

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 28<sup>th</sup> June 2018

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Ring the Quorum Bell.

*(The Quorum Bell was rung)*

We now have quorum.

Before the Petition is read out, allow me to recognise the presence in the Speaker's Gallery of students and pupils from the following institutions:

1. Brook School, Turbo Constituency, Uasin Gishu County;
2. Mukerenju High School, Kandara Constituency, Murang'a County;
3. Tartar High School, Kapenguria Constituency, West Pokot County;

Those in the Public Gallery are:

1. Ruth Kiptui High School, Baringo North Constituency, Baringo County;
2. St. Theresa Primary School, Ainamoi Constituency, Kericho County;
3. Koibeyon Secondary School, Bomet East Constituency, Bomet County;
4. Tengecha Primary School, Narok South Constituency, Narok County.

They are all welcome to observe proceedings in the National Assembly this afternoon.

*(Applause)*

**PETITION**

PRESENCE OF ARMED MILITIA AND BANDITS IN LAIKIPIA WEST CONSTITUENCY

**Hon. Patrick Mariru** (Laikipia West, JP): Thank you, Hon. Speaker. I have a Public Petition on the presence of armed militia and bandits in Laikipia West Constituency.

I, the undersigned, on behalf of the residents of Laikipia West Constituency and the entire Laikipia County, draw the attention of the House to the following:

THAT, residents of Laikipia West Constituency have existed peacefully with minimal cases of insecurity reported;

THAT, in the recent past, groups of armed militia have emerged comprising of illegal herders and bandits who are terrorizing residents of Kamwenje, Matwiku, Eighteen, Lobere, Wagwachi and Olmorán;

THAT, these bandits have continued to rein havoc in many parts of the vast Laikipia West Constituency with unabated impunity. This impunity has extended to Laikipia North;

THAT, the presence of these bandits has led to escalated insecurity and conflict especially in Matwiku, Kamwenje, Eighteen, Mbogoini, Lobere, Kieni, Wagwachi and Olmorán resulting in migration of residents;

THAT, on 26<sup>th</sup> April 2018, the same militia group attacked three staff members from the county government who were proceeding to Laikipia Nature Conservancy, shooting at them leading to the death of two – the late Wambugu Muraya and the late David Waithaka. One Ikinya Matindi was injured;

THAT, further on 6<sup>th</sup> May 2018, the same bandits shot Joel Kamau in Matwiku and Caroline Chemutai of Wagwachi leaving them with very serious injuries;

THAT, further on 22<sup>nd</sup> February 2018, the said groups stole livestock at Wagwachi - 15 cows, 10 cows in Kieni and 12 cows in Ndindika;

THAT, efforts to resolve this matter has been futile; and

THAT, the matter presented in this Petition is not pending before any tribunal or court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security:

1. Recommends immediate deployment of more security personnel along Kamwenje, Eighteen, Wagwachi and Olmorán border to enforce law and order in Laikipia West Constituency;
2. Recommends establishment of more Anti-Stock Theft Unit (ASTU) stations and more specifically, establishes ASTU permanent base in Kamwenje and Wagwachi;
3. Recommends that the police officer be well-stocked, patrol vehicles be provided and other necessary facilitation and support to the officers be provided;
4. Recommends recruiting more National Police Reservists (NPR) and fully equipping them, including remuneration and patrol vehicles;
5. Recommends that the owner of Laikipia Nature Conservancy be encouraged to offer 100 metre clearance buffer zone along the fence to allow for clear security surveillance thus averting attacks;
6. Recommends that a security road between Kamwenje and Olmorán through Wagwachi be done to facilitate security surveillance and patrols;
7. Ensures that the petitioner's plight is addressed; and
8. Makes any other order or direction that it deems fit in the circumstances of the case.

Your Petitioners will pray.

**Hon. Speaker:** The Petition is committed to the Departmental Committee on Administration and National Security to deal with. Let us move to the next Order.

## PAPERS LAID

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2017 and the certificates therein:

- a) Uwezo Fund;
- b) Anti-FGM Board; and
- c) Agricultural Development Corporation.

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June, 2016 and the certificates therein:

- a) Bumula Constituency; and
- b) Sirisia Constituency.

I want to tell Members that it is in their interest to pick a copy of the audited accounts of their constituencies so that they can liaise with their fund managers and committees in case of any issues that are raised. It is important that you pick them. For today, we only have the audited accounts of Bumula and Sirisia constituencies.

**Hon. Speaker:** Hon. Members, I encourage everybody to check in the Table Office whether there are reports tabled that touch on their constituencies. It is absolutely important that Members pay attention to that.

Let us move to the next Order.

## NOTICE OF MOTION

### INSTALLATION OF CLOSED CIRCUIT TELEVISION CAMERAS IN PUBLIC SECONDARY SCHOOLS

**Hon. Robert Mbui** (Kathiani, WDM – K): Hon. Speaker, I beg to give notice of the following Motion;

THAT, aware of the increased cases of insecurity in schools including the regrettable cases of defilement and rape that have been reported in various schools, with the most recent case being reported in Moi Girls' School, Nairobi where a student was raped; further aware that incidences of public secondary schools being torched by unruly students over time have been numerous; concerned that most perpetrators of the dastardly acts of defilement, rape and arson in schools go unpunished due to the difficulty in establishing a nexus between them and the acts, therefore, many of the suspects behind the said crimes evade responsibility; cognisant of the duty to protect the dignity, preserve the lives of innocent students and protect school properties from the threats posed by the crimes; appreciating the role of Information and Communication Technology (ICT) in enhancing security surveillance; this House urges that the Government speedily roles out installation of closed-circuit television (CCTV) cameras in strategic locations in all public secondary schools as an enhanced security mechanism for surveillance of students' activities; makes provisions for regular and mandatory checks to confirm compliance and enforcement of the mechanism; and enforces strict admission criteria, including maintenance of a profile of alleged perpetrators of arson to ensure that they do not escape liability by transferring to other schools without proper screening.

**Hon. Speaker:** It is indicated that, that is a party-sponsored Motion. For the new Members, this means that Motion takes precedence being a party-sponsored Motion. A number of you who have filed Motions may not begin questioning why certain Motions, whose notice has been given as recently as today, may overtake yours. Party-sponsored Motions take precedence over private Members' motions which are not party-sponsored. This is just to encourage Members that sometimes when you have a Motion that you think is urgent, consult your Leadership so that they can sponsor your Motions because then it will get priority in consideration.

Let us move to the next Order.

## STATEMENTS

### INQUIRY INTO IMPORTATION OF CONTRABAND SUGAR

**Hon. Kanini Kega (Kieni, JP):** Hon. Speaker, I rise to give progress report regarding the importation of contraband and allegedly contaminated sugar following your direction on Wednesday 20<sup>th</sup> June 2018 and pursuant to provisions of Standing Order No.202 that a joint sitting of the Departmental Committee on Agriculture and Livestock and that of Departmental Committee on Trade, Industry and Cooperatives be held to investigate, inquire into and report within 10 days on the alleged importation of sugar into the country. The days are to expire on 30<sup>th</sup> June, 2018.

I wish to inform the House of the progress on the inquiry so far. The Committees have held seven joint sittings where we met with the following witnesses:

- (1) The Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation.
- (2) The Cabinet Secretary for Treasury and National Planning.
- (3) The Cabinet Secretary for Trade, Industry and Cooperatives, and,
- (4) The Cabinet Secretary for Coordination of National Government.

During the same sitting, the Committee had to adjourn and allow some witnesses to step down and gather more information. These includes: The Cabinet Secretaries, the Kenya Revenue Authority Management, and the Kenya Bureau of Standards Management, among others.

Similarly, the two Committees jointly made fact-finding and inspection visits to the Kenya Ports Authority in Mombasa, Webuye, Nakuru and Nairobi between 26<sup>th</sup> and 27<sup>th</sup> with a view to establish details of the seizure of goods, commodities, sugar and consignments. During that visit, Members heard that samples had been taken to ascertain suitability of the sugar for human consumption. Therefore, the Committee needs to be allowed to have a little bit more time so that we can also get the results from those agencies. That is so that we can, at least, report on the same in this House.

The Committee is also scheduled to meet with other stakeholders, including the Committees affected by the seizure, the Council of Governors, the Ministry of Transport, Public Works, Housing and Urban Development, the Ministry of Health and importers, among others.

Finally, as you are aware, hon. members have been meeting daily since you referred the matter to the joint committee. You will all appreciate the gravity of the matters under deliberation. In this regard, the Committee requires ample time to consider the matter and make a comprehensive report with solid findings and recommendations so as to put this matter to rest. This is, therefore, to seek an extension of seven days with effect from 1<sup>st</sup> July 2018.

Thank you, Hon. Speaker.

**Hon. Speaker:** How many days did you say?

**Hon. Kanini Kega** (Kieni, JP): I said seven days from 30<sup>th</sup> June 2018, which is tomorrow.

**Hon. Speaker:** Of course, it is important to appreciate the Motion listed as Order No. 9. The Motion is listed as Order No. 9 so that we deal with it. Who has put in an intervention? I appreciate the Member is guided by the fact that the earlier instruction was that they file a report within 10 days, which period was to expire on 30<sup>th</sup> June 2018, which is a Saturday.

Leader of the Majority Party, what is it?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, this is a matter of great national importance. The House, if it agrees with my Procedural Motion, will be going on recess next Thursday. The recess will be for about 17 days. I urge the two Chairs to make sure that they do whatever it takes, even if they will work on Sunday, to table a Report by Thursday next week. That is so that Members can read the Report as we go and we debate when we come back. I do not think this investigation should continue. It is causing more harm even to consumers of sugar. Everybody is waiting for the Report of Parliament to see whether it will say the sugar has mercury or not. I know the Committee is constrained in terms of time. They have been meeting until very late. I urge them to work extra hours and write the Report next week but table the Report on this investigation by Thursday next week, before we go on recess.

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

**Hon. John Ng'ongo** (Suba South, ODM): Hon. Speaker, I am a bit at a loss on what the Committee is really looking for. I thought there are two fundamental things here. One is whether there is evidence in this country that some of the sugar that has found its way into this country is poisonous – has either mercury or poison substances. The other one would be detail on whether there were irregularities in importation of sugar, which to me is a lesser devil than whether the sugar is poisoned. I thought the Committee could bring a Report on whether there is sugar that is poisonous in this country. That is a matter that cannot wait. We actually need a preliminary report, as Hon. Duale, who is the Leader of the Majority Party, puts it. The sugar industry is on its knees as we speak. People are not taking sugar. This is economic sabotage for those who depend on sugar growing and sugar cane as the most important crop. I thought the Committee would divide its Report into two. First, bring us a report stating whether there is any sugar that is poisoned in the country. That should not take much time. If there was sugar that had been found to be poisonous, we should get to know as a country. Then, the other cases can wait.

Thank you.

**Hon. Speaker:** Member for Bomachoge Borabu, do you also want to say something?

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Speaker. I would like to make some reaction. I want to thank the Committee for giving us an update on their progress. I also would like to register my disappointment on the rate at which this matter is being handled. The issue of sugar being poisonous is a national and international issue because it affects the main and important part of life. It is about people's lives; it is about the kind of guests we expect in this country. Other than the challenges it poses on the industries, it also affects key sectors like tourism in this country.

I support the views that have been given by the Leader of the Majority Party. The Committee should use every opportunity to give us an update, especially to validate the allegations that have come – including those from the CS for the Ministry of Interior and Coordination of National Government; that, indeed, the sugar is poisonous. If they can give us a Report by Thursday before we go for the break it will help. I do not think it takes a lot of rocket

science to prove that there is poison in sugar. That is a laboratory exercise which can take a few hours. All we need to do is ensure that we get enough samples to provide a basis for giving a position on the quality of the said sugar.

I also want to emphasise that, if you look at the things that lead to poor food, you will find that majority of these are the stuff that we import. We are talking of stuff that has been imported to kill our economy, and stuff that has been imported to kill our people and destroy our environment. This is a matter of serious consideration.

I support that the matter be handled as quickly as possible.

Thank you, Hon. Speaker.

**Hon. Speaker:** Finally, Member for Homa Bay, Hon. Wanga Nyasuna.

**Hon. (Ms.) Gladys Nyasuna** (Homa Bay CWR, ODM): Thank you, Hon. Speaker. I attended one of the Committee's sessions as a friend. I can see where the Chairman is coming from. The Committee is large. Members want to contribute; and it is two Committees in one. People want to ask questions. Others do not want to feel gagged. Considering the importance of this matter, I would like to go with the position that the Leader of the Majority Party is advancing, that the Committee goes on overdrive gear. They are already on overdrive gear. They have been in all parts of the country and back, but they should go on total overdrive and work on Saturdays and Sundays. If necessary, they should work at night so that we have a Report on Thursday. The Report can be debated when we come back from recess. When the Report is tabled here, it will become a property of the House. We can debate it when we come back from recess without anticipating the upcoming Motion.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well, it is good.

There is no need for debate. Hon. Kanini Kega, I do not see your counterpart. There is no need for debate. You have had the views expressed and more particularly in those areas where Hon. John Mbadi raised. Are you not able to update the House through a preliminary Report before the House goes to recess?

**Hon. Kanini Kega** (Kieni, JP): I stand guided, especially on the preliminary report and then we will have a more comprehensive Report thereafter. As we sit, my co-chair is chairing a session. So, I want to confirm to the House that by next Thursday we will give a preliminary Report considering that we are relying on other agencies to also provide information to us. I stand guided. By Thursday, we will provide some Report.

**Hon. Speaker:** On that matter Hon. Pukose, since the Chair has agreed to that, it may be important to you, or to the people of Endebess, but what we are dealing with is the issue which...

Hon. Pukose, because of your professional background...

**Hon. (Dr.) Robert Pukose** (Endebess, JP): This is very important for me as a doctor. You know the Committee has visited various sites where there is seized sugar. I would like to know from the Chairman whether when they visited those sites, they took the samples and sent them to a reputable laboratory. The investigations we have had are from Kenya Bureau of Standards (KBS). Is there any possibility that the Committee has gone to see the seized sugar, taken samples and sent them to laboratories? They can tell us which laboratories they have sent the samples to. That is very important because the key issue here is whether the sugar Kenyans are taking is laced with copper, mercury and lead. This is key because, instead of the Committee just visiting and seeing and licking the sugar as some of them might have done, they need to confirm that it is now safe.

**Hon. Speaker:** Hon. Dr. Pukose, you brought in some very important aspect that they are visiting, seeing with their very naked eyes and others licking the sugar. Maybe they want to know whether anybody dies out of the licking. The Committee should take note of the points raised by Hon. Pukose because there have been issues about quality. Maybe they do not have to disclose at this point if they took the samples to the laboratories.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): *(Off record)*

**Hon. Speaker:** A Senator was licking? Maybe we should wait for some symptoms. That will be a sample. There was a day Hon. Nyasuna said that the Committee should now go to extra overdrive including sitting at night. If you decide to do so, ask for extra security. We will provide security to ensure that whatever you do is not compromised since it is proposed in the hour of darkness.

Hon. Catherine Waruguru.

#### MECHANISMS TO ENSURE SAFETY OF CHILDREN ADOPTED IN KENYA

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Speaker.

Pursuant to Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson, Departmental Committee on Labour and Social Welfare, regarding flawed adoption societies in Kenya.

The Constitution of Kenya, the Children Act, the Sexual Offences Act and International Conventions and Protocols, provide for the legislative framework aimed at ensuring that children are not only protected, but also well taken care of.

Mr. Speaker, a country that fails to take care of its children is failing to take care of its future.

I am saddened by the recent story of a mother who allegedly lost her seven-day old baby under unclear circumstances and had no one to defend her, raising a question on the safety of the children of vulnerable groups. It is alleged that there exist cartels involved in child-adoption in the country comprising welfare officers, private adoption societies, the police and the Judiciary among others. I am afraid our children adopted outside the country could be victims of body parts harvesting, prostitution and other ills associated with child trafficking and/or human trafficking.

His Excellency the President of Kenya on 26<sup>th</sup> November 2014, issued a moratorium prohibiting inter-country adoption following United National Office on Drugs and Crime (UNODC) Report which ranked Kenya second in child trafficking, but it seems the said directive had not been implemented.

It is against this background that I seek a Statement from the Chair of the Departmental Committee on Labour and Social Welfare on the following:

1. A Report on all child adoptions so far done in the last ten (10) years in the country;
2. A follow-up on the highlighted case of Ms. Monica Kawira from Nkubu in Meru County; and
3. Mechanisms in place to ensure safety of children adopted locally and internationally.

I thank you, Hon. Speaker.

**Hon. Speaker:** Very well, the Statement is directed to the Departmental Committee on Labour and Social Welfare. Is the Vice Chair here?

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Speaker. I want to confirm to this House that we have been dealing with the Statute Law (Miscellaneous Amendments) Bill pertaining to the Children Act. I want to say that the Report is coming to the

Floor of the House any time soon. On the issue that has been raised on this Statement, I want to confirm to this House that we are going to bring it soon.

Hon. Speaker, it is upon your wisdom to give me the dates, otherwise, I am willing to bring it tomorrow.

Thank you.

**Hon. Speaker:** The Committees are required to submit reports on a statement within two or three weeks. I am mindful of the Motion listed as Order No. 9. Let us not even talk about tomorrow. It is a matter that obviously requires your urgent attention. I am not going to prescribe periods at this time, but if after the House resumes no report is available, then the Member will be at liberty to stand in her place and raise the matter again. There is no debate. The Vice Chair is talking about what the Committee has been doing and I wanted to address that issue. Several departmental committees have been considering certain aspects of the Statute Law (Miscellaneous Amendments) Bill, but they have not submitted their Reports. They are actually holding the House from beginning debates on those Motions.

The lead Committee on that Bill is the Justice and Legal Affairs Committee and they are ready with their Report on the portions of that Statute Law (Miscellaneous Amendments) Bill which they were considering. The other parts that were being considered by other departmental committees have not been finalised. So, I want to direct that they all must ensure that those reports are now ready so that by the time the House proceeds on recess next week, the Chair of Justice and Legal Affairs Committee will have tabled the entire Report, which will attach the various other Reports from other Committees. That is the procedure we will adopt because that proposed statute has many proposed amendments.

There is no question. This is not business, I must tell you. It cannot be that every small thing becomes a subject of debate. There is a lot of business which is listed. I want to encourage every Member who picks a copy of the Order Paper to go through it and see what is before the House, so that when we are engaged in these preliminary matters you know that you are actually not doing service to the House or yourself.

The Leader of the Majority Party.

#### BUSINESS FOR THE WEEK COMMENCING 3<sup>RD</sup> TO 5<sup>TH</sup> JULY 2018

**Hon. Aden Duale:** Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(a), I rise to give the weekly statement on behalf of the House Business Committee (HBC) that met on Tuesday this week at the rise of the House.

On Tuesday next week, the following Bills are scheduled for debate at Second Reading:

- (1) The Land Value Index (Amendment) Bill, 2018;
- (2) The Warehouse Receipts System Bill, 2018;
- (3) The Sacco Societies (Amendment) Bill, 2018;
- (4) The Statute Law (Miscellaneous Amendments) Bill, 2018; and
- (5) The Health Laws (Amendment) Bill, 2018.

In the same week, the House will consider the Copyright (Amendment) Bill, 2017 in the Committee of the whole House and debate a report by the Departmental Committee on Environment and Natural Resources on the inquiry into the forest resource management and logging activities in Kenya.

I wish to remind Members that the following Cabinet Secretaries have confirmed and are scheduled to appear before committees on Tuesday, 3<sup>rd</sup> July 2018:



- (a) The Cabinet Secretary for the National Treasury will appear before the Departmental Committee on Finance and National Planning at the Mini Chamber Hall at 11.00 a.m. to answer Questions from the following Members—
- (i) Hon. Kimani Kuria;
  - (ii) Hon. Gideon Keter; and
  - (iii) Hon. Godfrey Osotsi.
- (b) The Cabinet Secretary for Infrastructure, Housing and Urban Development will appear before the Departmental Committee on Transport, Public Works and Housing at the Main Chamber, Parliament Buildings, at 10.00 a.m. to answer Questions from the following Members—
- (i) Hon. Geoffrey Omuse;
  - (ii) Hon. Simon King'ara;
  - (iii) Hon. Elisha Odhiambo;
  - (iv) Hon. Oroo Oyioka; and
  - (v) Hon. Omar Maalim.
- (c) The Cabinet Secretary for Labour will appear before the Departmental Committee on Education and Research at the Mini Chamber at 9.30 a.m. to answer Questions from—
- (i) Hon. Elisha Odhiambo;
  - (ii) Hon. Kamoti Mwamkale;
  - (iii) Hon. Kimani Kuria; and
  - (iv) Hon. Godfrey Osotsi.

After consulting with the Chair of the Departmental Committee on Administration and National Security, the Questions that the CS for Interior was to answer last week, will now be answered on Thursday next week at 10 a.m. at one of the rooms that will be allocated and which the Director of Committees will communicate.

The HBC will meet on Tuesday, 3<sup>rd</sup> July 2018, at the rise of the House to consider business for the coming week. I wish to lay the statement on the Table of the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, before we proceed, allow me to recognise the presence, in the Speaker's Gallery, of students and pupils from the following institutions:

- (i) Munyu Girls' High School – Thika Town Constituency, Kiambu County;
- (ii) Mt. Kenya Academy – Nyeri Town Constituency, Nyeri County; and
- (iii) Aldai Girls' Secondary School – Aldai Constituency, Nandi County.

They are also welcome to observe proceedings this afternoon.

Next Order.

## REPORT AND THIRD READING

### THE TAX LAWS (AMENDMENT) BILL

**Hon. Speaker:** Hon. Members, you did what is required in Committee. So what remains is for me to put the Question for concurrence.

*(Question put and agreed to)*

Leader of the Majority Party.

**Hon. Aden Duale:** Hon. Speaker, I beg to move that the Tax Laws (Amendment) Bill (National Assembly Bill No. 11 of 2018) be now read the Third Time. I request Hon. Limo, the chair of finance, to second.

**Hon. Speaker:** Hon. Limo.

**Hon. Joseph Limo** (Kipkelion East, JP): Thank you, Hon. Speaker. I stand to second.

*(Question proposed)*

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

**Hon. Speaker:** I put the Question, having confirmed that we have the requisite quorum.

*(Question put and agreed to)*

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

Next Order.

## MOTIONS

### ALTERATION OF THE CALENDAR OF THE HOUSE

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

**Hon. Aden Duale:** Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 28(4), this House resolves to further alter the Calendar for the Second Session (2018) as adopted on 4<sup>th</sup> February 2018 and amended on 1<sup>st</sup> March 2018 by proceeding to a recess from Thursday, 5<sup>th</sup> July 2018, at the rise of the House and resuming its regular sittings on Tuesday, 24<sup>th</sup> July 2018.

Members will recall that upon re-electing you as the Speaker of the National Assembly for the second term, you pledged to ensure the successful implementation of a paperless Parliament, or, more so, a paperless National Assembly.

In your acceptance speech to the House, you directed that all the 349 legislators begin to familiarise themselves with the details of the system. In this regard, the HBC has been informed that the PSC has contracted a company to install iPads in the Chamber during the recess period. For that process to be completed, tested and commissioned, it will require at least two weeks.

This will be advancement in digitising how the House transacts business after it adopted a biometric system. The United Kingdom's House of Commons has an online application that allows Members to access Bills, reports and other legislative items while seated within the precincts of the Chamber.

The other reason we are altering the Calendar is that the HBC is concerned that our short recess is only 10 days as opposed to 14 days. If this Motion is approved, it will allow Members more time to follow up with their constituents and matters of the NG-CDF and consult with their committees and prepare project proposals for the 2018/2019 Budget so that by the time we come back the NG-CDF Board will have an opportunity to approve. It will also ensure that as the year

closes, the accounting officers within Parliament have an opportunity to comply with the Financial Management Act, 2012 with regard to accounting for assets, liabilities and stores.

Hon. Speaker, the recess will also allow committees dealing with budget-related items such as the Committee on Finance and National Planning to conduct public participation on the various pieces of legislation before them, most importantly the Finance Bill.

It is my hope that Members will support this Motion. We are using a lot of resources in photocopying and typing. It is important that Members do not have to go to the Table Office to pick a Bill. It can be downloaded from where we sit. Hon. Speaker, you must ensure that these gadgets have the necessary internet such that one can Google and research on a Bill which is before the House. We should be able to take notes even as our colleagues are making contributions. That is one of the developments you will be remembered for as the Speaker of the National Assembly and the Chairman of the Parliamentary Service Commission (PSC).

We shall also remember you for the completion of the PSC Tower. We know it will have state-of-the-art committee rooms, offices and a gym. Parliaments that will come many years afterwards will remember you for ensuring that people are computer literate. Even Hon. Jimmy Angwenyi, my deputy, is saying that he wants to be literate. So, there are many things that we will remember you for. The Information and Communications Technology Department must work extra hard to ensure it maintains the software and hardware that will be available to Members.

With those many remarks, I ask my colleague, the Hon. Leader of the Minority Party, who sits with me in the House Business Committee (HBC) where this decision was reached, to second.

**Hon. Speaker:** Hon. John Mbadi.

**Hon. John Ng'ongo** (Suba South, ODM): Hon. Speaker, I would like to say something in addition to what the Hon. Leader of the Majority Party said regarding digitisation of Parliament, which is a good thing. This process has been on for a long time. I remember it was supposed to take place in the 11<sup>th</sup> Parliament, but because of some individuals who felt that it was not well informed, it was shelved. However, where we are progressing, it is important to incur a little cost on digitisation so that we are up to date and become paperless. These huge documents around us are ugly. When you go to other countries, you see how decent Parliaments are. So, we need to do away with this. We require that time to have the system in place.

Besides that, these Hon. Members have gone through a laborious process of the budget-making all the way from the approval of the Budget Estimates to the Committee of Supply. For the first time, this country has witnessed a very robust budget interrogation, scrutiny and analysis, which led us to the approval of the Appropriation Bill and the Government of Kenya will easily access Government funds by 1<sup>st</sup> July after the President's assent. After that, it is logical that Members will now get an opportunity to interact with their electorates who are, indeed, their employers. If we keep to our work here without referring to our employers, there would be that disconnect. So, this is an opportunity that Hon. Members will have to interact and engage with their constituents.

I second this Motion and hope that this House will see the rationale and the intention of the HBC to bring forward by one week our short recess. When we come back, I am very certain, it will be marathon all the way to 31<sup>st</sup> August.

Thank you, Hon. Speaker. I second.

*(Question proposed)*

**Hon. Speaker:** Let me allow the Member who is making his way to sit down. Just take your seat. You do not have to salute before you sit.

Hon. Members, it appears to be the mood in the House that I put the Question, which I hereby do.

*(Question put and agreed to)*

Hon. Members, the only plea is that when the gadgets are installed, let us make full use of them. If need be, those that may require some evening classes, like Hon. Jimmy Angwenyi, who has already indicated so, the Commission is ready to help them know how to use the gadgets, but, please, do not make them weapons of mass destruction when they are finally installed.

Next Order.

#### REPORT OF THE INQUIRY INTO ALLEGED LAND IRREGULARITIES

THAT, this House adopts the Report of Departmental Committee on Lands on the inquiry into the alleged irregularities in the compensation for part of Land LR. No.7879/4 to M/s. Afrison Import Export Ltd and Huelands Ltd by the National Land Commission, laid on the Table of the House on Thursday 7<sup>th</sup> June 2018

*(Hon. (Ms.) Rachael Nyamai on 26.6.2018)*

*(Resumption of Debate interrupted on 27.6.2018 - Afternoon)*

**Hon. Speaker:** Hon. Members, at the time the House rose, Hon. Mwashetani was on the Floor and he was contributing to the proposed amendments. A number of Members had contributed to it. So, Hon. Mwashetani, proceed.

**Hon. Khatib Mwashetani** (Lungalunga, JP): Thank you, Hon. Speaker for allocating me the nine minutes that were left yesterday to support the amendment that was intending to delete Bullet No.6 that stated thus:

“The Ethics and Anti-Corruption Commission should take responsibility for the loss of public funds amounting to Kshs1.5billion as part payment made by the National Land Commission to Afrison Import, Export and Huelands limited.”

Hon. Speaker, I just want to indicate the reason as to why we decided to include the EACC to be part of the entity that should take responsibility. When we invited the EACC, we raised some few questions, but it was so unfortunate that they were not very co-operative in answering the questions. We, as Members, thought that maybe there were issues they were hiding. Later on, they told us that there were issues which were sensitive and they could not fully disclose everything.

It also came to our attention that the EACC was given information and moved to stop the payment. Unfortunately, later on, payment was made. The EACC, while explaining and defending itself, told us that by the time they moved in to stop the payment, already Afrison Import Export Ltd had distributed the money to other accounts. Therefore, it was impossible for them to stop payment from being made.

After listening to the Members who contributed to this Report, the Committee Members decided there was need to expunge Paragraph 6 because the EACC is an entity that comes after action has been taken. We unanimously agreed on the amendment and therefore, I support it.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, I must dispose of this amendment because a number of you have already contributed to it. I am also aware that there is another proposed amendment. I assume every Member has read the Report and, therefore, understands the full import of this proposed amendment. Even if you had not read, after listening to what Hon. Mwashetani has said, you should be in the know.

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

*(Question of the Motion as amended proposed)*

**Hon. Speaker:** Subject to the introduction of the further amendment, we will go back to the original Motion on the adoption of the Report. Unfortunately, the names appearing here the first person had already contributed to this according to the list. The next one is Hon. Mutua Barasa, Member for Kimilili.

**Hon. Didmus Mutua** (Kimilili, JP): Thank you, Hon. Speaker. I was prepared to contribute to the next matter, but nevertheless, I will go ahead. I support the amendment on the Motion because it will help Kenyans. Looking at the subsequent amendments on affordable housing, this will make it easy for Kenyans who do not own homes to afford them because housing is very expensive in this country. So, this is the best way to go.

Hon. Speaker, I support this amendment. Thank you.

**Hon. Speaker:** Hon. Members, so we can debate the Motion. Let us allow the Member for Kikuyu, Hon. Kimani Ichung'wah, to move his proposed amendments.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I beg to move that the Motion be amended as follows:

By inserting the following words after the expression 2018 at the end thereof "subject to the insertion of the words "Ethics and Anti-Corruption Commission" immediately after the words "Director of Criminal Investigations" appearing in Recommendation No.3 on Page 31.

The import of this amendment is to ensure that EACC, an investigative agency duly constituted by our Constitution and the laws of this country, plays a role in investigating the Ruaraka land matter. It does not just concern the school, but other issues as well. If you read the Report, you will realise that the Ruaraka land is not about the 13 acres relating to the school. It is the entire parcel of 96 acres part of which had been sold to the General Service Unit. There is another portion that was sold to one of the Ministry of Transport, Infrastructure, Housing and Urban Development agencies when the Outer Ring Road bypass was being constructed.

Therefore, I did not find it right that the Committee had recommended that only the Director of Criminal Investigation should investigate. The EACC is duly constituted under our laws to investigate all economic crimes. More importantly, this matter touches on issues to do with the GSU that fall under the purview of the Office of the President. Therefore, it is likely, that these investigations will touch on personalities in the Office of the President. So, it will not be right to restrict these investigations to the DCI because with due respect to his office, he may not be very objective.

Therefore, it is important for us to ensure that the EACC, which is duly charged to investigate all issues pertaining to corruption, is included in these investigations. I am the Chair of the Budget and Appropriations Committee and I received a letter from Harit Sheth Advocates, which I will table. I shared it with the Chair of the Departmental Committee on Lands. It touches on the 96 acres and accuses the Office of the President. I have seen submissions on the media by the Chairman of the National Lands Commission who purports to have the title deed.

If you read the Report by this Committee, it is quite clear that the mother title deed of this land is being held by this particular advocate. This matter relates to the land that was sold to GSU. Therefore, I thought it wise for us to incorporate the EACC because, indeed, it has been investigating this matter. If we pass and adopt a Report in this House stating that the DCI should investigate this, we shall inadvertently be taking away work that had already been started by the EACC. I do not know how this would help these investigations.

Already investigations are ongoing and a few weeks ago the EACC forwarded a file to the Director of Public Prosecutions (DPP) who sent it back to them. Therefore, if we pull that file away from them, we are not doing justice to these investigations. Our work as a House should not be prejudicial to the work of any other investigative agency. The House has done its bit through the Committee. Therefore, I am pleading that we include the EACC as part of these investigations.

I will table this letter in as much as I had shared it with the Committee. It clearly shows that this matter is not just about the 13 acres, but more. It is not about payment of Kshs1.5 billion but, payment to the OP for the GSU land of Kshs1.2 billion. This amount had already been paid and they are claiming payment of a further Ksh671 million. If you can remember, I moved an amendment in this House during the Supplementary Budget on the GSU land, which has landed me in a lot of problems. I disapproved the payment of Ksh1.5 billion and vetoed the further payment of Kshs1.7 billion.

I can tell you after that, the kind of barrage I had on social media and other fora because of that amendment has been mean. However, when His Excellency the President spoke here during the State of the Nation Address, he was quite clear. He asked Members of this House to join him in the fight against corruption and this House took that call in the literal meaning that we will join him in the fight against corruption. I moved that amendment to disapprove the payment. You remember saying on this Floor that if the Budget and Appropriations Committee approved the payment of this Kshs1.5 billion under Article 223 of the Constitution and then we get this kind of Report from the Departmental Committee on Lands, as a House, we will be sanitising a process that was already under investigation by the Departmental Committee on Lands and another Committee in the Senate and also one that was still under investigations by the EACC. Why some characters would choose to use bloggers on social media to fight me on account of doing my work in supporting the President in his call for this House to support his fight against corruption defeats any logic and sense.

Hon. Speaker, I want to say for the record so that they may hear, some of us are not easy to intimidate. We are not easy to intimidate and we will not sit here and allow this House to be intimidated when we are doing our work in overseeing Government and Government officers. We must do so without fear or favour. Therefore, bloggers can continue saying everything they want. They will want to paint anybody bad. We have said it before that corruption fights back. Indeed, I can tell you that I now know that, indeed, corruption fights back, but I will not bulge. I did what I did in proposing that amendment. I am still proposing this amendment knowing that there are people who would still be out to fight. We must stand to defend what is right in this

country. We must support His Excellency the President in his call that it shall be business unusual. If we continue carrying on our business as usual, we will lose in this fight against corruption.

Therefore, I urge Members to support this amendment to include the EACC as part of the investigations and ensure that all our investigative agencies are involved. I wish the Report had also recommended a look into our judicial system. If you clearly scrutinise the transactions around this matter, the judicial process in this country has grossly been misused. Those who sit in the Committee will tell you. Some of these payments have emanated from some court orders and issues that people have fixed in court. If we are to deal with the cancer of corruption, it cannot just be corruption in the Government or in the Executive, but it must also go to the Judiciary. I was looking at a point where probably the Departmental Committee on Lands should also have had the recommendation to look at the possible collusion. I have seen possible collusion between Government officers, the NLC and the cartels. There should also be a recommendation - and I hope the Chair of the Departmental Committee on Lands is listening to that - on the possible collusion between judicial officers and corruption cartels.

With that, I beg to move and ask the Member for Tharaka, my neighbour here, to second. Thank you, Hon. Speaker.

*(Hon. Kimani Ichung'wah laid the Document on the Table)*

**Hon. Speaker:** Hon. Murugara.

**Hon. George Murugara** (Tharaka, DP): Thank you, Hon. Speaker. I rise to second the proposed amendment to the Report. It is vitally important that Kenyans appreciate that the EACC has investigative powers conferred and vested upon it by both the Constitution and the statute, namely, the Ethics and Anti-Corruption Act. There are some jitters every time it is mentioned that the EACC should be moving into some matter and most Kenyans suddenly become interested and try to use arguments like "EACC is not an investigative agency". There have even been attempts to amend our law so that the EACC is removed as one of the named investigative agencies in the country. The correct position - and this House must uphold the law at all times - is that the EACC is one of the investigative agencies in the country. Therefore, it must be accorded due respect and the terms of reference conferred on it by the law so that it is allowed at all times to do the work it is supposed to do.

So, in view of this and in view of the Report we have with us which says that investigations will continue with only one arm of the investigative agencies, it is important that we make the amendment and we name the EACC as the agency that will continue with investigations from where they have reached.

With those remarks, I wish to second and support the proposed amendment.

**Hon. Speaker:** The letter tabled by Hon. Kimani Ichung'wah appears authentic and it is, therefore, admitted.

*(Question, that the words to be inserted be inserted, proposed)*

Is there any Member contributing to this? Let us have Hon. Mbui Robert.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you for the opportunity, Hon. Speaker. Would I be in order to propose a further amendment? When you look at this proposed amendment by my colleague, it makes a lot of sense because he has brought in the EACC

immediately after the DCI. However, Hon. Speaker, if you look at it, you will notice that in Recommendation Nos.2, 3, 4 and 5, all have a similar set up. So, would I be in order to recommend that...

**Hon. Speaker:** Hon. Mbui, you are perfectly in order. My attention had been drawn to that. What you intend to do is to make further amendment to the further amendment to include in Recommendation Nos.2 and 5... This one talks of Recommendation No.3, but according to you, the same recommendation which referred to investigations by the DCI in 2, 4 and 5 should also read "EACC". I am sure that is what you want to suggest.

**Hon. Robert Mbui** (Kathiani, WDM-K): Yes, Hon. Speaker.

**Hon. Speaker:** I think it makes a lot of sense for good flow so that at no point of the recommendations about investigations should the EACC be left out. That is the import of your amendment.

**Hon. Robert Mbui** (Kathiani, WDM-K): Yes, Hon. Speaker.

**Hon. Speaker:** Approach the Table so that they can draft it very quickly. The proposal to amend the further amendment will then be moved by you. Maybe another Member could be contributing in the meantime to the proposed amendment. Do I see Member 001? I know you contributed to the main Motion, but you are not precluded from contributing to other amendments. It is within the Standing Orders for you do so. So, proceed.

**Hon. David Sankok** (Nominated, JP): Hon. Speaker, thank you very much for giving me this opportunity to contribute to this amendment. It is very logical for us to include the EACC in this investigation. They are the ones who are mandated to investigate matters in this country. We know very well that the Office of the DCI is under the Office of the President. This matter touches on that office. It will be very difficult for the Office of the DCI to do a perfect job. We know the EACC is independent. Therefore, we are sure it will assist in this particular investigation.

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

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

Hon. Temporary Deputy Speaker, I also want to be very categorical on what Hon. Ichung'wah said. He has said that corruption fights back. I want to request this House to stand firm like Hon. Ichung'wah and support the President on the fight against corruption. Let us not have any sacred cows. Let people run left and right. Let them abuse us on social media and write everything they want to write. I believe some of the bloggers are being paid by these cartels, so that they can soil the names of Members, who are presumed to be fighting corruption. Let them write whatever they want to write, but this House should remain firm and fight corruption. Let us not have sacred cows and political affiliations. Whether you belong to my party, community, clan or you are a woman, man or a person living with disability, whom I represent in this National Assembly, let me assure you that the fight against corruption will not have any sacred cows, favouritism or friendship. We will fight corruption.

Hon. Temporary Deputy Speaker, I support the amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have another Member to comment on the amendment before Hon. Mbui prepares his amendment.

Member for Central Imenti.



**Hon. Moses Kirima** (Central Imenti, JP): Hon. Temporary Deputy Speaker, I take this opportunity to support the amendment. The EACC is so important and independent. It should be included and be part of the investigation on this land matter. Most of the time, the EACC is not influenced because it is a body which involves a number of professionals. It is mandated by the Constitution to assist to unearth things which, if investigated by other bodies, can be left hanging and fail to lead to conviction even if one is charged with an offence, like the fraud involving the land matter that we are dealing with.

This land matter should be looked into very well. It is a thorn in the flesh of the NLC. The compensation was given arbitrarily without following the proper procedure. The said piece of land is about 13 acres. Originally, it was over 76 acres, but the way it came to be only 13 acres shows very clearly that the acquisition was not done properly. The two schools have been on that piece of land for more than 12 years. It is common knowledge as it is in common law, that, if you live on a piece of land for over 12 years, it becomes yours. The people who were compensating others should have known this legal principle. That is why the EACC should be involved to see if the people who investigated this matter were ignorant of the law or there were underhand dealings which could not be foreseen ordinarily. If the DCI is allowed to investigate, there may be many grey areas and Kenyans may not be satisfied because the money that was used for compensation of this land belongs to them.

With those remarks, I support the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Othaya.

**Hon. James Mugambi** (Othaya, JP): Thank you so much, Hon. Temporary Deputy Speaker. I stand to support the amendment. I want to make an appeal to this House. We need to know that our country stands because we have institutions. This country is different from the neighbouring ones because we have institutions that work. We should respect each and every institution and give it the latitude it requires to work. The EACC is one such institution.

As the Budget and Appropriations Committee, we allocated money to support the EACC. This is taxpayers' money. We know that it is one of the best investments in this country because the EACC has a job to do in this country, especially at this time when corruption threatens the very existence of our nation. It is very important to support the EACC in all its endeavours. We know that fighting corruption is not easy as corruption fights back, as the Chairman said. We know that it will take a lot of money to fight corruption in this country. Our President has decided to bite the bullet and face corruption. The best we can do, as a House that represents *Wanjiku* and makes laws is to support an institution like the EACC. The land issue at hand is very sensitive. I want to go on record as saying that even the criminals who are involved in this land matter were testing the waters. They wanted to do a bigger deal than the one for Kshs3.2 billion because this money is like a drop in the ocean. We know what Kshs3.2 billion can do to our hospitals, schools and roads. They do not care what happens to the future of our nation.

I, therefore, stand with the amendment. Some Members talk out there every time they are mentioned in corruption. They threaten the EACC every time they know that somebody is investigating an issue about them. They threaten to bring a Motion in this House to disband the EACC. I want to say that many of us will stand with the EACC. We want to tell them to do their job. They will not be disbanded through this House because this House does not support corruption. We support good use of the meagre resources that this country has.

With those remarks, I support the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Kitui East, Hon. Mbai Mbithuka.

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the amendment. Having in mind the position the President has taken in the fight against corruption, this is an opportunity we need to seize in all sectors, including the EACC to investigate this matter. It is a technical matter in terms of investigations. It is always good to have two eyes on a situation. The Directorate of Criminal Investigation has the capacity, but we need a second eye on this matter. On matters policing, it is always advisable to police the police. So, having both the EACC and the DCI working on this case, we are assured of an objective outcome.

In future, we need to have the three bodies. We have the Departmental Committee on Lands investigating the matter and now we have the DCI working on it. We should invite the EACC to work on it. In future the three bodies should tackle corruption matters. The concerned Committee of this House should be the first one to work on the matter, then the DCI and the EACC. It should not only be on the matter on the Table today, but any other matter in the future to see the light in most of the corruption cases in the country.

Thank you and I support the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member for Kisumu East.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Temporary Deputy Speaker. At the outset, I support the amendment.

I have the honour of being the Chairman of the African Parliamentarians Network Against Corruption (APNAC), Kenya Chapter. We are a lobby group and many Members of Parliament are members. The Chair of the whole of Africa currently is our Hon. Speaker. As a Parliament, we are supposed to take a very firm position to ensure that the fight against corruption is always on the agenda. We are a lobby group. We will lobby and make sure that even if it is five, seven or 10 of us, that we do not allow the enemies of corruption to bring their fights here.

In the 11<sup>th</sup> Parliament, I was the Chair of the Local Authorities Committee. I can say with great faith and honesty that when we were looking at the issue of the cemetery and we reached out to the EACC and the Director of Criminal Investigation, we worked together. We wrote a report as a result of our working together that was credible, had facts and everything was the same at the EACC, DCI and our Committee. We reached out.

The EACC is an institution that must be protected. It is not a person. When EACC becomes a person, then we have a problem. We have been to many countries including Malaysia. As APNAC, we are proud to say that we stopped the Prime Minister of Malaysia from opening a conference on corruption in Malaysia. It is there on record. If you go to Malaysia, we are celebrated for making that move. So, we must stand firm and say that EACC as an institution must be supported at all costs. The Report on the cemetery land brought out some very important facts and, as a result of that, five or seven years later, most of the culprits have been jailed, except one. That one was a Minister who was taking advantage of Parliament by saying that the matter was in court. The gentleman who was recorded as a person to answer was Hon. Mudavadi. He was adversely mentioned in that report. However, we are pleased to say that the majority of those conmen who stole money from Kenyans are behind bars, except one who goes round talking too much about corruption and yet, he is one of the suspects of corruption. We know where he took the money and the Barclays account he deposited it in. We know where it is. All this information was sought, found and confirmed by the EACC and the DCI. We must support the institutions and they must work with us. The fight against corruption must be fought

by the Legislature, Executive and the Judiciary. I suggest that, as a Legislature, we should not allow ourselves to be put on the back burner. We should insist and demand that the Attorney-General, the EACC, the DCI and others continue to work in conjunction with the Legislature so that we can attack and kill the monster or dragon called corruption.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let me give a chance to one more Member before I allow Hon. Mbui to move his further amendment. Hon. Member for Mukurweini. Do you want to speak to the further amendment?

**Hon. Anthony Kiai** (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, I state my position that I support the Motion. It is important for this nation to know that the position of the President is that we must come out and fight the dragon of corruption. We must make sure that corruption as a dragon is slayed. We must lead from the front as Members of Parliament to ensure that corruption is eliminated in the country. Otherwise, if we do not do that, corruption will eat the very essence of the nation.

EACC is an independent body mandated to investigate economic crimes and other related crimes. On this one, I believe that the institution is in the best position to ensure that investigations are conducted professionally. I am not lost to the fact that the DCI also has investigative powers. From what has been said by the media, it seems that senior Government officials are also involved in corruption. It is right to say that some of them might have compromised the DCI. Therefore, EACC coming in to investigate this issue as an independent body is a very valid point.

I would also wish to add that, as a country and on the issue of corruption, it has been in the Press and has been investigated for the longest of times. It started way back in the 1980s, 1990s, 2000 and to date, it is still there. We have heard that somebody had been compensated for the land in question. Today, somebody else is being compensated for the same land. We are aware that Government has put up schools on the same land. About Kshs3.4 billion has already been paid out in compensation to various alleged owners of this land. What we are hearing today is that more money is needed to pay some other new owners. Therefore, we need to bring this issue to closure. We can only do that by ensuring that thorough investigations are conducted by an independent body in order for us to get to the root of the issue. I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Mbui, are you ready to move the amendment?

**Hon. Robert Mbui** (Kathiani, WDM-K): Hon. Temporary Deputy Speaker, I beg to move:

THAT, the proposed amendment be amended by deleting the words appearing in Recommendation No. 3 on Page 31 of the Report and substituting thereof the words “wherever it appears in Recommendations 2, 3, 4 and 5 of the Report”.

The reason I am raising this is because the amendment is an important one. Once we have removed Paragraph 6, we have removed the EACC. We have agreed that it makes sense for them to be part of the investigative arms to ensure that they investigate those anomalies. In chapters 2, 3, 4 and 5, the Committee had recommended the Directorate of Criminal Investigations only. My amendment is to ensure that we also have the EACC in all the recommendations that they have proposed.

I beg to move and ask Hon. Kimilu to second.

**Hon. Joshua Kimilu** (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I second the deletion of that paragraph.

Thank you.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are going to resume the debate on the further amendment by Hon. Ichung'wah after Hon. Mbui's amendment has been approved. Let me give one Member a chance before I put the Question. Member for Butula.

**Hon. Joseph Oyula** (Butula, ODM): Thank you, Hon. Temporary Deputy Speaker. I support the further amendment that has been proposed by the honourable Member. It is important that we support the President in the fight against corruption. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): One more Member. Hon. Member for Turkana Central.

**Hon. John Nakara** (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. I support the amendment by Hon. Ichung'wah and the further amendment by Hon. Mbui. The EACC has been established under Section 3 of the EACC Act, 2011. This body cannot be ignored because it promotes integrity and fights corruption through enforcement of law. On anything to do with corruption in this country, we must include the EACC to be part of the investigation so that we can get the right thing. I support.

*(Question of the first part of the amendment, that the words  
to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words  
to be inserted in place thereof be inserted, proposed)*

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

*(Question of the Motion as amended proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we will now resume debate to the Motion as further amended.

Give the Member who is Hon. Waihenya Ndirangu the microphone. Your card seems to have a problem. Just give him another microphone. There seems to be some problem with the microphones. You can come to the Dispatch Box, Hon. Member for Roysambu. Our systems have problems.

*(Hon. Isaac Ndirangu moved to the Dispatch Box)*

**Hon. Isaac Ndirangu** (Roysambu, JP): Thank you, Hon. Temporary Deputy Speaker.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Hon. Member for Roysambu. There is a point of order by Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Thank you for giving me this opportunity. I have just come back from Suba North. I was hoping I would get an opportunity to raise an issue of national interest, which is about security in the lake. But given that I am seeing the Members walking out, I hope I will be given on Tuesday.

Thank you. But, there is a serious insecurity issue in the lake.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo, you look very beautiful today. We must appreciate you. There is a procedure and you know the procedure to follow for you to be advised accordingly. Member for Roysambu.

**Hon. Isaac Ndirangu** (Roysambu, JP): I wish to associate myself with the sentiments of the Members who have spoken in supporting this Motion and Report by the Committee, with all the amendments that have been passed.

I have the benefit of knowing Drive Inn Primary School and Ruaraka High School. That is before Kasarani Constituency was split and gave birth to Kasarani, Roysambu and Ruaraka constituencies. They were one constituency. I wish to state that for as long as I have known Ruaraka High School and Drive Inn Primary School, they have been polling centres from olden times; from 1984. These two schools have existed for the last 33 years. Everyone in Ruaraka, Mathare and Kariobangi knows that these two institutions are public institutions that were created when the 93 acres of land were subdivided and approved by the County Council of Nairobi. The setting aside of the 13 acres where these two institutions stand was one of the requirements for the subdivision of that parcel of land. The approval of that scheme would not have been allowed by the department of the Nairobi City Council without setting aside these 13 acres for public utility.

While I thank the Committee for putting down a very good Report, I wish to point out that they have left one important aspect. They should have condemned the Nairobi City County and its predecessor for not ensuring that the title deed for the 13 acres of land was registered with the county government and a copy given to the National Treasury as is always the case for land in Nairobi. Every public utility arising from a subdivision, if it is in the interest of the public like a school, a clinic or a hospital, the title deed should be in the custody of either the City County or the Ministry of Finance.

Hon. Temporary Deputy Speaker, I want to assure you that the people of Ruaraka - and I speak on behalf of the Member for Mathare and Hon. T.J. of Ruaraka - know that for many years, this has been our social centres in the constituencies of Mathare, Ruaraka and Kasarani. The constituents there are dismayed that 33 years after, somebody can come and claim to be paid money by the Government of Kenya. In any case, by the doctrine of acquiesce, this parcel of land belongs to the public. Under the doctrine of adverse possession, this parcel of land rests with the Council and with the public. Corruption is a serious cancer in this nation. That the personnel at the National Treasury can get money from the Contingency Fund to pay Kshs1.5 billion for land that already belongs to the Government and seek the approval of Parliament to sanitise such an expenditure is unacceptable. It appears to me, for every grand fraud in this country, the roots and home base is the National Treasury.

This House is useful in fighting corruption. It will be very sad for this country and the Members of Parliament to say that they are incapable of fighting corruption. I say so because all departments in this country, whether in the Judiciary or in the Executive, are overseen by one

Committee of Parliament or another. It behooves this House to take responsibility for corruption. It is time Hon. Members performed their duty of oversight on departments of Government falling under them. This is the only way we are going to fight corruption in this country. We cannot say that these companies that have been paid this money are faceless. Money does not leave the National Treasury and go to the grave. It goes to somebody's account. We have the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigation. We should know in whose account this money went.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member for Roysambu, there is a point of order by the Member for Wundanyi. Just come and use the Dispatch Box. Your machines are not functioning. As you are aware, Parliament is undergoing systems' check so that we can go into technology fully.

**Hon. Danson Mwakuwona** (Wundanyi, WDM-K): Thank you, Hon. Temporary Deputy Speaker. What the Hon. Member is raising and the Motion we are discussing this afternoon is of very high importance. It is on matters land in this country. Where I come from, issues of land are very sensitive. Therefore, sitting here discussing issues of land with no quorum in the House is improper. There is no quorum in the House. We should not debate this Motion that is so pertinent on matters land in this country.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Can we ascertain there is no quorum as has been said? From where I sit, I thought he was saying that the Hon. Member for Roysambu was out of order or there was an issue which was out of order. He has used our Standing Order No. 35 which talks about quorum during the proceedings of the House.

I therefore order that the Quorum Bell be rung.

*(The Quorum Bell was rung)*

It is already 10 minutes. I order the Bell to stop.

The Member for Wundanyi stood on a point under Standing Order No. 35 when the Member for Roysambu was on his feet. He will have his balance of four minutes to speak to this report as he was interrupted.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, pursuant to Standing Order 35(2)(a) and the time being 4.42 p.m., this House stands adjourned till Tuesday, 3<sup>rd</sup> July 2018, at 2.30 p.m.

I thank you all.

The House rose at 4.42 p.m.