

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 11<sup>th</sup> June, 2014

The House met at 9.00 a.m.

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

PRAYERS

QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I have noticed that we do not have quorum and, therefore, I order that the Quorum Bell be rung for 10 minutes

*(The Quorum Bell was rung)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members. We now have quorum.

### NOTICES OF MOTION

#### ESTABLISHMENT OF A FREE FERRY SERVICE, MARINE POLICE AND NAVAL PATROL BASE IN LAKE VICTORIA

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

THAT, aware that Lake Victoria is a strategic and an economic resource to Kenya and the primary source of livelihood security for the basin's human population and source of revenues and economic growth for the regions of the catchment basin; further aware that the lake is the second largest in the world as well as the source of White Nile and is shared between Kenya, Uganda and Tanzania; concerned that there are numerous security and transportation challenges ranging from attacks on fishermen and external aggression facing the residents and investors around the catchment areas of Lake Victoria particularly on the islands in the lake; further aware that no humanitarian and rescue services are easily available to casualties of accidents and attacks since the Government has not invested in any security patrols and ferry services; this House resolves that that the Government establishes a free ferry service and an equipped marine police and naval patrol base in Lake Victoria.

Thank you, hon. Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We now have hon. Lekuton. He is not in. So, we go to hon. Eng. John Kiragu.

DEVELOPMENT OF POLICY ON SAFE DISPOSAL OF OBSOLETE CHEMICALS

**Hon. (Eng.) J.K. Chege:** Thank you, hon. Temporary Deputy Speaker. I beg to give notice of the following Motion:-

THAT, aware our schools, tertiary and research institutions in the country have accumulated thousands of old unused chemicals for many decades; further aware that such obsolete chemicals or substances will no longer be used for their intended purposes hence need to be discarded; concerned that disposal of those chemicals in a safe and in an environmental sound manner is unachievable due to lack of technology and associated high costs of the same and because those chemicals are stored inappropriately or disposed into the environment; concerned that continued accumulation of such obsolete chemicals impact directly or indirectly on the lives of the people living around them; cognisant of the fact that the usage, storage and disposal of chemicals is governed by different agencies as the country does not have a comprehensive legislation on chemical safety; this House resolves that the National Government develops an integrated national programme or policy to co-ordinate the different ministries and agencies that participate in the control of chemical safety to ensure that schools, teaching and research institutions across the country dispose of those obsolete chemicals and substances in a safe and environmentally sound manner.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Next Order.

STATEMENTS

**The Temporary Deputy Speaker** (Hon. Cheboi): We have three Statement responses. We should start with the one by the Chairperson of the Departmental Committee on Health. Do we have the Chairperson here? Is the Chair of the Departmental Committee on Administration and National Security here? Okay! Let us have yours. Proceed and give your Statement. Are you ready?

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, I am not ready. I do not have the Statement. I only saw the Statement Request in the Order Paper.

**The Temporary Deputy Speaker** (Hon. Cheboi): When are you likely to be ready for purposes of record?

**Hon. Lentoimaga:** Tomorrow, hon. Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): I would have thought next Wednesday.

**Hon. Lentoimaga:** It is okay, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Just be prepared tomorrow as you say but make sure the response is made on Wednesday. You have another one. Are you ready on the one requested by hon. Murunga?

**Hon. Lentoimaga:** I am not ready to present any Statement now, hon. Temporary Deputy Speaker. I did not get the Statements on time. I will deliver them tomorrow. I do not have them now. I apologise for that.

**The Temporary Deputy Speaker** (Hon. Cheboi): I have a breakdown of your responses.

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, the Committee Clerk has not given me the Statements. He has now given them to me.

**The Temporary Deputy Speaker** (Hon. Cheboi): Now you have them. Vice-Chair, you see, I think this will be a very bad way of doing things; that you find Statements right inside the Chamber. Would you be willing to proceed now that you have the Statements?

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, I cannot proceed because I have not interrogated and read the Statements. I need to internalise them.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us start with hon. Wamunyinyi on a point of order.

**Hon. Wamunyinyi:** Thank you, hon. Temporary Deputy Speaker. I think there is a serious breakdown within the Committees. Looking at how my colleague Member and Vice-Chairman is responding to your questions on why he is not prepared, he has informed the House that he is not ready to present a response to a question that had been brought. Even after the answer is presented to him, I am sure he will not be able to deal with the emerging supplementary clarifications that will be sought by Members. Considering this and with the seriousness with which we attach matters that are before this House, I think you need to rein him in and put down your feet and act on Members who do not take this House seriously. We have seen this. Members have complained in the past over the manner in which Chairpersons are responding to questions. I am also aware of the proposed changes that are to take place, but this should not be allowed in the House. A Member should not take the House business as just anything else. When a matter is before the House, it is serious and it must be accorded that seriousness by all Members of the House.

Hon. Temporary Deputy Speaker, is this hon. Member in order to bring the House into disrepute by not presenting properly the answer and not even giving an explanation as to why this state of affairs is pertaining?

**The Temporary Deputy Speaker** (Hon. Cheboi): Maybe, even for further clarity, before you even respond to that, when had you promised the House to give a response? Is it today?

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, I want to apologize for---

**The Temporary Deputy Speaker** (Hon. Cheboi): No! The apology has already been received. I want you to respond specifically.

**Hon. Lentoimaga:** I can deliver it today. These Statements do not originate from me. They come from the Cabinet Secretary (CS). I need enough time to interrogate what has been written by the CS.

**The Temporary Deputy Speaker** (Hon. Cheboi): Can you now kindly answer that particular question I am asking?

**Hon. Lentoimaga:** Now that I have the Statement and I want to--

**The Temporary Deputy Speaker** (Hon. Cheboi): No! I am not asking you whether you are going to do it now or later. I am asking you when you had promised to do it.

**Hon. Lentoimaga:** I had promised to do it today in the afternoon.

**The Temporary Deputy Speaker** (Hon. Cheboi): It is supposed to be today?

**Hon. Lentoimaga:** Yes, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Then we might still have to go on with it. Let us hear from hon. Wandayi and then, of course, hon. (Dr.) Pukose.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I have a big problem. I do not understand what the hon. Member is taking us through. Indeed, it is a show of serious unpreparedness on the part of the hon. Member himself.

But to cut a long story short, if those responses have come from the CS concerned, I do not think it requires much from the hon. Member. He simply needs to read the responses to the House and then sit down. Even if he took two days to read through the Statement, there is nothing much he is going to get from them.

Hon. Temporary Deputy Speaker, am I in order, therefore, to suggest that the hon. Member reads those responses as they are before him so that we can interrogate them on supplementary questions. He is not competent to address them.

**Hon. Member:** Either now or any time in future.

**The Temporary Deputy Speaker** (Hon. Cheboi): Now, I can see there is quite a lot of interest in this matter. There are almost 20 interventions. There is one thing we need to agree on. You should have transacted this matter at the Committee level. Whatever should be coming now before us is the reading of that particular Statement, while you are well aware that you have already looked into those particular issues. It will be wrong for us to, first of all, talk about the afternoon. Let us not even talk about tomorrow. Today afternoon will be time for request for Statements. This is supposed to be the time when we are supposed to respond to those statements.

The Chairpersons for the Departmental Committee for Health is here. We will allow him to proceed. He will respond to the Statement that was given to that Departmental Committee, as you prepare yourself. I think we must be serious at some point.

Hon. Wafula, do you have anything different from what I have just said?

**Hon. Wekesa:** On a point order, hon. Temporary Deputy Speaker. The Vice-Chairperson should know that this Statement appeared on the Order Paper indicating that it will be responded to this morning. He cannot purport to say that he was not aware of that. More so, we have clerks who service the Committee and they must have communicated to the Vice-Chair.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, let us also hear from hon. (Ms.) Gathogo. I ask all hon. Members who had placed requests to re-do them again because I can see that---

*(Technical hitch with the requesting gadget)*

There is a problem with the gadget. It is now okay.

**Hon. Mulu:** Hon. Temporary Deputy Speaker, can I proceed now?

**The Temporary Deputy Speaker** (Hon. Cheboi): No, hon. Mulu! It is not you. Let us hear from hon. (Ms.) Gathogo and then we will probably hear from hon. (Dr.) Pukose. If, at the end of the day, the Statement is going to be responded to, I think you do not need to have any issue.

Let us have hon. (Ms.) Gathogo.

**Hon. (Ms.) Gathogo:** Thank you, hon. Temporary Deputy Speaker. I think even if the Vice-Chairperson is not doing or he is doing what he is supposed to, I want to know whether hon. Theuri is in the House so that he can respond to the Statement when he is in the House.

**The Temporary Deputy Speaker** (Hon. Cheboi): That does not matter, hon. (Ms.) Gathogo.

**Hon. (Ms.) Gathogo:** If it does not matter whether hon. Theuri is in the House or not, I also feel that the Vice-Chair should say whether he was prepared; and whether it is the original Chair who is supposed to give a response because the Vice-Chairman seems unprepared. I think this is a very important response because we are all waiting for it. Again, we need to wait for hon. Theuri. That is because even though we are going to get a response for the rest of us, what about the one who was so much concerned and who is not in the House today? I do not know whether hon. Theuri is taking breakfast or not.

**The Temporary Deputy Speaker** (Hon. Cheboi): We are not going to take a lot of time on it hon. (Ms.) Gathogo. The issue is that once a Statement has been requested, it becomes the property of the House; whether the hon. Member is there or not. It is neither here nor there. It is the House which wants to get the response.

**Hon. (Ms) Gathogo:** So, we can go to the Departmental Committee on Health before we get to the second one?

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): We are taking too long on this issue. I am going to make a ruling which will satisfy hon. Members. The Vice-Chair will respond because he has the Statements with him.

We will give him a little time to prepare and, in the meantime, we will have the Departmental Committee on Health to respond. I am sure they are ready

#### STATUS OF FACILITIES UNDER ESP

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Speaker. On the Statement on the status of facilities under the Economic Stimulus Programme (ESP) and the timelines when the projects will be completed and allocated staff and equipment as asked by hon. Gideon Ochanda, Member of Parliament for Bondo, the reply is as follows:-

With regard to the status of facilities under the Economic Stimulus Programme; as at the end of the Financial Year, 2012/2013, 129 Economic Stimulus Facilities have been completed. This represents about 65 per cent of the completion of the targeted sites countrywide. The rest of the sites are in progress and none had stalled as at that time.

From July, 2013, health services including infrastructure projects were devolved to the county governments. Assessment of the ESP projects could not be carried out in the Financial Year, 2013/2014 due to lack of funds and consensus with the counties on this subject. All the funds that were returned to National Treasury as unspent for the Model Health, ESP, as at the end of the Financial Year, 2012/2013, were devolved with health Services. Thereafter, respective project committees were supposed to liaise with county governments for allocation of funds to complete the projects.

Hon. Temporary Deputy Speaker, our comprehensive status of ESP facilities can only be given after fresh assessment, incorporation with the Ministry of Public Works and Housing and the county health officers is done. As per the timeline when the projects will be completed and allocated staff and equipment, as at the end of 2012/2013 Financial Year, 9,230 staff had been recruited out of the establishment which was projected to be 10,500. This left a gap of 1,270 staff and out of that number, 982 were supposed to be nurses, seven community extension workers, 281 public health officers and public health technicians. That gives a total of 1,270.

Hon. Temporary Deputy Speaker, the then districts conducted the final recruitment but it was not confirmed whether the gaps were filled. That is because it was supposed to have been done through the county governments. It is, therefore, the responsibility of the project committee so liaise with the county governments and deploy recruited ESP staff to ESP Model Health Centres in order to operationalise them.

As for the equipment which was planned for the ESP facilities, this had been procured at the end of 2012/2013 Financial Year and all facilities that were 80 per cent complete or above, were issued with their supplies.

Considering that ESP facilities are now under the county governments, the Ministry of Health is not in a position to give the timelines on completion and operationalization of any of the pending ESP projects.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Obviously, hon. Ogola will be given the first shot. But I think the Speaker also has a right to be sure about what you have seen. What is the term Qs on the table? If you look at the table, there is a term indicated as Qs. Is that community health?

**Hon. (Dr.) Pukose:** That is community health extension workers.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay.

**Hon. Ogola:** Hon. Temporary Deputy Speaker, thank you. One concern is this: I would have wished that we suspended some of these responses until we conclude the review of Standing Order No.44. It is clear and it is constantly apparent that it is not very easy to have adequate responses from the Chairs of the Committees. If I can just bring this out as the main concern, in my view, the response is fairly unsatisfactory. That is because what I expected – or what we were generally expecting – in relation to the response, there are a number of things that are still not very clear. When we are talking about Economic Stimulus Projects (ESP), there were very many things in it. Some were called flagship projects and others as centers of excellence. It a conglomeration of all manner of things! If you come down to the issues of health alone, some of the information that is given here is not right in terms of the kind of status we are trying to seek. If you look at the breakdown of what I call staff, many of them were not paid by the Ministry at that particular time. If you look at community health extension workers, they

were not paid and they are not yet paid to date. There are over 2,000 and in my constituency. I know even some of them are listed here. It is listed that the nurses are paid by Non-Governmental Organizations (NGOs). I remember those are the kinds of NGOs that we want us to strike out.

**The Temporary Deputy Speaker** (Hon. Cheboi): So, what do you want to clarify?

**Hon. Ogola:** Hon. Temporary Deputy Speaker, I want to say that the kind of information that I have in terms of response is not adequate. On the other hand, I need to get responses from the county governments, which I think is not right. So, in my view, if the Ministry of Health cannot have information--- It is indicated they are not aware of certain things and they are happening in certain counties. That is not a good response and it is not satisfactory.

**The Temporary Deputy Speaker** (Hon. Cheboi): The problem with what you are doing is that you are giving your own view and a generalized statement about it. It is not a must that you seek clarification. But I believe the Chair has heard your views. Let us have two other hon. Members seeking clarifications and I will read the names because I see quite a number of them. Those who are interested will indicate that they are. I can see hon. Serut. Hon. Iringo, are you interested in this particular one?

**Hon. Iringo:** Yes, hon. Temporary Deputy Speaker.

**Hon. Serut:** Hon. Temporary Deputy Speaker, let me appreciate the answer given by the Chairperson. However, it is not in doubt that health services have been devolved but my question is this: Did the Committee interrogate the Cabinet Secretary on the issue of projects that have been completed but not handed over by the contractors because of non-payment? I am asking this because the contract which was entered into before the construction was between the national Government and the contractors and not the county governments. As such, this could not have been devolved to the county governments. So, could he clarify whether they got an answer as to whether even what was being owed to the contractors was devolved to the county governments?

**Hon. Iringo:** Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to seek a clarification. The way the Chairperson has issued his Statement is that the central Government just handed over whatever was done to the county governments and it is up to the county governments to pick them from there. It was just a sweeping statement to the extent that there was work which was done at a particular percentage and level and from that point, the county governments were supposed to take over. I believe that if the work was started by the central Government, it should have completed by the same central Government. But when you say the work was transferred to the county government, what was the level of completion? If you go to the ground, there are cases even in my own constituency where there are incomplete ESP projects. But if you want to know who will continue with them, nobody will tell you whether it is the county government or the Ministry of Health, which had started them. There are projects in my constituency - like Kangeta Health Center - which are halfway done, and we are wondering who is going to complete them. A lot of money was pumped into it that health centre and it is going to waste. It is not benefiting anybody and so, there should be clarity. Who is going to complete those projects so that the taxpayers' money does not go down the drain?

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the last one. Are comfortable with that, hon. (Dr.) Pukose; so that you can respond to all of them at one go?

**Hon. (Dr.) Pukose:** Yes, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wamalwa, do you want to seek clarification on this particular one?

**Hon. Wakhungu:** No, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay! Then let us have hon. Washiali.

**Hon. Washiali:** Hon. Temporary Deputy Speaker, thank you for giving me this chance. The ESP was brought in the Tenth Parliament, when I was here. The reasoning then was that the Government would address issues of health services in the country based on constituencies. Some constituencies were too huge while others were very small. Today, the constituencies which were huge in terms of population have been split; meaning that there are some constituencies that - as we speak today - do not have those projects. What is the Ministry doing because that was a national programme? The county governments have their own other programmes. You cannot take a project belonging to a different government and force it to another government. Therefore, my question is: Since this was to address health services in each constituency, are they, as the National Government, considering those constituencies that had not benefited from ESP in the health sector? I mean the constituencies that did not exist by that time?

**The Temporary Deputy Speaker** (Hon. Cheboi): We will have a response by the Chairperson. I want to ask hon. Members to continuously check their cards because there seems to be an issue with the system here. Let us have Hon. (Dr.) Pukose responding as hon. Member do what I have just asked them to do.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, to answer hon. Serut, we did not have a sitting with the Cabinet Secretary because the question that was asked was on the status of facilities under the ESP and the timeline when those projects would be completed and allocated staff and equipment. But the issues that have been raised by hon. Members are pertinent. We are aware that there are contractual obligations in as far as ESP is concerned, where contractors did not complete projects. From my report, we have said that 64 per cent of the projects were completed. That means that 36 per cent of them have not been completed.

To answer hon. Washiali, he has talked about the new constituencies which did not benefit from ESP. In the current financial year under the ESP, the education sector has been covered. So, we do not have a good profile for us, as a Committee, to work on. We do not know whether we have pending bills in as far as ESP is concerned. It is important that if hon. members can forward to us, as a Committee, any pending bills within their constituencies regarding health facilities that were contracted and have not been completed, then we can have a look at that and have it taken up by the Ministry. It can either be addressed through the Supplementary Budget or the next financial year. But we will look at it as a Committee.

Secondly, we will also look at the new constituencies which did not have any programmes. In our answer, we said that 80 per cent of the facilities got equipment – the ones which were 80 per cent completed. This means that the other facilities did not get



the equipment. This is an issue that we can look at, as a Committee, and further interrogate the Cabinet Secretary, Health, and see how we can move forward.

**The Temporary Deputy Speaker** (Hon. Cheboi): I did not hear you respond to hon. Iringo's concern, unless you did not get it properly.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, hon. Iringo said that the Economic Stimulus Programme was meant to benefit the people, and his question was combined with hon. Serut's about pending bills and projects that were incomplete. The only issue that was raised by hon. Ochada is that he felt that the answer was unsatisfactory. However, I wish he could first internalize the Constitution because once we have most of the facilities devolved, then it becomes a challenge. We must consult with the county governments on those projects. We are aware of the flagship projects that were anchored on Vision 2030, and I think Bondo Hospital is one of them. It can be a project that was anchored on Vision 2030 and we will look at it further with him.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is okay. I see hon. Njagagua. You have an intervention or you are on a point of order! What is out of order?

**Hon. Njagagua:** On a point of order, hon. Temporary Deputy Speaker. This is with a lot of respect and humility. My point was meant for the Chairperson, Committee on Administration and National Security.

**The Temporary Deputy Speaker** (Hon. Cheboi): Then you will have an opportunity if he goes out of order.

**Hon. Njagagua** Hon. Temporary Deputy Speaker, with your kind permission, I want to seek some clarification from the Chair on matters of health.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well! I see you on both. You are on both. Proceed, but straight to the point. That should be the last one.

**Hon. Njagagua:** Hon. Temporary Deputy Speaker, my small bit was on that issue. He has just said that they never consulted the Cabinet Secretary on these matters. As you are aware, and even as it is emanating from his answer, those contracts have contractual obligations in terms of payments. There is one project in my constituency under the Economic Stimulus Programme, in Gathanji, which has never moved beyond the ring beam. The issue has always been money. When he says that they never consulted the Cabinet Secretary in that Ministry, is that answer adequate? I would imagine that, that response is substandard.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay, let us have the Chair respond to that one. It is the last one.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, for record purposes, I did not say that we did not consult. We did not summon him to appear before our Committee. That is the clarification that the Member needs to understand. I said that we did not summon him to appear before the Committee, but we consulted on the question that had been asked by hon. Ochada. Therefore, we could not go into issues of contractual obligations that were not part of the question. However, now that it has been raised, we can look into it further.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is it. Let us now move to the Chair, Administration and National Security. Which question are you starting with, hon. Theuri's or hon. Huka's?

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, I am ready now. Thank you for giving me enough time. I am ready to respond. I did not get the Statement early enough. It did not even come through the Committee. The Majority Whip was given just in the corridors here. So, I blame my Committee---

**The Temporary Deputy Speaker** (Hon. Cheboi): I think those are in-house things that should be sorted out there.

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, this will not happen again. I want to respond to the request by hon. Theuri.

#### REASONS FOR BANNING *BODA BODA* OPERATIONS AFTER 6.30 P.M.

On 27<sup>th</sup> March, 2014, the Member of Parliament for Embakasi West, hon. George Theuri, requested for a Ministerial Statement regarding the alleged directive by the Inspector General of Police to stop *boda boda* operations after 6.30 p.m. within Nairobi City. The Member particularly sought to be informed on:-

- (i) When the Government intended to lift the ban.
- (ii) The measures the Government is taking to ensure that every citizen is secure to operate his or her business, including the said motorbike operators.

I wish to state as follows:-

Contrary to the Member's allegation, it is not true that the Inspector-General of Police has banned motorcycles from operating within the Nairobi City. However, sometimes in early February, the Inspector-General noted an increase in the number of crimes and accidents attributed to *boda bodas* operators in Nairobi. Based on that trend, he proposed amendment to the Traffic Act, Cap.403, to ban their operations during the hours of the night within the City. Between August, 2013 and January, 2014, the following accidents and crimes involving *boda boda* operations were reported to have occurred during the night and day within the City.

The total number of accidents that have occurred, either fatal, serious or slight were 76. Out of those 76 accidents, 37 are blamed on motorcycles, 17 on pedestrians and 10 on motor vehicles. It is, therefore, on the above premise that the Inspector-General of Police has proposed an amendment to the Traffic Act to ban *boda boda* operations at night. The amendment has not been effected and, therefore, it is not in force.

(ii) The Government has taken the following measures to enhance security in the country and thus provide a conducive environment for thriving of business:-

- (a) Recruitment of more than 7,000 police officers in January, 2013 and the recruitment of another 10,000 more officers later this year.
- (b) Intensification of patrols and surveillance by the security agencies.
- (c) Enhance intelligence gathering and sharing of information.
- (d) Rolling out of community policing under the *Nyumba Kumi* Initiative.
- (e) Awareness and sensitization campaigns to deter citizens from engaging in crime.
- (f) Arresting and prosecuting of offenders.
- (g) Enhancing surveillance and screening of vehicles and persons.
- (h) Training to enhance capacity building among the security agencies.

The training programmes have equipped officers with some capacity to combat terrorism in areas of detection, investigation, prosecution, terrorism financing, border and maritime security.

(i) Launched Rapid Result Initiative (RRI) in February, 2014, which is aimed to review, revitalize and sharpen strategies in combating crime.

(j) The on-going police reforms will enhance the capacity of service to tackle crime in the country. This includes leasing of vehicles for the security agencies, vetting of officers, improving housing and salaries, among others.

**The Temporary Deputy Speaker** (Hon. Cheboi): Of all the requests being made, all the Members have spoken. I would have been happier with new ones and I see only one. Therefore, I will start with hon. Theuri to seek a quick clarification. The next will be the Member for Turkana East, hon. Ngikor.

**Hon. Theuri:** Hon. Temporary Deputy Speaker, first of all, I am so sad to hear what the Chair has said. As of now, they are saying that it is a proposal. Unfortunately, it is a ban. After 6.30 p.m., the motorcycle operators are being harassed by the police. The senior police officers are saying that, that is a directive from the Inspector-General. They say that the ban was put because of the accidents. The Inspector-General clearly said that the motorcycles are being used to ferry robbers at night. So, this is not clear.

**Hon. Ngikor:** On a point of order, hon. Temporary Deputy Speaker. The question was why the *boda boda* operations were banned, but the Vice-Chair has given us information about the recruitment of police officers and vehicles. How is that connected to this? He was supposed to give the answer as per the request. Most times, when questions are asked in this House, this Committee gives us contradictory answers. The Committee does not give what is supposed to be given. I do not know what is wrong with this Committee.

**Hon. Kangara:** Hon. Temporary Deputy Speaker, that Statement is shallow. The issue was about the ban, which is still in force to date.

**The Temporary Deputy Speaker** (Hon. Cheboi): One minute. What is it hon. Kipchoim? Is anything out of order?

**Hon. (Ms.) Kipchoim:** Hon. Temporary Deputy Speaker, I wanted to ask a question because I had asked---

**The Temporary Deputy Speaker** (Hon. Cheboi): Is it a clarification on the same issue?

**Hon. (Ms.) Kipchoim:** It is not on the same one.

**The Temporary Deputy Speaker** (Hon. Cheboi): Then you will have to wait. Let us, therefore, finalize with hon. Mutura. You had placed your card on the intervention slot.

**Hon. Kangara:** Hon. Temporary Deputy Speaker, the Vice-Chairman should be clear. What should come first? Is it banning and then coming up with a policy on how to go about doing the business? He has narrated to us what is being done to revamp security, but the hon. Member has raised the issue of the *boda boda* ban. He has given us Ministerial policies, which have nothing to do with the directive. He should be clear and to the point because that ban is still in effect. He should be open to this House.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the last one by the hon. Member for Kitui East.

**Hon. Muluvi:** Hon. Temporary Deputy Speaker, what has come out clearly from the answer is:-

First, they did not even address the question which was asked. The *boda boda* business is an economic lifeline for our youth. If there are issues of security, they should be articulated, so that decisions can be taken against that. But if there is a proposal to ban and the ban is in effect, the answer should be very explicit. Is it a security issue, so that we can take it from there or is it a general ban? We cannot allow an Inspector-General of Police to be reactive. They must do what they are supposed to do to maintain order and security in the country. They should not become reactive. If something happens, they should bring proposals and, at the same time, act on the proposals.

**The Temporary Deputy Speaker** (Hon. Cheboi): Mhe. Kombe, uko na Hoja ya Nidhamu?

**Hon. Kombe:** I wanted to seek a clarification.

**The Temporary Deputy Speaker** (Hon. Cheboi): Then you have placed your card on the wrong slot. Let us give him an opportunity to respond, then we see how it goes. Then we will see what to do. Just a matter of curiosity, hon. Theuri, do you have a written response with you or you just heard from the Chair?

**Hon. Theuri:** Yes, I have it.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is perfectly in order. Respond, hon. Vice-Chair.

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, I read what was in the Statement. I want to appreciate the concerns raised by Members that the issue of the *boda bodas* is a very weighty one, especially in big towns. Those are young people who are looking for their daily means. That is their lifeline and they want to get some income out of the business that they are doing. For more than five years now, they have, sort of, been criminalized by the police. The Inspector-General has confirmed in this Statement that they have not banned the *boda boda* operations. However---

**The Temporary Deputy Speaker** (Hon. Cheboi): If they have not banned it, what, then, therefore, have they done?

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, if the Member is insisting that the ban is on the ground, the best way forward is for the Committee to call the Cabinet Secretary and the Inspector-General to confirm to us if the ban is there or not. The Member insists that the ban is on. We want to confirm that from the Inspector-General. I am not a Cabinet Secretary or the Inspector-General and I need to confirm through the Committee.

With regard to the question asked by the Member for Turkana East---

**Hon. Rotino:** On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to mislead this House that he has not consulted or he has not even summoned the Inspector-General? It is categorical from the response that he has given that the ban is there. Is he in order to mislead us? He is just reading a Statement that he has been given and he has not even interrogated the Statement himself. He is not even confident of what he is saying.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is the reason why I was asking hon. Theuri whether he has the written response. Somewhere along the line, the Statement indicated that the amendment has not been effected and therefore, it is not in

force. That is what I found somewhere. So, I thought what the Chair is saying is that there is no ban, in my opinion. I see that there is quite some interest in this and, of course, for the interest of time, I would want you to finalize. I will allow two more clarifications because I realize that the last response is specific, which will, therefore, touch specifically on the constituency of the Member. Let us have him finalize. Hon. Vice-Chair, have you finished?

**Hon. Lentoimaga:** Yes, I have.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have? What is out of order, hon. Rasso?

**Hon. Dido:** On a point of order, hon. Temporary Deputy Speaker. Following on what the Vice-Chair has given as a response, it appears that there are two laws in this land. One is the laws that we make in this House as enshrined in the Constitution. But there is another law that is silent, that is being exercised by the police. Whereas he has gone further to say that he is neither the Cabinet Secretary or the Inspector-General, the response that we would like to have, as the representatives of the people, is whether there are laws which are being enforced other than what is enshrined in the Constitution.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have hon. Washiali. I was trying to give a chance to those Members who have not spoken. But let us have hon. Washiali. What is out of order, hon. Washiali?

**Hon. Washiali:** On a point of order, hon. Temporary Deputy Speaker. The issue at hand; the issue of *boda bodas*, touches on all Kenyans, including those in my constituency. We have a challenge in this House because even the Chair has already differed with the answer that has been given. Will I, then, be in order to request that since he is not convinced that there is no ban, to ask the Chair or the Speaker to postpone the response to this Statement, so that the Committee can summon the Cabinet Secretary in charge of the Ministry and get a proper response to this Statement?

**The Temporary Deputy Speaker** (Hon. Cheboi): It is not necessary to summon the Cabinet Secretary. But get good information and then finalize it next Wednesday, even if it is briefly. That is because you have tackled quite a few. I must congratulate the Vice-Chair, because having received the responses just a few minutes ago, he has been able to work on it in that manner. I think that is very good. Let us have the Statement next Wednesday - briefly just for a moment. The position is we are deferring this particular Statement for you to clarify whether there is a ban or not. If there is no ban, then there will be no necessity for all the responses that we are making. I think that is perfect Vice-Chair. You are okay with that? You are. Let us have the next one. I hope it is not on the same. We have ruled on that.

*(Statement deferred)*

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

**The Temporary Deputy Speaker** (Hon. Cheboi): What is out of order? Is his dressing not--- Hon. Kombe!

**Hon. Kombe:** Thank you hon. Speaker. I also sought a Ministerial Statement which has never come from the Chair of the Committee on Environment and Natural

Resources and also from the Chair of the Committee on Lands. I do not know what is happening.

**The Temporary Deputy Speaker** (Hon. Cheboi): When did they indicate that they are going to respond, although it is not something that I wanted to act on now.

**Hon. Kombe:** They have not responded hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Have they indicated that they are going to do it? When had they indicated that they are going to do it? Okay, I will pursue that hon. Kombe. Let us have the Chair responding to the next one.

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, the next response is of a question asked by hon. Huka. He requested for a Statement regarding the closure of Administration Police Camps at Boltu and Gala Gasa, opening of a new AP Camp at Burmayo, welfare of officers based at Uargadul Police Station and the deployment of Kenya Police Reservists to Mandera Central District. The hon. Member particularly requested to be informed on the following:-

(i) The reason for the closure of the above mentioned camps and when they will be re-opened.

(ii) When the Government will establish an Administration Police Camp at Burmayo in view of the fact that it is a hotspot area, taking into consideration that the facility has already been provided, and also upgrade Yogotulo Patrol Base to a Police Station.

(iii) The reasons for delay in the issuance of guns to persons vetted for the position of Kenya Police Reservists and when they will be issued with the same.

(iv) The measures the Government is taking to provide decent housing and offices for police officers based at Wargadud Police Station and provision of vehicles to Elra Police Station.

The Cabinet Secretary wishes to respond as follows:-

Several attacks linked to the *Al Shabaab* terror group against police establishments along the Kenya-Somali boarder has resulted in several officers losing their lives. That necessitated the closure of all Administration Police camps that were under-staffed. The Mandera County Security Committee proposed the closure of Boltu and Galagasa posts since they had five officers each, far much below the required strength of ten officers per station. They lacked enough accommodation for deployment of more officers. Further, the two posts were also very close to the Kenya-Somali boarder, thus increasing the chances of attack. The closure of the two posts was on a temporary basis. They will be re-opened once prerequisite measures have been put in place. The Kenya Defence Forces (KDF) have since been deployed in the area to offer support to the police officers in the enhancement of security. A number of police bases and posts are upgraded to police stations every year after a review of a number of factors such as crime rate and population density. As such, Kortur patrol base will be reconsidered for upgrading amongst others that have been earmarked for upgrading. Similarly, Talabach Sub-County Security and Intelligence Committee is in the process of establishing an Administration Camp at Gunan and a Kenya Police post at Burmayo to boost security in the area. In addition, procurement plans are at an advanced stage to purchase more firearms for Kenya Police Reservists. Once the same is finalized, the newly recruited and vetted Kenya Police Reservists will be issued with firearms where

necessary. On the provision of decent housing for police officers, the Government has prioritized construction of 296 housing units in Mandera County during the next financial year. This is intended to benefit Mandera, Elwak, Takaba, Ramu police stations and border posts. Those units will accommodate both police and Administration Police officers. The stations that have been left out including Walgadud will be considered during the subsequent financial years subject to availability of funds. Elwak police station has one vehicle. It is GKA 410H, which serves the divisional headquarters and other stations. However, the Government is in the process of supplying a new fleet of vehicles under the Government Vehicle Lease Programme, which will be used to fast-track the movement of officers in order to enhance security.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes! We will, therefore, have hon. Huka. There is some confusion that is coming from the Front Bench to my right. There are three Members who are dressed quite in the same manner and so, I am unable to pin-point who is who. If I do not pick one of them to speak, it is because I do not seem to differentiate the three of them. Let us have hon. Huka.

**Hon. Huka:** Hon. Temporary Deputy Speaker, I am shocked by the answer that that has been read by the Vice-Chair. I had requested the substantive Chair to invite me when they were going to have a session with the Cabinet Secretary, but he did not. As a result, the answer that has been given here is not only misleading, but totally erroneous. When you look at page two paragraph two, what is written there is all about Wajir County and not Mandera County. The hon. Vice-Chair who has read the Statement has worked in Mandera and knows Tarbaj is not in Mandera County, and neither is Gunana or Burmayo that he has talked about in his answer. Therefore, there is no answer that has been given here, other than misleading details and mis-information. I request that this answer is withdrawn and when the Cabinet Secretary is called back, I be invited and we will deliberate on it. This is misleading information and nothing here is in line with my question.

**The Temporary Deputy Speaker** (Hon. Cheboi): What do you have to say to that hon. Vice-Chair?

**Hon. Lentoimaga:** Hon. Temporary Deputy Speaker, I concur with the hon. Member. We can call him next Wednesday.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is okay. What is your point of order, hon. Eric Keter?

**Hon. Eric Keter:** Hon. Temporary Deputy Speaker, based on what we are getting from the Vice-Chair on those two Statements, is it not the time that this House devised a way to handle responses to Statements? Sometimes, I see the Chair or Vice-Chair at pains to explain something that he has not personally conceived or understood and, therefore, which he cannot defend. You find him just reading a Statement.

**The Temporary Deputy Speaker** (Hon. Cheboi): That makes a lot of sense, Member for Belgut. I am sure that you were here yesterday. The rest of the Members, together with you, were trying to devise a way of handling Statements. So, the problem will be sorted out once the initiative that was being taken materialises. Kindly, make sure that you are available this afternoon to continue with that “way”. It is a perfectly valid issue. We have all seen the pains that the Vice-Chair went through this morning. I am

sure that it is a matter that will be sorted out, if the membership of this House makes that decision.

So, that matter has adequately been sorted out. I can see hon. Serut and hon. Muluvi requesting for a chance to raise points of order. What is your point of order, hon. Serut?

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

**The Temporary Deputy Speaker** (Hon. Cheboi): We have sorted out your issue, hon. Huka. I am surprised that you still have another point of order.

**Hon. Serut:** Thank you, hon. Temporary Deputy Speaker. My point of order is in reference to the Statement that has been read out. What concerns me is the issue of security to Kenyans. If the Government, which is supposed to protect the people of this country---

**The Temporary Deputy Speaker** (Hon. Cheboi): What is your point of order, hon. Serut? You are a seasoned politician and a Member of this House. But you are actually making statement rather than stating what is out of order.

**Hon. Serut:** Hon. Temporary Deputy Speaker, allow me to finish what I wanted to say because it is very important for this country.

If the Government, which is supposed to protect the people of this country, can withdraw Administration Police (APs) officers from an outpost, stating that they do not have enough officers, who is supposed to provide more officers to protect Kenyans? If we do the same---

**The Temporary Deputy Speaker** (Hon. Cheboi): Member for Mount Elgon, you can canvas that one next Wednesday. The matter has been deferred.

Hon. Muluvi, I hope that yours is not in line with the matter that hon. Serut has canvassed. We want to save time. We cannot afford to waste time on a matter in respect of which we have already made a decision.

**Hon. Muluvi:** Thank you, hon. Temporary Deputy Speaker. The clarification I am seeking---

**The Temporary Deputy Speaker** (Hon. Cheboi): No! You cannot seek clarification on this matter.

**Hon. Muluvi:** Hon. Temporary Deputy Speaker, the clarification is not on this matter. What I want to say is that this morning we have been, twice, treated to very shallow answers from the same State Department. It looks like whoever has been preparing these responses is a very young, junior and inexperienced officer. I do not think this is the way---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Muluvi, you have made your point. Do not be too hard on your colleagues. We will have this matter again next week. The matter has been deferred. So, let us go to the next Order.

**Hon. Members:** On a point of order! On a points of order!

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, we must maintain some order. Hon. (Ms.) Kipchoim, you had said that you were not going to---

**Hon. Kombe:** On a point of order!

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kombe, your matter will be sorted out. You had indicated that you had a problem with the response to your request for Statement. It will be sorted out. I am sure that the Chairperson of the Committee has



heard you even though she is in an animated conversation with the Deputy Leader of the Majority Party. So, your matter will be sorted out.

Hon. (Ms.) Kipchoim, if the matter you want to raise is really burning and it is a point of order, proceed. Let us have hon. (Ms.) Kipchoim. Nobody else!

**Hon. (Ms.) Kipchoim:** Thank you, hon. Temporary Deputy Speaker. Mine is a request for clarification because in February this year, my constituents from Mukutani Ward petitioned the Government because of rampant insecurity that has taken place there. In the same two weeks, houses of the same residents were torched. Last week, two people were killed and their livestock taken away. The Speaker read out the petition and forwarded it to the Departmental Committee on Security and National Administration but to-date, no reply has been received from the Committee.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. (Ms.) Kipchoim! I understand the pain that you are going through. The matter is in the public domain. The issue is the way you are approaching this august House. The Petition was not made to the august House, as far as you have stated. What you need to do is to formally petition the House. I am sure that you know the procedure. You can proceed in that direction.

Hon. Members, before we proceed to the next Order, I understand that the Member for Meru has a Procedural Motion, which I would like us to transact and dispense with.

Proceed, hon. (Ms.) Kajuju!

## PROCEDURAL MOTION

### LIMITATION OF DEBATING TIME

**Hon. (Ms.) Kajuju:** Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion on limitation of debate.

THAT, pursuant to the provisions of Standing Order No.97, this House resolves that debate on the Bills appearing under Order Nos.8, 10 and 11 be limited as follows:

A maximum of one hour and thirty minutes with five minutes for each Member and ten minutes for the Leaders of Majority and Minority parties and fifteen minutes for the Mover in moving and five minutes in replying.

Hon. Speaker, I appreciate with all my heart and soul what the Eleventh Parliament has been able to do in terms of preparation and drafting Private Members' Bills. We have noticed that we have been able to deal with a number of them and yet, so many others are still pending. That is why today we are seeking to limit the time, so that we can deal with the issues that are before the House, and not forgetting the seriousness with which Members are taking the law-making role under Article 95(3) of the Constitution.

The Motions and Bills before the House are very important to the community and the country at large. Therefore, I pray that this House passes this procedural Motion, so that each of us can contribute to the Bills that are before the House, so that we can engage and, thereafter, be able to make decisions.

Hon. Temporary Deputy Speaker, that being the case, I request my good friend, hon. Wafula Wamunyinyi from Kanduyi Constituency, to second the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, hon. Wamunyinyi!

**Hon. Wamunyinyi:** Thank you very much, hon. Temporary Deputy Speaker, for giving me the opportunity to second this Procedural Motion.

First, what we are seeking to obtain from the House is a resolution to limit debate. The matter was extensively discussed by the House Business Committee. Many hon. Members have filed Private Members' Motions and Bills, and many of them are pending.

So, the intention is to accord as many Members as possible an opportunity to execute their Motions before the House. It is for this reason that the House Business Committee decided that it will seek concurrence of the whole House so as to allow more time for many Members to execute their Motions. This is an important mandate given to Members of Parliament and it is quite straightforward. What we are seeking is a Resolution of the House so that we are able to make it procedural and have many Members participate in this important role of legislation.

With those few remarks, and this being straightforward, I wish to second.

*(Question proposed)*

*(Question put and agreed to)*

## BILL

### *Second Reading*

#### THE PHYSIOTHERAPISTS BILL

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): What is it?

**Hon. (Ms.) Odhiambo-Mabona:** I rise on a point of order under Standing Order No.40 which is about the sequence of proceedings in the House and particularly Standing Order No.40 (1) and (2). Standing Order No. 40(1) designates the order of business of the day and (2) says that, "business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence that the Speaker may, for the convenience of the House, direct."

I would like to request that by the authority conferred to you by Standing Order No.40 (2) and Standing Order No.1 you direct that the Victim Protection Bill which is appearing as No.15 in the Order Paper be given precedence so that we deal with it. By practice of this House, a Bill that has already been before this House that is appearing for resumption of debate, to the best of my knowledge, information and belief, has never been relegated to the last slot in any Order Paper. It always takes precedence unless there is some sinister reason to remove or relegate the Bill that I am bringing as a Private Member. Last week, the Departmental Committee on Justice and Legal Affairs requested me to defer this matter which was already before the House and I indulged the

Committee because it said that it was going to have a hearing from the Office of the Attorney-General. I presented myself before the Committee, but they were not ready.

By procedure of this House, if a Committee is not ready, the proceedings of this House do not stop. I cannot be punished because the Departmental Committee on Justice and Legal Affairs has not done its work or because the Office of the Attorney-General has not done its work. Even when you change individuals in Government, the Government does not change. This Bill has gone before the Office of the Attorney-General for discussion. It has also been discussed by the CIOC. The Bill has gone through public participation. Unless there is any other reason, or unless I am being told that I am being discriminated against – which is not the case – I want to urge that you exercise the authority that is conferred to you and give precedence to this Bill, so that I can complete it. Every person and every Member has the mandate to either defeat or support this Bill. If the Departmental Committee on Justice and Legal Affairs wants to defeat this Bill, it should be on the Floor of the House, instead of frustrating my Bill.

**The Temporary Deputy Speaker** (Hon. Cheboi): I hear you, Member for Mbita. Of course, the arrangement of the Order Paper comes from the House Business Committee (HBC). I understand that I have that leeway to re-arrange. I am also informed that despite the fact that the Committee on Justice and Legal Affairs was not prepared at the time you went to them on Monday. Probably, that is the reason why your matter has been slotted a little lower. In the meantime, I will seek better information on it and rule in due course. I am, however, informed that the Committee on Justice and Legal Affairs has actually summoned officers from the Attorney-General's Office. I will actually pursue it, but you actually make sense. There should be no reason why a matter that had already proceeded be relegated to the bottom unless there is a very good reason; I believe there is. I am informed that this will be confirmed very quickly and then I will give the information to you.

Let me here from hon. Wamunyinyi. You have a point of order.

**Hon. Wamunyinyi:** Thank you, hon. Temporary Deputy Speaker. We really discussed issues concerning this Motion by hon. Millie as the HBC. The HBC also took the same position as hon. Millie. We were, however, convinced by the Chairperson of the Departmental Committee on Justice and Legal Affairs which had a session with the Mover of the Motion and other stakeholders, including the Ministry. They had agreed to defer the Motion to a later date. So, whatever we did was in good faith. That was the position which was taken by hon. Members after being convinced by the Committee. If it is not true that they had discussed with the hon. Member, I really sympathize and I am sorry.

**The Temporary Deputy Speaker** (Hon. Cheboi): I agree, but it is also a matter of good courtesy that the Chairperson of that particular Committee should have informed the Member.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, I wish to apologize to hon. Millie. It was not anything that we did in bad faith.

**The Temporary Deputy Speaker** (Hon. Cheboi): What you are saying is that the HBC acted in good faith. But the particular Committee to deal with it is the Departmental Committee on Justice and Legal Affairs. I think hon. Kajuju is a Member of that

Committee. It is important that the Member ought to have been informed. Let us hear hon. Kajuju.

**Hon. (Ms.) Kajuju:** Thank you, hon. Temporary Deputy Speaker. If there is one Bill that the Committee on Justice and Legal Affairs has ever taken seriously, then it is this Bill by hon. Millie. I understand the effects of this Bill. This is, indeed, an area that has never been looked at before. I appreciate the efforts of hon. Millie in bringing forth this Bill. We have engaged various stakeholders. On Monday afternoon we received submissions from the Victims Protection Agency on the amendments that they want to bring on board. We had also consulted hon. Millie. If there was that failure to alert my colleague, then we are sorry about it. We are still working on it. Given time, on Wednesday we shall have sorted the issues. I really regret the failure to communicate to hon. Millie; it must have been an oversight on our part.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well! Let me have hon. Wamalwa!

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. It takes a lot of efforts and research for a private hon. Member to come up with a Bill. Last time, when the Speaker was on the Floor, we developed something called FIFO (first in first out). When you look at the way Bills have been listed today, we do not know if there is corruption or what is going on! They are supposed to be listed and disposed in that order. For today's Bill, when you look at No. 8, whereas Bill No. 40 is by my friend hon. Sang, you have Bill No. 38 by hon. John Mbadi. There is no explanation why Bill No. 40 is coming ahead of Bill No. 38. This is a House of records, procedure and objectivity. It is totally unfair. I speak as one of the leaders in this House. The way other hon. Members have mentioned, I think you can exercise your discretion so that you can correct and prioritize hon. Millie Odhiambo's Bill. She is here. She has left all her work just to come here. It is not easy to bring up these Bills.

Then from there, in terms of precedence, we go to Bill No. 38, and then Bill No. 40. We are here because of the sequence. Any other confusion that is coming should not be tolerated. Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Much as you make a lot of sense, I think those are sentiments that should go to the House of Business Committee. It will make better sense. Secondly, on the issue of hon. Sang's Bill No. 40 and hon. John Mbadi's Bill No. 38, the sense that came out of it is the fact that hon. Mbadi had the VAT Bill. I am informed that the House Business Committee thought that another hon. Member should be given an opportunity. It really makes perfect sense. The one which I have a lot of sympathy with is that of hon. Millie's case. For the rest, I think it is perfect for the House Business Committee to make sure that many hon. Members as possible participate in the enactment of laws in this House.

*(Hon. Mbadi consulted loudly in the House)*

Let us hear from hon. Millie. Hon. Mbadi! No! No! No! Please! I am sure I did not hear that! If I heard it, then I think it will not be the right thing for this House.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I think hon. Mbadi is just saying it on a light note; that it is only Subas who are being frustrated!

**The Temporary Deputy Speaker** (Hon. Cheboi): Somebody told me that hon. Mbadi has actually--- No! Proceed.

*(Laughter)*

**Hon. (Ms.) Odhiambo-Mabona:** I want to thank you for your indulgence. The reason why I am concerned is because this matter came before the House Business Committee last week. The Justice and Legal Affairs Committee purported to do exactly what they did and the House Business Committee refused. So, I want to agree with hon. Wamunyinyi. I even spoke with the Majority Leader. He said that by the practice of this House, once the matter is before the House, if the Committee wants it differed, as a matter of courtesy, you ask the hon. Member who extended that courtesy. Even though the House Business Committee refused, I was kind enough. They should not abuse my kind heart because up to date, one of the things I did not want to say is this: This Bill came for First Reading in the last Parliament. When I came in, I immediately sent a letter to the Legal Department saying that I am ready to proceed. You notice it is Bill No. 40. After giving out my letter, 39 other Bills came and overtook it. I was assured that it came before those other Bills. I have two other Bills that are also “doing the dance”, and which were finished in the last Parliament. So, even when hon. Mbadi is saying the Subas are being discriminated, yes there must be a story. We are a minority but we have a very strong voice as a minority. That is on a light note.

**The Temporary Deputy Speaker** (Hon. Cheboi): No! No! No! Hon. Millie. It cannot be on a light note because I want to point to you why hon. Mbadi thinks he is being discriminated. It is also because of you. Your Bill is No. 41 while his Bill is No. 38. So, if it is an issue of discrimination, on a light note as you have indicated, then you seem to be the beneficiary.

*(Laughter)*

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I am a beneficiary of discrimination. I urge the House to correct and give Mbadi precedence over me. I am willing to wait but people must be treated fairly. Even my Bills which are outside and have not reached the House, I finished them way back in 2013. They are not even appearing as Bill No. 180 in 2014. I need to be treated fairly! Please, give me your indulgence. You will notice with time that there are very few hon. Members who sit when we do House business. Let those hon. Members who take House business seriously not feel frustrated. That is because you will remain with an empty House very soon.

**The Temporary Deputy Speaker** (Hon. Cheboi): I agree with the last bit. But those sentiments should be put before the House Business Committee. It is the right body which is in charge of the House business. Let us proceed as per the Order Paper. Having heard hon. Kajuju, the only issue that comes out of hon. Millie’s Bill is that, the membership and the Chair of that particular Committee was not courteous enough. We will look into that.

## BILL

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*Second Reading*

## THE PHYSIOTHERAPISTS BILL

**The Temporary Deputy Speaker** (Hon. Cheboi): Is hon. Sang in the House? Yes, proceed.

**Hon. Sang:** Hon. Temporary Deputy Speaker, I beg to move:-

THAT, the Physiotherapists Bill be now read a Second Time.

I want to start by appreciating the frustrations of my colleagues and your protection. I want to begin by saying, for the benefit of some of us, physiotherapy is a health care primarily concerned with remediation of impairment---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, let us give the new hon. Member some--- Move it in the appropriate manner, hon. Sang.

**Hon. Sang:** Yes, remediation of impairments, disabilities and promotion of mobility through examination, evaluation, diagnosis and physical intervention. I know most of us actually do understand---

*(Hon. (Ms.) Odhiambo-Mabona consulted loudly)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Millie, I really do not want you to pursue that line. Kindly! He is actually going to move now. Hon. Sang is a new hon. Member of this House. Let us guide him appropriately. I think he is doing very well.

**Hon. Sang:** Thank you, hon. Temporary Deputy Speaker. The Physiotherapists Bill comes at a time when the country is experiencing an upsurge of complications and conditions that we all know. There are issues of hypertension, paralysis, stroke and, I know for some of us who have been in hospitals, we appreciate that we have a good number of patients at home who are suffering because of lack of physiotherapy. We have a good number of complications in our homes, where there are people suffering from wounds that are associated with hypertension and so on. We also have diseases like cancer and retarded growth in children. I know most of us have some of those complications in our homes.

The Physiotherapists Bill is also coming at a time when we are registering high rates of accidents. In the past one year, over 3,000 Kenyans who lost their lives. Some of them ultimately require physiotherapy during rehabilitation. I note the Bill is also coming at a time when the country is experiencing a lot of insecurity, especially on issues of terrorism and others. I know some of our colleagues have suffered from this and most of us, who are here, have also suffered. We require physiotherapy to help us.

This Bill aims to provide for the establishment, composition and functions of the Physiotherapy Council of Kenya. This Council will actually be empowered to establish the Physiotherapist Council of Kenya, which is generally to supervise and control the training and practice of physiotherapy in Kenya. Physiotherapy in Kenya is not a new

profession. It has been there and was introduced during the World War II to take care of war veterans, who had various types of injuries, disabilities and impairments.

This service is, therefore, one of the health care specialists that play a critical role in the patient and client management. It is one of the oldest professions that we have. I know the profession is actually boasting of approximately 600 physiotherapists, majority of whom are in private practice and with recognized interest varying from cardio-respiratory physiotherapy and management of pain. For a very long time, the profession has been operating without a framework, within which this critical service can be regulated. However, attempts have been made to streamline the profession and introduce some levels of standardization through the passage of the Kenya Society of Physiotherapists Code of Conduct and Ethics in July, 2009. The Code of Conduct, however, only provide for physiotherapists set of principles of operation. The Bill, with its elaborate provisions is, therefore, a milestone for the physiotherapist's profession and the country as a whole in so far as physiotherapy services are concerned.

Physiotherapy services are key services in this country. That is because they provide intervention measures to restore the integrity of the body system, especially the movement, maximizing functions and recuperation to enhance the quality of life of individuals.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Member, I do not mean to interrupt you. But I just wish that you be informed that, in view of the Procedural Motion which hon. Kajuju moved successfully a few minutes ago, you have only fifteen minutes. So, it is important that you are aware of that. Otherwise, you might--

**Hon. Sang:** It is okay, hon. Temporary Deputy Speaker. I will summarize.

**The Temporary Deputy Speaker** (Hon. Cheboi): I just wanted you to be informed so that you are not ambushed.

**Hon. Sang:** Thank you, hon. Temporary Deputy Speaker. I will actually summarize. Physiotherapist services are key, in this country because they provide intervention measures to restore the integrity of body system, essential to movement, maximizing functions and recuperation to enhance the quality of life of individuals. In Kenya, physiotherapy has grown to a fully pledged section in the healthcare profession and has gained great reputation and respect to measurable outputs provided to patients and clients care.

The Physiotherapy Council of Kenya, which the Bill provides as a regulatory authority, will describe the scopes of practice for the profession by setting the boundaries within which a practitioner can practice, prescribe necessary qualifications, register practitioners and issue annual practicing certificates. The Council will also set standards of competence and through committees, can investigate individual practitioner's competence and conduct---

*(Loud consultations)*

Hon. Temporary Deputy Speaker, the noise is disturbing me!

**The Temporary Deputy Speaker** (Hon. Cheboi): Order Members! Let the Member move his Bill without unnecessary interruptions. Order Members! Let us consult in low tones.

**Hon. Sang:** Thank you, hon. Temporary Deputy Speaker. I am saying the Council will also set standards of competence through committees to investigate individual practitioner's competence and conduct. The Council will, therefore, secure compliance and enforce standards for physiotherapists in the country. Its purpose, therefore, is to protect, promote and maintain the health and the safety of the public by ensuring proper standards in the practice of the profession.

Like I indicated earlier, over 90 per cent of the specialists practicing physiotherapy as a profession undertake it privately, for example, through running individual clinics. Regulations will be introduced by the Council, which the Bill seeks to create. They will be an essential element in guiding such initiatives. The Council will, therefore, work towards the development of the national health by representing the physiotherapy profession nationally and promoting high standards of physiotherapy education, practice, research, support, communication and exchange of information among its members and the general public.

By undertaking its role of ensuring the profession collaborates with that of international and national professional organizations related to the profession, this will guarantee compliance to standards beyond the national standards. The benefit of this regulatory body is to actually, ensure that there is equity in standards of physiotherapy services in Kenya. It will also ensure health and safety by ensuring the appropriate delivery of effective high quality services. It will ensure quality of training standards, set in terms of quality and will ensure standardization in qualifications in the profession. It will ensure that there is regulation of physiotherapists which will help sustain the confidence of the public in terms of service delivery. It will also ensure sustained, improved and guaranteed quality services standards while, at the same time, identify and address poor practice in the profession.

The Bill is, therefore, expected to assist the physiotherapists in the country and take their services to the standards that are compliant world-wide. This Bill is coming at the right time.

I know when you go to other health care providers; they do have their own Acts that actually regulate their practice. For a very long time, the physiotherapists have been practicing without any legal framework as I had earlier indicated. They only had a committee that was actually guiding their practice.

I used to practice at Kapkatet District Hospital and teach there. Many of the patients that we used to see, probably, we used to discharge them to go home, so that they can be taken care of while at home. As I speak, I know some of us must have seen a lady from Trans-Nzoia who had an accident when she was around eight or 12 years old and now she is 50-something years old. She has been bed-ridden for over 30 years. I know that if it was not the services of the physiotherapists, I know probably that lady could have had more complications like burns and others.

I know also of a good number of cases, from places where we come. But because of patient confidentiality, I do not want to mention their names. But in my village in Chemoiben and Cheborgei, we have very young and old people who have been bed-ridden for a very long time. Somewhere again in Cheplanget, I know we have all those complications. When we go home, a good number of people visit us. They tell us that they have patients who have been bed-ridden for a very long time. If it is not for



physiotherapy, I know, probably, they could have had more complications and could be dead by now. But the physiotherapy services have been there for a very long time. The only challenge was a legal framework to regulate their practice. This Bill is seeking actually to have a Council which will be registered. I know this council will work around the clock to ensure that the trainees who are going to be trained actually meet the minimum qualifications.

Hon. Temporary Deputy Speaker, for your information, for a very long time the Kenya Medical Training College (KMTC) has been training physiotherapists but of late other universities have come in. I am informed that Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Great Lakes University in Kisumu have started courses in Bachelors Degree in Physiotherapy. For a long time KMTC has been training diploma holders. This Bill will come in and ensure that at least most of the students who go through this particular training come out and help our people.

Hon. Temporary Deputy Speaker, I have mentioned issues of accidents and terrorism. I know some of us have suffered some injuries because of carjackers and what have you. Most of us have gone through the services of physiotherapists. I know when we will improve this Bill, the quality of physiotherapy services that are offered to Kenyans will improve.

I am made to understand that some of the physiotherapists that have been trained in Kenya are now practising abroad. I know some are training abroad and they want to come back home and start practising here. This particular Bill will actually create a council that will regulate all those physiotherapists that are coming from abroad. They will come and register and actually offer services to Kenyans.

Hon. Temporary Deputy Speaker, I know this Bill has come at the right time. I know all sectors in the health care have their own Bills. We have the doctors with the Kenya Medical and Dentists Board. We have the clinical officers and they require amendments which we are going to come with very soon. They also have a council. We have a nursing council. We have a laboratory council and we have a good number of councils within the Ministry of Health.

Hon. Temporary Deputy Speaker, I know when this Bill comes up it will actually help the physiotherapists so that at least it can guide their day to day practice. We also have issues of disciplinary measures to guide---

**The Temporary Deputy Speaker** (Hon. Cheboi): Now, I will have to ask you to really summarise. You have quite some points.

**Hon. Sang:** Hon. Temporary Deputy Speaker, I am almost through. I am summarising. I want to say that I really appreciate the Departmental Committee on Health. We sat together for almost six hours. Yesterday we sat again to approve the report that we have. I know the Vice-Chair will come with it. We also thank the stakeholders who have contributed to this particular Bill. I know when this Bill comes it will help the general public and Kenyans will actually get service.

Hon. Temporary Deputy Speaker I do not want to take a lot of time as you have already warned me.

**The Temporary Deputy Speaker** (Hon. Cheboi): I am giving you only 30 seconds to simply move. You are aware and that is why I am not going to give you more time.

**Hon. Sang:** Thank you, hon. Temporary Deputy Speaker. With the foregoing, I beg to move and I wish to let me my learned colleague, Dr. Murgor, the Member of Parliament for Keiyo South to second.

**The Temporary Deputy Speaker** (Hon. Cheboi): Who is that lawyer who is going to second you? We are talking about Dr. Murgor, proceed. You have five minutes.

*(Laughter)*

**Hon. Murgor:** Hon. Temporary Deputy Speaker, thank you for allowing me to contribute and also second this Physiotherapists Bill that was brought by hon. Sang. Physiotherapy or physical therapy is a field which assists in many diseases worldwide. Physiotherapists assist in areas of neurological diseases such as strokes and I am sure most Members have seen people who have suffered strokes and are paralysed on one side.

Hon. Temporary Deputy Speaker, it also deals in areas of most muscular skeletal diseases such as arthritis and chronic back pain which I think they carry out a good job. In areas of heart diseases such as in patients who have had heart attacks, it is physiotherapists who usually rehabilitate these patients. There are a lot of respiratory diseases such as asthma where physiotherapists play a big role.

Hon. Temporary Deputy Speaker, in patients who have had surgery or have delivered, it is usually physiotherapists who rehabilitate these patients to avoid cases where patients develop clots and of course experience sudden death from what we call embolism. There are patients who are quite sick and normally they are bedridden. These patients can easily get what we call bed sores and it is physiotherapists who work on these patients to avoid such things.

Hon. Temporary Deputy Speaker, the Physiotherapists Bill, 2013 seeks to establish a regulatory body and bring order to this profession. The Bill seeks to establish the Physiotherapy Council of Kenya which will be tasked with control, supervision, training and practice of physiotherapy. It will also set up minimum qualifications for persons intending to train as physiotherapists. Now, training alone is not enough to make one competent to practise physiotherapy. So, the council will be tasked to register those whom they think can actually carry out the profession of physiotherapy. They will set examinations and supervise as is the case with doctors. They enroll for internship for one year and from then they can be registered as doctors. Similarly, physiotherapists will have to undergo some form of training or supervision for them to be registered as physiotherapists.

Another task which, of course, the Physiotherapists Council will be given is that of maintaining a register of persons who have been registered as physiotherapists and also approve institutions to train physiotherapists. For example, for a university in this country which wants to establish a medical school, first of all the Kenya Medical and Practitioners Board will have to see the syllabus and also the equipment and facilities in that institution before establishment of that institution. So the Physiotherapists Council will have to approve the institutions which are going to carry out this training and at the same time annual licensing of physiotherapists like other professions like law, medicine, engineering and so forth.

Hon. Temporary Deputy Speaker, with those few words, I would like to second this Bill.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): I am informed that the Departmental Committee on Health wants to participate in this and, therefore, I will give either the Chair or the Vice-Chair. Are you the one who has the brief as the Vice-Chair of the Committee?

### PAPER LAID

**Hon. (Dr.) Pukose:** Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

Report of the Departmental Committee on Health on the consideration of the Physiotherapists Bill, 2013.

*(Resumption of Debate)*

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, on behalf of the Departmental Committee on Health, I want to thank everybody who participated in this Bill. We went through various stages, we held meetings with stakeholders and we were able to interrogate the Bill. We were also able to look at this Bill to ensure that it is not in conflict with the Technical and Vocational Education and Training Act and also the Universities Act, so that at the end of the day, we are able to deliver quality services.

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

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

Hon. Temporary Deputy Speaker, the Physiotherapists Bill will ensure that the physiotherapists practising in this country are regulated and are registered so that anybody who is going to practise as a physiotherapist is issued with a certificate. Therefore, if you walk to a clinic you are able to tell whether one is trained, or when you log into the internet you are able to access information on physiotherapists.

Currently, as the law is, you will find that everybody will walk around and say that he is a physiotherapist, but there is no way you can verify because there is no register. We do not have a documented way of even holding them to account. We have no way of disciplining them. This Bill provides that once the physiotherapists are registered, that register will be maintained and updated annually. They will have a period within which they will be supposed to submit their registration. This way, their code of conduct will be regulated and if there are malpractices, there will be a body to petition them to look into your issue. They should have a disciplinary committee which can look critically

into the issues of the physiotherapists where malpractices have occurred. This would ensure that Kenyans get the best health care systems in this country.

Physiotherapy is not just what we may think of; we have what we call clinical physiotherapy and physiotherapy that can be provided when you go to the gymnasium and injure yourself. Even when you are playing football, we need to have physiotherapists who are qualified and can be held accountable. This Bill will ensure that proper exercise can be done and that people get proper physiotherapy, whether clinical or by extension home based care.

Hon. Temporary Deputy Speaker, this is a very key Bill and I want to thank hon. Sang for the time and effort put into this Bill to make sure that it comes to fruition.

With those few remarks, I support the Bill.

**Hon. Omulele:** Thank you, hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill.

First of all, I would wish to congratulate my brother, hon. Sang, for bringing this Bill. I have had opportunity to run through the Bill. I think it is addressing a very important section in the practice of medicine in our country.

I am encouraged by the preamble that has been set out in this Bill; which is a proposal that the Parliament of the people of Kenya makes the provision for the training, registration and licensing of physiotherapists to regulate the practice. Parliament should also provide for the establishment of powers and functions of a council for connected purposes in the administration of the Bill.

Hon. Temporary Deputy Speaker, I have looked at the Bill and I would like to say that physiotherapy has emerged as a major and an integral branch of treatment and management of various ailments and conditions that afflict Kenyans in this country. It is a good means of managing ailments because it is non-intrusive.

It is also worth noting that it is also an area where all manner of shallow turns and other medical masqueraders have quickly invaded with their eyes squarely fixed upon making quick money.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Omulele, please, you can only refer to your notes. This is a debating Chamber! Refer to your notes but do not read them.

**Hon. Omulele:** Thank you for your guidance, hon. Temporary Deputy Speaker. I would like to say that this field is very necessary and critical. Physiotherapy is key in the management of most ailments in this country. This Bill provides for the registration and keeping of a register for members who will be practising this branch of medicine. The provision for a register for members who will practise this branch of medicine is important because it will weed out all those people who have been pretending that they are practitioners of this particular branch of medicine.

Hon. Temporary Deputy Speaker, the Bill also provides that for one to qualify as a physiotherapist, one will have to take a minimum of course work. After undertaking that course at a registered and recognized institution, you will also need to undergo some kind of attachment with a fully qualified physiotherapist. One has to be on attachment for, at least, one year before she or he qualifies to get a licence to practice. This way, we shall provide a clear database of people who have the necessary qualifications to practise this branch of medicine.

Hon. Temporary Deputy Speaker, I have looked at the Act and it provides all this at Part IV and particularly Sections 19 to 24. Section 21 is the one which provides for the qualifications for one to practise as a physiotherapist.

The registrar of physiotherapists will be required to keep a register.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Omulele, your five minutes are up. Just wind up.

**Hon. Omulele:** I think this is a very important Bill. I have looked at the Bill and it provides for disciplinary measures against any person who might go against the provisions of the Act.

It is a good Act and I support it.

**Hon. Dawood:** Thank you, hon. Temporary Deputy Speaker. From the outset, I wish to support this Bill and congratulate hon. Sang for bringing it before this House. But there are a few issues in the Bill which probably he needs to look at.

Section 20 says that person from overseas cannot be allowed--- but I can see under Section 21, they are allowed. How do you satisfy the council when you have already been on training for a year? In Section 21(2)(b), it says "...has engaged in physiotherapy practice under the supervision of a physiotherapist registered by the Council for such period, being not less than six months, as the Council may approve" Those training in Kenya are required to take one year. How is that? That needs to be checked because the training which is done in Kenya would be sufficient, if it is for one year. Even overseas training should be the same and we need to look at that.

Hon. Temporary Deputy Speaker, when talking about annual practising certificates, all certificates expire on 31<sup>st</sup> December of the year they are issued. What if you apply just before the end of the year? You will get your certificate and then reapply for renewal because every certificate expires on 31<sup>st</sup> of December. According to me, renewal should be for one year and it should not end on 31<sup>st</sup> of December.

When I look at the Bill, there is nothing in it regarding indemnity insurance. By the way, physiotherapists do their work and they could be liable to doing things which may not be in the patient's favour or may injure the patient. I think there should be indemnity insurance so that they are protected as well if they are taken to court. But basically I think it is a good Bill which seeks to regulate physiotherapists and to bring them to the ambit of the council so that if there are unscrupulous people who do not profess the physiotherapists Act; if it is like the Hippocratic Act, we needed that to be controlled. I think for a few of these things I will be speaking to the Mover of the Motion and from that we can take it up.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support.

**Hon. Chea:** Hon. Temporary Deputy Speaker, thank you for this opportunity. I wish, from the outset, to support this Bill and congratulate Hon. Sang. This is a very progressive Bill. Very fundamental issues come out, that the establishment of the Physiotherapy Council of Kenya will ensure that the three issues; training, registration and practice are anchored in this Bill. The necessity for training cannot be overemphasized. If you look at Section 4 of this Bill, it provides for continuous professional training which is important for physiotherapists for the simple reason that it will enable them cope and face new challenges. For every new challenge, it is important to have particular training so that all can do well.

I also wish to say that this Bill is progressive in the sense that it brings harmonization. It provides an opportunity for those who train outside the country, once they come back, to get an opportunity to get registered and practise it here. I equally agree with what the previous speaker has said that for those who train in Kenya, apparently we are giving them another year which is not proper because I thought it should be the reverse; that those who train in Kenya get six months and those who train outside Kenya get the 12 months. This is quite important in the sense that it will encourage most of our people to train in the country.

What is equally important is the provision of matters to do with disciplinary matters; the establishment of the disciplinary committee. We realize that you cannot have a profession without instilling disciplinary measures. In this Bill in Section 29, the issues of negligence and professional misconduct are going to be addressed by the disciplinary committee. This is a very important provision and I believe this will ensure that people practise within the right provisions of the profession. But as we look at all these, it is important to appreciate that there are those who do this business by virtue of experience but when I look at this Bill, I realize it has put in more emphasis on formal training. There is need to look for a way in which we can accommodate experience.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you for keeping time.

**Hon. Muchai:** Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to speak to this Bill. First of all, let me congratulate my brother, hon. Sang, for introducing the same. I must confess that as much as I support the Bill, there are some serious concerns that I will raise that I have attempted to have a discussion with him. However, I doubt I am convinced about what he has made me understand.

This Bill is establishing a council that is governed as provided for under Clause 4. This council will be expected to recruit personnel and yet the only source of funding for this council is the grants, gifts or donations that the council may receive as a result of public and private appeal from local and international donors of agencies for the purposes of carrying out its functions. The other source is the search fees, monies or assets as may accrue to or vest in the council in the course of the exercise of its powers. This council will, under Clause 15, be expected to pay salaries, allowances and other charges in respect of members of the council and the staff of the council. It will also be expected to pay pensions, gratuities and other charges in respect of members of the council and the staff of the council. It is also expected for proper maintenance of the buildings and grounds of the council and the maintenance, repair and replacement of the equipment and other property of the council. I am doubtful as to whether this can be afforded under the grants, gifts or fees payable to the council. I think we need to consider funding this council from the Consolidated Fund. I would urge my brother to accept that we amend that section at the appropriate stage so that we can guarantee the sustainability of this council and not make it dependant on the grants and gifts yet it is expected to meet these obligations.

This council is established, under Clause 3, as a body corporate with perpetual succession and common seal, with a corporate name that is capable of suing and being sued. If this council engages staff and it does not afford to meet its obligations under

Clause 15, then I can see a situation where litigation will occur and the council might end up having orders made against it. For this reason, I do, subject to consideration of these amendments, support the Bill as proposed.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I see again we do not have the representation of the Chair of the Health Committee or the Deputy, or the Deputy Majority Leader. I would ask the Mover to try and get them because some of the things that are being spoken about are technical and the Committee will be looking at them. So, we need to have the Chair of the Committee on Health.

Hon. (Ms.) Odhiambo-Mabona.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Speaker. I support the Bill and congratulate hon. Sang for bringing this Bill. I would want to say, because of time I will be very brief.

I want to thank hon. Members because this Bill is very appropriate, especially coming very shortly after the Bill that we passed on psychologists. This one is dealing mainly with the physical aspect and the psychologist one was dealing with the mental state. When you are dealing with issues of terrorism and even our lifestyle as public officers, especially Members of Parliament, a lot of time we are faced with these challenges. Many of us do not know this, especially those that are new, but very soon you will start having problems with your neck, back and other lifestyle diseases because of going to the constituency all the time, riding on rough roads and also because of being involved in campaigns. I just want to suggest to the hon. Member - unfortunately he is not here. There are certain amendments that need to be looked into. I want to thank him for providing that the registrar shall only have five years. That takes into account our youth because we exclude a lot of youth and yet most of the people mature intellectually much earlier.

The other area that I would want him to look at and amend is that of gender. In the council, there should be gender representation. Also, in Clause 20(4) and (5) there is likely to be a clash with the Universities Act, because it is giving concurrent mandates between this council and the Universities Council. What you are likely to see is a fight over space; who has mandate to do certain activities that are provided under Clauses 20 and 29. I would urge that he makes an amendment that takes care of gender balance.

I want to refer to Clause 33(5) and look at it against Clause 36(3) (c), it is a repetition where you are prescribing punishment for a person who retains a certificate after they have been told to surrender it. In the first one, the punishment is Kshs.20,000 by the council and the other punishment is a conviction of not less than Kshs.30,000 or an imprisonment for a term not exceeding three months or both. Those are areas hon. Members need to look at and harmonize.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, I will ask you kindly, those recommendations you give to him directly when he comes back. Hon. (Prof) Nyikal.

**Hon. (Prof) Nyikal:** Thank you, hon. Speaker for giving me this opportunity to contribute to this debate. Let me start by saying that in physiotherapy they do rehabilitation and recovery of bodily function after treatment and recovery. It is the science, after you have had an illness, whether it is an injury or a natural illness such as

stroke or severe lung illness, that brings the body function back to normal. Without it, even with treatment and recovery, many people will not be able to function as they were before. Because of that, this is an extremely important area and people who train in it end up in other countries. Again, there are many people who pretend that they can function as physiotherapists. This Bill indicates the complexities of the health sector where we have many areas; clinical medicine as we know it, surgery, nursing, laboratory medicine, pharmacy, speech therapy and psychology and psychotherapy. Therefore, there is need to actually have very clear guidelines on regulation. This Bill, therefore, is timely because it deals with registration so that not everybody will walk around saying he or she is a physiotherapist. We also give standards for the training so that we know the entry requirements, the areas to be covered during training and the curriculum to be covered. I think there is need to find out if there would be conflict with the Universities Act. It is important that when people practise, they practise in a standard known way, so that people do not come up with all sorts of practice that would affect the people they are supposed to help. It is also important that even if people are trained and they have the skills, there has to be laid down way of practising. The council also provides for licensing on an annual basis.

I concur with the speaker who said that we have to look at more areas of funding. I am a member of the Committee and I think that is something important that we will pass on to the Mover, who is our colleague. You have seen in the last few months we have gone through the one for psychologists and we know there is one for nursing, an Act for medical practitioners and dentists, Pharmacy and Poisons Act, another one for radiotherapists and so on. It is important that all these various disciplines of health are regulated individually. In the near future, it will be very important to get an encompassing Bill or Act that will take all these into consideration. Otherwise, we will have a lot of fragmentation. But at this point in time, I do support that the various disciplines come with individual acts so that when we are doing the major Act, we will be guided on what to do. We will have done the detailed work that will be needed for the major Act.

With that, I support this.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Mwangi

**Hon. Mwangi:** Thank you, hon. Temporary Deputy Speaker. I take this chance to support this Bill which has been brought by my colleague, hon. Sang, at the right moment. I think this Bill will help us, people who are not trained. It is a very important Bill, especially at this time when most of us are suffering from lifestyle diseases, *boda boda* accidents and so on.

The other issue is that this Bill will help in easing congestion in our hospitals. It is high time the Government thought of taking physiotherapists to our dispensaries. After treatment, patients are sent to the villages and advised to report back for physiotherapy sessions. If we have physiotherapists in dispensaries in our villages, it would help most of these people.

As I conclude because I want to be very brief, the council has been given the mandate to retain their funds. I still have a problem with that because we have seen councils that have been given that mandate misusing funds, for example, the National



Social Security Fund and the National Hospital Insurance Fund. The council needs to take care of the funds under its care.

With those few remarks, I do support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Kemei

**Hon. Kemei:** Thank you, hon. Temporary Deputy Speaker for giving me the chance to contribute on this Bill. On the outset, I want to congratulate hon. Sang, alias Panadol for bringing this Bill to the House. It is the most critical time for us to discuss physiotherapy. My colleagues, especially those who are learned in medical science have spoken about it. I want to agree with them partly that physiotherapy is a science, but I also want to say physiotherapy is also an art. It is an art and science that we require today as we advance as a human race. I want to say that physiotherapy has been proven to do--

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*(Hon. Njomo crossed the Floor without bowing)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Member for Kiambu, you know what you have done, just go to the end and come back.

*(Hon. Njomo bowed at the Bar)*

**Hon. Kemei:** Physiotherapy has been known to do three things; quicken recovery, prolong life and improve activity. Those are very cardinal things in terms of helping people who have suffered injuries and the rest. Personally, I suffered an injury sometimes back during my sports days. I carry it on to-date. If it were not for physiotherapy, my movement would probably have been hampered. Therefore, I fully support this Bill, believing that the training of physiotherapists as both a science and an art, and the regulation of the conduct of physiotherapy, will be given more emphasis as we help our colleague, hon. Leonard Sang to improve on this Bill.

Hon. Temporary Deputy Speaker, there are those of us who have been living on the fast lane. I want to mention a footballer who has done this county a lot of good. Mickey Weche used to play football for both the national team and for the AFC Leopards. Mickey Weche was injured. If you see him today, you will not believe that he is the same person who used to be so aggressive in defence of the national football team and AFC Leopards. If it were not for physiotherapy, movement for Mickey Weche would have been hampered. If we have moved in terms of advancing as the human race, we must also improve the science, the technology and the techniques applicable in medical science, so that we can prolong life, quicken recovery and improve on activity.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shabesh): Yes, hon. Ferdinand Wanyonyi!

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, let me also add my voice to this debate. First of all, I would like to thank my brother, hon. Sang, for having come up with this Bill. I can tell this House for sure that some of us who are older know that physiotherapy has been in this country for some time. Sometime back I played

football. I had a friend who got injured. Somebody whom we thought was a physiotherapist, who was attached to the team, did the wrong thing.

So, the Mover has done well to bring this Bill to the House because, first, we are now looking at the standardised way of doing this; secondly, we want to be sure of the quality of physiotherapy; thirdly, we are, of course, going to have specific training in universities and some medical institutions. Therefore, we expect that trained personnel will be deployed to various clinics in the rural areas, where we will all benefit.

Hon. Temporary Deputy Speaker, apart from that, with this kind of body around, there is going to be confidence. We have the dentists' body in the medical cycle. We have the lawyers' council. So, we have some council in which we will have recourse in case something goes wrong. Therefore, this is a very good Bill, and we should all support it because it is very timely. I had a friend who had suffered a stroke. When you have a stroke out there, or you have a backache, you just walk into a clinic where you expect to get treated. Sometimes it takes months and years for you to get treated because the person who is treating you is not trained. Since it is a medical centre, you just walk in hoping that you will get a physiotherapist. With this kind of law, we are going to have specific clinics for physiotherapy. The service is good because I know of a friend of mine who had been bedridden. He went to some Chinese clinics, one of which is on Kimanthi Street. Within a very short time, after having suffered a stroke, he got treated. So, for this kind of treatment, we need to have centres specifically for this kind of treatment.

Hon. Temporary Deputy Speaker, last but not least, the fact that some people are being taken out of the country for physiotherapy means that the service is very important. I had two *Harambee* events in my constituency to raise money for sending somebody to India for simple physiotherapy. Therefore, this Bill is very timely. Instead of us spending money to seek treatment in foreign land, we will have professionals to take care of our patients. India and the Republic of South Africa have been beneficiaries of this treatment.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shabesh): Yes, hon. Abdikadir.

**Hon. Aden:** Thank you very much, hon. Temporary Deputy Speaker. I rise to support this very important Bill and join my colleagues in thanking hon. Sang for introducing this Bill in the House.

The setting up of the proposed body will help in creating professional management of the practice of physiotherapy in this country. As we very well know, all the other practices in medicine in this country are regulated by known bodies. Particularly, the practice of physiotherapy often involves caring and managing very delicate people, people with serious injuries who may not even be able to assist themselves or do very simple movements of their bodies as other normal person can do. Therefore, a physiotherapist is a person who, because of the fact that they constantly help handle people with, say, disability caused by injury or otherwise; it is very important that we provide for some regulations and a body to regulate the practice of physiotherapy.

Hon. Temporary Deputy Speaker, there is also traditional physiotherapy, which is very important. Where I come from, due to lack of professional physiotherapists, there are people who practise physiotherapy. The formation of the proposed body will enable us to have a better understanding of how we can tap those resourceful professionals who are not in the conventional physiotherapy or medicine practice, but who are very

knowledgeable people who have assisted many disabled people or people who have suffered injuries in places where there are no hospitals.

This critical practice of medicine is lacking in many of our hospitals across the country. Unfortunately, most of our hospitals are not equipped with the necessary equipment for physiotherapy. My constituency is not an exception. In Balambala Constituency, there is not a single facility with any equipment, however simple it is, to help attend to people in need of physiotherapy. We are often required to move injured people hundreds of kilometres to get them to the nearest hospital where the facility is available. It is my hope that the body that we are going to create will agitate and bring forth guidance to the county governments and the Ministry from a policy perspective, so that we can probably enforce it in such a way that we have physiotherapy facilities in medical facilities to the lowest possible levels.

Hon. Temporary Deputy Speaker, I end by saying that this is a very important Bill. The coming of these regulations is timely. Therefore, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shabesh): Yes, Member for Narok South!

**Hon. ole Lemein:** Hon. Temporary Deputy Speaker, let me take this opportunity to congratulate my very good friend, hon. Sang. This Bill has come at the right time. Look at the statistics, they reveal that 1.3 million Kenyans live with various disabilities; this is a high figure. I believe that this Bill has come at the right time because it is going to be of immense help to various people in this country who are suffering.

I wish to give a few comments with regard to funding of this matter. Membership should be levied. At the same time, I want to concur with hon. Millie that the Member should look at Clause 20 of the Bill. This is because there could be a clash or conflict of interest between the Universities Act and this Act.

I support this Bill.

**Hon. Kiso:** Thank you, hon. Temporary Deputy Speaker. I join my colleagues in congratulating *mheshimiwa* Sang for bringing this Motion that is quite timely and is geared towards bringing sanity in this very critical area; the sector of health. It is important to note that this is a life-saving way in which health can be administered in this country. I support this Bill wholesome because it will enhance standards in this physiotherapy profession. By ensuring that training and practice is regulated as is indicated in Part II, it means that there will be professional conduct in terms of skills and what is being administered. It will also enhance professional discipline at the same time. This is an area that involves the use of life-saving skills. All Kenyans need to be wary in terms of how it is supposed to be administered.

I also support this Bill because it deals with impunity when it comes to professional negligence. This Bill has provided mechanisms of dealing with the issue of discipline with regard to all persons practising physiotherapy. By forming the body the Bill is proposing, we will be ensuring that this country handles physiotherapy in a professional way. There are so many accidents that occur in this country and physiotherapy is a critical component of saving life. We need to support this Bill so that it goes through and we bring sanity to whatever is being done. As legislators, we need to look at the interests of physiotherapists. Let us look at the composition of this professional body and how it is supposed to execute its mandate – it is well structured in

this Bill. The body will provide for avenues on how training will be carried out and skills administered. It will create checks and balances on how all these things ought to be done.

I support the Bill.

**Hon. E. A. Keter:** First and foremost, I want to take this chance to congratulate my friend and neighbor for the able manner in which he has brought up this Bill. We do not need to emphasize the importance of physiotherapy in this country. There are so many cases of people who are in need of this service. These include victims of accidents on our roads and those who are harmed by thugs. Every day, we have a surge of accidents in this country. The creation of this body is very vital. I have pain explaining this matter. This is because I have my driver called Joseph who fell on a verandah. I took him to a physiotherapist who had no knowledge completely of what physiotherapy is. He put my driver on a machine – I do not know its name – and in the end my driver got paralyzed completely. I took him to Kijabe and I was told that I made a mistake. We, therefore, need to look at this body seriously so that we build it professionally. We need to have people who can assist us where cases of immobility occur, be it because of paralysis and so on.

I support this Bill.

**Hon. (Dr.) Kibunguchy:** Thank you, hon. Temporary Deputy Speaker. May I also join my colleagues in congratulating *mheshimiwa* Sang for coming up with this Bill. As you have heard, physiotherapists--- We are living in a world where there are many accidents, lifestyle diseases and so on. Physiotherapy, as a branch in the medical profession, comes in extremely handy for people who have had accidents, strokes or those who are born with certain disabilities.

This Bill is bringing sanity to the profession of physiotherapy. We have had physiotherapists in this country for a long time and sometimes it is not easy to know the genuine and well-trained physiotherapists. This Bill is to ensure that standards are upheld and training programmes are clear. That way, whichever institution that would like to train will be compelled to have very clear guidelines as to what to do. The Bill brings in quality of training and also regulation. Subsequently, it aims at registration of these physiotherapists. When you visit a physiotherapist, you will now be confident that he or she is properly trained and registered to offer the service.

I heard what my colleagues said about financing. Being a Member of the Departmental Committee on Health, I believe we are going to take that into consideration and then come up with a number of amendments to the Bill. Overall, it is a good Bill. It is a good starting point. I wholeheartedly support it.

**Hon. (Ms.) Chidzuga:** Shukrani sana. Nasimama kuunga mkono Mswada huu. Vile vile nampongeza Mbunge mwenzetu kwa kuleta hisia kama hizi ambazo zitaweza kukuza talanta ya wale wanaohusika na mambo ya kukanda mwili ili kuagua mifupa na mishipa ambayo ina shida.

Kamati inayohusika na masuala ya afya yapaswa kujua kwamba kuna watu ambao wamezaliwa na kipawa cha ukandaji. Si kwamba wamekwenda shule kusomea hiyo taaluma lakini wanafanya kazi nzuri sana kule nyanjani. Kwa mfano, kuna wakunga ambao walichukuliwa na kuwekwa mahospitalini ili kusaidia akina mama waja wazito. Kuna watu vile vile ambao hawahusiki na mambo ya uzazi lakini wanahusika na mambo ya mifupa; wao hawakusomea hii taaluma shuleni. Napendekeza kwamba wao pia

wachukuliwe na wapewe mafunzo zaidi ili waweze kusaidia jamii. Ni watu ambao wanaishi nasi katika jamii na wameweza kuokoa maisha licha ya kwamba hawajawahi kwenda shule.

Lingine ni kwamba hili baraza linalonuiwa kuundwa, liwafikirie wale ambao hawakusomea hii taaluma shuleni ili nao wawakilishwe katika hilo baraza. Hii ni kwa sababu watu hawa wataleta maarifa wanayoyapata kule nyanjani.

Wakenya wenzetu wanaosomea hii taaluma na kufanya kazi katika nchi za nje bado ni watu wetu. Tukifungua mlango ili waweze kurudi nyumbani na kufanya kazi humu nchini itakuwa ni bora kwetu. Tunapoteza pesa nyingi wakati hawa watu wanafanya kazi zao huko nchi za nje. Vile vile, tunapoteza pesa nyingi wakati tunawatuma wagonjwa wetu kwenda kupata matibabu nchi za nje. Hawa ambao wana ujuzi pia, Serikali iweze kufikiria kupanua zile hospitali ambazo tuko nazo ili wawahusishe. Waweze kupatiwa leseni na kuweza kuondolewa malipo ya KRA ili waweze kuleta mashine zao kutoka nchi za nje.

Kwa hayo, ninamshukuru Mhe. Sang. Nina imani huu ndio mwanzo wetu sisi kama Bunge hili ili kuweza, kumwaangalia huyo mwanachi ambaye anaumia na hana uwezo wa pesa za kwenda kwa matibabu. Hii ni njia moja ambapo itaweza kuwasaidia watu wetu. Asanteni

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Elisha Busienei of Turbo Constituency.

**Hon. Busienei:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. First of all, allow me to thank my friend, hon. Sang, for coming up with this very important Bill. Actually, with quite a number of challenges in the country and the growth of the population, physiotherapists are needed in a very big number.

I come from a region of herbalists and each and every one of them is serving as a physiotherapist. On retiring from any sports activity, each and every athlete needs to go for physiotherapy, maybe once or twice in a week. This field actually needs a lot of expansion and equipment in most of the rural hospitals because that is where quite a number of people need physiotherapy.

I do support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Member for Turbo for being very considerate to other Members because we still have quite a number who want to speak. Hon. Grace Kiptui of Baringo Constituency

**Hon. (Ms.) Kiptui:** Thank you, hon. Temporary Deputy Speaker for the opportunity. I also want to congratulate my colleague, hon. Sang for a wise thought to bring this Bill.

We know for sure that health issues in this country are a challenge, due to the vastness of the country and also the unavailability of enough medical personnel. We find that several people have set up what they call home-care practices. In most cases people who have got patients with issues to do with physiotherapy sometimes fall prey to these businessmen, who say they are offering home-care facilities. In most cases, they send physiotherapists whom we cannot verify whether they are qualified and in most cases they mess up patients. To me, this Bill will sort out those kinds of masqueraders.

The other thing is that physiotherapy, in most cases, is not taken seriously. Besides the issue of providing the watchdog council, we also need to do a lot of

awareness-creation to educate *wananchi*, so that they understand that sometimes they can be helped through physiotherapy. I want to congratulate my colleague and say this Bill is actually timely.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Benjamin Langat.

**Hon. Langat:** Thank you very much, hon. Temporary Deputy Speaker, for this opportunity to contribute to this Physiotherapists Bill, 2013. Allow me to congratulate my very good friend and former schoolmate, who was my senior in school and of course he became my student when he joined this House. He has been a very good student and being able to bring a Bill as a Member is the greatest achievement you can ever have. That is your principal role and therefore, I want to congratulate my friend, he has done very well in bringing this Bill. Given his background, I want to thank him for exercising his mind and bringing a Bill which is relevant to his profession. That actually explains why we should bring more professionals in the House, so that they will be able to look at their sectors.

Physiotherapy is a very special field and this is a very timely Bill. For a very long time, we have left this sector to quacks and the expense has been very huge to this country. Therefore, this being a medical health issue, it must be very strictly regulated. Life is not like vehicles or trees, this is about human beings and therefore all the health sectors must be regulated. I want to ask all the doctors in the House or those who have a medial background to ensure that we regulate the health sector.

Having said those words, because I do not need to talk much, I would only want to mention Clause 4(1) on the roles of the Council. I have seen under 4(2)(d) the council is supposed to prescribe and conduct examinations for purposes of registration under this Act in collaboration with approved institutions. I would want him to look at that because when I look at, for example, the Law Society of Kenya it does not conduct examinations. Maybe it only ensures quality standards in collaboration with the training institutions. This would be feasible. I do not foresee this council being able to conduct examinations. If we give it power to conduct examinations, I do know whether that will be feasible.

The other point I would want to make is under Clause 3 of the Bill, which speaks to the financial provisions of the council. I say this because I come from a financial background. I want the Member who has moved the Bill to relook at that section. This is because if we create a council and we do not give it express powers to levy from the membership of the council, then we may have a council---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Wind up hon. Member, your five minutes are over; wind up what you are saying.

**Hon. Langat:** Hon. Temporary Deputy Speaker, I was just saying we need to give it express provisions to be able to levy levies so that it is able to perform its functions. It is not even very clear whether this council will be receiving funding from the Exchequer. So, it should be very clear and I want the Member to relook so that we create a very competent council.

Hon. Temporary Deputy Speaker, with those very few remarks I say thank you very much and congratulations once again to hon. Sang.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Susan Musyoka from Machakos.

**Hon. (Ms.) Musyoka:** Thank you, hon. Temporary Deputy Speaker. I want first to congratulate hon. Sang for bringing this Bill to the House. It is a very important Bill. It has come very timely and it is very important for the physiotherapists to be regulated. Since Independence, one of the key things that Kenya undertook to do was to make sure we fight poverty, diseases and illiteracy. When it comes to diseases, we have regulations for medical doctors and nurses but we have not had regulations for the physiotherapists. So, this is a very important Bill and it will help in putting order in the practice of physiotherapy.

So, I want to support this Bill and say that I see it as something that will be very useful in the health service provision of this country. We need to know where the physiotherapists are and once we have a register from the council, we will know where they are and we will also know who is qualified to handle those people who need physiotherapy. Sometimes people confuse physiotherapy with massage parlours. So, now people will differentiate between the two. So, when you go to a massage parlour, that will be something that you are doing out of your own will. However, when you are ill and you need physiotherapy services then it will be easy to know where to go and to know those who are properly registered to offer that service.

Hon. Temporary Deputy Speaker, we are advocating for healthy living and because of healthy living people are becoming more active and, therefore, prone to injuries. When people get injuries and they need physiotherapy, it is necessary that the service is provided quickly so that they do not spend many days suffering from the illness. So, this is a very important Bill. It will regulate the physiotherapy services and it will also give people a position of what is happening in the health care sector.

The issue of professionalism---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up but just wind up what you are saying.

**Hon. (Ms.) Musyoka:** Thank you very much, hon. Temporary Deputy Speaker. I am just winding up by saying that we are now concentrating more on non-communicable diseases and injuries. So, if physiotherapy is regulated it will come in a very important position to help us in providing the services that are necessary.

Thank you very much and I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): We now call upon the Mover to reply.

**Hon. Sang:** Thank you, hon. Temporary Deputy Speaker. I want to appreciate my colleagues for all the contributions we have heard. We will take them on board. I want to say that I am a very happy man today because in some few days or weeks from today we are going to have the Physiotherapy Council of Kenya which will regulate the practice of physiotherapy.

I want to welcome hon. Dennitah Ghata, Member of Parliament for Migori County. We want to say sorry for her. She had an accident and I know she benefited from the services of a physiotherapist. We want to improve the service so that they can be quality service.

Also, I want to say that I am a very happy person because all those patients lying in my constituency because of terminal conditions, they are going to benefit from the services of quality physiotherapy. The lady from Trans-Nzoia who was shown on

television and it was said that she has been lying on bed for over 30 years will benefit from this Bill. Other Kenyans who are lying elsewhere because of major conditions are also going to benefit.

I want to thank all the hon. Members. Let me donate one minute to hon. Rotino and another minute to hon. Joseph Limo.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sang, you could have donated your time before speaking. Once you have spoken, you cannot donate your time.

**Hon. Sang:** I have just spent three minutes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Actually, you have spent four minutes.

**Hon. Sang:** I am very sorry, hon. Temporary Deputy Speaker. Thirty seconds for hon. Rotino and 30 seconds for hon. Limo.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You have to be very careful so that they do not overstep your five minutes.

**Hon. Limo:** Thank you, hon. Temporary Deputy Speaker. I want to support this Bill by saying that this is a very important Bill. It is actually going to help this country because it is the cheapest way of treatment. It is a physical way of healing and we want to support the bringing in of professionalism in this practice.

I want to conclude by saying that we need sustainability in this practice. Therefore, I will encourage hon. Members to actually introduce levies so that it will be sustained and reduce the cost on the Exchequer.

*(Question put and agreed to)*

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

*Second Reading*

THE RETIREMENT BENEFITS (DEPUTY PRESIDENT  
& DESIGNATED STATE OFFICERS) BILL

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, I beg to move that the Retirement Benefits (Deputy President & Designated State Officers) Bill, No.38 of 2013 be now read a Second Time.

I want to thank the House Business Committee (HBC) for prioritizing this Bill to appear on the Order Paper even though it should have come a little earlier. From the title of the Bill, you will realize that the main beneficiary of this Bill is the Deputy President and also other designated State officers as I will move in a short while. If you read Article 147 of the Constitution, it says "The Deputy President shall be the principal assistant of the President and shall deputise for the President in the execution of the President's functions." When the President is elected, he is elected jointly with the Deputy President. As we speak, we have a legal provision governing the retirement benefits of the President of the Republic of Kenya. Just before the end of the last term of Parliament, there was an



attempt to bring a Bill or an Act of Parliament in place and which Bill we passed allowing also for the provision of the retirement benefits of the Deputy President and other designated State officers but unfortunately the President then refused to assent to the Bill but assented only the amendment to his retirement Bill. Therefore, this Act will provide for the granting of pension and other retirement benefits to the persons who hold the offices of the Deputy President and holders of designated State offices upon their ceasing to hold office as such.

I want to emphasise “upon their ceasing to hold office as such” and not upon leaving politics. To provide for transitional purposes for the benefits to accrue to persons who have served as Prime Minister and Vice-President.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, your consultations are too high; please give hon. Ng’ongo time to move.

**Hon. Ng’ongo:** Hon. Temporary Deputy Speaker, to provide for the Deputy President whom the first holder of the office we know is Hon. Samoei. We are also providing for other offices. I want to state that the other offices we are providing for is the Office of the Speaker of the National Assembly and the Office of the Speaker of the Senate. These are also heads of the third arm of the government. As we speak, there is no provision in law on how to provide for retirement benefits of the offices of the two Speakers. This Bill, if it becomes law, will provide the legal framework on which we are supposed to provide for those retirement benefits.

The other officers who are benefiting but on transitional basis are the two offices; the Office of the Prime Minister of the Republic of Kenya. We will not, unless we change the Constitution, have another Prime Minister in this country. The only Prime Minister we have and we are likely to have for the rest of the history of this country is the former Prime Minister. So for transitional period, we are also providing for the retirement benefits of the Prime Minister. Also to be provided benefits is the one who has occupied the Office of the Vice-President and I would like to say that the Bill, as it is today, does not provide for the former Vice-President, hon. Moody Awori. I will be proposing an amendment to include that *Mzee* also to benefit because he also served this country for a full term as Vice-President.

I want to state that there are people who have sacrificed for this country in the way of offering service and, therefore, once those officers leave office, it is only natural that the Republic of Kenya provides for their retirement just like we do to other officers in the Government. The former Prime Minister of the Republic of Kenya, as we speak, does not have any retirement benefits attached to him despite the fact that he has served this country in different capacities and he has served this country with diligence. One may not agree with him but you can never re-write history of the Republic of Kenya. Hon. Raila will still remain in the history of this country as having sacrificed including even his life and health to serve and ensure that we enjoy the democratic space. Hon. Musyoka has served this country from as early as 1985 and he has served in different capacities; first as an Assistant Minister and then as a Minister of the Republic of Kenya

for so many years. He was offering service. Then he became the Vice-President of the Republic of Kenya at a time when this country was going through difficult moments.

I am saying that, probably, if hon. Kalonzo Musyoka did not make the decision to support the Government of hon. Mwai Kibaki, probably we would not have Kenya today. If the Rt. Hon. Raila Odinga did not accept to share power with His Excellency Mwai Kibaki, then we would not have Kenya today. Therefore, these are people whose service to this nation cannot and should not be underrated in any way. I was not happy when this Bill was taken before the Budget and Appropriations Committee for the insertion of Clause 3 which is indicating that for anyone to benefit, that person should not engage in elective politics. I want to repeat here, that we are providing these retirement benefits to these people who served and are no longer serving in those offices. Just the same way, if today, God forbid, I lose my Suba Parliamentary seat, I will still get benefits. I will be paid retirement benefits without quitting politics. I will still come and contest and be enjoying the benefits. For avoidance of doubt, I want to remind those that are arguing that actually it is already provided for, in Clause 4, that if you get elected, then you should not benefit from this retirement benefit. Or if you occupy any other State office, then your retirement benefits cease. You do not draw your retirement benefits. That should not worry anyone. I think in this country, it is high time we stopped criminalizing elective positions. We are acting in a way as though, if you get to an elective position, then you should be condemned forever.

Much of the legislation we pass in this House put a condition that if you were a Member of Parliament in the past five years, you should not get appointed to those positions. Why are we doing such kind of injustice to ourselves? What is wrong with someone being elected? Do I lose all the accounts that I learnt in school just because I have been a Member of Parliament? The answer is no. We should ask ourselves, those of us who are serving even for the first time; this is an opportunity to introduce an amendment to even my Bill, to provide for benefits also to those who have served one term in Parliament. I am waiting to see a Member introducing an amendment to this Bill because it was introduced in the last Parliament and the President refused to assent to it, which I find irregular. He was assenting to his retirement benefit, but denying others. What kind of discrimination is that? Why should you pay a Member of Parliament who has served two terms and not one who has only served one term? That is discrimination. This is the time, if the President rejects such an amendment; we come here, get two-thirds and overrule him. This is something that no one should be ashamed of because it is a fact that you have offered a service for five years and it should be recognized.

Allow me to go to the content of the Bill. For the retired Speakers of both the Senate and the National Assembly, I am proposing that we give a lump sum payment on retirement, a sum equal to one and a half years salary paid for each term paid in office. If you have served for only five years - remember hon. Kenneth Otiato Marende, who Kenyans even said made a Solomonic ruling, as we speak, that great Kenyan is not having any retirement benefit paid to him. How unjust can we be? If hon. Marende had not made a ruling on 15<sup>th</sup> January, 2008, we would not have had a Parliament that time. But, he overruled ODM which voted him into office and he insisted that all of us must swear through the Presidency, which we had refused to do. That is not someone to

downplay his service to the nation. If we give such a person one and a half years salary for the five years they worked as take off to settle in their new life, it would be fine.

The other thing I am proposing is to provide one saloon car.

Hon. Temporary Deputy Speaker, if what I have proposed is too much, this House will exercise its discretion to reduce. I have no problem but what I have proposed is to give each retiring Speaker – of the National Assembly and the Senate – one saloon car of not more than 2,000 cc. Those of us with vehicles know what I am talking about. This is not being extravagant in any way. The second vehicle should be a Four Wheel Drive of not more than 3,000 cc. Those are the only things, in terms of motor vehicles that I am proposing for Speakers and Deputy Speakers. For the former Prime Minister, I am adding a third vehicle. I am proposing two saloon cars and one Four Wheel Drive cars of the same engine capacity.

The former Prime Minister, who is my party leader, is the only individual who will benefit from this arrangement. Wherever he goes, I would like to see a saloon car in front and another saloon car at the rear. He will be in the middle, in the Four Wheel Drive car. I will be very comfortable that my party leader, whom I cherish a lot, is properly guarded and taken care of. I do not like a situation where I do not know how he moves around in this country yet I am a taxpayer and I believe in him. Actually, he is my president because I voted for him. Those who voted for hon. Raila Odinga in 2007 and made him president – I do not want to go to the history – would want to see him taken care of.

Hon. Temporary Deputy Speaker, the same is true for hon. Kalonzo Musyoka. Hon. Musyoka was the Vice-President for five years. I would like to see him also having one vehicle in front and one vehicle in the rear, with him in the middle with his Four Wheel Drive vehicle. Is that extravagance? In my view, it is not. This country can even afford to pay Kshs1.4 billion to people we do not know. We intend to pay another Kshs3.4 billion. Why can we not provide for people who have offered exemplary service to this country?

The other thing is to give them a 15 per cent fuel allowance. Of course, you do not pour water into the fuel tanks to have the vehicles move. You have to put fuel. Give them 15 per cent of the current monthly salary of the office holder. The other thing I have put is provision of medical cover for these people. Other benefits I have proposed for them are with regard to staff, which is found in the First Schedule, the Second Schedule and the Third Schedule of the Bill.

Hon. Temporary Deputy Speaker, Clause 5 talks about the Speakers; Clause 6 talks about the Prime Minister; Clause 7 talks about the Deputy President and the Vice-President and Clause 11 talks about entitled persons to be covered under any other Act. So, if you are benefiting through this Act, you cannot benefit again through another Act of Parliament. The former Prime Minister was also the Member of Parliament for Langata. He will only benefit under this Act.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Mbadi, you have five minutes to wind up.

**Hon. Ng'ongo:** Thank you. That will be sufficient.

Hon. Temporary Deputy Speaker, no other benefit shall accrue to you if you are benefiting from this Fund.

Clause 12 talks about the staff we are giving to these retired officers. They will be staffed under the Public Service but the person whom we are giving staff must have a say on who to work with.

About funds and expenses, five months to the end of each financial year, these offices will be required to provide their budgets, based on this Act, to be approved by the National Assembly.

Hon. Temporary Deputy Speaker, I want to conclude by going back to Clause 4, which says:-

“Despite the provisions of Section 3, the National Assembly may, on a Motion supported by the votes of not less than half of the Members thereof, resolve that an entitled person, surviving spouse or children, as the case may be, shall not receive any benefits conferred by this Act, on the grounds that such person-

(i) ceased to hold office on account of having acted in wilful violation of the Constitution;

(ii) was guilty of misconduct”

There are people who, after we give them pension or retirement benefits, they get into misconduct. If you are such a person, you cease getting the benefit. If you are taken to jail and imprisoned for three years or more, then you will not benefit from this.

(2) “Where an entitled person holds any appointive or elective post in or under the Government to which there is attached a rate to pay, other than a nominal rate, the benefits to which he is entitled shall be reduced by the amount of such pay.”

That also makes a lot of sense. More importantly, this Bill also provides that the Government can call upon a retired person under the Act to perform some other duties for the State. Maybe we want to make you an ambassador somewhere or we feel that you are an eminent person then we can use you. If there is payment to that effect, this will be reduced from the pension.

I would like to urge this House to look at this Bill objectively. Do not look at it like it is a Kalonzo/Raila Bill. This is a Bill for the Deputy President and designated State officers. We will have so many Deputy Presidents; right now you may be in office and you think that from there you will be President, only to realize that the highest office you have reached is that of the Deputy President. What will happen to you once you leave the office?

With those many remarks, I beg to move and ask the great MP for Kiminini, hon. Dr. Chris Wamalwa Wakhungu to second.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. I rise to second this Bill. It is, indeed, very important and, in fact, long overdue. If you look at the numbering, it is titled “38”. That means that it is supposed to have come earlier. I do not know why there was the delay.

In terms of retirement benefits, you are compensated because of the risks that you have gone through and the responsibilities that you have had. If you look at the Deputy President, as has been clearly explained by hon. Mbadi in Article 147 of the Constitution, this is a very critical person. In case of any incapacitation suffered by the President, the Deputy President takes over. This Bill has come at the right time in order to take care of the interests of the Deputy President. The only Prime Minister and the only one we will ever have is hon. Raila Amolo Odinga, according to the National Accord. He played a

very critical role as far as peace in this country is concerned. Unfortunately, at the moment, hon. Raila has no security; no medical cover and so on. He has nothing and yet he played a very critical role as far as the improvement of the welfare of this country is concerned. Going back to single party days, he played a critical role in terms of ensuring that we have freedom of expression and speech. This he did together with the likes of hon. Stanley Matiba and hon. Charles Rubia. He played a critical role. It is, therefore, important that when it comes to retirement benefits we look at this issue critically.

With regard to the Deputy President, as the hon. Member has said, we want to do an amendment so that this can also affect hon. Moody Awori and hon. Kalonzo Musyoka. This will not just stop there. We know very well that hon. Wamalwa Kijana, who was a vice-president in this country died in office. At a later stage, we are also going to bring an amendment so that we can include the name of the late hon. Wamalwa Kijana who died in office serving as the vice-president of this country. He worked very closely with hon. Mwai Kibaki to bring a lot of development in this country.

With regard to Members of Parliament, I know there is a provision for those who have done two terms. However, we cannot afford Members of Parliament who have served the first term. The risks that they go through and the responsibilities that they have in terms of legislation, oversight and representation, it is very critical that at a later stage we bring some amendments so that we include one-term Members of Parliament. Where will they go? After Members of Parliament leave here, you meet some of them out there, misery written all over their faces. I would not want to see this.

The Speaker is very important. When you look at Article 139 of the Constitution, in case of incapacitation of the President and the Deputy President, the Speaker is next in command. We would not want to see this misery. I have read in the newspapers that hon. Kenneth Marende was taken to court because he was unable to provide for his children. We would not want to see such an embarrassment. Hon. Marende played a very critical role as far as rulings in this House are concerned. I do not want to see a situation in future where hon. Muturi is unable to provide for his children when he comes out of that Chair. That is why it is important that we must provide for the Speakers of both Houses. It is because they play a critical role as far as legislation is concerned.

With regard to Clause 3, the issue of saying that unless you come out of active politics was said in bad faith. The originator of the Bill did not propose that. It was shameful to insert such a clause, maybe, through the Budget and Appropriations Committee. We must see how we are going to remove this. I am requesting that hon. Members support this.

I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You did not have to do that. I wanted to give you four more minutes.

## ADJOURNMENT

Hon. Members, it is now time to interrupt business of the House. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.