

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

### SPECIAL SITTING

Thursday, 17<sup>th</sup> December, 2015

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

PRAYERS

### COMMUNICATION FROM THE CHAIR

#### RESIGNATION OF HON. DANIEL KAZUNGU AS MP

**Hon. Speaker:** Hon. Members, I wish to notify you that, yesterday afternoon at the rise of the House, I received a letter from the Member for Malindi Constituency, the Hon. Daniel Kazungu Mzee, MP, conveying his decision to resign as a Member of Parliament.

*(Applause)*

In his letter, dated 16<sup>th</sup> December, 2015, the Member indicates that his resignation is informed by the decision of His Excellency the President to nominate him to the position of Cabinet Secretary, the subsequent approval by the National Assembly and in conformity with the provisions of Article 152(3) of the Constitution which provides that, a Cabinet Secretary, shall not be a member of Parliament.

The Member also requested me to convey his sincere appreciation to the leadership and administration of Parliament for facilitating his work towards enabling him to execute his mandate during his tenure as the Member for Malindi. He also indicates that he looks forward to interacting with Members of Parliament particularly in this House, in his new capacity.

Hon. Members, may I take this opportunity on my own behalf and that of the House to wish Hon. Daniel Kazungu well as he takes up his new responsibility in the Executive.

I thank you.

### MESSAGE

#### PUBLIC AUDIT/PUBLIC PROCUREMENT AND ASSET DISPOSAL BILLS

**Hon. Speaker:** Hon. Members, you will recall that on 18<sup>th</sup> and 23<sup>rd</sup> June, this year, following refusal to assent to the Public Audit Bill, 2014 (National Assembly Bill No.38 of 2014), and the Public Procurement and Asset Disposal Bill, 2014 (National Assembly Bill No.40

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of 2014) by the President, this House reconsidered and passed, the two Bills again, fully accommodating the President's Reservations. This signified the passage of the two Bills a second time by the National Assembly. The Memoranda by H.E. the President together with the House Resolutions were thereafter forwarded to the Senate for consideration.

Pursuant to the provisions of Standing Order No.41(4) relating to Messages from the Senate, I wish to report that I have received a Message from the Senate regarding the Approval of His Excellency the President's Reservations to the Public Audit Bill, (National Assembly Bill No.38 of 2014) and the Public Procurement and Asset Disposal Bill (National Assembly Bill No.40 of 2014).

Hon. Members, the Message from the Senate states in part, and I quote:

“The Senate, on Wednesday, 16<sup>th</sup> December, 2015 reconsidered and passed the Public Audit Bill, 2014 and the Public Procurement and Asset Disposal Bill, 2014, fully accommodating the President's Reservations and without proposing any amendments to the said reservations.”

This decision of the Senate signifies the passage of the two Bills by Parliament with amendments that fully accommodate the President's Reservations in accordance with Article 115(3) of the Constitution. As I have stated, the National Assembly had already passed the two Bills fully accommodating the President's Reservations in June, this year.

Consequently, I will proceed to re-submit the two Bills to the President for assent in accordance to Article 115(3) of the Constitution.

Hon. Members, even as I do so, I wish to remind the House that the two Bills ought to have been enacted by Parliament by 27<sup>th</sup> May, 2015, the original deadline of 27<sup>th</sup> August 27, 2014 having been extended by nine months. Part of the difficulties that the two Houses faced would be attributable to shortcomings in the Rules of Procedure of both Houses regarding the manner of considering Presidential Reservations on Bills concerning county governments.

May I reiterate, Hon. Members, the guidance contained in my Communication to the House concerning this matter on 16<sup>th</sup> June, 2015 and on 18<sup>th</sup> July, 2015, and further request our Procedure and House Rules Committee to move with speed and seek concurrence with our counterparts in the Senate with a view to finding consensus on the matter in line with the Constitution.

I thank you, Hon. Members.

### PAPERS LAID.

**Hon. Speaker:** Yes, Hon. Chachu

**Hon. Chachu:** Hon. Speaker, I beg to lay the following Paper on the Table of the House, today Thursday, 17<sup>th</sup> December, 2015:-

The Report of the Mediation Committee over the National Drought Management Authority Bill, 2014 (National Assembly Bill No.42 of 2013).

**Hon. Speaker:** Let us now have the Chairperson of the Departmental Committee on Delegated Legislation, Hon. Cheptumo.

**Hon. Cheptumo:** Hon. Speaker, I beg to lay the following Papers on the Table today, Thursday, 17<sup>th</sup> December, 2015:-

The Reports of the Committee on Delegated Legislation on its consideration of the Kaimosi Friends University College Order, 2015; the Kisumu National Polytechnic Order, 2014; the

Eldoret National Polytechnic Order, 2014; the Human Resource Management Professionals Registration and Training Regulation, 2015; and, the Kenya Technical Trainers Order, 2014.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us now have the Chairperson of the Departmental Committee on Education, Research and Technology.

**Hon. (Ms.) S. W. Chege:** Hon. Speaker, I beg to lay the following Paper on the Table today, Thursday, 17<sup>th</sup> December, 2015:-

The Report on the Departmental Committee on Education, Research and Technology on the World Education Forum in Seoul, South Korea.

Thank you, Hon. Speaker.

## NOTICE OF MOTION

### ADOPTION OF REPORTS ON INSTITUTIONS OF HIGHER LEARNING

**Hon. Speaker:** Yes, Hon. Cheptumo.

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

THAT, this House adopts the Reports of the Committee on Delegated Legislation on its consideration of the Kaimosi Friends University College Order, 2015; the Kisumu National Polytechnic Order, 2014; the Eldoret National Polytechnic Order, 2014; the Human Resource Management Professionals Registration and Training Regulation, 2015; and, the Kenya Technical Trainers Order, 2014 laid on the Table today, Thursday, 17<sup>th</sup> December, 2015.

## BILL

*(First Reading)*

### THE CONSTITUTION OF KENYA (AMENDMENT) (NO.6) BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

## SPECIAL MOTIONS

### APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARIES

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, 16<sup>th</sup> December, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Ms. Aidah Munano as the Principal Secretary, State Department for Housing and Urban Development; Dr. Paul Maringa Mwangi as the Principal Secretary, State Department for Public Works; Mr. Wilson Nyakera Irungu as the Principal Secretary, State Department for

Transport; and, Mrs. Nancy Karigithu as the Principal Secretary, State Department for Maritime Commerce

*(Hon. Kamanda on 16.12.2015)*

*(Resumption of debate interrupted on 17.12.2015)*

**Hon. Speaker:** Hon. Members, debate on this Motion was concluded in the morning sitting and what remains is for me to put the Question, which I hereby proceed to do.

*(Question put and agreed to)*

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock & Cooperatives on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, 16<sup>th</sup> December, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr. Andrew K. Tuimur as the Principal Secretary, State Department for Livestock, and Mr. Patrick Nduati Mwangi as the Principal Secretary, State Department for Irrigation.

*(Hon. Nooru on 16.12.2015)*

*(Resumption of debate interrupted on 17.12.2015)*

**Hon. Speaker:** Again, Hon. Members, debate on this Motion was concluded in the morning sitting and what remains is for me to put the Question.

*(Question put and agreed to)*

THAT, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the Vetting of a Person for Appointment as Principal Secretary, laid on the Table of the House on Wednesday, 16<sup>th</sup> December, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr. Dinah Jerotich Mwinzi as the Principal Secretary, State Department for Vocational and Technical Training.

*(Hon. (Ms.) S. W. Chege on 16.12.2015)*

*(Resumption of debate interrupted on 16.12.2015)*

**Hon. Speaker:** Hon. Members, debate on this was also concluded. What remains is for me to put the Question. I proceed to do so.

*(Question put and agreed to)*

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, 16<sup>th</sup> December, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mrs. Susan N. Mochache as the Principal Secretary, State Department for Social Security and Services; Mr. Joseph Robert Okudo as the Principal Secretary, State Department for Arts and Culture; and, Mrs. Zeinab W. Hussein as the Principal Secretary, State Department for Gender Affairs.

*(Hon. Were on 16.12.2015)*

*(Resumption of debate interrupted on 17.12.2015)*

**Hon. Speaker:** Hon. Members, similarly, debate on this order was concluded in the morning. I put the Question.

*(Question put and agreed to)*

**Hon. Speaker:** Yes, Hon. Kamama.

**Hon. Abongotum:** Hon. Speaker, I beg to move:-

THAT, this House adopts the Report of the Joint Departmental Committees on Administration & National Security, and Labour and Social Welfare on the Vetting of a Person for Appointment as Principal Secretary, laid on the Table of the House on Wednesday, 16<sup>th</sup> December, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mrs. Lilian Omollo as the Principal Secretary, State Department for Youth and Public Service.

Hon. Speaker, on behalf of the Joint Departmental Committees on Administration & National Security, and Labour and Social Welfare, and pursuant to the provisions of Standing Order No.199(6), it is my pleasant privilege and honour to present to the House the Report of the Committee on the vetting of Mrs. Lilian Omollo as the Principal Secretary, State Department for Youth and Public Service. I co-chaired the vetting session with my able friend, Hon. Were.

At the outset, I just want to inform the House that Mrs. Lilian Omollo is an accomplished professional who has attended courses in several universities and also worked in several capacities.

First, in terms of education background, this lady holds a Master's Degree in Education and a major in Entrepreneurship Studies from the University of Illinois at Urbana Champaign in United States of America (USA). He also has a Bachelor of Education from Kenyatta University.

In terms of professional experience, she has worked with the United Nations Development Programme (UNDP). She has also worked with the Catholic Relief Services (CRS) in the Northern part of this country. I guess she has also worked in Southern Sudan.

The Nominee has also worked for the Southern Sudan Council for churches. She has been an officer with the UNDP. Before her nomination as Principal Secretary, she was serving as the Chief Executive Officer (CEO) for New Partnership for Africa's Development

(NEPAD)/African Peer Review Mechanism (APRM), Kenya Office, where she has been since October, 2011.

In terms of potential conflict of interest, there were no issues of conflict of interest. The lady does not have any challenges related to Integrity.

In terms of vision for this important Ministry, she will be in charge of the entire Public Service. She will be driving all policies cascading all the way to the counties and working closely with the County Public Service.

We asked her several questions, especially on her vision on several areas in the service. First, was the issue of staff rationalization at the county and the national levels. As we speak there are disparities on how the officers from the National Public Service and the County Public Service are remunerated. This has created an issue of low morale especially at the national level and she promised to deal with this issue.

In terms of public service output, she promised that her vision is to implement performance contracting just the way it used to be done when Hon. Akaranga was in office, and partly when I was also a Minister for a few months and when Hon. Dalma Otieno also served in that Ministry. So, she will implement and entrench performance contracting.

In service delivery, we found that this lady was among a group, including former Ministers, who came up with the concept of Huduma Centres that has proved to be very efficient in terms of giving Identity (ID) cards to our youth. They started with giving out 500 cards per day, but now they are able to deliver 4,000 ID cards per day.

She also commented a lot on performance contracting that she is going to make real and not in theory or ceremony, the way it is now.

In terms of youth empowerment, she promised to work by way of making sure that the youth of this country are empowered, are given the necessary skills to deliver and ensure that they lead better lives like in the other middle income countries.

I just want to say that by way of observation, the Committee established that the nominee has significant experience.

By way of summary, I just want to confirm to the House that this lady is professionally qualified, she has better skills and competencies to deliver on her mandate and that she has been cleared by the HELB, the EACC, the CID and the Credit Reference Bureau (CRB).

I want to confirm to the House that this lady exhibited excellent communication and interpersonal skills. She was extremely eloquent and she understood her staff extremely well. The Joint Committee recommended that:-

“Having considered the suitability, capacity and integrity of the nominee, and pursuant to the provision of Article 155(3)(b) of the Constitution and Section 8(2) of the Public Appointment (Parliamentary Approval) Act No.33 of 2011, the National Assembly approves the nomination and subsequent appointment of Mrs. Lilian Omollo for appointment to the position of Principal Secretary in the State Department of Youth and Public Service.”

So, I beg to move and I will ask my able Co-Chairman, Hon. Were the Member for Matungu to second.

Thank you.

**Hon. Speaker:** Let us have Hon. Were, the Member for Matungu.

**Hon. Were:** Thank you, Hon. Speaker. I rise to second this Motion. I want to confirm that we interviewed this lady and she came out quite well. In fact, her level of intelligence was

very impressive. Her way of responding to questions that were raised was very good. I would say that out of all the candidates that we vetted, we rated this one as the best.

I would only hope that when she takes over the position that she should convert her eloquence and knowledge into something that will help our country and especially our youth. We found that she has a lot of information and knowledge on the workings of the National Youth Service (NYS). She promised that she will work very hard to improve the NYS so that it comes out of the problems that it is having right now.

I beg to Second.

**Hon. Speaker:** Hon. Members allow me to propose the Question. The Question must first be proposed.

*(Question proposed)*

**Hon. Speaker:** Let us have Hon. Tiya Galgalo.

**Hon. (Ms.) T. G. Ali:** Thank you, Hon. Speaker. I support the nomination of Mrs. Lilian Omollo as the Permanent Secretary for Youth and Public Service. I was one of the persons who interviewed and vetted her. We concluded that she is a very knowledgeable person. We realised that Mrs. Lilian Omollo is a real Kenyan. She is married to a Mr. Omollo from Nyanza, she is from Embu, but her mother is from the Kamba community. Therefore, she represents the face of Kenya.

I want Hon. Members to appreciate that women are true Kenyans, no matter where they come from. This is because they crisscross the whole country. It is important that we acknowledge them as Kenyans. Mrs. Lilian Mbogo has a very clear vision for this Ministry and Department. She has very clear objectives on how to handle staff rationalization at both the county and national levels, and how to handle public service output and strategies.

Also being in the Ministry responsible for youth affairs, she has very specific things she wants to do to ensure that the youth are empowered. One of the things that she said, which we really appreciated, is that she will ensure that the youth have sustainable sources of income through implementation of sustainable economic empowerment programmes. When we implement youth projects, many times we repeat things that do not work. Lilian was very clear on what she intends to do. We really appreciate her.

With those remarks, I support and ask Hon. Members to also support her.

**Hon. Speaker:** Yes, Hon. John Kobado.

**Hon. Kobado:** Thank you, Hon. Speaker. The lady was vetted by the Committee in which I sit. Initially, we thought that we were dealing with two different individuals because the names we had were Ms. Lilian Mbogo and Ms. Lilian Mbogo Omollo. The lady was able to produce the Omollo physically to prove that she is married to him. As my Vice-Chair said, she is really the face of this nation.

The lady is moving into a department with serious challenges. We know very well that the current Government performance is below par in terms of productivity and efficiency. In the Government, we have serious cases of resource wastages and issues to do with empowerment. Therefore, the lady is coming in at a very appropriate time. She was able to prove that she will deal with these issues. We need professionals who will reinvent Government, so that its performance can improve.

We know that currently Kenyans pay more in terms of taxes and receive less in terms of services. Indeed, we need professionals who are able to create Government structures that work

better but cost less. That attribute can be found in this great Kenyan. Governments do not succeed; it is the people who succeed. People succeed through effective managers. So, we expect to get a lot from this lady in terms of management. She was able to demonstrate that she is suitable for the job for which she has been nominated in terms of qualifications, experience and the necessary people handling skills required in working with others in order to turn around Government service delivery.

Therefore, I strongly support the appointment of this lady to the position of PS.

**Hon. Speaker:** Let us have Hon. Korere.

**Hon. (Ms.) Korere:** Thank you, Hon. Speaker. I stand to support the nominee, Mrs. Lilian Omollo. At the outset, I want to commend the President for the appointments. Since yesterday, we have been discussing a list of nominees. The President has shown his trust for the youth and the women of this country.

I also support with a lot of reservations because these lists lack seriousness in terms of representation of minorities and other special groups. Talking about the minorities, in the Public Service of Kenya in all previous regimes since Independence, we have never had a single Ndorobo appointed a CS or a PS. Since I represent the Ndorobo, let me give some free advice that these people are not adulterated with corruption. They can be the best people to bail this country out of the menace of corruption.

As I support the nominee, it is my humble plea that when the Executive make more appointments, they will consider the minority tribes, especially the Ndorobo and other special groups.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Ken Okoth.

**Hon. Okoth:** Thank you, Hon. Speaker. I rise to support the nomination and concur with Hon. Sarah Korere. Indeed, people who are unadulterated by corruption should be given a chance. This is especially when they come from groups that are part of the Kenyan society but have not had a chance. These include the Ndorobo, the Nubi of Kibra and others.

The docket that Ms. Lilian Omollo will be representing and serving in is very important. Our youth are crying for empowerment schemes. I hope that she will be a hands-on and innovative leader, and that the whole team at the Ministry will give her the support she needs to reinvent the policies and programmes quickly. The youth are tired of promises that do not materialise. We, in this House, are ready to support her position in the Ministry through the Budget and formulation of policies and laws. This will ensure that more youth empowerment programmes are put in place to enable our young people to live decently and participate in nation building and realise their full potential in sporting activities and career advancement.

We are hosting the World Trade Organisation (WTO) Ministerial Conference, 2015 in Nairobi this week. This is, indeed, a proud moment for Kenya. Young people who want to go and work in other parts of Africa, in the Middle East, in far off in Asia, North America and South America should be facilitated through the Ministry of Labour and the Department of Youth Affairs. I look forward to this nominee taking on with full vigour the job she has been picked for once this House approves her nomination and she gets appointed.

With those remarks, I support.

**Hon. Speaker:** Yes, the Member for Kandara.

**Hon. (Ms.) Wahome:** Thank you, Hon. Speaker. I want to support this nomination. I am a Member of the Committee that vetted Lilian Omollo. She is one of the few nominees that are under 45 years old. She confirmed her age as 41. She demonstrated youthfulness, including



energy in terms of this appointment. I particularly support this specific nomination because there is a tendency to marginalise women, especially those who are married outside their own counties. Women have no clan or counties; they almost have no names or postal addresses.

I want to say that we have had previous cases of women who got married outside their maternal or paternal areas just like Lillian, who is now in another community. I say this because this matter was raised in the Committee.

Eventually, the Committee was happy because she was very proficient, firm and exhibited a lot of knowledge, eloquence and skill in the public sector. I want to encourage Kenyans to accept women married within their communities. Women are without borders. Therefore, we must stop disadvantaging them on the basis of marital status.

I want to thank the President and also join those who have raised an issue in terms of gender. We need to look at the gap and find ways of filling it in terms of the next appointment. As we laud His Excellency for this and other nominations, we are still waiting for another nomination for Cabinet Secretary (CS).

Thank you.

**Hon. Speaker:** Yes, the Member for Homa Bay.

**Hon. Kaluma:** Thank you, Hon. Speaker. This is my “maiden speech” after a long absence from the House during which I was honoured by the people for Homa Bay to serve them as their Chairman, the Orange Democratic Movement (ODM) party.

The matter we are dealing with is very serious. I have looked at the documentation presented in terms of the academic and professional qualifications of this lady. Since we started vetting ladies in this Assembly of the people of Kenya, this lady is only comparable to one, Dr. Monica Juma. She is a lady whose way I do not want to stand in. The vetting exercise by the National Assembly is now required to take a very serious direction. You remember when the Cabinet and the positions of Principal Secretaries (PSs) were initially filled, we had issues about regional and ethnic balance which were raised. We thought over time they should be dealt with. The President had a good opportunity to deal with this.

I want to raise concerns about issues of marginalised groups. Those issues of regional and ethnic balances still have not been dealt with in the manner we thought they would be.

There is even a bigger problem coming up which is the reason I stood up to point out. There is a wrong sense of entitlement being given to communities over various public offices. Kazungu Kambi left his office and in his place we had Daniel Kazungu. Chirchir left his office and in his place we appointed and approved yesterday Hon. Keter. Kosgey left the Agriculture Ministry and in his place we put Bett. Hon. Waiguru left and in her place we put Sicily Kariuki. Engineer Kamau leaves and you swap him with Macharia. If we continue in this manner, there is no way communities like the Ndorobo, Ogiek and others who have nobody to replace will ever serve this country under this regime. I wanted to request the President that as we approve this, we will be alert to those realities so that inclusivity---

**Hon. Speaker:** Let us have the Deputy Leader of the Majority Party.

**Hon. (Dr.) Ms. Shaban:** Ahsante sana Mhe. Spika. Mimi pia ninataka kuunga mkono mjadala huu kumhusu Lilian Omollo kuwa Katibu wa Kudumu kwenye Serikali hii ya Jubilee. Kama inavyosemekana ni kuwa akina mama hawana sanduku la posta. Kule wanakokwenda, ndiko wanakofika. Wakipata waume ama watoto utakuta pia wanatuzalia makabila tofauti hapa Kenya kwa sababu ya kuweza kuunganisha nchi. Kwa hivyo, akina mama hapa Kenya na duniani nzima ndio wenye kuunganisha ulimwengu.

Ukiangalia stakabadhi za Lilian Omollo zinaonyesha kuwa ana ujuzi na anaweza kazi. Hivyo basi, ninaunga mkono nikimtakia kila la heri, na ningependa alete ujuzi na haswa, yale mafunzo aliyopata huko upande wa Nyanza katika Serikali ya Jubilee ili aweze kutuonyesha na kutuwezesha kufanya kazi kama Wakenya kwa ujumla.

Ninaunga mkono.

**Hon. Speaker:** Yes, Hon. Suleiman Murunga.

**Hon. Kasuti:** Thank you, Hon. Speaker for giving me the opportunity. First of all, I would like to thank the President for the appointments that he made of various Kenyans to various positions. In my opinion, the choices represent the face of Kenya. I do not think we should be complaining about the various people that have not been considered or communities but rather thank the President for the work he has done.

In this case, Ms. Omollo, from what I know about her, is going to do a good job especially now that she is a youth. The Ministry she is going to run is for the youth. Therefore, she should be able to render services to the youth and the rest of Kenyans.

With that I would like to thank the President once more for these appointments. I support the appointment.

Thank you.

**Hon. Speaker:** Yes, the Member for Juja.

**Hon. Francis Waititu:** Thank you, Hon. Speaker for giving me this chance. I also support the appointment of Lilian and once again thank the President of the Republic of Kenya and his Jubilee Government. I saw how Lilian presented herself during the vetting process and I sincerely thank the President because this time round we are having a lot of hope on the Kenyans who have been vetting because we know they will do a good job. The President this time round has not only concentrated on gender balance but has tried to give women who are married outside other communities jobs. This is the first President of the Republic of Kenya who has come up with a different idea from the rest.

I wish my friend, Hon. Jakoyo Midiwo, was here because normally I like visiting Kisumu. There is a time I was challenging him and asking him: "In Kenya which tribe has married Kikuyu girls more than other tribes?" Of course it is the Luo who have married Kikuyu girls. In that case, you are our *shemejis* more than the Luhya.

*(Laughter)*

I thank the President because if we go this way, tribalism will end in this country.

With that, I thank the President and ask my friend Hon. Jakoyo Midiwo--- I think most Members of Parliament here are people who have married women from the Kikuyu community and other communities. This is how we will end tribalism in our country.

Thank you for giving me the chance.

**Hon. Speaker:** Let us now have Hon. Olago Aluoch

**Hon. Aluoch:** Thank you, Hon. Speaker. I stand to support the nomination of Lilian Mbugua Omollo not just because she happens to be my sister-in-law and my constituent but because she also has what it takes to be a PS. If you look at the Report, you will find that she has the proper academic credentials. She has the relevant experience and exposure. She is taking up a very challenging position, that of youth in particular. It is challenging in the sense that she will have to deal with issue of jobs and empowerment of the youth.

These are issues that she has had to deal with in her past. Therefore, it will not be new to her. There are Members in this House who are saying that it is not fair that she is taking over the position of Mr. Mangiti who comes from the other part of Nyanza. She also comes from Kisumu County, Kisumu West Constituency in particular.

As much as we must be open and clear about regional balance, we must make it a little wider so that regional balance does not just mean what used to be Nyanza or Central. There should be a mixture. An hon. Member said here in this House that this time we are looking at Kenyan ladies who are married outside their constituencies. Mrs. Lilian Omollo is a good example.

Indeed, Mrs. Lilian Omollo is what a true Kenyan ought to be. She is a Kenyan with a background in Embu, Kamba and will be buried in Kisumu West Constituency. Therefore, if we were to look at issues that way, then tribalism would die a natural death. So, the President did the right thing in nominating Mrs. Lilian Omollo for this position.

I wish to support her nomination.

Thank you.

**Hon. Speaker:** Let us hear from the Mover, Hon. Were.

**Hon. Were:** Hon. Speaker, I would like to give a minute to Hon. Cecily Mbarire.

**Hon. Speaker:** Very well.

**Hon. (Ms.) Mbarire:** Thank you, Hon. Speaker. I rise to support this Motion. I am very glad having heard Hon. Olago Aluoch supporting the appointment of Mrs. Lilian Omollo, adding that this will assist fight tribalism in this country.

I know Mrs. Lilian Mbogo. She went to one of the finest secondary schools in this nation which is Sacred Heart, Kieni. This is where I also went to, in Embu County. That is the reason why she is where she is today. We know the good work which she has done in the NEPAD and in the Ministry of Devolution and Planning. I want to assure all of you here that for sure I know that she will perform well. We, the people from Embu are also very proud of her. She is our daughter and we own her like the Luo do. I want to thank the President for giving this appointment to a great woman.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have Hon. Were now.

**Hon. Were:** Thank you, Hon. Speaker. As I said earlier on, when we vetted Mrs. Omollo, we found her to be fit and competent. We are sure that she will be effective in performing her duties that she has been nominated to perform.

We thank the President for having made such an appointment and all the Committee Members both from the Departmental Committee on Administration and National Security and Departmental Committee on Labour and Social Welfare for vetting her. We also thank all the Members of Parliament who have participated in approving this lady for the position she has been nominated for.

With those few remarks, I beg to reply.

*(Question put and agreed to)*

**Hon. Speaker:** Let us have the Chairperson, Departmental Committee on Health.

**Hon. (Ms.) R. K. Nyamai:** Hon. Speaker, I beg to move the following Special Motion:-

THAT, this House adopts the Report of the Departmental Committee on Health on the Vetting of a Person for Appointment as Principal Secretary, laid on

the Table of the House on Wednesday 16<sup>th</sup> December, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr. Nicholas Muraguri as the Principal Secretary, State Department of Health.

Hon. Speaker, the Departmental Committee on Health interviewed Dr. Nicholas Muraguri who appeared before us on Friday, 11<sup>th</sup> December, 2015. He was orally interviewed by the Committee. In the process of seeking questions from him, the Committee examined him on various areas. We started with his academic qualification, employment record, professional affiliation and his potential conflict of interest with the Ministry of Public Health and Sanitation.

We also looked at his knowledge on the subject matter, overall suitability for the position, integrity and vision for leadership in this kind of position which is highly demanding. We also considered his vision for leadership and expectations and key priorities, if he gets the position.

In terms of academic qualification, Dr. Muraguri is highly qualified. He is currently pursuing a PhD in Public Health from Gate University in Belgium. He was also pursuing a Masters in Development Studies from Mount Kenya University. He holds a Global Executive Masters of Business Administration.

He got First Class Honours from the United States International University (USIU), Columbia Business School. He also holds a Masters degree in Public Health which he got a First Class Honours from the University of Pretoria. He also holds a Bachelor of Medicine and Surgery from the University of Nairobi, among other professional qualifications. We, therefore, found Dr. Muraguri to be highly qualified academically for this position.

In terms of experience, he has worked as a medical officer at various cadres, including the district and provincial level. This means that he fully understands what is required at the national health level and also at the counties. He served as a Director at the Division of Health Promotion in the Ministry of Public Health and Sanitation from 2004 to 2008.

He also served as a Director of National AIDS and STIs Control, a programme at the Ministry of Public Health and Sanitation for three years that is from 2012 to 2014.

He was the Executive Director for Joint United Nations Programme on Human Immunodeficiency Virus (HIV). He has been holding the position as the Director of Medical Services in the Ministry of Public Health and Sanitation.

He has served as a Technical Adviser and Member of the Technical Steering Committee for Ministerial Initiative for Women Ministers of Health, which shows that he supports women. He is also an adviser in the health promotion to the World Health Organisation (WHO).

He also holds various awards of excellence such as the Order of Grant Warrior (OGW) for the distinguished service in the Ministry of Public Health and Sanitation. He holds a Minister of Health Merit Award for the Best Programme Manager. This shows that he has been working hard even before he got nominated to this position.

Dr. Muraguri is a member of several professional organisations which shows his commitment to his work. This includes the Inter-Agency Technical Team, International AIDS Society, International Union of Health Promotion and Education and the Kenya Medical Association.

He has published 45 research papers most of which are peer review. He has also published highly researched papers within the medical field. He has provided leadership in the publication of many documents within the Ministry of Public Health and Sanitation some of which he will be implementing. He provided technical guidance for the Health Bill we are working on currently in Parliament.

He possesses good managerial skills and also very good interpersonal skills which we experienced when interacted with him. He showed a lot of enthusiasm to respond to the questions that were posed by the Committee.

During the interview, the candidate exhibited in-depth knowledge of issues touching on the Ministry of Public Health and Sanitation. Dr. Nicholas Muraguri exhibited that he has clear vision to initiate and reform the Ministry of Health, which currently has challenges because of devolution of health services, which we feel was hastened.

Having considered the nominee's CVs and listened to his oral submissions during the exercise, we observed that he has satisfied the requirement of Chapter Six of the Constitution of Kenya on leadership and integrity. He has been cleared by the EACC, the KRA and the HELB, as required by law. He was also cleared by the Credit Reference Bureaus (CRB). He has never been charged in a court of law. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution, which deals with the conduct of state officers. He has not been adversely mentioned in any investigatory report. He exhibited impressive knowledge of topical issues touching on the health docket. He has the requisite abilities, skills, qualifications and experience for this position.

Pursuant to Article 155(3) of the Constitution and Section 8 of the Public Appointment (Parliamentary Approval) Act, 2011, the Committee recommends that this House approves the nomination of Dr. Nicholas Muraguri for appointment as Principal Secretary in the Ministry of Health by His Excellency the President.

With those remarks, I beg to move and request Dr. Shaban, the Deputy Leader of the Majority Party, to second.

**Hon. Speaker:** Yes, Hon. (Dr.) Shaban.

**Hon. (Dr.) Shaban:** Thank you, Hon. Speaker. I rise to second the nomination of Dr. Nicholas Muraguri as the Principal Secretary for the Ministry of Health.

I sit in this Committee. Dr. Nicolas Muraguri has been the Director of Medical Services and the main technical advisor to the Jubilee Government. He has a lot of experience in terms of what he is already doing. He holds two Masters Degrees, as we have already been told. More so, he had a stint at the United Nations, where he worked for three years in UNAIDS. Combining all that, he has all it takes to be the PS and to work to influence the policy of Government in terms of health for Kenyans.

Dr. Muraguri is quite young but has a very impressive CV. He has done a lot in the Ministry of Health. He has written many papers on health issues and HIV/Aids. There is no doubt he will do a lot for this country. With the new Constitution and devolution of health services, he is the right person to ensure that the Government moves health services to the next level.

With those remarks, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Let us have Hon. Michael Onyura.

**Hon. Onyura:** Thank you, Hon. Speaker. I stand to support the appointment of Dr. Muraguri as the Principal Secretary for State Department for Health. Looking at all the papers that have been presented to us, I have no doubt that Dr. Muraguri qualifies for the job. I have interacted with him mainly through activities of the Departmental Committee on Health, in which I sit. He is a serious person who knows what he does. He has experience and is involved

in various areas of the healthcare sector. We look forward to get good services from the Ministry, under his leadership.

I am happy to note that we got a Cabinet Secretary (CS) who is also involved in healthcare. We appeal to Dr. Muraguri and Dr. Mailu to fix the mess that is in the medical and healthcare services in this country as they have the necessary qualifications and experience. They should provide the required leadership. They should straighten the healthcare sector, which has many problems. We have many challenges in the health sector. We do not have medicines in hospitals, staff turnover is high, and morale is low. We expect him to iron out those challenges.

On the issue of the face of Kenya, I have not seen anybody from Busia County in the entire list. I hope that is an unfortunate oversight. The Presidency should be advised so that in the next appointment people from Busia County can be considered, unless somebody is trying to push us out of the face of Kenya. That will not happen because we are a population of over one million people. We have a right to demand for consideration. I am happy with the nominations. This process should lead us to getting the right leadership for service delivery.

With those remarks, I support.

**Hon. Speaker:** Let us have the Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, Hon. Speaker. As I support this Report, I do not want to dwell on the matter of the credentials of Dr. Muraguri. In front of me is Hon. (Prof.) Nyikal, whom I have a lot of respect for. At one time, he was the Director of Medical Services and the Permanent Secretary in the Ministry of Health. Everyone, in his own way, has his own CV. It does not matter whether you went to Garissa High School or Agoro Sare High School. As long as you passed your exams, that is it.

For the first time under this Administration, we have two gentlemen: Dr. Cleopas Mailu, and Dr. Muraguri, as PS. We are moving in the right direction. We are giving that Ministry to people who have knowledge in that field. When we formed the Government, we gave the best banker a chance to head the Ministry of Health. We gave him two PSs – an academician and a veterinarian, Dr. Khadija. We now have two medical professionals who have grown in that Ministry.

The newly appointed CS and PS should strive to provide affordable healthcare by implementing the NHIF health plan. Kenyans, wherever they are, whether they are employed or not, should be able to walk to any health clinic and get medical attention. The Ministry should provide universal healthcare through the NHIF. They should also solve the persistent issue of strikes by doctors and nurses in the counties and tell the Governors:-

“You cannot replace good doctors in the healthcare system in your counties with your relatives.”

I have a very good example. I had a surgeon in Garissa General Hospital from the Nubian community in Kibra but when devolution was introduced, the Governor appointed one of his relatives. That is why the referral hospital is collapsing. They must fix those three.

We can praise Dr. Mailu and Dr. Muraguri but the end product is the impact they will make in the health sector which today is not one of the best in terms of management. I also want to thank the former Minister, Macharia, and the other two Principal Secretaries who did their bit under their tenure.

With those few remarks, I support.

**Hon. Speaker:** Yes, the Member for Seme.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Speaker. I rise to support the nomination of Dr. Muraguri. As the Leader of the Majority Party has said, we now have a full complement of technically qualified people to run this Ministry.

I do not see the credentials of Dr. Muraguri on paper. He worked under me and apart from those papers, I know what he can do. I recommended him for many things and at no time did I feel disappointed. He performed very well. I am really confident that Dr. Muraguri and Dr. Mailu will both perform well because both of them are competent.

Let me say what the Leader of the Majority Party took out of my mouth, so to speak. We cannot talk about healthcare until everybody in this country can walk into a health facility and go home without having to pay a cent from their pockets. Nothing impoverishes families like taking care of a health bill. I am sure it is also impoverishing Members who have to raise money in Harambee to treat sick people. If we get that in place by organising a proper health financing system, because the core of the matter is a health financing system, then it will be good. If they get that right by restructuring the National Hospital Insurance Fund (NHIF) and using it as a vehicle to move us towards universal health care, they would have done Kenya great deal.

I am happy that during the interview Dr. Muraguri realised that by ensuring standards and policy across the country in a devolved system where the governors seek a lot of hold is a challenge, but he said it has to be done.

Lastly, I want to say something about the face of Kenya before the Leader of the Majority Party goes. Whereas we are happy that Omollo was appointed, I want to say that one swallow does not make a summer. The summer are the appointments we have seen. One or two swallows will not make that summer. We have to look at that but I am satisfied with the Ministry

Therefore, I support this nomination.

**Hon Speaker:** It is your chance Hon. Cyprian Iringo.

**Hon. Kubai Iringo:** Thank you, Hon. Speaker for this opportunity to contribute to this Special Motion. I rise to join my colleagues in supporting the appointment of Dr. Nicholas Muraguri as the PS in the Ministry of Health.

I have just gone through the Report and I have seen that the Committee which vetted Dr. Muraguri did a good job. They went all the way to file all that Dr. Muraguri has been doing. He has grown up in his a career as a person who has been consistent. He has risen very fast and his experience especially having been the Director of Medical Services (DMS) gives him an upper hand in dealing with matters his new office requires.

I strongly believe that he has what it takes to put the health sector where it belongs because as we speak it is in a pathetic situation especially after devolution where we have doctors and nurses going on strike every other day and where we have counties being unable to manage their staff in payments.

There is a lot of imbalance in our counties because once devolution set in many doctors were poached from other counties. Transferring doctor from one place to another in the name of balancing for the services they offer becomes a big problem. I pray that with the experience which Dr. Muraguri brings to this Ministry will give him what it takes. This is the knowledge and framework which he will use to put the medical sector in place especially the NHIF which has become a thorny issue in the country. They keep raising fees but the categories to benefit have never been clearly shown. We believe that the elderly, disabled, disadvantaged and those people who are not endowed should benefit from the NHIF. To date, it is a problem because its allocation are in question. I pray that Dr. Muraguri will sort out this one.

I support.

**Hon Speaker:** Yes, Hon. Susan Musyoka.

**Hon. (Ms.) Musyoka:** Thank you, Hon. Speaker for this chance to speak on this important Special Motion. I stand to support the nomination of Dr. Muraguri in this new position. He has been the DMS in Kenya and he is a highly qualified medical personnel. I have interacted with him. I know he is highly professional and he has what it takes to handle this new post. He is going to be a great asset. He is going to add a lot value to healthcare delivery in this country.

A combination of Dr. Muraguri and Dr. Mailu as the CS should play a great role in the improvement of healthcare in this country. Having qualified medical personnel at the helm of healthcare is of utmost importance. It will go a long way in changing the way we deliver healthcare in the country.

We will be passing the new Health Bill very soon. This will be a great step in the development of healthcare and its implementation requires the kind of personnel that have been put in place with the passing of this Motion.

Dr. Muraguri is also an epidemiologist. “Epidemiology” is a cornerstone of public health. It is the study of pattern, causes and effects of health and disease. It gives healthcare the direction on policy decisions and evidence-based practice by identifying risk factors and diseases and targets for preventive healthcare. I feel very confident and I am sure all medical personnel can breathe easy and feel that healthcare is now going to be in safe hands.

They should sit and try to handle issues amicably that have emerged with the devolution of healthcare. The dissatisfaction among healthcare workers...

**Hon Speaker:** It is your chance, Hon. Peter Mwangi.

**Hon. Mwangi:** Thank you, Hon. Speaker for giving me this chance to support the appointment of Dr. Muraguri.

Hon. Speaker, as we were vetting him, we realized that he is a person with a wealth of experience and he is ready to work for this nation. Dr. Muraguri is a person with a vision and a passion when it comes to matters of health in this country. Dr. Muraguri and Dr. Cleopa should sit down and come up with a clear-cut policy which will reduce the deaths we are facing from non-communicable diseases.

On that note, I would like to thank the President and the Deputy President for the way they have appointed the new nominees because this time round, the President has seen the need for professionalism. The combination of Dr. Cleopa as the Cabinet Secretary for the Ministry of Health, and Dr. Muraguri as the Principal Secretary will give this country a good future in terms of Health.

I ask them to be on the lookout not to let corruption fail them. We need to see the machines that were bought working. In the very near future, every county must receive the machines they were supposed to receive.

With those few remarks, I support.

**Hon. Speaker:** Dr. Pukose.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker for allowing me to support this Motion. At the outset, I want to support the appointment of Dr. Muraguri as the Principal Secretary for Health. What I want Dr. Cleopa and Dr. Muraguri to know is that they have the full support of our Committee. However, we also challenge them that they need to live up to the professional etiquette in which they have been trained. They have risen through the ranks to be at the level which they are now. Dr. Muraguri was the Director of Medical Services while Dr. Cleopa has been the Director of Kenyatta National Hospital at one stage. Recently, he was the Director of Nairobi Hospital. It is a



challenge because Kenyans are looking up to them to deliver what they have been trained on. Initially, when Mr. Macharia was the Cabinet Secretary, people in the medical fraternity complained. However, I want to thank him for the good work he did when he was the Cabinet Secretary in the Ministry of Health. We wish him well in the Ministry concerned with infrastructure. He is a person who can deliver, and we know he will.

Kenyans will be looking to see how far those two gentlemen can take our country in as far as health is concerned. The Health Bill will be passed hopefully by February when we come back. I hope that will be prioritized to give those gentlemen the deed to act on. They need to come up with policies. They also need to come up with a strategy so that issue of health, both at the county and national levels, are co-ordinated and Kenyans get the best out of it. We must also deliver on maternity services and the management of equipment because that is the cornerstone of the Jubilee Government in all the counties where those projects are going to be implemented. They need to be very keen on that project to ensure that it performs well.

With those few remarks, I support Dr. Muraguri on his appointment to the position of the Principal Secretary in the Ministry of Health.

**Hon. Speaker:** The Whip of the Minority Party.

**Hon. Mwadeghu:** Ahsante Mhe. Spika kwa kunipa nafasi hii ili nami nitoe maoni yangu kuhusu uteuzi wa Daktari Muraguri.

Dunia hii ni duara na rangi rangile. Naomba nikimuunga mkono huyo daktari, wakumbuke waliyonitendea wakati tulipewa fedha – Shilingi milioni mia moja katika hospitali ya Wesu Taita. Mhe. Spika, wamenizungusha huku na kule wakiniambia nilete orodha ya vifaa na mashine ambazo nahitaji. Niliwakabidhi lakini mpaka leo, Dr. Muraguri na wenzake wameshindwa kueleza vile walivyotumia fedha hizo na vifaa walivipeleka wapi. Hayo yalifanyika katika Bunge la Kumi. Ni ombi langu kwa sababu amepewa nafasi ya kuchukua wadhifa wa kuendesha Wizara ya Afya. Kwa yale madhambi aliyonifanyia, nimemsamehe. Nafikiri atanza upya kufanya kazi ninavyomtarajia.

Daktari Muraguri amekuja wakati ugatuzi umeingia. Nina imani ataweza kufanya kazi sawasawa. Nina imani ataweza kuangalia madaktari wale ambao wana sifa na ambao wanahitajika kufanya kazi katika sehemu zote za nchi. Wakati huu Daktari Muraguri anachukua nafasi hii, ni wazi kuwa kuna matatizo chungu nzima katika Wizara ya Afya. Ni matumaini na matarajio yangu kuwa Daktari Muraguri, akishirikiana na Daktari Cleopa, watafanya kazi ambayo inahitajika na kuwa hawatawaabisha watu ambao wamewapatia kazi hii.

Kila wakati, tunakemea Serikali kuhusu ufisadi. Ukiangalia mara nyingi, wagonjwa wameenda mahospitali makubwa wakaambiwa: “Msipotoa mlungula, hampati chochote. Usipotoa hiki, hutibiwi.” Nina imani Daktari Muraguri atachukua nafasi hii kuhakikisha kwamba yale yote yaliyokuwa yakitendeka katika Wizara yamerekebishwa.

Naunga mkono.

**Hon. Speaker:** Member for Gatanga.

**Hon. H.K. Njuguna:** Thank you. Hon. Speaker. I want to support the Motion on the appointment of Dr. Muraguri. That is because from the presentations that have been made so far, he is a highly qualified person in terms of technical expertise and experience. At times, it is difficult to replace competence with anything else. The Ministry of Health has had issues. Those issues need to be fixed. He is a qualified doctor.

As we talk about the face of Kenya and regional balancing - and those are constitutional requirements - at times - it is good to accept that it is difficult to replace merit with some of those issues. This is a case in point where we are talking about the Ministry of Health. The nominee is highly qualified both academically and technically. It is, therefore, difficult in a case like this one to

talk about the face of Kenya and regional balancing. He is a Kenyan and I am supporting him because he is Kenyan and he has what it takes to drive that Ministry.

Recently, I went to Northern Ireland to represent the Departmental Committee in charge of national security on issues of ethnic tension. We also went there to draw lessons. It is very interesting that they have two tribes, that is, the Protestants and the Catholics. I was wondering about our situation in Kenya where we have 43 tribes. I told them that in Kenya, religion is the binding factor. Religion brings us together. In Northern Ireland, religion is a source of tension.

The point I am driving home is that even as we talk about the face of Kenya, it is difficult to say that now that I come from Murang'á County, we should have Kikuyus from Murang'á County. Some of those concepts are being pushed too far to the detriment of this nation. At times, merit should be allowed to prevail; like in the case of one Dr. Muraguri.

I support.

**Hon. Speaker:** Hon. Enock Kibunguchy.

**Hon. (Dr.) Kibunguchy:** Thank you, Hon. Speaker. I also stand up to support the nomination of Dr. Muraguri. He is a colleague since 2005. When I was an Assistant Minister in the Ministry of Health, we worked very closely. During that time, we managed to pass the HIV and AIDS Control Act and the Tobacco Control Act. I know we have travelled the journey of the Tobacco Control Act but we have not reached the end. Right now, the biggest problem which the tobacco manufacturers are fighting is the pictorial messages on the packets of cigarettes. I am very sure that with Dr. Muraguri in the helm of the Ministry, this will be sorted out.

During the time we worked with Dr. Muraguri, we also reached out to the Clinton Foundation and it helped us to employ nurses during that time. That is something that I remember Dr. Muraguri for.

Right now, the ministry is grappling with a lot of problems. One of the biggest problems is this whole issue of devolution. I am very sure that with Dr. Muraguri as the Principal Secretary (PS), we will get the synergy and harmony between the Ministry and what is happening at the county level so that issues of our health workers can be taken care of amicably.

Like many of my colleagues have said, the second thing is this whole concept of universal healthcare. During the interview and even as we talk with Dr. Muraguri at a personal level, we have asked him to take it as a personal challenge so that we can reform the National Hospital Insurance Fund (NHIF) to give universal healthcare in this country.

Finally, right now, we are working on the Health Bill which will be like the “constitution of health” in this country. With Dr. Muraguri as the PS, I am very sure that this Bill will sail through and it will be implemented in the right way.

Thank you, Hon. Speaker. Once again I support the nomination of Dr. Nicholas Muraguri.

**Hon. Speaker:** Member of Mukurweini.

**Hon. Kabando wa Kabando:** Thank you very much, Hon. Speaker. I rise to support the nomination of Dr. Muraguri as the PS in charge of Health. This is one individual who, even the Departmental Committee on Health fully agrees that he has grown very strongly within the system. At whatever point he has served, he has had a very sterling performance. It goes a long way to motivate other civil servants who remain diligent and committed to duty. Even when Dr. Muraguri was a District Medical Officer in Eastern Kenya and where he has had programmes in other parts of this country, he has left very elaborate connections with the local communities. He has had experience of good collaborations with the development partners everywhere he has served. Even when there have been difficulties, it is evident that Dr. Muraguri has utilised his

negotiation skills to deal even with the labour unions and customers who have had complaints. Therefore, he is a man that we unreservedly endorse because he truly deserves to get this position.

Secondly, he is going to work with another individual who has grown through the system. Dr. Mailu has served in various sections of the Health Department. He has had admirable leadership within premier health providers in this country. Therefore, Dr. Cleopa Mailu and Dr. Muraguri are going to be a dynamic duo working together to synergise the skills they have so far obtained and to dedicate their professional skills to improve the health sector in this country.

I conclude by noting that my constituency, Mukurwe-ini, has had only one full Cabinet Secretary (CS) since independence. Now, I am happy and very proud that we are recording the first PS since Kenya became independent. Dr. Muraguri is the first PS from the famous Mukurweini Constituency. He is a proud constituent of the people of Mukurweini. We are very happy and excited. I want to confirm that he has also been giving back to the community in a very elaborate manner, including his involvement in the Beyond Zero Campaign which is spearheaded by the First Lady.

Hon. Speaker, there can never be a better Christmas gift to this country than Dr. Muraguri's appointment. I strongly endorse and happily so, wish you all a happy and merry Christmas.

**Hon. Speaker:** Let us have the Mover.

**Hon. (Ms.) R.K. Nyamai:** Hon. Speaker, I would like to donate one minute to Hon. Sang and another minute to Hon. Chrisantus Wamalwa.

**Hon. Sang:** Thank you, Hon. Speaker. Thank you Committee Chair. I also rise to support the nomination of Dr. Nicholas Muraguri. I have interacted with him for some time and I know he has all the competencies. I am sure Dr. Muraguri will perform wonders. We have some few challenges, as some of us have already mentioned. I do not want to mention them again. I assure you that with the nomination of Dr. Muraguri as the PS for Health, I know that all the issues and challenges we have in the ministry will be sorted out.

Thank you, Hon. Speaker.

**Hon. Wakhungu:** Thank you, Hon. Speaker. I know Dr. Muraguri very well. If there is something that the Jubilee Government has done, it is in this Ministry of Health. Dr. Muraguri does not only have the technical skills in terms of being a medical doctor, but when it comes to matters of financial management, he is tick. When it comes to customer service, he is tick. When it comes to project management skills, he is tick. He is a results oriented person. He is a transformative leader. We expect so much. He is so committed when it comes to matters of devolution. We know very well that health is devolved. We have no doubt that with the good rapport he has with the governors, the health sector will go to greater heights of prosperity. I support.

**Hon. Speaker:** Hon. Kilonzo.

**Hon. Kilonzo:** Thank you, Hon. Speaker. I know Dr. Muraguri as a former Director of the National Aids and STI Control Programme (NASCOP). Even in that institution, he did a commendable job. I strongly support his appointment.

Secondly, I believe that in his new position as PS in the Ministry of Health, he is going to fix the mess that is now within the health sector. I support. Thank you very much.

**Hon. Speaker:** Mover.

**Hon. (Ms.) R.K. Nyamai:** Thank you, Hon. Speaker. I thank the Departmental Committee on Health for the dedication that it has shown in this process. I thank the President

for nominating Dr. Muraguri. I also thank the outgoing CS and the two PSs that we have worked with. We worked very well and I would like to appreciate their work.

As I finish, I would like to comment on a matter that was raised by Hon. Mwachugu concerning some funds that he was denied. Dr. Muraguri only became a Director for Medical Services in the year 2014. Hon. Mwachugu was denied the funds that he is speaking about by Hon. Anyang' Nyong'o. He should not confuse the time of the Grand Coalition Government and the current government. It is important that he knows that he was not denied the funds. Now that Dr. Muraguri is the PS, he can engage him so that, that matter can be sorted out.

Thank you, Hon. Speaker and thank you all Members for supporting the Motion.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order

APPROVAL OF APPOINTMENT TO THE ETHICS  
& ANTI-CORRUPTION COMMISSION

**Hon. Speaker:** Let us have the Chairperson, Departmental Committee on Justice and Legal Affairs; Hon. Chepkong'a.

**Hon. Chepkong'a:** Thank you, Hon. Speaker. I beg to move:-

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of Nominees for Appointment to the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Section 10(3) of the Ethics and Anti-Corruption Commission Act (as amended), approves the appointment of the following persons to the Ethics and Anti-Corruption Commission (EACC).

- |                                    |   |             |
|------------------------------------|---|-------------|
| (i) Mr. Philip K.B. Kinisu         | - | Chairperson |
| (ii) Dr. Dabar Maalim Abdi         | - | Member      |
| (iii) Mr. Paul Mwaniki Gachoka     | - | Member      |
| (iv) Ms. Sophia Lepuchirit         | - | Member      |
| (v) Ms. Rose Mghoi Mtambo Macharia | - | Member      |

Hon. Speaker, the Committee carried out the approval process of those five nominees. All of them appeared before the Committee as required. We advertised requesting for Memoranda from the members of the public as required by the Constitution and the Standing Orders. We received comments with respect to the last nominee, but received no comments for all the others.

With respect to the proposed nominee to be Chairperson, Mr. Philip Kinisu; this is a very qualified person. We found him to be very competent in terms of work experience and academic qualifications.

Mr. Kinisu has been a senior partner with PriceWaterhouseCoopers auditing firm for over 30 years. He has also sat as the Chief Executive Officer (CEO) and senior partner, finally being the Chair of Beauty without Cruelty (BWC) in Africa up to the year 2014, when he retired.

He is a man who is very thoughtful and methodological in the manner in which he intends to lead the fight against graft in that institution. We asked him what is his vision and we were satisfied that he has a vision, the courage and the determination to fight graft.

As you know, the President declared corruption as a threat to national security and those are some of the things that we asked him. As a country, we are faced with a phenomenon that requires to be fought using every method that he has learned in his career.

Particularly, this is for the second time a person has been appointed - other than being a lawyer - to be the Chair. He is an auditor by profession and we noted that he had a first class honours degree when he completed his university education with a Bachelor of Commerce. We are satisfied that as a Chairperson, he will steer EACC in the right direction.

As you are aware, sometimes this year, we passed an amendment which was sponsored by the Deputy Minority whip, Hon. Wamalwa, to ensure that we vet all the members of staff of the EACC. This is one of the tasks he will be leading in ensuring that he vets afresh all the members of EACC.

As you know, Members have expressed doubts as to the integrity of a number of members of staff who sit in that Commission. This would be one of his tasks. As you know, he has a timeline of one year and it has run out by about three months. Therefore, he has about nine months within which to carry out this exercise and report to this House the work that they have done.

The other nominee whose name was forwarded to this House is Dr. Dabar Maalim Abdi. That gentleman exhibited honesty and forthrightness in the manner in which he presented himself and we are convinced that he deserves to sit as a member of the Commission. The other additional fact that we wanted to let this House know is that he is currently a member of the Transitional Authority.

As you know, the TA's term will come to an end sometime in the course of this year. Therefore, if this House approves his appointment, he will be transiting to the EACC. We found him to be a fairly honest person and that is the kind of integrity which is needed in the EACC.

With respect to Mr. Paul Mwaniki Gachoka, we found him to be extremely competent in the area in which he has been proposed. He was previously the Chair of Public Procurement Oversight Authority (PPOA). We felt that he would bring a lot of experience with respect to issues of procurement.

As you may be aware, and it has been said, 70 per cent of all corruption happens in the docket of procurement in Government and parastatals. So, we believe that he is going to bring that expertise that he learnt while he was the Chair of PPOA. That is one of the things that we were very impressed when we asked him:-

“What would be your vision that you would like to undertake within 100 days?”

He said that one of the things that they will seek to do is to carry out a lifestyle audit in one ministry and one parastatal. We thought that he has a plan in fighting graft. He is a senior lawyer by profession, which is good for that job.

The other person is Ms. Sophia Lepuchirit. This lady was previously the Chair of Kerio Valley Development Authority. She has sat in a number of boards and she is equally qualified. As you know, this House approved her to be appointed as a member of National Cohesion and Integration Commission (NCIC) sometimes last year. Unfortunately, she was not appointed because there were many other people who were approved by the House. Ms. Lepuchirit has already been approved in this House before and, therefore, we did not find any difficulty as she has appeared before us.

Finally, is Mrs. Rose Mghoi Mtambo, who is a proposed nominee for the EACC member. She was also approved by this House to be appointed as a Commissioner with the NCIC. But

because of the number of women whose names were forwarded to the President at that time, she was not fortunate to be appointed. So, this House has previously approved the two of them, so we did not have difficulties in terms of approving them as we found them still suitable and competent in areas they had been proposed.

As I had mentioned, we did receive about two memoranda with respect to Ms. Rose Mghoi Mtambo. The two were objecting her appointment because they said that she was being investigated in a World Bank project.

Hon. Speaker, the complaint came by way of a letter. The advertisement that was sent out was very clear. It ought to have been in the form of an affidavit. Since it did not appear to have been received in the manner in which it ought to have come, we found that the complaint itself was incompetent. However, we did put it to her whether she was under any investigation and she said that was in fact news to her. Since there were no attached documents to prove that she was under investigation, we ignored the memorandum.

There was someone who said that she occupied three positions in Government. She has since resigned as Council Member of Maasai Mara University and as Director of Kenya Industrial Estates (KIE). Therefore, we are satisfied that she qualifies to be appointed a commissioner. She is competent and is currently the head of Human Resource at the Constitution Implementation Commission (CIC). She has worked very well in previous positions. She has been appointed to various parastatals, particularly at the Nyayo Tea Zones Authority, where Hon. Moses Cheboi was a Director.

He is here; I thought he was outside. I did not want to mention this when he is present. He was hiding behind me. He did indicate that he had a conflict of interest and made it known to the Committee, and we were satisfied. He never said anything that was adverse against her or in support of her. There is nothing improper about this. I thought Hon. Amina Abdalla and Hon. Cheboi were Members of the 9<sup>th</sup> Parliament. I do not know why she has issues with Hon. Cheboi, but she will tell the Speaker latter on when I finish moving this Motion.

As a Committee, we were satisfied that the nominees, as proposed, are competent to occupy the positions for which they have been nominated. On a final note, Members have expressed a lot of dissatisfaction with the staff of the Commission. I rose on a point of order yesterday but, unfortunately, Members were totally upset with the members of staff and not with me because I stood to support them. The EACC is an independent Commission established by Article 79 of the Constitution. As a House, we are under obligation to protect it as a Commission and not the members of staff. I went out of my way to find out what happened in respect of the issue concerning our former colleague, Hon. Kazungu Muzee, who has since resigned as a Member of this House. The information I was given was that the members of staff of the EACC that work in Mombasa were set-up by some conman. They were called and informed that someone in the CDF office of the former Member of Parliament, Daniel Kazungu, was interfering with evidence. They rushed there. When they got there, they found the Press waiting for them.

They went inside and inquired as to whether there was anyone tampering with evidence and the staff told them that they had not called the EACC officials and that no one was tampering with any evidence. Therefore, the EACC walked out. By then the Press was there. The objective of whoever called the EACC officials had already been achieved – to tarnish the name of Hon. Kazungu. I am told quite authoritatively by the EACC that the Hon. Member himself is not under investigation at all. As you know, Members of Parliament do not sign cheques in the CDF. We are not even members of the CDF Committees. We were merely patrons under the former CDF

Act that was repealed by the enactment of the new Act. Therefore, to purport to allege that Hon. Kazungu was under investigation was in fact false. I can confirm authoritatively that he is not under any investigation. It is just that there are people who have sent too many e-mails complaining about him over nothing. In fact, I am told by the CEO that it was strange that they received so many complaints when he was nominated to be the Cabinet Secretary for Mining. I am not here to defend the members of staff of the EACC. I am here to just give the factual position of what happened. He is not under any active investigation by the EACC at the moment, and this should be reported. The law is very clear.

When we sat in a *Kamukunji* on Tuesday, it was agreed that we invite the EACC to appear before the Committee on Justice and Legal Affairs to shed light on why they think that Hon. Cheboi and many other Members have not surrendered their title deeds. In fact, I am informed reliably that the title deed of Hon. Cheboi is actually lying in Parliament. Those are the issues in respect of which we would want to engage the EACC and ask them to reveal the sources of that information. I am not here to defend Hon. Moses Cheboi; I am also stating the factual position of what prevails. I can hear him complaining why I am mentioning him. I am using him as an example.

Hon. Speaker, with those few remarks, I move.

**Hon. Speaker:** Who is seconding?

**Hon. Chepkonga:** Hon. Speaker, Hon. Kang'ata is begging me to let him second the Motion, but this Committee is gender sensitive. Therefore, I request Hon. Fatuma Ibrahim, the Member for Wajir County, to second.

**Hon. Speaker:** Hon. Fatuma, Member for Wajir.

**Hon. (Ms.) F.I Ali:** Thank you, Hon. Speaker. I stand to second the Report of the Committee on Justice and Legal Affairs presented by the Chair.

The Committee Chair has clearly explained the credentials and qualifications of the nominees. The proposed nominee for Chairperson, Mr. Philip Kinisu, is a highly qualified financial expert. I want to confirm that he is not a lawyer, but he has international reputation in terms of financial aspects. What is unique in this appointment is that generally, the past Chairs were all lawyers who have either failed to end corruption or corruption escalated in this country during their tenures. I am persuaded that as a non-lawyer who is an expert in financial issues, he will end some of those corruption issues.

The other issue about the Chair is that he is well endowed financially and is a senior citizen who might not be desperate to seek for more funds in a corrupt way. We are persuaded that he is well protected in terms of his retirement package. Out of the other four nominees, only one is a lawyer, as opposed to the tradition that saw most of the EACC Commissioners coming from the legal fraternity. The perception that lawyers are the best experts in fighting corruption is changing. The social sciences also have a role to play in the fight against corruption.

What is unique in this appointment is the nomination of three minority members: two female members and a male member from Northern Kenya. The EACC is struggling with staff whose capacity and commitment to fight corruption is doubtful. Ms. Rose Mtambo, a nominee; is a Human Resource Director at CIC. She is persuaded that she will contribute greatly in the human resource function. So, we were all persuaded that she will contribute greatly in the cleaning process of human resource aspect. I second the adoption of this Report.

Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Moitalel ole Kenta.

**Hon. ole Kenta:** Thank you, Hon. Speaker. I would like to support the Report. I believe that the appointees are up to the task. In fact, they are from diverse professional backgrounds. I think they will be complementary in their jobs. Those are the people we need considering what has been happening of late in that Commission. One of the people is Mwaniki Gachoka who was my classmate at the University of Nairobi, Faculty of Law. I know he is a very cool-headed person. He is also an academic giant. I am sure he will bring experience and professionalism to the Commission. The same applies to the lady, Lepuchirit. She has also been in this field for a long time. I am sure as a person from the minority communities, she will fill that constitutional gap.

We only hope that those nominees will re-introduce professionalism in that Commission. What we have seen of late leaves a lot to be desired. Mentioning of people without proof has been their undoing. For example, when you look at the Cabinet Secretaries (CSs) who were removed because of unprofessional recommendations, it makes our hearts bleed. If you look at somebody like Kosgey, he was cleared but he was damaged. The same case applies to Mr. Kimemia and others. I believe that this should be stopped and people's names should always be mentioned after they have been proven guilty. But the innocent should never be put on the cross the way Jesus was done.

Having not had time to contribute to the past nominations, I would like to put across the fact that we need to encourage people who work in the Ministries to be promoted. This issue of always bringing outsiders is causing a lot of problems in this country. You will see a lot of undermining and under-hand dealings to frustrate the person who has been taken there. I believe that is something that should be looked into.

Whereas we might say this has a national face, I would like to say that it is not because when you look at the people who were nominated, many of them are from two or three communities and others were left out. For example, for Narok, we had two PSs who were removed for no reason at all, just because of political consideration. I believe as Kenyans, they have a right to be employed and the Masai are expecting an explanation why Tiampati and Konchella were removed without any reason. They were never mentioned in anything that was unbecoming. I believe that was unprofessional and unconstitutional from the appointing authority.

I support and I believe that my colleagues will support these nominees. Thank you.

**Hon Muturi:** Member for Taita Taveta.

**Hon. (Ms.) Lay:** Ahsante sana Mhe. Spika kwa kunipa fursa hii ili niweze kuchangia kuhusiana na wale ambao wameteuliwa ili kwenda kusimamia Tume ya kupambana na ufisadi. Baada ya kusikiliza vile Mwenyekiti Wa Kamati ameongea, ni kuonyesha ya kwamba hao wote ambao wameteuliwa wako na umaarufu na vilevile wako na shahada za elimu za kuonyesha ya kwamba wamehitimu kwa kazi hii.

Ningetaka kugusia kwamba Tume hii ni Tume ambayo inategemewa sana nchini Kenya katika mambo ya kupambana na ufisadi. Kwa sababu hii, tuko hapa kuzungumza leo kuhusu hawa ambao wameteuliwa na kuonyesha kwamba wale wengine ambao walitolewa, viongozi wa taifa hawakuwa na imani nao katika vita dhidi ya ufisadi.

Wajue kazi iliyoko mbele yao ni kazi kubwa Inatakakina tuone kwamba wameanza kutekeleza kazi zao kwa haraka haraka. Wengi walioteuliwa katika Tume hii wamekuja na



ndoto kubwa, matarajio makubwa na mipango mikubwa ya kusema kwamba wataweza kuangamiza hili jinamizi la ufisadi hapa nchini Kenya. Lakini tumeendelea tukiona kwamba ufisadi umeendelea kuzorotesha nchi yetu pamoja na uchumi wetu. Kwa hivyo, wajue kwamba Wakenya wote wanawaangalia ili tujue ni watu wangapi watapelekwa jela . Kusema kwamba mtu yeyote ambaye ametajwa katika mambo ya ufisadi akae kando ama atoke kazini tu, hiyo haisaidii. Wakati wanakaa kando ama wakati wanaacha kazi ni vizuri tupate kujua kama Wakenya hizo fedha wameiba, kama kuna ushahidi wowote kwamba wameiba hizo fedha, zitapatikana vipi na zitarudishwa vipi.

Singeweza kutaja wote ambao wamewekwa hapo mbele lakini nitagusia kuhusu dada yetu Rose Mghoi kwa sababu mara ya kwanza aliletwa katika Bunge hili, hakuweza kupata nafasi hiyoi. Ni maombi yangu kwamba wakati huu ataweza maanake kulingana na zile kazi ambazo amefanya hapo mbeleni, inaonekana kwamba amehitimu kufanya kazi ya kupambana na ufisadi.

Vile vile, ameketi katika Tume ya Utekelezaji wa Katiba, kumaanisha anakielewa Kipengele cha Sita kinachohusiana na mambo ya maadili---

**Hon. Speaker:** Hon. Joseph Kiuna.

**Hon. J.K. Ng'ang'a:** Thank you, Hon. Speaker. I also rise to support this Motion of the nominees. I hope these people have been well vetted. The Chairman of this Committee has proved beyond any reasonable doubt that they are Kenyans worth this noble docket.

We trust and hope they are ready to tackle the assignment we have given them. This is a very noble and sensitive docket. Everybody in Kenya is complaining about corruption. Corruption in Kenya is an epidemic. If we do not eradicate it and if we do not have serious patriotic and committed Kenyans to deal with it, it is going to destroy our good reputation.

I support with hope that those people will do their work very diligently without any favour or bias. They will serve this beloved nation. If they can do their work as per the Constitution, corruption can be history. It can be stopped. But if they continue to be biased, if they do not work as per the Constitution, that disease is going to destroy our nation. It is upon us to either stamp it out or it will destroy us miserably.

I support.

**Hon. Speaker:** Hon. Member for Balambala.

**Hon. Aden:** Thank you, Hon. Speaker for giving me this opportunity. At the outset, I want to say that corruption is a cancer in this country. It has, indeed, bled our economy fatally and caused us serious under-development as a nation. In addition, it has also tainted our image as a nation such that Kenya is associated, unfortunately, with the countries that have serious problems when it comes to corruption.

In my view, we can only win this war if we strengthen the institutions that have been built to counter corruption. The best way to strengthen those institutions is in ensuring that we put the right people in that particular place.

I am very happy today because I feel, for the first time as a country, we are going in the right direction. The people who have been nominated to be in that particular Commission are people of integrity, starting from the Chairman, Mr. Philip Kinisu. He is an accountant and a person who has shown a very impressive career in PriceWaterhouseCoopers (PWC), which is an entity that we associate very much with the ability to judge or to look at the issue of integrity or accountability.

Because time might not allow me to go through all the members, I want to pick one particular nominee called Dr. Dabar Abdi. I am very happy because the Committee has chosen

the word “honesty” to describe him. I listened to the Chair very carefully as he described Dr. Dabar. I personally know him. He hails from my constituency. I am very proud today to say that we have been able to get a person of high integrity, an academician and an honest professional who is responsible for the successes we have registered in devolution in Kenya. Many Kenyans do not know but that Dr. Abdi in the Transition Authority (TA) is one individual who is very much associated with the success that Kenya has made today in devolution.

For the first time, I am convinced as a country that we are now serious in fighting corruption. This is person of integrity and has a clear vision and very strong sense of conviction to fighting corruption. Whilst in his time in the anti-corruption campaign Steering committee--- I want to say that for the first time as a country, we have gone in the right direction in fighting corruption.

I very strongly support the nomination of those particular members to be commissioners of EACC.

I thank you, Hon. Speaker.

**Hon. Speaker:** Mheshimiwa Leshoomo.

**Hon. (Ms.) Leshoomo:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii nichangie mambo ya hawa ndugu zetu ambao wamewekwa kwa Tume ya kuangalia wizi.

*(Laughter)*

Ni Tume ya kupambana na ufisadi. Tunashukuru sana Rais wetu kwa kuangalia pembe zote za Kenya kwa sababu kuna Wakenya wengi ambao hawajawahi kuingia kwa hizi bodi na ndani ya mambo ya Serikali. Saa hii, tunaona kwamba Wakenya wote wameangaliwa pembe zote.

Kwa kusema ukweli, ufisadi katika Kenya ni kali sana na ni mbaya. Sisi wote tunapambana na ufisadi. Nataka kusema ya kwamba hawa wenzetu ambao wamechaguliwa kuwa kwa hiyo ofisi ni muhimu pia tuwapatie nguvu wapate kuangalia pembe zote za Kenya. Hiyo ni kwa sababu kila wakati, inasemekana kuna ufisadi. Sijui kama huu ufisadi unahusika na pesa au ni ya wizi wa ng’ombe. Hii ni kwa sababu kila pahali, unakuta ng’ombe wanaibiwa asubuhi na jioni na haifuatiliwi. Sasa sijui kama hiyo ni ufisadi au wizi.

Kwa hivyo, ningepomba wenzangu wale wamechaguliwa kuhudumu katika hiyo ofisi waangalie wizi wa ng’ombe. Kwanza, tuzungumzie jambo hilo kwa sababu watu wamekuwa maskini.

Kwa ukweli, Ms. Sophia Lepuchirit anatoka kwetu na ni mtu tunajua. Atafawanyia Wakenya wote kazi bila ubaguzi wala upendeleo. Hatawaletea aibu Wakenya.

Kwa hivyo, tunashukuru Rais wetu kwa kumteua kwa sababu ni mtu amefanya kazi kwa Serikali katika Idara ya Utawala, akiwa Mkuu wa Tarafa. Tunajua ni mama amefanya kazi.

Vile vile, yeye ndiye mama wa kwanza kupata shahada ya chuo kikuu kutoka eneo la Samburu.

*(Applause)*

Kwa hivyo, nafikiri hiyo pia ni njia---

**Hon. Speaker:** Leader of the Minority Party.

**Hon. Nyenze:** Thank you, Hon. Speaker for giving me this chance to contribute. I rise to support this Motion. I urge the House to adopt the Report of the Departmental Committee on

Justice and Legal Affairs. This is because we have complained so many times about the Ethics and Anti-Corruption Commission (EACC). After the President nominated those members, I am sure due diligence was done and each member is qualified.

Before I contribute, I am urging the Members not to go out so that when the time comes for a vote, we have a quorum. It is good when Members are around.

Corruption, insecurity and tribalism have really threatened this country. I am sure across the political divide, both Jubilee and Coalition of Reforms and Democracy (CORD) would want to end those vices that trouble Kenyans all the time. If by adopting this Report, supporting and approving those names, will reduce or finish corruption, I am urging Members to do it as quickly as possible. This will ensure that the corruption that everybody complains about gets tackled.

Of late, EACC has come under criticism and especially from the National Assembly because of that Report that was contradictory to some extent. I want to urge my colleagues that it is not bad to be investigated, but it is bad to do improper investigation and give wrong results because the damage is already done. I urge Members of the National Assembly to support this Report so that those nominees can start work immediately. The dragon called corruption will be a thing of the past.

If we can unite to grow the economy and the country and drive out poverty, this is a great country to live in. I am sure that those members will do a good job because they are qualified. They will help the other team that is already there. I am sure that they will do a good job. Therefore, let us support them.

I support, Hon. Speaker.

**Hon. Speaker:** Hon. Member for Saku.

**Hon. Dido:** Thank you very much, Hon. Speaker, for giving me this opportunity.

At the outset, I wish to support this Report and also those nominations by his Excellency the President.

When you look at the curriculum vitas (CVs) and the qualifications of Mr. Abdirizak, Mr. Omollo, Mr. Nzomo, Mr. Esipila and Ms. Wambui, those are the most qualified Kenyans that the President has given us to approve to form EACC.

I want to go on record by saying that if those nominees will not be able to deliver on the fight against corruption, Kenyans must soul-search and ask them: "What do we do?"

On the composition of this Commission, I am happy that diversity, regional balance and the face of Kenya has been observed to a great extent. We cannot have the 42 Kenyan tribes in EACC. The President has appeared to spread the cake across the country. He has observed the spirit and the principle of merit to give us the best Kenyans. In this list, we have accountants, bankers, lawyers, governance experts, civil society and anti-corruption campaigners. The list that is before this House for approval is the best tool that we can use for the anti-corruption campaign in Kenya. Their job is already cut out. Lifestyle audits must be done in the Public Service, at both the national and county levels.

With those few remarks, I beg to support.

**Hon. Speaker:** Hon. Wangamati!

**Hon. Wangamati:** Thank you, Hon. Speaker, for giving me the opportunity to make a remark on the appointment of the EACC commissioners. I would like to thank President Uhuru for nominating those commissioners. The nominees are people who can do better. I believe that this will be a solution to the many problems that this county has been facing. The nominees are people we can rely on. Corruption has been a problem but we can overcome it. When the President addressed this House in March, I was moved. I thought it was within our powers, as a

House, to support the President. I am glad he has nominated people he believes can fight corruption in this country.

The nominee for the chairmanship, Mr. Philip Kinisu, is a person I know can do a good job. He is a young man and I have known for a long time. I thought he would not accept to be the chairman. I am happy he accepted to take up that position. He is so smart. Back at home, we do not involve him in small issues.

*(Applause)*

**Hon. Speaker:** Hon. Wangamati refers to the nominee of chairmanship as a young man, while the Mover of the Motion referred to him as an old man. That shows diversity in the proposed nominees.

**Hon. Speaker:** Hon. (Ms.) Abdalla!

**Hon. (Ms.) Amina Abdalla:** Thank you, Hon. Speaker. I would like to join my colleagues in congratulating the President for nominating those individuals. I also congratulate the Committee approving them. I am pleased with this list because it is headed by people who have reputations to lose. The chairman retired from a prestigious job. I am sure that he would not want to taint his wonderful professional career by mismanaging the EACC.

I hope this is the last time this House would ever have to change the EACC Commissioners because of being dissatisfied with their work. I mentioned that any person who is an accounting officer in a national institution is a person who is taking up a job that might end up killing their careers. That is because there are some who are going to be jailed for not understanding the systems. The EACC needs to be proactive by training those officers on loopholes that need to be sealed. The officers should know that some people can use their signatures and put them in trouble. I hope the new EACC will be proactive and reactive in their work.

I hope the new EACC will not write letters without appreciating the implication of signatures from that office. It is very scary to be called to the EACC to be a witness. It is really wrong when somebody writes and says that you are under investigation when they do not have substantive evidence. I am happy that Ms. Rose Mghoi has been nominated. She has done a lot of good work with Hon. Cheboi, as Hon. Chepkonga has mentioned. The list comprises of people who have done very well.

Hon. Cheboi, you are a fair man; if you fight for anyone, I do not have to know many details, I just support.

With those many remarks, I support.

**Hon. Speaker:** Member for Homa Bay, Hon. Kaluma!

**Hon. Kaluma:** Thank you, Hon. Speaker. The fight against corruption cannot go forward without the EACC in place. A number of us have been saying that the fight against corruption has been hindered by the absence of those Commissioners. I know all those nominees at a personal level, save for one. Some of them interacted with our Committee in other positions they sought to serve the country. Others are professional colleagues. This is a good team to move the fight against corruption forward. We will not complain about small issues like a Luo not being in the list. This team can lead the fight against corruption.

Hon. Speaker, whether or not this administration rules beyond 2017 depends on whether or not it will succeed in the fight against corruption. In complementing this team on their nomination and, hopefully, as we proceed to approve them, I believe that this is a team of people

who are mindful of the fact that the tenure of the Presidency and this Government depends on the work they will do. Corruption is hurting us so much. It has made insecurity a situation in this country, in the manner that our President acknowledges.

The EACC as currently constituted is a let-down. I am very happy that we mandate those commissioners, if they will be approved by this House; to move forth with speed and vet people currently serving in the employment of the Commission.

*(Applause)*

If I were to meet them later, I would tell them that the vetting we are looking at is the sending home of everybody who is currently working in the Commission. I hope they will be fair so that we can constitute a team that can really fight corruption.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Yatta!

**Hon. Cheboi:** On a point of order, Hon. Speaker.

**Hon. Speaker:** What is it, Hon. Cheboi?

**Hon. Cheboi:** Thank you, Hon. Speaker. I want your interpretation on this particular Standing Order. There is this Standing Order which says there should be no barrier between a Member speaking and the Speaker. I am seated here behind my sister Shebesh and I cannot see you because of her hair. I do not know if that can---

*(Laughter)*

**Hon Speaker:** Well, the Standing Order is about a Member standing between; not a Member who is seated. Proceed, Hon. Kilonzo.

**Hon. Kilonzo:** Thank you, Hon. Speaker. I rise also to join my colleagues in supporting the proposed commissioners for the Ethics and Anti-Corruption Commission (EACC). I thank the President and our Committee for a job well done.

However, I have some issues. The issue I have is that in the spirit of our Constitution, in any appointments, we are looking at professionals, competencies and experiences and also perceptions. But nobody is thinking about the youth of this country. They form the biggest percentage of the population. Future nominations should include the youth.

We have seen and we know that corruption largely concerns stealing of money. If the Chairman who is an auditor is appointed, we are going to see reduction of the theft of our funds.

I support and thank you.

**Hon Speaker:** Hon. Andrew Mwadime, Member for Mwatate.

**Hon. Mwadime:** Thank you, Hon. Speaker for giving me this opportunity. At the outset, I support the appointment of these Kenyans. As I was going through the Report of the Committee, this group of people seems to be an all-round team of high integrity, well educated in different professions, well experienced at various capacities and the gender rule was obeyed.

As we know, corruption has been all over the country. I feel it is high time to approve those Kenyans to assume their responsibilities quickly so as to clear the minds of Kenyans and give goodwill to this Commission. I happened to engage one on one with one of the appointees by the name Rose Mghoi. Having experience as a teacher and as a banker for many years, she proved to be of high Intelligent Quotient (IQ). At the same time, she is hard working.

With that, I stand to support those appointments.

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

**Hon. (Ms.) Dr. Shaban:** Ahsante sana, Mhe. Spika. Pia nami nataka kuunga mkono Hoja hii haswa kwa sababu ufiyadi umekuwa kidonda sugu hapa Kenya. Ufiyadi umekuwa kama ugonjwa wa saratani ambao unakula nchi chini kwa chini.

Mhe. Rais ameanzisha vita dhidi ya ufiyadi. Bila shaka, Philip Kinisu akiwa kama Mwenyekiti, Dr. Dabar Abdi akiwa kama mmoja wao, Paul Mwaniki, Sophia na Rose Mghoi, wote hao wanaonekana kuwa wako na kazi ngumu ya kufanya. Lakini kazi wanaokwenda kufanya ni kuwezesha Mhe. Rais kupigana na vita hivyo na kupunguza ufiyadi hapa nchini, ili Wakenya waweze kufurahia maendeleo ya nchi hii pasipo na ufiyadi.

Ukiangalia shahada zao, ni sawa kabisa. Ukiangalia kazi zile walizozifanya, zimewawezesha kufika pale walipo. Vile vile, ni Wakenya wanaofaa. Ukiangalia pia upangaji wao, ni watano tu. Lakini Mhe. Rais amejaribu kupanga kila eneo la Kenya ili vita dhidi ya ufiyadi viwezekane.

Mwaka huu ulikuwa mgumu kwa Wakenya wote. Lakini mwaka pia ulikuwa na mafanikio maanake tuliona Rais wa Merikani akitutembelea na tukamuona Baba Mtakatifu wa Kikatoliki akija kututembelea. Bila shaka, tutafunga mwaka tukiwa na baraka nyingi sana ili mwaka ujao, vita hivyo viwe vimewezekana, ili tuweze kushinda ufiyadi.

Tunavyoelekea wakati wa Krisimasi, nawatakia Wakenya Krisimasi nzuri na mwaka mpya ulio na mafanikio. Tutaweza vita dhidi ya ufiyadi mwaka unaokuja.

Naunga mkono.

**Hon Speaker:** Mover.

**Hon. Chepkong'a:** Thank you, Hon. Speaker. I would like to donate about two minutes to two distinguished Members, Hon. Mlolwa and one minority Hon. Mwaura.

*(Laughter)*

**Hon Speaker:** What is your point of order Hon. Lati Lelelit?

**Hon. Lati:** Thank you, Hon. Speaker. I did not mean to do this, but I find it very unfair that we can sit in this House from 3.00 p.m., press the button and wait to speak for only three minutes, and say nothing at the end of the day. I think there is a way through your mercy or personal intervention or humane act that you can consider people who have been sitting here watching your face for the last three hours just to say something, before they go home, particularly, considering now that we are going on recess.

**Hon Speaker:** You can say it now.

**Hon. Lati:** Can I speak on the debate?

**Hon Speaker:** Yes, in one minute.

**Hon. Lati:** Thank you, Hon. Speaker. The reason I wanted to say something is because I am really impressed by this list. One of the nominees here, Sophie Lepuchirit, is my constituent. She happens to be the first Samburu ever to go to university. So, this is something that touches my heart. Since then, we have had so many other girls from my place going to university. She must have been a good role model to see Samburu girls go through university.

That is all I wanted to say. I wish you a Merry Christmas, Hon. Speaker.

**Hon Speaker:** Very well. Hon. Mlolwa.

**Hon. Mlolwa:** Thank you, Hon. Speaker for giving me this opportunity. I also want to support this list of those Kenyans to be nominated to those positions. Rose comes from my constituency. I want to thank the President for nominating her to this position.

Thank you, Hon. Speaker.

**Hon Speaker:** Who is the other one you donated to? Hon. Isaac Mwaura, who comes from your constituency?

*(Laughter)*

**Hon. Mwaura:** Thank you, Hon. Speaker. My constituency is persons with disabilities and, of course, there is none. The Constitution in Article 54 calls for 5 per cent of members of the public be persons with disabilities but, of course zero, is not progress and neither is it one.

I thank the Mover for giving me this opportunity, but also to recognise on that same basis, and that is why I was awarded by Mzalendo Trust for my representation of special interests in this House. This is a voice that is usually ignored. We want to say that the State must recognise this group of people as capable and who can contribute to national development. We would be very glad if, for example, we had one member of the Cabinet being a person with disability like the case we have seen by John Pombe Magufuli.

We must *Maghufulify* the war on corruption in this country for us to move forward, so that we do not just speak. Every one complains about---

**Hon. Speaker:** Now, let us have the Mover.

**Hon. Chepkong'a:** I thank you, Hon. Speaker. I would like to take this opportunity to thank every Member who has contributed and for the unanimous support that you have given to the proposed nominees for the various positions. I would also like to thank the President for being very balanced.

This country is represented all the way from Busia to the Indian Ocean in terms of where those Members come from. When you see Sophia Lepuchirit coming from the other side of Kenya, indeed, this country is represented.

I would like to agree with Hon. Rasso that if this team does not succeed in the fight against corruption--- I do not want to say what Hon. Amina is saying. She thinks that it should be done in the manner in which *Marijuana* has been done in Europe. That should not be; it cannot be legalized. What we are saying is that this is a team that we believe has courage and determination to fight corruption. It has the passion. The late Hon. Kajwang said that those ones did not appear to have passion and there was no *passionometer* to measure their passion. However, we think these ones have passion.

I would like to agree with the Hon. Kaluma, the Chairperson of Orange Democratic Party (ODM), Homa Bay that, in fact, the fight against corruption will succeed and, therefore, Jubilee Government will be returned unopposed in 2017.

Thank you, Hon. Speaker. I beg to reply.

*(Question put and agreed)*

## COMMUNICATION FROM THE CHAIR

### SUSPENSION OF COMMITTEE SITTINGS

**Hon. Speaker:** Hon. Members, I make this final Communication during this Session. Today's Sitting marks the conclusion of what has been a notably busy Session for the National Assembly. All Committees and especially those involved in the vetting process during the last two

weeks have worked tirelessly under strict deadlines to ensure the conclusion of business before them.

I wish to commend the House for the diligence and commitment to the business of the House both in plenary and in its Committees throughout the year. Just to highlight part of the tremendous work done by this House this year, the House has transacted business as follows:-

(i) Regarding Bills, a total of 36 Bills have been passed by this House. Ten Bills were passed and forwarded to the Senate for consideration and a further 16 Bills have undergone Second Reading and are now awaiting Committee of the Whole House. In addition, four Bills are undergoing the mediation process while two were passed but lost, and another two were rejected by the House.

(ii) On Motions, a total of 195 Motions were introduced. Of those, 142 were ordinary Motions, 24 were Procedural Motions while 29 were Special Motions. 138 Motions were adopted, two deferred, three withdrawn while four were lost or defeated. Another 48 Motions are awaiting debate.

Hon. Members also considered and approved 14 Sessional Papers. In addition, a total of 228 legislative proposals have been submitted for processing and publication into Bills. Out of those, 75 have been published and the remaining 153 legislative proposals are pending before the Budget Committee and respective Departmental Committees. Those legislative proposals are mainly by individual Members and will result into what is commonly referred to as Private Members Bills upon publication.

Hon. Members, as the Session ends and the House proceeds on recess as it is tradition, it is prudent that Committees take a well-deserved break from the busy schedules of their own sittings and those of the plenary. This will allow you to spend valuable time with your families during the holiday season and also attend to your constituents. In addition, this will avail the officers and staff of Parliament an opportunity to take their annual leaves and also begin preparations for the next Session.

Hon. Members, even as we break, I wish to remind the Constituency Development Fund (CDF) Committee together with the Committee on Delegated Legislation to continue engaging with the CDF Board and the relevant State Departments so as to ensure preparation of draft regulations that will fully operationalize all sections of the recently passed National Government Constituencies Development Fund Act, 2015 within the prescribed timelines.

*(Applause)*

Additionally, I also direct the Committee on Delegated Legislation to consider and conclude all statutory instruments before it expeditiously. This is in view of the amendments recently made to the Statutory Instruments Act through the Statute Law (Miscellaneous Amendments) Act of 2015, which gives the Parliamentary Committee 28 days to consider all statutory instruments before it, otherwise they stand approved in the form published and submitted to the House. The Committee should then inform the House on the actions taken upon resumption from recess.

Hon. Members, in view of the foregoing, I now direct that Committees conclude any business pending before them by tomorrow Friday 18<sup>th</sup> December, 2015. Thereafter, no Committee sitting shall be convened until Monday 25<sup>th</sup> January, 2016, unless special consideration for reasons that are compelling is granted by my office.

The Budget and Appropriations Committee, Public Accounts Committee and Public Investments Committee are encouraged to conclude any pending matters in good time as their terms



will come to an end upon commencement of the Fourth Session in accordance with our Standing Orders.

In this regard, I take this early opportunity to remind the political party leaderships in the House to present names of their nominees to the three Committees, together with nominees of any other Sessional Committees to the Committee on Selection in good time.

Finally, Hon. Members, I wish you a happy, safe and restful festive season and a prosperous new year, 2016.

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, the House now stands adjourned until Tuesday, 9<sup>th</sup> February, 2016 at 2.30 p.m.

House rose at 5.20.p.m.