chair on Part “b”, Paragraph 2(c) because those shall have not been touched. So, that is the order that we will follow in handling the amendments. So, hon. Shebesh, can I have it moved before we have a point of order? What could be out of order before she moves? Let her propose first of all.

**Hon. (Ms.) Shebesh:** Thank you, hon. Temporary Deputy Chairman. I want to propose the following amendment to the Public Finance Management (*Uwezo* Fund) Regulations 2013, Regulation No.13---

Hon. Temporary Deputy Chairman, do you want me to read the whole regulation as it is because it is rather long?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, because I want the House to understand what you are doing.

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Regulations be amended by deleting regulation 13 and substituting therefor the following new regulation-

13. (1) The County Woman Member of the National Assembly shall be the champion of the Fund at the county level and the constituency Member of the National Assembly shall be the patron of the Fund at the constituency level.

(2)The role of the champion of the Fund under this paragraph shall be to-

(a) publicize and raise awareness of the Fund;

(b) develop capacity building for Fund recipients for table banking.

(3) The role of the patron of the Fund under this paragraph shall be to-

(a) provide linkage between the Fund and the public;

(b) mobilize target beneficiaries to participate in the Fund;

(c) appoint ward representatives to the membership of the Constituency Uwezo Fund Management Committee.

Hon. Temporary Deputy Chairman, the reason why I bring this amendment is because we have been on this discussion on *Uwezo* Fund for close to two months in this House. This debate has gone through several committees; as we are speaking let it be clear to



Members--- I know it may not be clear to those who have not been in committees. These Regulations have no provision for a county level structure at all. Secondly, these Regulations also do not have provisions except what the Committee will be proposing later, that is inclusion of CWRs on the committees at the constituency level.

Hon. Temporary Deputy Chairman, therefore because we have done enough consultations in this House, I am proposing for the sake of working together as a team at the county and constituency levels as CWRs and constituency MPs, number one is to remove the CWRs from the role of patron and borrow from what these Regulations have given to the presidency.

Hon. Temporary Deputy Chairman, these Regulations have given the President the role of champion and patron. A champion is somebody who just speaks about the Fund and makes the country aware; really it is about generating interest in the Fund. I have suggested this because I do not see what a CWR is a patron of since there is no structure at the county level. You can only be a patron of a structure, but you can be a champion of a cause. What I am suggesting is that county MPs become the champions of the cause, that is *Uwezo* Fund.

Hon. Temporary Deputy Chairman, when I looked at this provision I also noted that the Regulations talk about the MP being the patron at the constituency level. The meaning of the term “MP” in the Constitution of Kenya can also apply to a Senator or a CWR. So, I have changed the wording also in my amendment to state: “The constituency Member of the National Assembly shall be the patron of the Fund.” I have then gone on to clarify the position of the champion, who now is the CWR and the position of the patron. I do this again because we may not want to speak about it loudly but in whispers; we are doing so, so that it will not bring political tensions between two people in one constituency.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Thank you. I think Members now seem to understand where you are going.

**Hon. Members:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, you know we are in the Committee of the whole House. So, I am trying also to save time. You can look at the hour. If you want to be here tomorrow then continue.

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Chairman, I will only speak about the second part, which is Part 2(b) in terms of the role of the champion; I want to make it clear why I am adding the role of developing capacity for Fund recipients in table banking. This is because, again, these provisions of the Regulations talk about table banking. I can ask as a guess, how many of us really know what table banking is? I can give you for sure that table banking is not a one straight jacket way of banking. If this *Uwezo* Fund is to succeed, there must be table banking that is regulated; today in Nairobi the table banking we do is not the table banking that is probably done in Garissa or Kisumu. There are ways that table banking can have provisions for repayment even of interest and there is table banking which has no provisions for repayment. So, I am asking that we be given a role to harmonise what table banking will mean in *Uwezo* Fund.

Hon. Temporary Deputy Chairman, it leaves the patron with the responsibility, in my opinion, of providing the linkage between the Fund and the public, mobilise target beneficiaries of the Fund---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you, Member for Nairobi. You seem to have carried your Members along. I can see the mood of the House. You have made your point. That is what I wanted you to do.

Members, you are looking at Page 445 of the Order Paper. The amendment is contained there. That is the gist of the amendment proposed by the Member of Parliament for Homa Bay. Let me propose the Question.

*(Question of the amendment proposed)*

Hon. Member for Rongo.

**Hon. Anyango:** Thank you, hon. Temporary Deputy Chairman. This is a substantial improvement in clarifying the roles of the county Member and the constituency Member in this *Uwezo* Fund. We are talking about money and you are sure there is going to be conflict in the management of this Fund at the constituency level, if the roles are not clarified. This is because if the functions were not defined, as put by hon. Shebesh, it is likely that the county Member will come and seek to exercise patronage even in the appointments at the constituency level. Our experience with the Constituencies Development Fund (CDF) is that sometimes even factions develop among committee members at the constituency level. We should hold one person fully accountable at the constituency level and county level. So, I support this clear division of the roles and thank hon. Shebesh for moving this amendment.

**Hon. Mule:** Thank you, hon. Temporary Deputy Chairman, Sir. I want to support the amendment by hon. Shebesh, so that we have a very clear guideline on how to proceed with the *Uwezo* Fund. If we are not careful, we will have fights between the Executive, the county and constituency levels. I support that amendment.

Thank you.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Chairman, Sir. We need clarity.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hold on please. Although your microphone is on, I have recognized hon. Alice.

**Hon. (Ms.) Muhia:** Thank you, hon. Temporary Deputy Chairman, Sir. I am not hon. Alice; I am hon. Wanjiku Muhia. Hon. Alice is my friend.

I want to support hon. Shebesh by bringing clarity, avoiding confusion and conflicts between the county Member of Parliament and constituency Member of Parliament. If you look at the definition by hon. Shebesh, you will find that as the County Women Representative, we will know our role is capacity building. The Member of Parliament will know that he is fully responsible for handling the funds. This is what we have been asking.

The Ministry of Devolution and Planning has failed to provide clear regulation and definition of roles. We do not want to see confusion. We want goodwill from constituency Members of Parliament.

*(Loud consultations)*

Hon. Temporary Deputy Chairman, Sir, I seek your protection.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, hon. Members! I understand that this debate is important to us. That is why I allow a bit of consultation.

Yes, Homa Bay County Women Representative.

**Hon. (Ms.) Nyasuna:** Thank you, hon. Temporary Deputy Chairman, Sir. I support the principle advanced by hon. Shebesh, particularly on the County Women Representatives being the champions of this Fund. I would like the hon. Member to clarify, because when I read these amendments, the roles as given to the County Member of Parliament right now are to publicize, raise awareness and develop capacity building; these are good roles. However, we know that there is Section 15 which requires the County Member of Parliament to also appoint some representation to the constituency committee. What this amendment essentially does is to invalidate that role to appoint anybody to the constituency committee. This is what I would like to be clarified. If that is the case, I oppose this amendment in the strongest terms possible.

**Hon. (Ms.) Shebesh:** On a point of order, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Member, I will give you the opportunity because you are the Mover of this amendment. So, you will have a bite of the cherry. Just keep cool.

Yes, hon. Emaase.

**Hon. (Ms.) Otucho:** Thank you, hon. Temporary Deputy Chairman, Sir. I have been persuaded to support the amendment by hon. Shebesh. I was going to strongly oppose the amendment which had been proposed by the Committee earlier on deleting any responsibility or participation by the County Member of Parliament. This amendment gives the County Members of Parliament, at least, a role to play in the administration of this Fund, I am persuaded to support it. If this amendment was not moved, I would have opposed the amendment of the Committee.

Thank you.

**Hon. Ng’ongo:** Thank you, hon. Temporary Deputy Chairman, Sir. Is this my chance?

**The Temporary Deputy Chairman** (Hon. Kajwang’): No! No! You do not grab a chance. I am having a problem controlling the gadget. When it lights, it is not because I have recognized you. I want to hear more from County Women Representatives.

**Hon. Midiwo:** Thank you, hon. Temporary Deputy Chairman, Sir. Let me plead--

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): There are loud consultations on my right hand. I understand that the Member is very excitedly lobbying but keep it cool.

Yes, County Women Representative, Kisumu County. Let us move on to hon. Midiwo.

**Hon. Midiwo:** Thank you, hon. Temporary Deputy Chairman, Sir. I want to plead with hon. Members to be a bit calm when we are debating this. This is because what seems to be infuriating hon. Members is the intervention by hon. Gladys Wanga. I want to inform her that the suggestion made by hon. Shebesh actually creates a clear distinction. I think it would be better to be a patron of people whose appointment you have participated in. I do not think it negates that because it gives you a better position as

a patron. If you want to do otherwise, and you have to convince us, as single constituency Members of Parliament, we will easily accept your proposal because then you will leave it to us.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let me go back to the County Woman Representative, Kisumu County. Next time be alert.

**Hon. (Ms.) Nyamunga:** Hon. Temporary Deputy Chairman, Sir, I was very much alert. It was only that I was consulting. I would like to add my voice to the debate on the amendment, because I do not think it adds any value. I would like the County Woman Representative, Nairobi County, to come out very clearly. Let us know exactly what she means, or what is in the amendment; anything that removes the County Women Representatives from participation in forming the committees is not acceptable.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, the County Woman Representative, Busia County. Hon. Members, I am deliberately trying to hear County Women Representatives.

**Hon. (Ms.) F.M. Mutua:** Thank you, hon. Temporary Deputy Chairman, Sir. I rise to support the amendment by hon. Shebesh for the County Women Representative to be the champions of the *Uwezo* Fund at the county level. I am supporting this because most of the other funds, like the Youth Enterprise Development Fund and the Women Enterprise Development Fund have fallen because they did not have a champion. *Uwezo* Fund will grow if it has a champion in the name of the County Women Representative because as champions, we will do what we know best.

We are very good at publicising and raising awareness. We will do this very well through capacity building, which is clear in the amendment. Another issue is that we are very good at table banking. That has basically been our role even with women groups at home. So, we are going to take *Uwezo* Fund to a higher level and uplift the livelihoods of women and youth in the counties. This amendment has brought a lot of clarity to the role of County Women Representatives in this Fund. There is not going to be any more tension between us and constituency Members of Parliament.

With those remarks, I beg to support the amendment.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Order! Be calm, gentlemen. We are here for the full hog. By the time we are through, we will have all these Regulations in place. So, let us keep cool. I want contributions that will help to come to a consensus. Bring up issues that will help us to come to a consensus.

Yes, hon. Nyokabi.

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Chairman. In contributing to the amendment proposed by hon. Shebesh, I do agree that there is value in separating what the patron does and what the champion can do, especially in matters of capacity building, which is left to the Ministry. I want to clarify that Regulation 13 does not, in any way, relate to Regulation 15. The County Women Representatives who want to support the Report of the Committee on appointment of the two representatives at the constituency level should do so. We have come a long way. We have asked the hon. Members representing the constituencies to accommodate us in *Uwezo* Fund, and the Committee has done so. We are still moving on with the process. We want to be able to

serve in the *Uwezo* Fund in both respects, – serve as champions and be able to appoint representatives as provided for under Regulation 15. The two provisions are distinct from each other. They are not related in any way. So, I support the particular provision in Regulation 13 until we get to Regulation 15 and discuss the appointment process of the ward representatives and other representatives, who are not covered by the Regulations.

Thank you, hon. Temporary Deputy Chairman.

*(Several hon. Members stood up in their places)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Order, hon. Members! Can I have order!

Hon. Members, we need to do justice to these Regulations. We have to pass them tonight. You can see that it is now 6.00 p.m. Therefore, I now call upon the Mover to move that the Committee of the whole House reports progress to the House and seeks leave to sit again.

### **PROGRESS REPORTED**

#### THE PUBLIC FINANCE MANAGEMENT (UWEZO) REGULATIONS, 2013

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move that the Committee of the whole House do report progress to the House on its consideration of the Public Finance Management (*Uwezo* Fund) Regulations, 2013 and seek leave to sit again today.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) in the Chair]*

**The Temporary Deputy Speaker** (Hon. Ms. Mbalu): Order, hon. Members! Your consultations are loud! Let us have order in the House.

**Hon. Kajwang’:** Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Public Finance Management (*Uwezo* Fund) Regulations and seeks leave to sit again today.

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**Hon. (Ms.) Kanyua** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I now call upon the Leader of the Majority Party to move a Procedural Motion.

### PROCEDURAL MOTION

**Hon. Katoo:** Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to Standing Order No.30(3)(a) this House resolves to extend its sitting today Tuesday, 19<sup>th</sup> November, 2013 until conclusion of business appearing under Order No.11.

I do not need to say much. The Chairman of the Committee of the whole House has said it all by saying that we need to do justice to business before the House under Order No. 11. We want to conclude it today.

I call the Chairman of the Committee on Delegated Legislation to second.

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, we have made good progress on this Motion. I would like to second the Procedural Motion by the hon. Member. Kenyans are waiting. The youth and women of this country are waiting to utilize this Fund. It is, therefore, important that we move and conclude this business today.

I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Kajwang) took the Chair]*

THE PUBLIC FINANCE MANAGEMENT  
(UWEZO FUNDS) REGULATIONS, 2013

*(Resumption of consideration of Regulation 13  
interrupted in Committee today)*

**The Temporary Deputy Chairman** (Hon. Kajwang?): Can we have order, please! Many Members are walking on the gangway as they consult, which is okay, but can we have order? Tensions have come down. The pressure has come down. I want us to debate with conscience and openness. Hon. Nyokabi you were on the Floor, but I want you to be very short.

**Hon. Members:** She finished!

**The Temporary Deputy Chairman** (Hon. Kajwang’): I understand that you finished, Member for Nyeri. I will give you one minute just to get us to know where we were.

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Chairman, Sir, we are still on Regulation 13, which seeks to make the County Members champions of the Fund, especially as far as capacity building is concerned. I do not think the term is as weighty as it is being made to sound. This is a Fund that will be implemented continuously, and we are going to develop these rules as we go along. I will inform Members that we are looking at Regulation 13 in terms of developing capacity. When we go on recess, County Members will have no other work except participating in the management of *Uwezo* Fund. That participation is found in Regulation 15 by way of appointment of representatives, disbursing funds and making sure that the funds are well used.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, Sir, I have listened very carefully to my learned friend, hon. Nyokabi. I would like to bring to her attention, and other County Women Members of Parliament that I support the amendment by hon. Shebesh, but I am wondering whether they understand the import of that amendment. Before I proceed to give my views, it is going to be difficult for the County Members of Parliament to make appointments under Regulation 15. They need to understand that role and be part of it. A request has been to the Committee on Delegated Legislation that we increase for them the number of persons that they would want to appoint, but if you read the phraseology of Regulation 13, which hon. Shebesh is proposing to amend, it takes away that role. If you look at Regulation 13 that has not been amended, it makes the County Members patrons, and gives them the role of doing all the things shown under Regulation 13. The proposal that hon. Shebesh is making is taking away the cardinal role of the County Members.

So, unless they do not understand the import, I am happy to support, but I will be very dishonest to myself if I support this amendment without a further amendment. With your permission, I propose a further amendment to Regulation 13---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Why do we not dispose of one amendment before we go to another?

**Hon. Muchai:** Thank you, hon. Temporary Deputy Chairman, Sir, for finally recognising me. I have listened to the proposal by hon. Shebesh. Looking at Regulation 12, the only reference to the term “champion” is in reference to the President being the national champion and overall patron of the Fund. The suggestion by hon. Shebesh will mean one of two things. One, it will mean diluting, in the understanding of the common person, the role of the President. If not, it will mean that the representative at the county level will wear the hat of the President at the county level.

I would have wanted to request hon. Shebesh to prefer the use of the word “promoter” with regard to the women representative, so that they become promoters of the Fund at the county level and at the constituency level, the Member of Parliament becomes the patron; that way we will leave the overall championship and patronage of the Fund to the President.

Thank you Temporary Deputy Chairman.

**Hon. Midiwo:** Hon. Temporary Deputy Chair, let me first of all withdraw my earlier support for this amendment. I have looked at this amendment and the import of what I am seeing is partly what hon. Muchai has said. I have engaged colleagues, women

representatives. I thought the intention of this engagement was to create an all-inclusive process. I think the import of this amendment, read together with Regulation 15, is that we are falling apart.

Hon. Temporary Deputy Chair, there is even a worse avenue that this amendment opens against Members of the constituencies. There is an insinuation in Regulation 13(2)(b), or an attempt to control capacity building in the Fund. That is the import of this amendment and is a bad amendment. We need to adopt an amendment of the Committee that makes people work together in all these things. That is the proper amendment. I had supported it because I had not realized that it was a bad amendment. I want to plead with my colleague to withdraw it because it is a bad amendment.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Chairman for giving me this opportunity to contribute. I actually agree with hon. Midiwo that the second part of the amendment that hon. Shebesh has proposed, “to develop capacity building for Fund recipients for table banking---” is faulty. How do you develop capacity without being the one who is appointing? It means we will appoint and then she will be the one to develop the capacity.

Secondly, when you say that you are the champion at the county level, it means that you are also pushing the hon. Member away from accessing the promotion of *Uwezo* Fund at the constituency level. It seems you will be the representative of the President at the county level and the hon. Member of Parliament will be sidelined. Therefore, I oppose this amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, we want to have consensus on this. Therefore, I call upon the Mover of this particular amendment to---

**Hon. Gichigi:** On a point of order, hon. Temporary Deputy Chairman, Sir. I think the amendments proposed by hon. Shebesh have no problem in principle, but the way they are framed, it will be very unconstitutional to pass them as they are. One, you say in this Regulation that the role of the champion of the Fund shall be to publicize and raise awareness of the Fund; two, you talk of developing capacity building of the Fund recipients for table banking and three, the role of the patron of the Fund, under this paragraph, will be to provide linkage between the Fund and the targeted group.

You are saying that a Member of Parliament, whether at the constituency level or at the county level, is going to singularly utilize Fund money. The law does not permit you as a Member of Parliament to use money. You must do it through a committee that must have Government officials, for accountability purposes.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. I have now got the gist of what you are talking about.

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, Chapter 12 of the Constitution on Public Finance, Article 201 (e) is very clear that:-

“(e) financial management shall be responsible, and fiscal reporting shall be clear.”

So, who is this hon. Member going to report to? It will be wrong in law.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Whereas I do not want to pronounce myself on that but just to open it up, what he is talking about is oversight. That is whether there is a conflict of oversight responsibility which the



Constitution has talked of under Articles 94 and 95. I think that is what he is talking about as he is reading it together with the Public Finance provision. Yes, Cecily.

**Hon. (Ms.) Mbarire:** Hon. Temporary Deputy Chairman, allow me to kindly ask you to give the Women Members of Parliament a chance to consult closely at the back there because there is a risk of us losing the gains we have made if we continue to argue on this Floor. I strongly feel there is need to consult and agree on a way forward as women. Allow me to say this.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): You will be heard. She will be heard without interruptions. Order, hon. Mbadi, the Member for Gwassi! Sit down.

**Hon. (Ms.) Mbarire:** Please allow me and hear me out. It is very important that we lock in the gains for the Women County Members of Parliament in these regulations but it is also very risky when we do not seem to be agreeing on how to go about it. So, I would prefer that we are allowed to consult briefly, agree on a clear way forward and have a common position because I am afraid that at this rate we will end up losing all the gains.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. You see, standing up does not make you taller than you are. Can I hear hon. Shebesh so that we give everybody a dignified chance to be able to speak on everything?

**Hon. (Ms.) Shebesh:** Thank you, hon. Temporary Deputy Chairman. First of all, I am not sure what it is that has raised so much concern because we are on Regulation No.13 but I think the debate is on Regulation No.15. If you want us to pre-empt debate and I can speak on Regulation 15, then maybe I could clarify what the fear is on Regulation 13. I need your permission to be able to debate where we have not gotten to because I believe what people are worried about is Regulation 15.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member, make your contribution. You know that the rules do not allow me to allow you to pre-empt a debate. Just make your contribution.

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Chairman, most of the discussions on the Floor already have pre-empted Regulation 15 and what hon. Nyokabi was trying to say. I brought these amendments after a lot of consultations and in fact, the amendment has brought about this particular clarification on roles. It is only if you allow us to go step by step, that we will be able to move.

I am shocked by Members not reading the Regulations which we have clearly. The funds for capacity building are with the Ministry. The only thing we are asking for is table banking but I have no problem if the table banking capacity building money does not have to come to the County Women Representatives. What we are saying is the engagement in terms of building capacity on table banking.

Hon. Temporary Deputy Chairman, amendments and further amendments are allowed. However, my amendment was on the roles and I still beg this House not to allow a grey area in terms of the roles. The moment there is going to be a grey area on the roles that is when what hon. Cecily Mbarire has said will happen. We will lose the gains when we go to the ground. Forget about here where we are talking at the tea place. When we go

to the ground and my role and your role as Member of Parliament and mine as a CWR are not defined, we will not even be able to do a quarter of what we are saying.

Hon. Temporary Deputy Chairman, my last point is that I have an amendment on Regulation 15. There are other amendments on Regulation 15, mine is not the only amendment. I am a Member who has been in this House for a long time. If the mood of the House were to suggest that County Women Representatives will still carry the role of appointment, I will be the last person to refuse. Therefore, let us go step by step as it is with the order of business. Let us get to Regulation No.15 where the Chair of the Committee--- As we said earlier on, there is nothing for women in this particular Regulation. The Chair of this Committee is the one who is coming with an amendment to give us two people. If that carries the day, hon. Rachael Shebesh cannot be the one who will refuse CWRs to be represented, considering the fact that I am one of them. However, I am only arguing about this in terms of Regulation 13 on clarification of the roles.

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, with that we now go back to the Chair of the Committee. So, move your amendment as it is on the Order Paper.

**Hon. Cheptumo:**Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, regulation 13 be amended—

(a) by renumbering the opening part as paragraph (1);

(b) in paragraph (2), by—

(i) inserting the word “respectively” immediately after the word “level” in subparagraph (a);

(ii) inserting the words “constituency and” immediately after the word “appoint” in subparagraph (c).

Hon. Temporary Deputy Chairman, Sir, we wanted to create the distinction so that the CWR appoints two members of the Constituency Management Committee from the constituents and the constituency Member of Parliament appoints members from the wards. So, we need to distinguish between the two appointments. That is the essence of that amendment.

*(Question of the amendment proposed)*

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

**Hon. Limo:** Thank you, hon. Temporary Deputy Chairman, Sir. I believe I am speaking on the amendment to Regulation 13. However, I wish to withdraw my amendment to that Regulation. The objective of my amendment was to bring harmony because it is impractical to have two levels---

**Hon. Members:** But you have withdrawn your amendment!

**Hon. Limo:** I am just explaining. So, what is the problem? The objective was to bring harmony between the National Assembly Member and the CWR so that we do not

attract attention from the county government. This is a National Government Fund. So, I withdraw my amendment.

*(Proposed amendment by hon. Limo withdrawn)*

*(Regulation 13 as amended agreed to)*

#### *Regulation 14*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Regulation 14 be amended—

(a) in paragraph (c) by inserting the words “and in consultation with Constituency *Uwezo* Fund Management Committee” immediately after the word “offices”;

(b) in paragraph (d) by inserting the words “in consultation with Constituency *Uwezo* Fund Management Committee” immediately before the words “be responsible”.

Hon. Temporary Deputy Chairman, under paragraph (c), the Ministry’s role is supposed to be performed through its local offices. We want to avoid a situation where the Ministry will have to deal with business communities within a constituency and deal with the beneficiaries of the Fund, while ignoring the role of the Constituency *Uwezo* Fund Management Committee. Therefore, we want to say in paragraph (c), “through local offices, in consultation with the Constituency *Uwezo* Fund Management Committee”. A similar amendment applies for paragraph (d). This is to avoid a situation where the Ministry may decide to avoid the Constituency *Uwezo* Fund Management Committee and deal with institutions within the constituencies, in terms of training and capacity building of the beneficiaries without any role being played by the Committee.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much.

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, we have a further amendment to Regulation 14 by hon. Shebesh.

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Chairman, I withdraw my amendment since my earlier amendment, which was connected to it, has been defeated.

*(Proposed amendment by hon. (Ms.) Shebesh withdrawn)*

*(Regulation 14 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, there are several amendments to Regulation 15. We will start with the one by the Chairman of the Committee on Delegated Legislation. We will then go to hon. Shukran’s, after which we will go to the one by hon. Jakoyo Midiwo. Thereafter, we will go to the amendment by

hon. Shebesh. That is the order by which we will go. We are going to go step by step very clearly, so that we do not get mixed up in the process.

Hon. Member, you are on a point of order. Can we hear you?

**Hon. Nakara:** Thank you, hon. Temporary Deputy Chairman. It is a concern. We have a problem in this House that some Women Members of Parliament do not support amendments brought by other Women Members of Parliament. We need to see that issue clearly. This is because it is a problem that divides this House.

**The Temporary Deputy Chairman** (Hon. Kajwang’): If the House was properly convened I would have termed it frivolous, but because I am trying to build consensus, I think that is a very good point coming in. So, Members, please, take note.

### *Regulation 15*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, regulation 15 be amended—

(a) in paragraph (2), by—

(i) inserting the words “who shall be an *ex-officio* member” immediately after the word “representative” in subparagraph (a);

(ii) deleting subparagraphs (b) and (c);

(iii) inserting the words “who shall be an *ex-officio* member and the secretary to the committee” immediately after the words “women affairs” in subparagraph (d);

(iv) deleting the words “following consultation between the County Women Representative of the National Assembly and” in subparagraph (e) and substituting therefor the word “by”;

(v) inserting the following new subparagraph immediately after subparagraph (e)—

“(ea) two representatives from the constituency, one of whom shall be a male youth, nominated by the County Women Representative”;

(vi) inserting the words “nominated by a registered organization for people with disabilities in the constituency” immediately after the word “Constituency” in subparagraph (f);

(vii) deleting subparagraph (g).

(b) by deleting paragraph (7) and substituting therefor the following new paragraph—

“(7) The sub-county representative of the national government Ministry responsible for youth and women affairs, and other staff as may be posted by the Ministry responsible for youth and women affairs, shall provide the necessary secretariat services to the Committee”.

Hon. Temporary Deputy Chairman we are agreeable to the sub-county commissioner being in the Constituency Management Committee of the Fund, but it should be clear that he should be an *ex-officio*.

We are deleting subparagraphs (b) and (c). Now, (b) is in the sub-county development, that is, the DDO. In (c) we have the sub-county accountant responsible for national Government operations within the constituency. What we are saying is that those two should not actually sit in the Constituency Management Committee.

With regard to (iii), it is inserting the words “who shall be an *ex-officio* member and the secretary to the committee”

With regard to (iv) it is about deleting the words “following consultation between the County Women Representative of the National Assembly and” in subparagraph (e) and substituting therefor the word “by”. I had said earlier that this is a situation where we are likely to have a serious conflict and misunderstanding especially if there is no consensus between the constituency Member of Parliament and the county Member of Parliament. We just want to say that, that will be done by the Member of Parliament.

I hope I will be procedurally right here. There is a proviso which was proposed, but was not taken in the draft amendments. There are constituencies with two wards in (v). This will bring a problem because it means that the Member of Parliament will appoint three or two members depending on the number of constituencies.

We want to propose, and I am proposing an amendment here that we have a further amendment to that subparagraph that provides that the constituency Member of Parliament shall nominate a minimum of five members in the constituency. This will take care of the constituencies with two or three members because you can imagine having only two members to sit in the constituency.

**The Temporary Deputy Chairman** (Hon. Kajwang): Let me pick up that. Where do you want us to fit that? We were on part (iv).

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, I want to insert (2)(e). It is a proviso to what I have said.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Before you even go there, get me the numbering. You want it to be part (h) actually.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, if I you can allow me to refer to the very section, if you read 15(2)(e), it says, “a representative from each ward in the constituency nominated following consultations between the County Women Representative of the National Assembly”. I propose that we delete the word saying “following” immediately after the words “Member of Parliament”, I say “provided that the constituency Member of Parliament shall nominate a minimum of five members to the committee”.

**The Temporary Deputy Chairman** (Hon. Kajwang’): What about maximum?

**Hon. Cheptumo:** That is taken care of because if you have five constituencies, you have five wards and five members. This is only to take care of the constituencies with two wards, but maximum will be taken care of by the number of the wards that you have.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I get that. So, for the HANSARD, is it your position that this amendment should appear in the Order Paper as “(eb) in the terms that you have proposed? Are you through?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, number five, I am still on Regulation 15-

(v) inserting the following new paragraph immediately after sub paragraph (e), that is (ea), “two representatives from the constituency, one of whom shall be a male youth nominated by the County Women Representative.

We have agreed that we need to move together. The way forward is that we allow the County Women Members to nominate two additional members to the Constituency Management Committee, so that the constituency Member shall appoint one per ward

and then the Women County Member appoints two who should of opposite gender. This amendment is critical because we do not want to block or lock out our fellow leaders.

(vi) inserting the words “nominated by a registered organisation for people with disabilities in the constituency” immediately after the word “Constituency” in subparagraph (f).

The way it is now, it is only saying that one person with disability will be appointed without saying who will appoint. So, I am proposing that that should be appointed from a registered body in the constituency.

(vii) Deleting paragraph (g)

The paragraph says that the Constituency Development Fund Manager shall be (g) an *ex-officio* and secretary of the committee. We should distinguish this and we are saying that we cannot allow the CDF Fund Manager to sit in the Constituency Management Committee.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. We do not have the whole night. We have to get this matter done.

**Hon. Ng’ongo:** Hon. Temporary Deputy Chairman, I think we need to be very clear as we take this amendment. I am looking at amendments on---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, hon. Ng’ongo. We have not proposed the Question. I was just listening to what was not in order. You seem to be discussing what I have not proposed.

**Hon. Ng’ongo:** Okay. Then you can propose it

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. We will take 30 seconds to finish. We do not have the whole night.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, we have the last one on that - by deleting paragraph 7 and substituting therefor the following new paragraph 7.

“(7) The sub-county representative from the national Government, Ministry responsible for youth and women affairs and other staff as may be posted by the Ministry responsible for youth and women affairs, shall provide the necessary secretarial services to the Committee.”

Hon. Temporary Deputy Chairman, once we refuse the CDF manager to be the secretary to the Committee, we are proposing the person responsible for youth and women affairs in the constituency, that is the sub-county, to actually do that role. That is the essence of the amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Before hon. Ng’ongo speaks, just to be clear, the Chair tried to put that new amendment in paragraph (v), on the Order Paper that is not where it should be. I think it should be in paragraph (iv) on the Order Paper so that the words he is proposing are as follows:-

“deleting the words “following consultation between the County Woman representative of the National Assembly and” and substituting therefor the word “by”.

It will read that “a representative from each ward in the constituency nominated by the constituency member of Parliament”, then he is providing some more words, “provided that the Constituency Member of Parliament shall nominate a minimum of five members to the Committee.”

All right, that is the text that is proposed. Can I hear one or two comments from hon. Ng'ongo?

**Hon. Ng'ongo:** Hon. Temporary Deputy Chairman, most of the amendments that are proposed by the Chair of the Committee on the Delegated Legislation are fairly straight forward and in my view, need to be supported.

But I am just concerned that on the amendment number (vi), this House should realize that once we pass that amendment, in my view, the amendment by hon. Midiwo will not be moved. It will just die. So, if we are in agreement, that is the way we want to go; that the person representing people with disabilities in the constituency should be appointed by the registered organization for the people living with disability and not by the County Women Representatives.

If we are clear that this what we want to do, then I will not have a problem with this amendment. But I thought it was important for this House to realize that, that is what we are about to do.

Hon. Temporary Deputy Chairman with that, I think basically in my view, these amendments make sense and need to be supported.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. I am not so sure whether hon. Mbadi you got the gist of his amendment. Hon. Roselinda Soipan Tuya.

**Hon. (Ms.) Tuya:** Thank you, hon. Temporary Deputy Chairman. I stand to support most of the proposals for amendment by the Chairperson in Regulation No.15 and particularly the ones that clarify the roles of the County Member of Parliament and that of the Constituency Member of Parliament in nominating the Members that will constitute the constituency committee. I think it goes a long way to make sure that these nominations are done in a complementary way as well as the management of that particular committee.

However, hon. Temporary Deputy Chairman, I wish to raise a concern with amendment number six on the person with disability. I think it is very vague. I support what hon. Mbadi says that it goes to disqualify the subsequent amendment which is to be proposed by hon. Midiwo. I do not think that we have one particular Non-Governmental Organisation (NGO) or organisation per constituency. This is based on assumption that in each constituency we have an organisation dealing with matters of persons with disability and I think it is a wrong assumption. I, therefore, oppose this particular amendment as I wait to support hon. Midiwo's.

**The Temporary Deputy Chairman** (Hon. Kajwang): Okay, Members. Thank you. Order, all of us! There are so many things that have been lumped together in this amendment. I propose that we go step by step according to what is proposed by the Chair. I want us to go this way, that we look at parts (i) (ii) (iii) (iv) and then we stop there and then we go to the next one so that we are very clear. Now, the rest of them are in the Order Paper. The only one which I want you to understand is part (iv) which I have already read but we have put in the words. Can you listen hon. Sakaja? It reads: "Provided that the Constituency Member of Parliament shall in any case nominate." We have put in the words "in any case" because it was not making sense. This is because what we are trying to do is to make sure that in areas where we have only two wards, everybody must be able to have at least five people. So, the words "in any case nominate a minimum of five members to the committee." Those are the words that we have.

So, I want to put the Question up to part (iv). Let me go back. *Mheshimiwa Jamleck*.

**Hon. Kamau:** Hon. Temporary Deputy Chairman, just before you put that particular Question, I think we are actually going to perhaps make a little mistake somewhere which might prove a little bit costly to us. I want to refer you to Regulation 15(4).

**The Temporary Deputy Chairman** (Hon. Kajwang’): We are on page 441.

**Hon. Kamau:** Hon. Temporary Deputy Chairman, Sir, the total number of ward representatives shall have equal number of either gender. If we say that we will have a maximum or a minimum of five---

**The Temporary Deputy Chairman** (Hon. Kajwang’): I am not with you. Which page is that?

**Hon. Kamau:** I am talking about the regulations, hon. Temporary Deputy Chairman, Sir. That is on page seven of the regulations. Regulation 15(4) which says, “The total number of ward representatives shall have equal number of either gender with the women quota providing for, at least, one female youth.” You are talking about equal number of ward representatives.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, it will be 2.5?

**Hon. Kamau:** How do we deal with that? That is the problem.

**The Temporary Deputy Chairman** (Hon. Kajwang’): There is a constitutional order when you have a decimal point. You go to the next whole number. I think it is the custom. Could the Chair of the Delegated Legislation help?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I want to thank the Member for being very keen. As you interpret regulations in the written law, you must be able to be guided by the Constitution. There is the one-third rule which we, Members of Parliament, when we are appointing members of the constituency should be guided by. So, I do not see any problem here.

**Hon. Anyango:** Hon. Temporary Deputy Chairman, Sir, if four remains as hon. Kamau has said, the implication of figure five means that in a constituency where there are less than five wards the Member would have taken five nominees. The disability nominee in that constituency will have to be female so that the total remains valid.

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is not an amendment but an interpretation of the law. That is why I found it easy to recognize 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)*

So, we have disposed of up to part (iv). We are now going to parts (v), (vi) and (vii) of the amendment proposed to paragraph 2 of Regulation 15.

**Hon. Member:** Let us deal with part (v) first, hon. Temporary Deputy Chairman.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Okay, we are dealing with part (v), starting with hon. Cheptumo’s amendment, as it appears on the Order Paper. Can I put the Question?



**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, therefore, I put the Question that Regulation 15 be amended in paragraph 2 by:-

(v) inserting the following new subparagraph immediately after subparagraph (e)—

“(ea) two representatives from the constituency, one of whom shall be a male youth, nominated by the County Women Representative”.

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, let us go to part (vi) of the amendment as it appears on the Order Paper.

THAT, Regulation 15 be amended in paragraph 2 by:-

(vi) inserting the words “nominated by a registered organization for people with disabilities in the constituency” immediately after the word “Constituency” in subparagraph (f.)

**An hon. Member:** *(off-record)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, no, no! We have to dispose of hon. Cheptumo’s amendment as it appears on the Order Paper. According to our procedure, we have to deal with it, whether we are going to drop it or sustain it, and then we move to the next amendment that is closer to it. So, I am proposing the amendment as it appears on the Order Paper. Can we have discussions on it?

Yes, Member for Seme.

*(Question of the amendment proposed)*

**Hon. (Dr.) Nyikal:** Hon. Temporary Deputy Chairman, the issue in this amendment is who will decide on the registered organisation to be picked, if there are more than one registered organisations in a constituency or if there is none. Therefore, this amendment is not a very practical one. Maybe, we should drop it and go the way that hon. Midiwo suggested.

Hon. Temporary Deputy Chairman, did you hear me?

**The Temporary Deputy Chairman** (Hon. Kajwang’): I heard you but you did not hear me. Do not pre-empt debate. We have not gotten to hon. Jakoyo’s amendment yet. We have also not gotten to hon. Shukran’s amendment yet. We are discussing hon. Cheptumo’s amendment. Deal with it, whether you will drop it or you will sustain it.

Yes, Member for Wandayi.

**Hon. Wandayi:** Hon. Temporary Deputy Chairman, the only question I have is whether at this point, I can introduce an amendment to this Regulation. In my view, as correctly put by hon. Nyikal, I would rather we assign this role to a particular authority. We could agree that the County Women Representatives do this, which I support, but with a rider to it. I am of the view that the Women Constituency Representatives do appoint, in consultation with the Constituency Member of Parliament. Disability is a very sensitive issue. Therefore, I would like us to further amend this amendment in the manner I have suggested and then adopt it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Wandayi, let us refresh ourselves. I can hear the sense of the House but we have to be procedural. The procedure is that there is an amendment before the House. You have to deal with it first. If you want other amendments to come in front, you have to deal with this one first because it is ahead of you. So, you need to know whether you want to remove the log or you want to let the log lie. I cannot be simpler than that. So, you need to know what to do.

**Hon. Chanzu:** Hon. Temporary Deputy Speaker, I just wanted to say that we could amend this further by inserting the words “nominated from among people with disabilities in the constituency”.

*(Loud consultations)*

I want to give a chance to women representatives here because we have nominated other people in CDF and other committees. So, I propose a County Woman Representative.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Could you, please, repeat it so that we get the right text?

**Hon. Chanzu:** I just wanted to say that we simplify it by saying: “Nominated from among people with disabilities in the constituency by the County Women Representative.”

**The Temporary Deputy Chairman** (Hon. Kajwang’): Is that a further amendment?

**Hon. Members:** Yes.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let me hear from that hon. Member.

**Hon. Mulu:** Hon. Temporary Deputy Chairman, I think we are confusing issues here. The way this amendment is, personally, I oppose it. When we are through with this one, Jakoyo’s can come and then we support it. So, put the Question so that we oppose this and then when the other one comes, we support it.

**Hon. Ng’ongo:** Hon. Temporary Deputy Speaker, we need to understand the procedure. If we have two amendments coming, the best thing to do is that if you are not in agreement with the first one, you defeat it. We are very clear that identifying registered organizations for people with disabilities will be a problem. Who is to identify them will be a problem. Therefore, the best thing to do is to defeat this amendment and then we proceed.

I propose that you put the Question, we defeat this amendment and we move to the next one.

**Hon. Katoo:** Hon. Temporary Deputy Speaker, this amendment is bringing a lot of ambiguities. Suppose you have several registered organizations, which one will nominate, or which one will consult with who? Supposing you have none, what will happen? My proposal is that we drop that amendment.

There is also another issue. The first persons you nominate from wards, there is no place it is stated that you cannot nominate a person with disability. There is also no need of having a big committee. For efficiency purposes, you can maintain a leaner

committee and the people you appoint from wards, you could consider people with disabilities to represent the wards at that level.

**Hon. Mwaura:** Hon. Temporary Deputy Chairman, I think there are some few issues that I would want to clarify as a person from that sector. First and foremost, indeed, it will be undemocratic not to involve organizations or persons with disabilities in terms of them nominating their own representatives to this committee.

Therefore, to leave that to the discretion of a Member of Parliament to come with nominees out of the five, I think we may be hesitant on that. That is how we end up not being represented. It is at the discretion of an MP, but then, the proposal that I have put across is that a list of Members nominated by organizations of persons with disabilities--- Let us not qualify in the constituency, because members must be residents of that constituency. In consultation with the MP, the House needs to agree, whether we want to delegate this to the county, the member of the National Assembly or the single member constituency of the National Assembly.

Thank you

**The Temporary Deputy Chairman (Hon. Kajwang’):** The problem that Members are dealing with here is to bring a regulation--- You see when your hands are up and I am explaining, you cannot absorb what I am saying.

*(Laughter)*

The problem is that Members want a clear law and not ambiguous law. For example, you need to show what those organizations of persons with disabilities are. They have to be defined, so that we know where to get them from. Two, is about how their appointments have been done. I am not expressing myself on them; I am just explaining what I hear Members saying. There is need for a very clear law and not an ambiguous law. That there are two or three organizations of persons with disabilities, but you do not know from whom to choose. Hon. (Ms.) Wahome, where did you leave your card?

**Hon. (Ms) Wahome:** I was suggesting - because I know I will be voting against hon. Jakoyo’s amendment - that since it is a constitutional requirement that when you are appointing members of all committees constitutionally, we are to take into account women, youth and persons with disability, I think it is not possible that Members will be reckless and irresponsible and fail not to bring those persons on board. I think we should be clear and drop this amendment because it is ambiguous and we do not need it.

**The Temporary Deputy Chairman (Hon. Kajwang’):** Okay. Can I put across a proposal which will help?

**Hon. Members:** Yes

**The Temporary Deputy Chairman (Hon. Kajwang’):** In an amendment which we have seen, which is on the Order Paper, a Member is trying to propose that we will have persons with disabilities being appointed by the woman representative. When we come to that, Members can ventilate and amend if they want it to be Members of Parliament and not women representatives. We can at that point debate that issue. Can I hear from hon. Muchai?

**Hon. Muchai:** Thank you, hon. Temporary Deputy Chairman. I believe we can find a solution within the proposed amendment by the Chairperson of the Committee on

Delegated Legislation. If you look at this proposal--- If we modified it to read, “nominated by registered organizations for people with disability in the constituency in consultation with the County Women Representative”, we would have found a solution to it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are importing the word “registered”. Registered by whom?

**Hon. Muchai:** Then we can go by the proposal from an earlier Member, who said---

**The Temporary Deputy Chairman** (Hon. Kajwang’): That is okay. It is not an unfair question. It can be registered as a Non-Governmental Organization, which is under an Act of Parliament, remember.

**Hon. Muchai:** “Registered” will connote registration under the law.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But it could be a CBO. That is why I am asking “registered by whom?”

**Hon. Muchai:** Under whatever law.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Mohamed Diriye.

**Hon. Mohamed Diriye:** I would like to seek you clarification and guidance on this. Under Clause 15 as was moved by the Chairman, we have already amended and said, at least, five representatives from the wards. My confusion is: On these extra slots added for people with disability, I have another amendment for an addition of a female. Does that mean that these are extra to the five or people with disability and a female will be balanced through the five? Will those be extra to the five slots?

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, it will be within the five. You remember that when we were debating the five, we were saying that in any case, whether you have two wards or one, you would have to have, at least, five members. So, within those five, you will have to find how to balance gender and how the disability will work. It is within that. That is how I understood. It is an additional; I have been advised.

**Hon. Mohamed Diriye:** Hon. Temporary Deputy Chairman, Sir, this leaves us more confused. Is it possible at the beginning to state that the membership is going to be a certain number and from there, we know that five will be from the wards and one person with disability? The confusion is arising because we do not know the number of membership. In the CDF, at the beginning, it states that there will be “X” number of CDF Committee members. From there, it states the number for the ward, people with disability and gender.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Chair, you have listened to all this. Can I have one last statement which helps us further to clarify all these issues? That is your duty. I should not be doing your duty. Can you harmonise all these things and give me what works?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, these provisions are very clear. For the sake of that Member, I want him to go to Regulation 15. It talks about the establishment of the Constituency *Uwezo* Fund Committee and 2(a), (b), (c) (d), (e) and (f), where we are. Let me refer you particularly to “e”, which says that the Committee shall consist of a representative from each ward in the constituency nominated following consultation between the County Woman Representative of the National Assembly and the Constituency Member of Parliament, then with the proviso of

minimum. Then we have now given an additional sub-clause saying that the County Woman Representative shall also nominate additional two members in addition to the five or whatever number. Then (f) is a completely independent person, who is one person with disability per constituency. Let me talk of my case. I have five wards. So, I will appoint five members to the constituency committee. My County Woman Representative will appoint another two from the constituency. We need to distinguish this. This is plus one person with disability. It is clear.

**An hon. Member:** Thank you for your magnanimity hon. Temporary Deputy Chairman, Sir. The question that was asked by my colleague---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! I can see consultation in Mombasa.

**Hon. Kimaru:** The question that was asked by my colleague on the other side is very valid because without pegging a maximum, I am not sure which constituency has the highest number of wards.

**An hon. Member:** I have seven.

**Hon. Kimaru:** He has seven. So, what is the maximum? Can you have as many representatives as the number of wards that you have there? Is that the implication? We need to be clear. We may not be as clear as some of those people---

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right now. I put the Question that Regulation 15 be amended in terms of (a) paragraph (2)(vi) as proposed by the Chairperson of the Committee on Delegated Legislation in the Order Paper.

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

Can we now move to (a) paragraph (2)(vii). Chairperson of the Committee on Delegated Legislation had already moved it. So, by “deleting Sub-paragraph (g)” can I put the Question? It is on Page 422 of the Order Paper. Member for Seme, what would be out of order about deleting a sub-paragraph?

**Hon. (Dr.) Nyikal:** What it says, responsible for youth and women affairs, assumes it is one.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We are in (vii). We have a consensus now. Shall I put the Question? That Regulation 15 be amended as proposed by the Chairperson of the Committee on Delegated Delegation in (a) paragraph (2)(vii) on the Order Paper.

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

Now, we go to (b) paragraph (7), can I hear the Chair on this and put the Question. We are in paragraph (7), the proposal is to delete it and substitute a new paragraph appearing on the Order Paper. Okay, Member for Seme, I thought I gave you the chance. What did you do with it?

**Hon. (Dr.) Nyikal:** Well, I was too early. Here it assumes it is one officer, but as it is now on the ground, there are two, the one responsible for youth affairs and another

responsible for women affairs. Therefore, I am not quite clear how we will go about that. That is what I want to raise, hon. Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But now, when you ask me a question and I am just presiding--- Can you give me a proposal? Let us hear from hon. Langat. It should not be a point of order, but a contribution.

**Hon. Langat:** Hon. Temporary Deputy Chairman, I want to oppose this amendment for the reason that hon. Dr. Nyikal has given. There is only one person in charge of youth and women affairs.

Secondly, the Fund was meant to be modelled along the Constituency Development Committee (CDF) framework. But what we are doing now is taking the Fund to the Ministry offices, which goes against the spirit that we had when we started the Fund. We would have been better off if we had the secretariat at the CDF, than taking the secretariat to the line Ministry.

*(Loud consultations)*

Some of the hon. Members who are shouting here do not understand the implication of the amendment they are about to pass. Therefore, do not shout before you understand what you are shouting about.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I wish to distinguish two issues. If you read Regulation 15 (3), it talks about a CDF committee. We are having the CDF Committee and the CDF manager. The proposal is that we will retain the services of the CDF Committee in the administration of the *Uwezo* Fund. But the secretarial services in terms of human capacity will be done by the person in charge of youth affairs in the constituency.

Hon. Temporary Deputy Chairman, practically speaking, let me now say what is going to happen; and that is the way we thought in the Committee. The day you would want to have a meeting, the *Uwezo* Fund management committee may come and have a meeting in the constituency office. The person to take the minutes and to record the discussions of the Committee will not be the CDF manager. It would be the officer in charge of youth or women affairs in the constituency or sub-county. So, you need to distinguish that. So, you need to distinguish the committee and the manager. The administration will be done by the---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you help the hon. Member for Seme by reconciling? I understand that on the ground those are two different people. When you go to the ground, there is somebody for the youth and then there is somebody for something else. So, can you make it clearer so that we are not ambiguous here?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I think the rules are very clear. When you talk about the fund management committee, it is the hon. Members who appoint them from across the constituency. This committee will be meeting twice in a month or so. When they meet, they can use the facilities of the CDF in their meetings.

Hon. Temporary Deputy Chairman, we have a problem here and I think this is where we need to agree. Who should be the secretary for that particular committee? We are saying as a Committee that we have a man in charge of youth and women affairs in

the constituency. But if hon. Members still want the CDF manager to be a secretary in the Fund, there is no problem.

**Hon. Member:** No! No!

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Do we have a consensus in the House? Is it sufficient to put the Question? Let me hear from the hon. Member from Mt. Elgon. You have not spoken.

**Hon. Serut:** Hon. Temporary Deputy Chairman, I do not agree with the Chairman of the Committee on Delegated Legislation. We seem to be moving back to the mainstream of the Government; that is the Ministry. Why do we not retain the CDF manager if we want to use the CDF facilities? That is because we have two officers from the same Ministry. We have an officer for youth affairs and we have one for women affairs. Does it mean that we are going to appoint one of them and disregard the other? That is the question before us.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Jamleck will have a go. No. Your face is very handsome, hon. Member.

**Hon. Kamau:** Thank you, hon. Temporary Deputy Chairman. I just want Members to really understand the consequences of this amendment because if you look at it clearly, they want to remove the CDF manager, an officer from the Ministry and a sub-county officer and then substitute them, therefore, with the sub-county representative from the Ministry responsible for youth and women affairs. First of all, those are two different officers on the ground. That is a conflict in the making.

Secondly, hon. Temporary Deputy Chairman, if you look at number three which is right up there and which we actually passed, it talks about: “The CDF committee shall provide administrative support to the committee in each constituency.” Already, that is going to be a conflict now and I think that is going to be terrible. So, my proposal is that we leave it the way it is.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Can I talk to this very handsome Member of Parliament?

**Hon. Bosire:** Thank you, hon. Temporary Deputy Chairman. I have known the language you are using quickly.

*(Laughter)*

We might be having various experiences from the constituencies as regards fund managers. I would like to propose that we make it optional that whoever is comfortable with the fund manager--- That is because in my case, I am very comfortable with my CDF fund manager and I wish that it is so.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. I hear you. Fortunately, the law must be clear, certain and unambiguous. You cannot leave the law to the dictates of discretion. So, we need a very clear one. The last one is the hon. Member for Kwanza.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairman, I want to suggest something from what hon. Kamau has said. I quite agree with him. Let us retain the amendment. That is because we already have the CDF manager providing the secretariat. Now, the problem is that we will have too many people in one office and we will not be able to make headway.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Thank you. Order. I want to put the Question.

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

Order, hon. Members. Can everybody be seated? All five of you are on your feet speaking at the same time – hon. Mbarire, hon. Mule and so on. Can everybody cool down? I have looked at Stephen. I have seen you but I have not recognized you. Could you, please, sit down? I have looked at the amendments as proposed and hon. Jakoyo’s amendment seeks to delete. In legislative practice that, therefore, takes precedence. So, can we discuss hon. Jakoyo’s amendment? So, hon. Jakoyo, you have the Floor.

**Hon. Midiwo:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Regulation 15 be amended in paragraph (2) by deleting subparagraph (f) and substituting therefor the following new subparagraph—

“(f) one person with disability per constituency, who shall be a female appointed by the County Women Representative”.

I think the House generally seems to be in agreement that we choose this one person with disability. Another Member is seeking a further amendment to this amendment which I will not oppose. The further amendment addresses generally persons with disability and not just the female. I think that will make the amendment better.

I beg to move.

*(Question of the amendment proposed)*

**Hon. Simba:** Thank you, hon. Temporary Deputy Chairman, Sir. I agree with what hon. Midiwo has suggested, but I want to propose that it has to be done. Already, we have ceded ground to County Women Representatives that they have to go ahead and have one extra slot. That is the third slot and yet two members are enough for them. Therefore, I oppose the amendment.

**Hon. (Ms.) Amolo:** Thank you, hon. Temporary Deputy Chairman, Sir. I rise to support the amendment by hon. Jakoyo. As women representatives in the country, it will be necessary for us to be given that chance to nominate persons with disability.

*(Hon. (Ms.) Nyasuna crossed the Floor  
without bowing to the Chair)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): The Homa Bay County Woman Representative, could you go to the Bar, do what you must do and then go where you are going?

*(Hon. (Ms.) Nyasuna went to the Bar and bowed to the Chair)*

**Hon. (Ms.) Amolo:** Thank you, hon. Temporary Deputy Chairman, Sir. This will give us more strength and visibility as we work together with Members of Parliament.

**Hon. Members:** But we are doing that!



**Hon. (Ms.) Amolo:** Okay. Just listen. We will work in harmony. We are all together in one House. So, as we go out there, we will be the same people serving the nation of Kenya to enjoy the product of this noble Fund.

So, I support hon. Jakoyo's amendment very much that we should be given this opportunity.

If you look at it, hon. Arati---

**The Temporary Deputy Chairman** (Hon. Kajwang'): No, do not address individual Members, but address the Chair.

**Hon. (Ms.) Amolo:** I am sorry for that, hon. Temporary Deputy Chairman, Sir. When the Member of Parliament will be bringing either five or seven members, if we are given an opportunity as County Women Representatives, kindly add us one disabled person in the constituency in the two members that we appoint. It is a request that we are making so that we can work together and strengthen each Member of Parliament. So, I rise to support hon. Jakoyo's amendment.

Thank you, hon. Temporary Deputy Chairman, Sir.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Order! Order! Can you just hold on, hon. Member? Hon. Members, can you allow the hon. Member on the Floor to make his point?

Hon. Kamande, we did not hear what you were saying. We just heard you bubbling something. Can you now talk?

**Hon. Mwangi:** Hon. Temporary Deputy Chairman, as constituency Members of Parliament, we have already given into so many demands by the County Women Representatives. Therefore, from now, let us have a level playing ground for all of us. For this, we are not going to cede. Let us sit down and agree which person with disability we will give in the constituency.

Therefore, I oppose hon. Midiwo's amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Yes, hon. ole Ntutu.

**Hon. ole Ntutu:** Thank you, hon. Temporary Deputy Chairman. I also stand to oppose the amendment that has been brought by hon. Midiwo. The reason is that we are having so many members in those committees such that it will be unmanageable. So, we should remain with the one we have. If we need to include a person with inability, let us appoint from the number that we already have.

Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Francis Nderitu, where are you in the Chamber?

**Hon. Nderitu:** Hon. Temporary Deputy Chairman, I also stand to oppose the amendment because I am of the opinion that we should not have too many officials in those committees. Even the members of the Constituencies Development Fund Committees were initially 17 but we had to reduce them to about eight or nine. So, I would like us to make the numbers of those committees as few as possible. I would urge that, if we are going to give that responsibility to the County Women Representatives, they should choose from the two members they are going to nominate.

Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, Member for Rangwe.

**Hon. Ogalo:** Hon. Temporary Deputy Chairman, I would like to support the amendment by hon. Jakoyo Midiwo with a further amendment. If we insist that the person with disability must be female, then we have a problem. We had earlier said that it is a position we can use to balance the membership of the committees and meet the condition on Regulation 15(4). If we cannot use it that way, then we do not need to have it. Therefore, I propose that we delete the words “a female” and adopt the amendment as it is.

**Hon. Members:** Yes! Yes!

**Hon. Ng’ongo:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I hear your point of order, hon. Mbadi?

**Hon. Ng’ongo:** Hon. Temporary Deputy Chairman, there is something that the House needs to understand. In the event that this amendment is not carried, we still have one person with disability per constituency, as provided for in the original Regulation. We need to understand that we have no way of appointing this person because we had defeated the earlier amendment by the Chair of the Delegated Legislation Committee. If we defeat the amendment by hon. Jakoyo Midiwo, somehow, we must find a way of having one person with disability per constituency. I have heard some hon. Members say that we should defeat this amendment because we are going to have so many representatives. However, this is already in the Regulation.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Gwassi, surely, that is not a point of order. You have argued eloquently. We have heard you. For now, that is alright but next time, do not rise on a point of order if you want to debate.

I will have three more speakers: Hon. Mwaura and hon. Lang’at. Hon. Angwenyi will also say something and the last one will be the Mover of the amendment. Let us go that direction. Can I hear hon. Mwaura?

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, I have a further amendment to this so that, if possible, we settle the issue. I am looking at recognized body for persons with disabilities. So that we do not have a tug of war between the County Women Member of Parliament and the Constituency Member of Parliament I propose that Regulation 15(2)(a) be further amended by providing that: One person with disability per constituency nominated by the National Council for persons with disabilities.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, hon. Members! Order! Resume your seats.

**Hon. Angwenyi:** Hon. Temporary Deputy Speaker, I want to support with some small amendment; THAT, one person with disability per constituency who shall be appointed by the County Women Representative.

Hon. Temporary Deputy Speaker, so I remove the gender issue.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Removing the gender. That is the same as what Member for Rangwe was proposing.

**Hon. Langat:** Hon. Temporary Deputy Chairman, as a matter of procedure, we have already had an amendment by the Member for Rangwe, hon. Mwaura and now I am hearing hon. Angwenyi. I think we should dispose each one first.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I want to pick them on board first so that we can then dispose of them.

**Hon. Langat:** Generally, hon. Members, let us support the amendment by hon. Jakoyo except that I have an issue when you say “female”. However, let us support the amendment by hon. Jakoyo. You are already appointing five Members on the minimum.

**Hon. Mulu:** Hon. Temporary Deputy Chairman, I support the proposed amendments. On the issue of the female, let us remove the word “female”. I want to support the appointments by the County Women Representatives. This is the reason: When you look at the CDF Board, Members of Parliament at the constituency level have actually appointed disabled people in those committees. So, we can give this opportunity to our sisters. We have no problem with that.

**Hon. Midiwo:** Hon. Temporary Deputy Speaker, the notable contributions are number one, the one by hon. Mwaura. It is the same amendment which was defeated and so, it cannot be reintroduced. It is the amendment of the Chairman which we defeated. So, procedurally, it is out of question.

Number two, the amendment by hon. Ogalo Oner and made much clearer by hon. Angwenyi and then supported by hon. Lang’at and hon. Makali is the amendment which I think clarifies the fact that the person nominated is a person with disability and can be of either gender and that nomination is done by the County Member of Parliament.

My last word on this is that I want to plead with my colleagues. We have had a long day and it has been cordial. Please, just support. Put the Question, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Now we have sufficient consensus.

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

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

Hon. Gure! Can she be heard without intimidation? Member for Gwassi, can she be heard without intimidation?

**Hon. (Ms.) Gure:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Regulation 15 be amended in paragraph (2) by inserting the following new subparagraph immediately after Sub-paragraph (f)—

“(fa) one person representing the youth, who shall be a female appointed by the County Women Representative”.

**Hon. Members:** No! No!

**Hon. (Ms.) Gure:** Hon, Temporary Deputy Chairman, Sir, please, protect me.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Members! Everybody will have his or her equal unintimidated share. The youngest Members of this House will also have their share to speak. So, could the Member explain herself? Can you hear her without intimidation?

**Hon. (Ms.) Gure:** Hon. Temporary Deputy Chairman, Sir, please, protect me and everyone will have a chance to contribute on this. I have a right to speak, please.

I was moving:-

THAT, Regulation 15 be amended in paragraph (2) by inserting the following new subparagraph immediately after subparagraph (f)—

“(fa) one person representing the youth, who shall be a female appointed by the County Women Representative”.

*(Loud consultations)*

I need to be given a chance to explain myself.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Please, you have the time and address the Chair.

**Hon. (Ms.) Gure:** Hon. Temporary Deputy Chairman, Sir, the initial purpose of this Fund was to support the women and the youth. I am asking for inclusiveness. We have a youth representing the male and we should also have a youth representing the females. That is all I am asking because we need to include young women in the decision-making on this Fund, so that they can own it. I urge this House to support this. The youths are watching and listening to what I am saying and will see the response of Members of Parliament. This is a request from the youth whom I get in touch with through the social media and they are watching today. I ask this House to support those young women. This will be seconded by hon. Oyugi.

**The Temporary Deputy Chairman** (Hon. Kajwang): Order! You do not need to second. We appreciate your interaction in the social media and thank you for bringing the youth’s voice into this House. I now propose the Question that Regulation 15 be amended as proposed by Hon. Shukran Gure on the Order Paper. I just want to entertain one or two Members. I will hear hon. Sakaja on this.

*(Question on the amendment proposed)*

**Hon. Sakaja:** Thank you, hon. Temporary Deputy Chairman. At the outset, I must confess, I was part of those who made noise or rather consulted loudly when she gave her proposal.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes, Members do not make noise; they only consult loudly.

**Hon. Sakaja:** But, come to think of it really, if you look at the constitution of the entire committee, apart from one female youth who has been provided for earlier, there is no explicit provision for youth to be represented in those committees. In fact, the Fund is for youth and women--- You will have your chance hon. Pukose.

The women representative has a lot of opportunities to nominate, but really there is no shielding for youth amongst those. I want those in view of that point to support her

amendment, failure to which if it does not pass, I have a further amendment that we provide that, at least, two-thirds of those committees, no matter who will have been chosen, to be youth. That way, we can have youth and women. That is my proposal.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right, hon. ole Sakuda, where are you in the Chamber? Order! Order! Everybody sit down. Order! Order! Order! Is hon. ole Sakuda in the Chamber?

**Hon. ole Sakuda:** Yes, Thank you, hon. Temporary Deputy Chairman. I do not support this amendment, because in the last few minutes, Members, we have heard and tolerated trying to have a 50-50 win for the Women Members of Parliament. In my view, with the appointment of three County Women Representative Members against five, it is a fair balance.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Harrison Garama Kombe.

**Hon. Kombe:** Ahsante sana Bw. Mwenyekiti wa Muda, nasimama kuunga mkono hoja hii. Kwa hakika, pesa hizo ni za vijana na kuna umuhimu wa kwamba zikaweze kutawaliwa na vijana wenyewe. Kwa hivyo, hakika ni vyema tuwape nafasi vijana. Haijalishi itakuwa ni vijana wa aina gani lakini pia, kwa kuwa inasimamiwa ama imewalenga akina mama, ni sawa huyo achaguliwe na akina mama.

Kwa hakika, hela hizi zimewalenga vijana na akina mama---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Order! Can you just hold on? Can I get some order here? Hon. Arati, I appreciate that the Standing Orders allow you to sit anywhere, but I will exercise my discretion and take you to the Minority Side where you belong.

**Hon. Kombe:** Asante sana kwa ulinzi wako, Bw. Naibu Mwenyekiti wa Muda.

*(Several hon. Members rose on points of order)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): If every lady hon. Member is on a point of order, how will anybody be heard?

**Hon. Kombe:** Kama nilivyokuwa naelezea, swala lililoko mbele yetu ni la vijana na akina mama. Kwa hivyo, kuna umuhimu vijana kuwa wengi katika hizo kamati, kinyume na vile ilivyokuwa wakati wa mipango ya kamati za wanaoishi na virushi vya ukimwi. Utakuta wanaoshiriki katika swala hilo la wanaoishi na virushi vya ukimwi katika kamati hizo zote, hakuna hata mmoja anaugua ukimwi. Ni jambo la kusikitisha. Lisiwe hivyo basi.

**Hon. (Ms.) Mbarire:** Thank you, hon. Temporary Deputy Chairman, Sir. I rise on a very critical concern. We are creating a committee for youth and women. I am shocked. I think I was in my own world that even there is a consideration to put old men in those committees.

In my view, those committees must purely be constituted by the youth and women. I see no reason why we are even contemplating a situation where we bring a man above 35 years in that committee. This is not right. It is not right!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Sit down! Okay, thank you, we have heard you. Hold on!

*(Loud consultations)*

Order! Can you sit down! If you go this way, students watching you will not know what a point of order means. That is because everybody is rising on a point of order and when you are given a chance, you rise and start debating. It is not in the night. I am sure everybody is having a good time listening to hon. Members of the National Assembly.

Therefore, can we have points of order different from debates?

**Hon. (Ms.) Chidzuga:** Ahsante sana, Bw. Naibu Mwenyekiti wa Muda. Ninasimama kuunga Hoja hii mkono vile ilivyoletwa na Mhe. Shukra.

Naunga mkono kwa sababu tumetoa nafasi zote ambazo ni nyingi zinazosimamiwa na Wabunge wa maeneo ya uwakilishi Bungeni; tano ama zaidi ya tano, zitakuwa mikononi mwenu.

Kwa hivyo, kuomba hii nafasi moja si kioja! Hii nafasi inapaswa kuwa itachukuliwa na mwakilishi wa wanawake na itakuwa ya mwanaume ama mwanamke kijana.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Hon. Members, we have a lot of business before us. This is not the only business we are transacting. We still have to constitute the House Business to prepare the business for tomorrow. So, we need to be serious with the pace at which we are moving. I am, therefore, putting the Question.

**Hon. Member:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Sakaja, can you just read the amendments? Do not present it; just read it.

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, I propose to move a further amendment to Regulation 15,

“THAT, Regulation 15 be amended in Paragraph 2 by inserting the following new sub-paragraph immediately after sub-paragraph (f), “one person representing the youth, who shall be a female appointed by the Constituency Member of Parliament.” That is by deleting the County Women Representative.”

And paragraph (g), “that, at least, one third of the committee shall comprise the youth.”

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right! Quickly, can you just read the amendment? Order. Order.

**Hon. Muzee:** Okay. Thank you, hon. Temporary Deputy Chairman for giving me the opportunity but hon. Sakaja has---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you read the amendment?

**Hon. Muzee:** Exactly that. It reads: “That the youth should be appointed by the Member of Parliament.”

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you read the further amendment that you have before us?

**Hon. Muzee:** It is exactly that. That is what I am saying. So, it is okay.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Hon. Neto lastly on this and then I put the Question.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Chairman. I wanted to support the amendment moved by hon. Shukra. I have three reasons for doing so. First, if you

look at the inclusion there, there is no reason why we cannot have a female youth. I think it is discriminatory to actually distinguish between the youth and say male youth and not the female youth. That is the first part.

The second part is that this Fund is fundamentally for youth and women. Let us be considerate. I mean, it is good to be male in this particular province but I really think let us give the female youth a chance to sit on this board. Lastly, the County Members of Parliament have given so much to the Constituency Members of Parliament. There is no harm in giving them one more chance in appointing the female youth.

**Hon. Members:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Thank you. No further amendments. No more discussions. I am disposing of this. No. We are not entertaining any more. Order! There are two issues before the House. Okay. Can you listen? If you want to consult the Chair, there is a more dignified way of consulting the Chair. Do not shout from there. Go round and come and talk to us, please. Come up here. There are two Motions before us. One is to amend the amendment proposed by Shukra Gure that provides as follows--- Okay. Order. I have to make a ruling here. There is an issue here which I have to look at. Hon. Sakaja, I have looked at your amendment. With a lot of respect, I find that your amendment completely dispossesses the original amendment proposed by Shukra Gure because the amendment reads as follows:-

“That one person representing the youth who shall be a female appointed by the Constituency Member of Parliament and, at least, one-third of the committee will comprise the youth.”

Can we have a parliamentary procedure here? First of all, you have two amendments because there is a “b” part of it. Two, the concept of one-third was not a concept in that proposed amendment. So, when you look at your Standing Orders, you will find that when the amendment completely dispossesses the original amendment, then that amendment cannot be sustained. So, on that basis, unless you have a further amendment, I am going to overrule your amendment.

Okay. I will give you a chance because I want to have a consensus, but you have heard how I have expressed myself. Sakaja, do it quickly.

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, I understand what you are saying. I brought this amendment as such that we are deleting the words ‘County Women Representative’ and replacing with ‘Constituency Member of Parliament’ because I want this addition by Shukra of the youth to pass.

**Hon. Members:** No. No.

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, procedurally, if I cannot add “b” which is two-thirds---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Since when did votes become “No” here? We are on voice calls. We cannot be hecklers. Can you finish, please?

**Hon. Sakaja:** The second part that I mentioned is a totally different amendment. The other further amendment I want to propose to hon. Shukra Gure’s amendment relates to the words “County Women Representative”---

**The Temporary Deputy Speaker** (Hon. Kajwang’): That is legitimate.

**Hon. Mulu:** On a point of order, hon. hon. Temporary Deputy Chairman, Sir. I think that the House is being misled. Regulation 15(iv) says that the total number of ward

representatives shall have equal number of either gender with the women quota providing for, at least, one female youth. This is clear. It reads “one female youth” So, what is this that we are being told?

**The Temporary Deputy Speaker** (Hon. Kajwang’): I want to dispose of this. Hon. Members, there are two businesses before us. There is an amendment by hon. Shukra Gure and there is a further amendment by hon. Sakaja. So, those are the ones that I want to put Questions on. Even the Member who is proposing this is not listening. Because hon. Sakaja’s amendment has the effect of deleting the amendment proposed by hon. Shukra, we will start with his.

Yes, the Member for Rongo Constituency.

**Hon. Anyango:** Hon. Temporary Deputy Chairman, Sir, as of now, the smallest constituency has a committee of 10 members. From my experience, the larger the committee, the higher the risk of factions developing in the committee. Those people will be scrambling for monitoring and evaluation allowances and yet the Fund is very small. So, expanding the number beyond 10 members means that we will spend this money in administrative costs. It is sufficient for the membership to remain at 10. The larger constituencies with more wards can have more than 10 members.

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

**The Temporary Deputy Speaker** (Hon. Kajwang’): Where is hon. Mbarire? Her amendment has been dropped.

*(Proposed amendment by hon. (Ms.) Mbarire dropped)*

*(Regulation 15 as amended agreed to)*

### *Regulation 16*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Regulation 16 be amended in paragraph (1)—

(a) by deleting the word “targeted” in sub-paragraph (a);

(b) by deleting the word “religious” in sub-paragraph (d);

(c) in sub-paragraph (f), by—

(i) deleting the word “target” appearing immediately after the word “qualified”;

(ii) deleting the word “religious” appearing immediately before the word “institution”; and,

(d) by deleting the word “religious” in sub-paragraph (g).

Hon. Temporary Deputy Chairman, what we are avoiding here is to have religious groups or institutions in this Fund; the reason being that if we give funds to one religious group or institution and deny other religious groups the same, there is likely to be some conflicts. So, we propose that the Regulation should be amended accordingly.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, this is a very straightforward amendment.



*(Question of the amendment proposed)*

**An hon. Member:** Put the Question!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, shall I put the Question?

**Hon. Members:** Yes!

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

*(Regulation 16 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Next Regulation!

**Hon. Oyugi:** *(off-record)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you explain? That is what we have been discussing.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I was going to propose that we have an inclusion of paragraph (k) in Clause 16. This is an addition to Regulation 16. It is not in existence. So, I propose to introduce new paragraph (k).

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Neto, has the Chair seen your written submission?

**Hon. Oyugi:** Yes, hon. Temporary Deputy Chairman, and he has approved it.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you approach the Table.

*(Hon. Oyugi consulted the Temporary Deputy Chairman)*

Hon. Members, I want to express myself on this matter. Hon. Aghostinho Neto rose in his place to propose introduction of new paragraph (k) to Regulation 16. So, hon. Neto, can you move the amendment? You have the Floor. Hold on. Sit down both of you. Hon. Neto you have the Floor.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Chairman. I am proposing the introduction of Section 16 (k). The amendment will then read:-

“To conduct capacity building for the fund beneficiaries and target groups.”

Hon. Temporary Deputy Chairman, if you notice, the regulations---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Could you just read out the content of your amendment? You may persuade the Members here that there is something that they have not done that if they do---

**Hon. Oyugi:** Hon. Temporary Deputy Chairman---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hold on. I understand what you are saying. Could you, please, resume your seat? Can you speak to Members so that you carry the Members with you?

**Hon. Oyugi:** Hon. Temporary Deputy Chairman this is with regard to part of the functions of the constituency *Uwezo* Fund Committee. It is just to include one extra role which is to conduct capacity building for the Fund beneficiaries and target groups. The

words “conducting capacity building” is across the whole place of the regulations. It has not been specifically assigned to any person and that is why I propose that the committee at the constituency level be the one to conduct capacity building on behalf of the *Uwezo* Fund.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, let us not delve on the side shows. Let us go into the meat of the matter. The issue that hon. Oyugi is bringing up is that of capacity building. It has not been assigned as a specific role to a committee. He is adding that there be a specific role given to the committee to conduct capacity building. That is the essence of his proposal.

So, let us have substance over technicality. Let us not delve on the technicalities.

**Hon. Muchai:** I want to get guidance from the Chair. I quite agree and I understand the importance of the amendment that he is proposing. However, when the amendments were first moved by the Chairman, you put the Question. Thereafter, you put the Question on the entire Regulation 16 and it was carried. How will he take a ride on a vehicle that has already passed?

**The Temporary Deputy Chairman** (Hon. Kajwang’): I hear you very well. What we are doing here--- Do not emphasize technicalities over substance because, you know, we can even report that it is recommitted. We can recommit! So, do not focus on the technicality; let us get the substance. Do you think that it is a valid amendment or not? That is what we should deal with.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I want to support the amendment by hon. Oyugi because we realize that we have set aside money for capacity building. But at the constituency level, we are not doing the capacity building. Initially, Women Members of Parliament through hon. Ms. Shebesh had put in an amendment that they wanted capacity building do be done at the county level. Now that we do not have that amendment at the county level and we have 8 per cent of the resources set aside for capacity building, where do we do that capacity building?

Let us take it at the constituency level so that we are able to do capacity building for our constituents.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. ole Metito.

**Hon. Katoo:** Hon. Temporary Deputy Chairman, Sir, I would like to draw the attention of my colleagues to Regulation 14(d) as amended. It says that the role of the Ministry, namely, the Ministry responsible for youth and women affairs, shall be, for capacity building for fund recipients. Surely, if we take again another 8 per cent at the constituency level, that will reduce the loan money that will go to the youth. Therefore, I would plead with hon. Neto that we leave the capacity building to be done by the Ministry using their normal funds or part of the 3 per cent that they are taking as administration cost. For example, if you get Kshs10 million as a constituency and you subtract another 8 per cent, very little will go for the real purpose of that money.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The contribution of the Chief Whip is very valid that you risk bringing a regulation that is self-contradictory. Already, there is Regulation 14---

**Hon. Member:** On a point of order, hon. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hold on! Mine is to guide you and yours is to debate. The guidance I am getting here is that there is Regulation 14, which has already provided for capacity building. There is an amendment whose aim is to

create a function to the committee for capacity building. There is, therefore, a danger of conflict of functions. That is the direction.

**Hon. Midiwo:** Hon. Temporary Deputy Chairman, Sir, let me thank my ever-careful Chief Whip. He has raised a very important point because very often, we try to do a good thing, but end up making a bad law. I wish to recommit that Section 14. The reason why we are doing this is that the 8 per cent that is talked about in Regulation 18, is money which is already deducted from the total sum. In this case, it is Kshs180 million. We are aware and it is in public knowledge that some companies are already being given this money for doing capacity building without regulations. Hon. Shebesh tried to move an amendment to cure that misnomer and we defeated it for the reasons given then. But you cannot have 8 per cent of the total kitty remaining in Nairobi for unknown persons. The destination we are driving to is where the committee that includes all of us will be responsible for capacity building, so that it is the local people and not people in Nairobi who are doing this.

The CDF one has never worked. They remain with the substantial amount of money. They have bought Land Rovers and choose which constituencies to go to. I have never seen them in my constituency. Now that I have been given an *Uwezo* Fund committee where the Woman Representative has chosen people and she sits there and I have also chosen my people and I sit there, when that money is divided amongst the constituencies what will we then do? We will then say that this is what we wish to achieve with our money and this is the kind of capacity building that we want our people to have.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let me intervene. The only way you are going to go through this, in my view, is if you are able to persuade the House that Regulation 14 be recommitted. If Regulation 14 remains the way it is, then the amendment proposed by hon. Neto will be in conflict with Regulation 14. Can I have consensus on Regulation 14 because it is in conflict?

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, Sir, what might be in conflict is the anticipated amendment, which is being brought up by hon. Neto. Right now, there is no conflict. I want to just bring out the issue that---

**The Temporary Deputy Chairman** (Hon. Kajwang’): No! No! He has actually moved it. So, it is on the Floor.

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, Sir, even as we deal with that, I would just like to inform the House because hon. Katoo has mentioned the issue of capacity building.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you speak to that conflict?

**Hon. Sakaja:** To capacity building?

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, conflict.

**Hon. Sakaja:** To the conflict with the other provision?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes.

**Hon. Sakaja:** But I want to bring out the conflict with what is already happening. There are already tenders which have been done. No company has been awarded because the Ministry paused as soon as the Regulations were brought here. For capacity building, we need to have the same standards throughout the country. I will propose that we leave

it for the Ministry to do capacity building. We need to have the same reporting standards and the same standards of repayment of those loans. We cannot do it differently.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, you are opposing the amendment?

**Hon. Sakaja:** I am opposing it just for the sake of the success of the *Uwezo* Fund and the fact that we need uniform standards throughout the country.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I will take Jakoyo Midiwo has having moved a Motion to re-commit Regulation 14 and I want to put it before you. Okay, hon. Member, I want to hear the vote again.

*(Loud consultations)*

Order! Order both sides! Okay. Hon. Sakaja, the issue is that Regulation 14 cannot stand together with the amendments that have been proposed because they will be in conflict. So, either you re-consider Regulation 14 or you leave it the way it is. I will rule it to be in conflict.

Therefore, I am going to put the Question to you for the vote; whether hon. Midiwo has moved to re-commit the Regulation or not.

*(Question put and agreed to)*

This is how we will do it. Hold on.

**Hon. Member:** On a point of order, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): There is no room for a point of order. It is on the Floor.

Order! Thank you for those consultations and I hope you can help us. It will be in this way; first of all, in view of the fact that we are dealing with Regulation 14, hon. Oyugi has to drop that amendment on Regulation 16. Then having done that, he then addresses us on Regulation 14. Only limited to the question of responsibility where the responsibility lies on capacity building. It is only that it is limited to the where the responsibility lies on capacity building and nothing more.

Okay, the order will be as follows: We will finish the entire business and then come to that point. So, be thinking on how you will go there.

Order hon. Members, I hope we are together. I am sure you are familiar with what it means to re-commit; it means that we will go down the Order Paper. When we are through, we will come to Regulation 14 and the only issue we will be dealing with is where the function lies on capacity building. That is the only issue we will come and look at. Therefore, let us go on.

*(Regulation 17 agreed to)*

*Regulation 18*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Regulation 18 be amended—

(a) in paragraph (1), by—

(i) deleting the phrase “beneficiaries and target” in sub-paragraph (b) and substituting thereof the word “beneficiary”;

(ii) deleting sub-paragraph (d) and substituting thereof the following new sub-paragraph—

“(d) for each constituency’s share as loan”;

(iii) inserting the words “provided that the Committee shall ensure equitable distribution of funds in the wards” after the word “application” in sub-paragraph (e)(i);

(b) by inserting the following new paragraph immediately after paragraph (1)—

“(1A) The loans granted to the beneficiary groups of the Fund under paragraph (1)(d) shall have a grant component of twenty-five per cent, fifteen per cent and ten per cent of the first, second and third loans, respectively”;

(c) in paragraph (2)(d), by deleting the word “financial” and substituting thereof the word “business”;

(d) by deleting paragraph (3).

Hon. Temporary Deputy Chairman, let me briefly explain the basis of these amendments. The phrase “beneficiaries and target’ does not really make a difference. What we are referring to here are the groups. So, we just want to say “beneficiary groups.” That is why we are saying we use the word ‘beneficiary’.

In (ii) deleting sub-paragraph (d) and substituting with the words ‘for each constituency’s share as loan.’ If you look at the provisions of the regulations, it splits the Fund into 1 per cent as administration fee and an amount not exceeding 8 per cent in the balance of the funds to the constituencies. Twenty five per cent shall be allocated equally across all constituencies. Number two, 25 per cent shall be disbursed on the basis of the Kenya National Bureau of Standards poverty index for equalisation.

Hon. Temporary Deputy Chairman, then on (d) - and this is very important for Members to note - (d)(1), 20 per cent for religious institutions as a grant to administer to women and youth groups within their jurisdiction. (b) 60 per cent as loan, 20 per cent as a grant to each constituency group. What we are saying here is that we should treat the entire share to the constituencies as a loan rather than actually having a portion going to church institutions to be given as a grant to various groups. This can easily bring a lot of conflict because the church institutions will give grants to groups and the same groups can still also benefit from the loan given to the groups under the same Fund. So, we want to ensure that the entire amount is treated as a loan and also the component going to the constituencies is taken as a loan. That is going to bring in harmony and ensure that we do not have groups benefitting twice.

Hon. Temporary Deputy Chairman that is the essence of our amendments.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, as you deal with Regulation 18, I want to remind you that there was communication from the Speaker. In this regard, I now order the following proposed amendments as inadmissible for consideration in the Committee of the whole House. The proposed amendment to Regulation 7 and paragraph 1(d) of Regulation 18 as proposed by the Committee.

Arising from that ruling, I direct that we will not look at the item appearing as (ii) in the Order Paper. Are we together, hon. Members?

Following the ruling which is now part of our sequence, we will consider the amendments proposed in paragraph (a)(ii) because (ii) affects (d) of the Regulation. Again, paragraph (b)(ii) affects (d) which is inconsistent with the ruling that we have. I want to propose those bearing that in mind.

I want one or two comments before I put the Question. Are Members lost? You are quiet. What we are dealing with is on page 442 of the Order Paper. We are considering the amendments on Regulation 18. The Chair is proposing to delete in (i) the phrases you see there. There is (ii) which affects (d) of the original draft. You will remember that we already have a ruling that (d) amounts to a money Bill which, therefore, becomes an issue in terms of Article 114.

Over the page of the Order Paper, there is (d) which also provides something called “loans” to the beneficiary. That again is a money Bill. According to the ruling that we have, it is inadmissible. So, we should debate excluding those two issues. Can I have one or two contributions? Is this the law of diminishing returns?

*(Question of the amendment proposed)*

**Hon. Members:** Yes. Proceed.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members who are awake are telling me to proceed.

**Hon. Oyugi :** *(off-record)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): But I have not seen it. Has it reached the Speaker’s office?

**Hon. Oyugi:** *(off-record)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): I am not so sure. I would be having it here with me.

First of all, hon. Members, for honesty’s sake, if you have an amendment, you put it in writing. The original copy is filed with the Clerk’s Office, and it is the copy that becomes the copy of the House; not the one you are carrying on your table. But to be fair to him, the Member for Ndhiwa rose and proposed an amendment to Regulation 18(b) to include the following words:-

“An amount not exceeding eight per cent shall be earmarked for capacity building of the Fund beneficiaries and targeted groups, which amount shall be divided equally amongst all the constituencies.”

Hon. Members, in my view, this is one of those amendments that require consultations with the Cabinet Secretary. To the extent that it has not received concurrence from the Cabinet Secretary, I will disallow it. That is the ruling from the Chair. Now, let us go to the next one. We were discussing the Committee’s amendment to Regulation 18, part (a) (ii). I will have comments from one or two Members. Hon. Makali will be the first one.

**Hon. Mulu:** Hon. Temporary Deputy Chairman, with all due respect to your ruling, maybe, I need to seek some clarification. Looking at the proposed reallocation, it does not affect the total allocated amount by the Treasury Cabinet Secretary. Parliament voted, in terms of money. So, I am wondering whether the Committee really made any mistake by just suggesting that we move an amount of money from grants, so that it

becomes loans. The totality of the amount still remains. So, I would like to hear your suggestion on that one.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, I want us to finish considering Committee’s amendments. Just hold on, on this one. Hon. Kimaru, are you raising a point of order or do you want to contribute?

**Hon. Kimaru:** I would like to contribute, hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Please, proceed.

**Hon. Kimaru:** Hon. Temporary Deputy Speaker, in as much as you have given that ruling, which I respect, I do not think this will affect---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! Order, hon. Kimaru! I can see where you are headed. If you are reflecting around my ruling, just hold your horses. Can we have discussions on the Committee’s amendments? That is where we are for now. We will then come to the gist of where you are, so that we can go on. I understand where you are going. You know, you rose to contribute but you instead started reflecting on my ruling.

Yes, Member for Homa Bay County.

**Hon. (Ms.) Nyasuna:** Hon. Temporary Deputy Chairman, in view of the Speaker’s ruling, protecting sub-Regulation (d), I am looking at the deletion of sub-Regulation (3).

Hon. Temporary Deputy Chairman, if we delete Clause 18(3) as proposed in the amendments – Page 443 of the Order Paper – then you leave it hanging. If you say that (d) is protected and then you say that 20 per cent is for religious institutions as a grant and (3) comes in to say how exactly they shall administer within their jurisdictions and so on--- If you continue with the amendments, that is, (d) deleting paragraph (3) that would be tricky. So, I think that if (d) is dropped then the amendment of deletion of (3) should also be dropped.

I know you have closed any thoughts on your earlier ruling, but here I hope that you will consider it well so that we can listen to what hon. Oyugi is saying and then judge as a House and then vote on it.

Religious institutions have played a major role in working with the youth and women in this country. For a long time they have done it *pro bono*, from their own resources. I hope that through this they can be motivated even to do a lot more of the work that they have already been doing for as long as the selection is objective and the standards of who is registered and who is not is clear. I am not opposed to having religious institutions benefit.

**The Temporary Deputy Chairman** (Hon. Kajwang’): She has opposed the deletion of Paragraph (3). She has also supported--- Is that what you have done, hon. Ms. Nyasuna? You see, you cannot argue on (d). It is an issue that is closed.

**Hon. (Ms.) Nyasuna:** That is why I was saying that if (d) is closed then (3) should stay. I am opposing deletion.

**Hon. (Ms.) Ombaka:** Hon. Temporary Deputy Speaker, I think a lot needs to be clarified when it comes to religion or the church for this matter. It is true that the church has the youth and women. However, they should register as a church. What should not look like discrimination here is that they still need to take a loan just like any other youth elsewhere. If you give them grants then you give them a special place there will be wrangles and conflicts over that. Everybody who is registered and who is seeking these

funds should actually take the loan. I do not know how the grant comes in and who is going to benefit from that. Perhaps, the Committee needs to explain how the grant is going to be managed and who is going to get. That is what is not so clear for me. We need that clarification.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, I understand you to be opposing the deletion of--- No, you are supporting the deletion of religious institutions.

**Hon. (Ms.) Ombaka:** No. I am not opposing. I am saying that within the religious institutions are youth groups and they are registered just like any other youth group. They do have certificates and I think they can benefit from this Fund just like any other youth, but within the church institution. All that is important is that we should not look like we are giving them a grant while others are not given a grant.

**Hon. (Ms.) Otucho:** Hon. Temporary Deputy Chairman, I am opposing the deletion of subparagraph (d). This is because religious institutions have supported women and youth. Maybe what should be done is to clarify and define what “religious institutions” are. What are we really referring to? Is it just a church or a registered religious group that is supporting youth and women? I wanted to seek clarification why we were deleting the word “religious” in the previous amendment. The Committee needs to explain to us why that was being deleted and why, again, we intend to delete subparagraph (d). Why should religious institutions not benefit from the *Uwezo* Fund?

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Langat.

**Hon. Langat:** Hon. Temporary Deputy Chairman, Sir, I want to support the Committee in the amendment. We should be careful, so that we do not bring controversy. Even in the CDF, it is very clear that we do not fund any religious association. As a House, let us leave this to be strictly business because we are about business. If it is about religion, it is about prayers and your soul.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Well said and very clear.

**Hon. Mule:** Hon. Temporary Deputy Chairman, Sir, I support the Committee’s amendment to delete (d) and we leave this money, as hon. Langat has said, for business for all. We are not trying to be seen like we are giving grants to churches and mosques and loans to other people. This money should be purely for business and whoever wants to do that business, should do the business within the law. We should remain with money to be shared within the constituency, so that we do not put ourselves into controversies of religion.

*(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)*

*(Regulation 18 as amended agreed to)*

*Regulation 19*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Regulation 19 be amended by—



- (a) deleting the word “religious” in paragraph (b);
- (b) deleting paragraph (e).

This is for the same reason that we are avoiding religious groups.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just a minute. We are trying to get over this business so that we can prepare the agenda of tomorrow’s business. But there is an issue that the Chair expressed himself on and only fools do not change. So, since the Chair is not a fool, I will not be the one who does not change. We have passed there although there are a few things that we need to do to clean up.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, since the Chair is not a fool, there are a few things that we need to clean up. Hon. Oyugi had an amendment which touches on Regulation 18(b). He was adding a few words. It is for the House to decide whether to carry or not. So, we will have it recommitted because we want to run down and then come back to it.

**Hon. Member:** Let us recommit Regulation 16 as well.

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, no! We are not going to recommit Regulation 16; I am only going to deal with things which are on the table of the Chair. That was Regulation 14 that we recommitted.

Alright, let us push on and see how far we will go.

*(Question of the amendment proposed)*

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

*(Regulation 19 as amended agreed to)*

#### *Regulation 20*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Regulation 20 be amended—

(a) in paragraph (1), by—

(i) deleting the word “interest” and substituting therefor the words “administrative fee”;

(ii) deleting the word “component”;

(b) by deleting paragraph (2).

Hon. Temporary Deputy Chairman, the first proposed amendment has the word “interest”. This is for the sake of the Kenyan people who are Muslims. We want to put the words “administrative fee” in place of “interest”. But all the same, it will amount to the same thing.

The word “component” proposes that we do not have grants. Having agreed that we have no grants, then the issue of component does not arise, it is just alone.

Then deleting paragraph (2) of Regulation 20 is also because of what I have said under paragraph (1).

*(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)*

*(Regulation 20 as amended agreed to)*

### *Regulation 21*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, Regulation 21 be amended by deleting paragraph (1).

The reason is very simple. If you look at those conditions, the amount of money borrowed and the size of the group and the proposed financial plan for the loan repayment that, in our view, is restrictive.

If you look at two, all groups shall be allowed a six months' grace period and so on.

Hon. Temporary Deputy Chairman, if you look at (ii), it says that all groups shall be allowed six months and so on. So, we feel that we need to delete that because as long as a group is registered and meets the other requirements, these other issues about the size and so on may not really matter in terms of deciding which one should benefit.

*(Question of the amendment proposed)*

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

*(Regulation 21 as amended agreed to)*

### *Regulation 22*

**Hon. Limo:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Regulation 22 be amended in paragraph (1) (a)-

(a) by deleting sub paragraph (iii)

(b) by inserting the words "merry go round or any other fund"  
immediately after the words "banking" appearing in subparagraph (v).

Sub-paragraph (iii) requires that to qualify for funding, the groups should have been registered at least for six months. I am proposing that we remove this regulation and allow that as long as the groups are registered, they qualify for funding. I am saying this because in some constituencies you may not even find a group that has been registered for one month, three months or even six months.

If you look at Regulation 18, it has already provided how the groups will be awarded the loans. I propose that Regulation 18 should not be applied uniformly in all constituencies. In a constituency, let us take the group that has been registered longer than the others, instead of restricting the youth and women. So, I propose that we delete that sub-paragraph (iii) so that we have an easy time for the groups.

**The Temporary Deputy Chairman** (Hon. Kajwang’): I know you have two amendments. So, can we go step by step so that Members are able to go with you? Time is a little late. Members, we want to take small bites of the “meat”. So, now we are talking about part (iii) which is that groups that have been in existence for six months qualify for loans. That is what he is talking about. Let us talk about that first. That is what we are putting the Question on. I am on that specific issue on taking away six months.

**Hon. Cheptumo:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Chairman, unless it is burning because, of course, we know what will happen to yours. I mean, you feel the mood of the House. I will now put the Question.

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Chairman, as you prepare your amendments, you will see that your amendment on that specific issue has now been dealt with. So, you will leave that out when you come to it. Let us give the Chairman the first preference to move subparagraph (ii).

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, we had proposed three months, but I think I have no problem with the decision of the House that we delete that paragraph.

I beg to move:-

THAT, Regulation 22 be amended—

(a) in paragraph (1), by—

(ii) inserting the words “or any other group fund structure”

immediately after the word “structure” in subparagraph (a)(v);

(iii) deleting in subparagraph (a)(vii);

Let me explain that we found the so called table banking not very popular in some areas or it is not practised in some areas while in others it is very popular. We felt that it is good to have both the table banking structure and any other group fund structure so that we allow people to exercise their freedom.

Part (iii) is deleting in subparagraph (a)(vii) “recommended by the chief of the location or the assistant chief of the sub-location” because you will subject these members to the wishes of the chiefs and assistant chiefs. We are saying that, that should be deleted.

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, let us deal with that before we forget. What the Chair is doing is, first, to put an omnibus proviso on (v) meaning that he is opening it up to any other structure. The second one is removing this requirement that the chief or the assistant chief will recommend. So, those are the two issues that we are dealing with.

*(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)*

Committee Chairman, let me go back to hon. Limo. Please, go to paragraph (a)(v).

**Hon. Limo:** Hon. Temporary Deputy Chairman, the amendment that I proposed has been adequately covered by the amendment that the Chairman of the Committee moved.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you very much. Let us now go back to the Chairman of the Committee.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, I beg to move:-  
THAT, Regulation 22 be amended –

(a) in paragraph (1) by –

(iv) deleting the words “a religious” in subparagraph (b) and substituting therefore the word “an”

(v) deleting subparagraph (b)(ii).

We are proposing the deletion of the word “religious” and substituting therefor the word “an”, so that it can read “an institution”. In (v), we are proposing the deletion of subparagraph (b)(ii).

In part (b), we are seeking to amend paragraph (2) by deleting sub-paragraph (b), for the same reasons I gave earlier on.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Chairman, can you explain the amendment to paragraph (2)?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, paragraph (2) says: “an applicant for the funds shall be accompanied by---” We are saying that sub-paragraph (a) is okay. On (b), you can imagine talking about individuals, group members, reference letters from recognised leaders in business, religious organisations, national or county government administrators in the locations, validating the members’ credibility as a way of---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, are we together?

**An hon. Member:** Yes, but we do not agree.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I put the Question?

**An hon. Member:** No, do not put it!

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, let us work on what he has proposed on (b) to take away religious institutions, so that we open it up to registered entities and take away what is in (ii), which is the Inter-Religious Council of Kenya. Let us deal with that for the time being.

Member for Homa Bay, what is burning on those specific things?

**Hon. ((Ms.) Nyasuna):** Hon. Temporary Deputy Chairman, I had mentioned this earlier – that by protecting Regulation 18(1)(d), it is very clear that there is 20 per cent for religious institutions as a grant to administer to women.

**An hon. Member:** --- *(off-record)*

**Hon. (Ms.) Nyasuna:** Hon. Temporary Deputy Chairman, there was a ruling of the Chair that Regulation 18(1)(d) is protected.

Hon. Temporary Deputy Chairman, I would just want confirmation that, that particular one was deleted.

**The Temporary Deputy Chairman** (Hon. Kajwang’): We said that it was not affected. That amendment was inadmissible because it became a Money Bill. However, I suppose what you are talking about is about the religious institutions that we had in the previous amendment.

**Hon. (Ms.) Nyasuna:** So, it means that 18(d)(1) is saved. I just want to be clear. This is because everything else “religious” has been deleted except 18(1)(d) that was protected by the Speaker’s ruling.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Yes. That is exactly what it means. It means that what the Committee proposed to amend could not be admitted. We found it to be inadmissible. So, what it means is that we relapse to the draft as it is.

**Hon. (Ms.) Nyasuna:** So, 18(1)(d)(i) therefore obtains to as it is in the regulations.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order, hon. Members! We had already recommitted 18. We will come back to it and we will have those arguments when we get at that. I will help you. Just give me a minute.

**Hon. Angwenyi:** Hon. Temporary Deputy Chairman, the amendment was to remove anything to do with religion. Delete everything to do with “religious”.

*(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)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Now we go to 2(b). Can you make a comment on 2(b)?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Regulation 22 be amended –

(b) in paragraph (2), by deleting subparagraph (b).

I can see sense in what the Members are saying that we have already removed the chiefs and the assistant chiefs previously. I am thinking of withdrawing my amendment on this, so that, at least, we have some reference.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you speak loudly? The Chair did not hear you. Order! The Chair did not hear you. What did you do with it?

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, the only problem I have with that is that---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just say in a word. Be bold enough to say whether you are withdrawing or sustaining.

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, the usage of the words “national county government administrators”, is then bringing back the chiefs. That wording is a bit confusing. I insist on my amendment the way it was.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! The Chairman has not helped. He has gone back to the amendment. So, the amendment is as it is in the Order Paper. Shall I put the Question?

**Hon. Members:** Yes.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order! You know I am the most listening Chair. We have heard that the amendment, as proposed by the Chairman of the Committee on Delegated Legislation, has been sustained.

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

*(Regulation 22 as amended agreed to)*

*(Regulation 23 agreed to)*

*(Regulations 2 and 1 agreed to)*

*(Title agreed to)*

*(Recommittal of Regulations 14, 16 and 18)*

#### *Regulation 14*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay, hon. Members, I want to thank you so much for being so indulgent. There are two issues we want to deal with very quickly. We have recommitted two regulations - Regulations 14 and 18. I want to give you this direction. There are only these issues that we are looking at, on Regulation 14 we are only looking where the power of capacity building lies, nothing more. That is where we are discussing.

On Regulation 18, hon. Oyugi has this amendment. If you look at the original draft of Regulation 18 (b), it reads as follows:-

“An amount not exceeding eight per cent shall be earmarked for capacity building of the Fund beneficiaries and target groups.”

Hon. Oyugi rising on an amendment proposes these words, after the words “groups,” “which amount shall be divided equally amongst all the constituencies”.

When I made that decision, my mind had not been drawn to the fact that actually the draft had already proposed the amount not exceeding eight per cent. That is why I have reconsidered the fact that it should have been digested by the Cabinet Secretary because the words that are now being added, in my view, do not need consultation with the Cabinet Secretary. All he is saying is that, “which amount shall be divided equally amongst all constituencies.” Those are the words that are there. So, let us do this very quickly.

I hear the hon. Member for Laikipia East has also risen to discuss Regulation 16 to the extent of where the powers of capacity building lie. So, the two issues converge, in my view. Once you have dealt with Regulation 14, you can discuss whether you want to include it on Regulation 16 or you dispose it. Is that not the situation? Therefore, can I have hon. Midiwo because he was the one who was proposing an amendment on Regulation 14? Let us listen to him. Please do not debate, just point out how you want us to deal with it and then we deal with it now.

*(Question of the amendment proposed)*

**Hon. Midiwo:** Hon. Temporary Deputy Chairman, Sir, my proposal is to delete Regulation 14 (d). But Chair, hon. Oyugi, in the piece of paper you have in your hands had an amendment to give that function to the *Uwezo* Committee in the constituency, under Regulation 16, and you never disposed of that. You told us that you will take care of it.

Nonetheless, Chair, ---

**The Temporary Deputy Chairman** (Hon. Kajwang’): You were looking the other way when I made those comments. I have made a comment to the effect that, when you shall have decided what you want to do with Regulation 14, the hon. Member for Laikipia East has some comments on Regulation 16 and those will reconcile.

**Hon. Midiwo:** Sir, can we delete Regulation 14 (d)?

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, I understand the thinking that we want the capacity building to be done in the constituencies. That is in agreement. But I would propose that the best way to do it, instead of deleting this part--- Really, we want to have the same standard for *Uwezo* Fund. *Uwezo* is one thing; we cannot have 290 versions of *Uwezo* with the same curriculum for capacity building, with the same materials. So, I would rather we amend and say that in consultation with the committee, the Ministry has the responsibility to set the standards on curriculum for capacity building, but it is implemented by the committee at the constituencies. Otherwise, if we remove that just by deleting--- I think the Mover agrees.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can you propose a further amendment.

**Hon. Member:** That is not right.

**The Temporary Deputy Chairman** (Hon. Kajwang’): But you cannot deny a Member the right to propose a further amendment. Yes, Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I really like what my colleague hon. Sakaja is proposing but if you look at the provisions of Regulation 14, it does in Section “a”---

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Order Members!

**Hon. Oyugi:** Thank you very much, Hon. Temporary Deputy Chairman. I really love the fact that hon. Sakaja and I converge at the point that capacity building should be done at the constituency level and of course I also concede to the fact that there needs to be a streamlined policy regulation and framework. However, if you look at what

Regulation 14(a),(b) and (c) does, it does sets standards in terms of one, the Ministry shall be developing policy measures relating to the Fund; (b) give guidelines on the Fund allocation formula for distribution to the constituencies and (c) through its local offices, liaise with local business--- So, there is already a streamlined way in which the Ministry's role is going to cut across the whole functions and regulations.

So, hon. Temporary Deputy Chairman, we really need to find that the capacity building be set and be left at the constituency level for purposes of developing it and two, for purposes of making it accessible to the various constituencies.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let me also ask you on the same breath because you seem to be very passionate about this, what about if in a constituency you are unable to find people who have the ability to do the technical capacity building?

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, basically what has happened is that it is not upon the committee to do the actual act of capacity building. The committee's role is to outsource and to tailor make it to the needs of the particular constituency. What I am saying is that the policy, regulations and the curriculum should have been established by the Ministry. So, what the committee then does is that it outsources and tailor makes it to the regulations within the constituencies.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I want to hear Langat and the Chief Whip of the Majority Party. Let us start with Benjamin Langat.

**Hon. Langat:** Hon. Temporary Deputy Chairman, I want the House to know this. I know this thing of dividing this money equally among the constituencies is very popular.

**The Temporary Deputy Chairman** (Hon. Kajwang'): No, we will come to that. Right now we are still talking about---

**Hon. Langat:** But we are already there.

**The Temporary Deputy Chairman** (Hon. Kajwang'): No. We will get there and I will bring you in. Okay, Chief Whip of the Majority Party on this specific issue.

**Hon. Katoo:** Surely, I would kindly urge my good friend Neto, and since we have really done very well since we started this Motion--- It is actually going to 10.00 p.m. and we are really doing it in a very consensus way. If you look at Sakaja's proposed amendments on your amendments, it does no harm to what you are proposing because he is just saying and you are agreeing that the Ministry needs to set standards. If I go to 14(d) the one that we want to delete, we can even retain it and rephrase it. Just look at it. This is the way it is: "That the Ministry will be responsible---"

Hon. Temporary Deputy Chairman, I would like you to hear this and I think we should not really encourage so many recomittals in a very unprocedural way because every Member is now coming with amendments.

**The Temporary Deputy Chairman** (Hon. Kajwang'): No. You can be sure that there will be no recomittals.

**Hon. Katoo:** So, hon. Temporary Deputy Chairman, this is what I wanted to convince my colleagues, that the role of the Ministry and that is 14(d) will be capacity building to Fund recipients on table banking and other business development areas. We have agreed on one thing: Let the capacity building be done at the constituency level. We are trying to come together and see how it will be done at the constituency level. The role



of the Ministry shall be to establish standards for capacity building to fund recipients. It ends there.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just a minute. I am writing. Go on.

**Hon. Katoo:** Hon. Temporary Deputy Chairman, Sir, that is in terms of content, curriculum and standards to fund recipients but when you go to Regulation 16(k) where the import is being brought by the Member for Laikipia East, you can say that capacity building will be done at the constituency level by the committee as per the policy set by the Ministry. This is because you would have done---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Do we have a consensus on this?

**Hon. Members:** Yes! No!

**The Temporary Deputy Chairman** (Hon. Kajwang’): So, we have two positions which we want to work on. On 14(d), the proposal is to delete it and substitute therefor the following words “establish curriculum and standard for capacity building to Fund recipients”.

**Hon. Members:** No!

**The Temporary Deputy Chairman** (Hon. Kajwang’): No, you have not been given a chance. Therefore, I am not listening.

**Hon. Katoo:** Hon. Temporary Deputy Chairman, Sir, Regulation 14(d) should read “shall be responsible for establishing curriculum, content and standards for capacity building to Fund recipients”. Then take the implementation to Regulation 16(k).

**The Temporary Deputy Chairman** (Hon. Kajwang’): The proposal here is to insert these words immediately after (d). That is after the words “be responsible for” insert the words “the establishment of curriculum, content and standards for capacity building to Fund recipients on table banking business, entrepreneurship and public procurement and other business development areas.” Is that the wording? Do we have a consensus on that?

*(Several hon. Members stood up in their places)*

Sit down. Hon. Arati, sit down. You will have time to discuss this. So, that is the proposal that is before us. Let us deal with it. Let me have two comments. Can I start with the gracious lady, Alice Wahome and then I get the last comment from Hon. Arati.

**Hon. (Ms.) Wahome:** Hon. Temporary Deputy Chairman, Sir, I just want to improve the proposed amendments by removing the word “establish” and replace it with “development”.

**Hon. Simba:** Hon. Temporary Deputy Chairman, Sir, that is what I wanted to say.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Arati is full of good English.

So, shall I put the Question?

**An hon. Member:** Yes, please.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Therefore, I put the Question that Regulation 14(d) be amended by adding the words “the development of curriculum, content and standards for” immediately after the words “be responsible for”.

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

*(Regulation 14 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, let us go to Regulation 16.

Yes, Member for Laikipia East.

### *Regulation 16*

**Hon. Kimaru:** Thank you, hon. Temporary Deputy Chairman, for indulging me and allowing me to move the amendment.

I beg to move:-

THAT, Regulation 16 be amended by inserting a new sub-regulation (k) immediately after sub-regulation (j) to read as follows:-

“(k) be responsible for capacity building, to Fund recipients on table banking business, entrepreneurship and public procurement and other development areas.”

In essence, this takes that function to the *Uwezo* Fund Committee at the constituency level.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I improve your English and say that “be responsible for the execution of capacity building” and continue with those words?

**Hon. Kimaru:** Hon. Temporary Deputy Chairman, the improvement is appreciated.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Thank you. Can I put the Question, hon. Members?

**Hon. Members:** Yes.

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang’): Hon. Members, the full text of the amendment reads as follows: “be responsible for the execution of capacity building to Fund recipients on table banking business, entrepreneurship and public procurement and other business development areas.”

*(Regulation 16 as amended agreed to)*

### *Regulation 18*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Let us now go to Regulation 18, which is the last one. Hon. Members, we are doing well. We are now handling the last item. We are on Regulation 18. Allow me to make this guidance so that we are clear.

First of all, there has been Communication from the Speaker’s Chair that to tinker with Regulation 18 in the manner proposed by the Chairman of the Committee on Delegated Legislation may amount to Money Bill which is, therefore, unconstitutional. So, the Speaker has ruled that, that is inadmissible.

Secondly, you have touched on several functions which are deleting religious institutions. Sustaining religious institutions in that provision may conflict with the other provisions that you have now talked about.

Can I hear the Member for Rangwe on those lines?

**Hon. Ogalo:** Hon. Temporary Deputy Chairman, having gone through all the amendments, Section 18(1)(d) of the regulations now becomes untenable because it is talking of institutions and groups that we have since erased in all our regulations.

Hon. Temporary Deputy Speaker, I propose that we delete Regulation 18(1)(d) completely from the Regulations.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I hear one or two people just to be sure that the House is alert?

*(Question of the amendment proposed)*

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Chairman, it is important that we look at Regulation 18 more carefully. Even as we talk about money funds and the Money Bill, we need to reconcile Regulation 18 with a lot of the work we have already done in these regulations. We have as far as possible removed any reference to religious institutions. As it is now, we cannot leave the grant for religious institutions in 18(1)(d).

There has been reference by hon. Mule on the confusion that this will cause, that is, the religious organizations have grants and everybody else has a loan. That will be very difficult to explain. So, it needs to be deleted.

If you look at 18(1)(d) on capacity building, we have left the role of standardization to the Ministry. It is important that we consider giving them some funds for that role, perhaps, three per cent and then five per cent can go to the committees. As it is now, if the whole eight per cent goes to the committees, the Ministry will have no funds available for capacity building as we have left it in Regulation 14.

As I conclude, I urge that we use Regulation 18 to harmonize the work that we have done in the other regulations so that we do not have a discordant document.

**Hon. Kimaru:** Hon. Temporary Deputy Speaker, I am in support of what my colleague has said. It is not that I am opposed to religious organizations getting the grant, but because we need to have a fair playing field for everybody. It is said that mostly we do not have free lunch, and here we are providing for free lunch. These people will not be accountable and when it is a free grant I imagine that they will not even repay back that money. So, they need to be put at the same level so that every player has the same opportunity. I am proposing that the whole of it; the three subsections be removed.

Thank you Temporary Deputy Speaker.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Now, I will not put the Question until I feel that there is a consensus. One of the things that is disturbing me is that the draft, before the amendment, has proposed how the money in the constituency will be divided. There is 20 per cent for religious institutions, then there is 60 per cent as loans, then there is 20 per cent for beneficiary group. If you are proposing to delete it, then the net effect is that how do you propose to redistribute this money? Two, the act of redistributing the money now affects 114, the fact that we now want to be able to redistribute 114 becomes an issue of Money Bill, and therefore now goes to---- Chair can you discuss this.

**Hon. Cheptumo:** It is important for us to know and I request Members to listen. If you look at the amendment to Regulation 18, we said, delete subparagraph “d”, which is exactly what you are looking at there. You then substitute therefor the word “share as loan”. What we have done is that the entire amount which should have gone to the church or any group, is now supposed to be treated as a loan going to the constituency.

**The Temporary Deputy Chairman** (Hon. Kajwang’): My issue is to protect the dignity of the Speaker’s Chair; that is all I am looking at. The Chair had already proposed and said that actually what you are talking about, the Chair had talked about it. It is not new. The Committee on page 442, had already proposed the deletion, but the Speaker looked at that amendment, in his wisdom and made a ruling which I have a copy of right now. This is National Assembly so, there is a ruling which I have to enforce. Can I have Members who are helping me enforce it?

**Hon. Muzee:** I have a slight problem with us deleting anything to do with religious institutions. Last month, I was in my constituency in Malindi and I heard religious leaders talking passionately about the fact that *Uwezo* Fund is coming and everybody is being prepared for this money, and now you are taking this away from them. There is a lot of expectation about this money from religious institutions. And now suddenly, we are taking this away from them. I am addressing you, hon. Temporary Deputy Chairman, Sir. I am not a pastor, but---

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are addressing the Chair of the National Assembly, who is listening even when he is consulting.

**Hon. Muzee:** You were busy and I needed to address you. I am not a bishop and I do not intend to be a bishop, but the fact is that there are people from the religious world who are expecting something from this. They have been preaching in mosques and churches saying that the *Uwezo* Fund is coming and is going to help them and here we are taking this away from them. Please, let us reconsider it.

**Hon. Langat:** Hon. Temporary Deputy Chairman, Sir, I respect the ruling that you have made, but I want to take this as a proposal. Even the national Budget that we have been passing is just a proposal, which this House has all the powers to re-arrange. The only thing we can never do as Parliament in the national Budget, for example, is that we cannot increase the ceiling that has been set by the Executive. That is what the Constitution refuses, but we can re-arrange and we have done it in the past, and move money from Vote “A” to Vote” B” without changing the national ceiling.

**The Temporary Deputy Chairman** (Hon. Kajwang’): You are discussing the Chair’s ruling. The merit of the Chair’s ruling is out of your hands. You can agree with it or not, but the ruling is there.

**Hon. Langat:** Hon. Temporary Deputy Chairman, Sir, the ruling is there, but I think it is a wrong ruling. It is a very dangerous precedent that you are setting. We have set a very bad precedent in this House today.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay, I will hear female voices. I want to hear female voices now.

**Hon. (Ms.) Wahome:** Hon. Temporary Deputy Chairman, Sir, I think it will be discriminatory to allow this provision to pass the way it is.

Members have been raising that issue, that is 18(1)(d) and also (3), but I believe that (1)(d)(i) remains as a grant to beneficiaries who are not described and the religious groups can come under this. I am of the view that we should take the 20 per cent that has been allocated to religious groups and put it together with the loans, so that we have 80 per cent to women and youth groups. Let Clause 18 (d)(i) and (ii) be amended to read that 80 per cent be given to women and youth groups as loans.

I feel what you are saying, everybody would like a grant, but we shall not be able to give some groups grants and leave out others. They can be covered by the remaining 20 per cent.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I put the Question?

**Hon. (Ms.) Wahome:** As you can see, there was the issue of the Speaker’s ruling. We are asking you to review your ruling. We are saying the ceilings are not being affected and we are not increasing any money at all. We are just working with the groups that have been provided here and therefore, we will not have breached your ruling or the Money Bill regulations.

Thank you, hon. Temporary Deputy Chairman.

**Hon. Midiwo:** I think because of the law of diminishing returns, we are just about to make a mistake. The ruling of the Speaker was on the proposed amendment by the Committee, which was to delete and replace. The amendment we are bringing which has not been ruled on is to delete totally. Those are two different things and hon. Angwenyi will bear me witness. In Parliamentary parlance, that is what it means. To delete or to delete and replace are two different things.

What we are proposing to do is to delete 18(1)(d) and leave it there. That is not the same thing as what has been ruled on.

**Hon. Members:** What do we do with the money?

**Hon. Midiwo:** The money therefore, disappears into the total that is the input of it. What the Speaker is objecting is us deciding whether a grant can become loan, that is the financial confusion. He says; we must consult with the Cabinet Secretary if the grant which was to go to the churches becomes a loan. In his considered opinion, we do not have that power without consultation. What we are doing now is deleting. The consequence of it is none of our business, it has not been raised. We are delving into an area which we have not been asked to delve into and I am right in my interpretation of the law, as I have been trying to make laws here for a while.

**The Temporary Deputy Chairman** (Hon. Kajwang’): The last voice in this will be the Member for Rongo.

**Hon. Anyango:** We are really stuck because there is no means by which we can get the Cabinet Secretary here, to consult him and make him see this very sensible amendment in all the circumstances. Either we are going to let the law go as faulty as it is or the consultations will continue and we will address this amendment at a later date.

But as for now, it will go as faulty if we cannot bring the Cabinet Secretary here, because he is not a Member and we have no means of consulting him outside. If we delete it, we are still making the same mistake because we shall not have consulted him in accordance with the ruling of the Speaker. So, we are---

**The Temporary Deputy Chairman** (Hon. Kajwang’): I have heard everyone on this. A time comes when a decision must be made. I have looked at the Speaker’s direction and the amendment proposed by Member for Rangwe who is proposing to delete the proviso without increasing the financial burden on the taxpayer.

If you were to increase the burden on the taxpayer, then it would be an issue that would touch on 114. If therefore, one is deleting and does not increase or diminish the amount of money that has been proposed, that way, no action has happened that would affect Regulation 14.

I, therefore, rule that we will put the Question on the amendment as proposed by hon. Ogalo.

*(Question of the amendment proposed)*

**Hon. Cheptumo:** Hon. Temporary Deputy Chair, I beg to move that the Committee---

**The Temporary Deputy Chairman** (Hon. Kajwang’): Just a minute! Sit down, hon. Cheptumo!

Hon. Members, we said that we had three items to deal with. There is one on 18(b) that was proposed by hon. Oyugi and we had looked at it. The words in the original draft on 18 (1) (b) read as follows:-

“An amount not exceeding eight per cent shall be earmarked for capacity building of the Fund beneficiaries and target groups”. Hon. Oyugi is proposing to add these words, after the word “groups”, “which amount shall be divided equally amongst all constituencies”.

That is the amendment that is being proposed.

Okay, can I feel the mood of the House? Can I listen to hon. Benjamin Langat? Give him the microphone.

**Hon. Langat:** Hon. Temporary Deputy Chairman, I know dividing equally is a very popular statement in this House, but I also want to inform the House that I have done a quick mathematics on what it means.

If you divide equally, it will come to Kshs1.6 million per constituency. I do not know whether it is okay, but to me it is not sufficient to do the necessary capacity building. In the event that it is not sufficient, I do know how else we will do capacity building.

I am just informing the House.

**The Temporary Deputy Chairman** (Hon. Kajwang’): All right. Give the microphone to Sakaja.

**Hon. Sakaja:** Thank you, hon. Temporary Deputy Chairman. I want to concur that hon. Millie Odhiambo’s constituency might not need the same amount of money as hon. Simba Arati’s for capacity building. She might need more because of the communication challenges. What I am saying is this: Also, if you look at the economies of scale, in as much as the capacity building will actually be done at the constituency

level, once we let the Ministry set standards, they might actually come together with other constituencies in a county through those committees. If we break it down to constituencies having equal and not all our constituencies have the same population or the same size or same geographical factors, we will be doing a blanket allocation which does not really relate to the realities on the ground. It cannot be an equal allocation.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Can I recognise anybody else who is prosecuting the same frame of mind? Chair, what do you have in mind?

**Hon. Cheptumo:** Thank you, hon. Temporary Deputy Chairman. I want to agree with my colleague here, hon. Sakaja. Under the amendment we have made, we will execute the capacity building based on the regulations given by the Ministry. It follows therefore that the facilitation of that will be done by the Ministry. I think let us at this point Members not go to the extent of wanting to look at the Ministry in charge as if it has no role to play. So, I want to propose that we allow the Ministry to have the funds but execution of the function is our business. Definitely, they will still have to follow up the money at the end of the day.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Can I put the Question?

Hon. Members: Yes.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Okay. Whip of the Minority Party.

**Hon. Midiwo:** Hon. Temporary Deputy Chairman, this is very important. You know we are a Chamber that comprises of people from all walks of life. I need to only make two points. Number one, the constituencies that are considered small like the ones in the far north need more money for capacity building than the ones around Nairobi. Further, it is wrong for the Chair to say that we leave this money in the hands of the Government while we have already said in one of the amendments, that is, 16(k) that the role of the *Uwezo* Constituency Committee is to conduct capacity building. Why then would they want to retain money? The issue here is the formula of dividing this money and we cannot make a law and not put a formula. If they were opposing it they should have proposed a different formula.

Hon. Temporary Deputy Chairman, as you put the Question we must know that this is the way we have been making laws for the last one year. Let us make a law we are sure about. I want to know what I am taking home after 11 O’clock tonight.

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

*(Regulation 18 as amended agreed to)*

**Hon. Cheptumo:** Hon. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Public Finance Management (*Uwezo* Fund) Regulations, 2013 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) in the Chair]*

## **REPORT**

### THE PUBLIC FINANCE MANAGEMENT (UWEZO FUND) REGULATIONS

**Hon. Kajwang’:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Public Finance Management (*Uwezo* Fund) Regulations, 2013 and approved the same with amendments.

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**Hon. Katoo** seconded.

*(Question proposed)*

**Hon. Members:** Put the Question!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I will not put the Question for obvious reasons. The Question will be put tomorrow.

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, we have come to the end of today’s sitting. Therefore, the House stands adjourned until tomorrow, Wednesday, 20<sup>th</sup> November, 2013, at 9.00 a.m.

The House rose at 10.25 p.m.