

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 5th March 2019

The House met at 2.30 p.m.

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

PRAYERS

MESSAGE

PASSAGE OF BILLS FROM THE SENATE

Hon. Speaker: Hon. Members, there will be communication relating to a name of a nominee later. But this is a message from the Senate.

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received six messages from the Senate regarding the passage of the following Bills:

- (i) The Petroleum Bill (National Assembly Bill No. 48 of 2017).
- (ii) The Energy Bill (National Assembly Bill No. 50 of 2017).
- (iii) The Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017).
- (iv) The Irrigation Bill (National Assembly Bill No. 46 of 2017).
- (v) The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017), and
- (vi) The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017).

The Energy Bill, 2017 and the Petroleum Bill, 2017 were passed by the Senate on Wednesday, 20th February 2019, in the form passed by the National Assembly on 7th June 2018 and 12th June 2018, respectively.

In this regard, I will now proceed to present the two Bills to His Excellency the President for assent in accordance with the provisions of Article 109 of the Constitution.

Similarly, the Senate on Wednesday, 20th February 2019, also considered and concurred with the National Assembly's amendments to the Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017), thereby completing the bicameral processing of the said Bill. This being a Senate Bill, it follows that the Speaker of the Senate will refer the Bill to His Excellency the President for assent in accordance with Article 112(2) (a) of the Constitution.

With regard to the Copyright (Amendment) Bill, 2017; the Irrigation Bill, 2017; and the Public Private Partnerships (Amendment) Bill, 2017, the Senate passed the three Bills with amendments and now seeks the concurrence of the National Assembly on the amendments to the said Bills, in accordance with the provisions of Article 112(1)(b) of the Constitution.

I now direct the Clerk to circulate the amendments to all Members, in accordance with Standing Order No. 145. In this regard, the Senate amendments to the said Bills stand committed to the following Departmental Committees for consideration:

S/No.	Bill	Departmental Committee
	The Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017)	Communication, Information and Innovation
	The Irrigation Bill (National Assembly Bill No. 46 of 2017)	Agriculture and Livestock
	The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017)	Finance and National Planning

Honourable Members, the Committees are expected to submit their reports before the amendments are considered by the House. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate to the Bills, and not any other part of the Bills.

I thank you.

PETITION

NON-RELEASE OF EXAMINATION RESULTS BY NAKURU MEDICAL TRAINING COLLEGE

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Speaker.

I, the undersigned, on behalf of the residents of Butere Constituency, draw the attention of the House to the following:

THAT, Mr. Nicky Odongo Lubanga, a graduate of Maseno University was required to sit for Kenya Medical Laboratory Technologist and Technicians Board exams for certification.

THAT, Odongo's admission to the school meant that he had met the minimum requirement including scrutiny of the credentials and payments of the requisite admission fees of Kshs 1250.

THAT, further, he paid Kshs 15,000 being examination fees to allow him sit for the said examinations which he was denied.

After being barred from taking exams by the board, Mr. Odongo sought redress in Nakuru High Court and his prayers were granted.

In honouring the court order, the Board of Management of Nakuru Medical Training College allowed him to sit for exams on 11th of December 2017.

THAT, on 9th February 2018, results were released but Odongo never got official communication from the board, as is the rule, on whether he had passed or failed.

THAT, on 26th February 2018, he went to school to check his results and after numerous failed attempts he confirmed that he had a pass. However, to date, he has not received official communication from the Registrar of the Board.

THAT, Mr. Odongo needs to be issued with a practicing certificate to enable him scout for jobs.

THAT, efforts to resolve the matter have been futile.

THAT, the matter in respect of which his petition is made is not pending before any court of law or constitutional body.

Therefore, your humble petitioners pray that the National Assembly through the Departmental Committee on Education and Research:

- a. investigates into the matter with a view to addressing the petitioner's plight;

- b. recommends that the Ministry aligns its programmes to the required standards; and
- c. makes any other recommendations it deems fit in the circumstances of this matter.

Your humble petitioners will ever pray.

Hon. Speaker: The Member for Kathiani, you have an intervention.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker. I wanted to also support that Petition by my colleague. On this issue of petitions, I also wish to seek your guidance because it is true that Members present petitions on behalf of petitioners in this House and it is important that committees carry out the mandate for which they are given on matters petitions.

I have in mind a petition that I presented in this House, which I have questioned in the past. This is where petitioners were asking for payment from the Government for something that happened very many years ago. They were victims of school fire tragedy and they requested the National Assembly to assist them so that they can be awarded or be paid as the courts had directed.

Unfortunately, when I presented the Petition in the House, when the Report was tabled in this House on 4th of December, the Committee did not address any of the concerns of the petitioners. Their conclusion is that the Committee should invite the Attorney General (AG). That is a conclusion that is being brought to me to present to the petitioners. I do not know whether they were meant to have met the AG before giving a response.

One of the other recommendations is that they are asking that I present the Petition in the form of a Question. I just wanted you to guide the House, what happens when we have a petition and the petitioners are not answered by the committees? What recourse do we have? Can we resubmit so that the petition goes back to the relevant committees?

Thank you, Hon. Speaker.

*(Hon. Members applauded when Hon. (Ms.)
Aisha Jumwa walked into the Chamber)*

Hon. Speaker: Member for Nandi, you have an intervention on this? If you have, you can use the Dispatch Box.

Hon. Keter, I noticed that you had pressed the intervention button. You can use the Dispatch Box.

Hon. Alfred Keter (Nandi Hills, JP): Thank you, Hon. Speaker. I pressed the intervention button for the matter that is coming after the petition.

Hon. Speaker: Okay. I think the matter raised by Hon. Mbui will need to be considered by the House Business Committee (HBC). I will direct that the Clerk places it before the HBC this evening for deliberation so that we come up with a way forward.

Hon. Mbui had approached me last week indicating his dissatisfaction with what had been concluded by the Committee in terms of what you have just raised. If you have written it somewhere, you can give the Clerk a copy so that the HBC can look at it this evening.

Hon. Members, before we proceed, allow me to recognise the presence of students from the following institutions: Kabarak High School, Rongai Constituency, Nakuru County and those from St. Angela's High School, Kitui Central Constituency, Kitui County in the Speaker's Gallery and those from Kericho Day Secondary School, Ainamoi Constituency, Kericho County; Kiaibabu Primary School, Githunguri Constituency, Kiambu County; Diamond Academy, Athi

River Constituency, Machakos County; Kiamutugu Boys from Gichugu Constituency, Kirinyaga County and those from Naivasha Girls, Naivasha Constituency, Nakuru County, in the Public Gallery. They are all welcome to observe the proceedings this afternoon.

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:

Sessional Paper No.1 of 2019 on a Policy Framework for Reforming Education and Training for Sustainable Development in Kenya, from the Ministry of Education.

A Framework for formulating a National Land Policy for Kenya, Concept Paper from the National Land Commission.

The draft Law Society of Kenya (General) Regulations, 2019 and the Explanation Memorandum from the Law Society of Kenya.

Annual Report and Financial Statements of Kenya National Commission on Human Rights (KNCHR) for the period 2016/17.

Reports of the Auditor General on the Financial Statements and the certificates therein for the year ended 30th June 2018 in respect of –

- (a) Unclaimed Financial Assets Authority.
- (b) Chuka University.
- (c) Registration of Certified Public Secretaries Board.
- (d) Contingencies Fund, and,
- (e) Kenya Marine and Fisheries Research Institute.

Reports of the Auditor General on the Financial Statements and the certificates therein for the year ending 30th June 2017 for the following constituencies:

- (a) Narok South.
- (b) Ainamoi, and,
- (c) Bomet Central.

Hon. Speaker: The Chairperson, Departmental Committee on Communication, Information and Innovation, Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Departmental Committee on Administration and National Security.

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Administration and National Security on the Vetting of Nominees for Appointment as Chairperson and Members to the National Police Service Commission.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

NOTICES OF MOTIONS

ADOPTION OF REPORT ON INQUIRY INTO LEGISLATIVE AND REGULATORY
GAPS IN THE TELECOMMUNICATIONS SUB-SECTOR

Hon. Speaker: The Chairperson, Departmental Committee on Communication, Information and Innovation.

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector, laid on the Table of House on Tuesday, 5th March 2019.

Thank you, Hon. Speaker.

NOMINATION OF PERSONS FOR APPOINTMENT AS CHAIRPERSON
AND MEMBERS OF THE NATIONAL POLICE SERVICE COMMISSION

Hon. Speaker: Chairperson, Departmental Committee on Administration and National Security.

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of Nominees for Appointment as Chairperson and Members to the National Police Service Commission, laid on the Table of House on Tuesday, 5th March 2019, and pursuant to the provisions of Article 250(2)(b) of the Constitution, Section 6(6) of the National Police Service Commission Act, and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the appointment of the following persons to the National Police Service Commission:

- | | | | |
|-------|-------------------------------|---|--------------|
| (i) | Mr. Eliud Ndung'u Kinuthia | - | Chairperson. |
| (ii) | Ms. Lilian Mutio Kiamba | - | Member. |
| (iii) | Mr. Eusebius Karuti Laibuta | - | Member. |
| (iv) | Mr. Naphtaly Kipchirchir Rono | - | Member. |
| (v) | Dr. Alice Atieno Otwala | - | Member, and, |
| (vi) | Mr. John Tentemo ole Moyaki | - | Member. |

ADOPTION OF REPORT ON THE INQUIRY INTO THE
KENYA-SOMALIA BORDER SECURITISATION PROJECT

Hon. Speaker: Chairperson, Departmental Committee on Defence and Foreign Relations. Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Hon. Speaker, I beg to give notice of the following Motions:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry into the Kenya-Somalia Border Securitisation Project, laid on the Table of the House on Tuesday, 20th November 2018.

NOTING OF REPORT ON RATIFICATION OF
THE PROTOCOL ON FREE MOVEMENT OF PERSONS

THAT, this House notes the Report of the Departmental Committee on Defence and Foreign Relations on a meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to promote and popularise the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, laid on the Table of the House on Wednesday, 21st November 2018.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

QUESTIONS BY PRIVATE NOTICE

Question 005/2019

ACTION TAKEN TO STOP ILLEGAL SAND HARVESTING IN MWALA CONSTITUENCY

Hon. Speaker: First Question by Private Notice is by the Member for Mwala Constituency, Hon. Vincent Musyoka.

Hon. Vincent Musau (Mwala, M CCP): Hon. Speaker, I would like to ask Question No. 005/2019 on the Order Paper to the Cabinet Secretary for Interior and Co-ordination of National Government.

(a) Is the Cabinet Secretary aware that on 25th February 2019, a gang armed with crude weapons, under the escort of police officers, attacked residents of Makiliva sub-location of Mwala Constituency with an intention of harvesting sand against the will of the locals?

(b) Could the Cabinet Secretary provide details of all those involved including the police officers who provided security escort to the gang, and those undertaking illegal sand harvesting activities in Makiliva Sub-location?

(c) What immediate steps has the Ministry taken to apprehend the gang, police officers involved and action taken to stop illegal sand harvesting in Mwala Constituency?

Hon. Speaker: That Question is referred to the Departmental Committee on Administration and National Security. Next Question is by the Member for Kibwezi East, Hon. Jessica Mbalu.

Question 006/2019

STATUS OF INVESTIGATIONS INTO MURDERS IN KIBWEZI CONSTITUENCY

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Hon. Speaker, I rise to ask Question No.006/2019 on the Floor of the House. The Question goes to the Cabinet Secretary for Interior and Co-ordination of National Government.

(a) Is the Cabinet Secretary aware that one George Mutua Mutunga of National Identification Card No. 22516898 was murdered on the night of 7th January 2019; while George Ndambuki Mwangangi and one Wilson Kimweli Kivuva of National Identification Card Nos. 1552258 and 8994666, respectively, were murdered on the night of 11th February 2019 in Kambu Town of Kibwezi East Constituency?

(b) Could the Cabinet Secretary provide details and status of investigations on the murders and confirm whether any culprits have been arrested?

(c) What measures is the Cabinet Secretary putting in place to curb insecurity in the constituency, and are there plans to establish more police stations, increase the number of police officers and provide security agencies with the necessary facilities and other equipment to curb this insecurity?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Administration and National Security. Next is Member for Butere, Hon. Tindi Mwale.

Question 007/2019

COURSES BEING OFFERED BY UNIVERSITIES WITHOUT APPROVAL OF CUE

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Speaker. I rise to ask Question No.007/2019. The Question is channeled to the Cabinet Secretary for Education.

(a) Is the Cabinet Secretary aware of the many courses being offered by some universities in the country without approval by the Commission of University Education?

(b) Could the Cabinet Secretary explain how the affected students were allowed to enroll and pursue unapproved courses and programmes?

(c) What measures has the Ministry put in place to ensure that the public is notified on time of unapproved courses and programmes in universities?

Hon. Speaker: In the Ordinary Questions, the first is the Member for Lamu County, Hon. (Capt.) Retired Ruweida.

ORDINARY QUESTIONS

Question No. 049/2019

COMPENSATION TO NATIONAL POLICE RESERVISTS IN LAMU COUNTY

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Speaker, I would like to ask the CS for Interior and Coordination of National Government the following Question:

(a) Is the Cabinet Secretary aware that the National Police Reservists (NPR) in Lamu County used their own resources to acquire the required uniforms with a promise of being recruited in 2017?

(b) Why were the NPR not compensated as agreed after being forced to resign despite having offered essential services?

(c) What measures is the Government undertaking to compensate all NPR who offered services in Lamu County?

Hon. Speaker: That Question is referred to the Departmental Committee on Administration and National Security. Next is the Member for Runyenjes.

Question No. 058/2019

STATUS OF CONSTRUCTION OF KYENI-KATHANJURI-KARURUMO ROAD

Hon. Eric Njiru (Runyenjes, JP): Hon. Speaker, I rise to ask the CS for Transport and Infrastructure the following Question:

(a) Could the Cabinet Secretary explain the status of construction of Kyeni-Kathanjuri-Karurumo Road in Runyenjes Constituency?

(b) When is the construction of the said road expected to be completed?

Hon. Speaker: That Question is referred to the Departmental Committee on Transport, Public Works and Housing. Next Question is by the Member for Githunguri.

Question No. 075/2019

STATUS OF IMPLEMENTATION OF ELECTRONIC TAX REGISTERS

Hon. Gabriel Kago (Githunguri, JP): Hon. Speaker, I rise to ask the CS for National Treasury and Planning the following Question:

(a) What is the status of implementation of the use of General Packet Radio Service (GPRS) enabled Electronic Tax Registers (ETRs) by taxpayers as provided for under the Value Added Tax Act, 2012?

(b) Is the Cabinet Secretary aware that despite the introduction of an 8 per cent levy on fuel in 2018, over 60 per cent of the tax charged to the end users is not captured, accounted for or remitted to the Government?

(c) Is the Cabinet Secretary further aware that Kenya Revenue Authority has no back end system to monitor transactions at point of sale done by traders including fuel stations, thus rendering the Government at the mercy of traders in as far as tax declaration is concerned?

Hon. Speaker: That Question is referred to the Departmental Committee on Finance and National Planning. Finally, we have a Question by the Member for Mwingi Central.

Question No. 076/2019

DELAYED COMPENSATION TO VICTIMS OF HUMAN-WILDLIFE CONFLICT

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Hon. Speaker, I rise to ask the CS for Wildlife and Tourism the following Question:

(a) Is the Cabinet Secretary aware of numerous complaints against Kenya Wildlife Service in Mwingi Central Constituency regarding human-wildlife conflict?

(b) Could the Cabinet Secretary explain why there is a long delay in compensation of victims of human-wildlife conflict, and state the measures being undertaken to fast-track the payments?

Hon. Speaker: That Question is referred to the Departmental Committee on Environment and Natural Resources.

STATEMENTS

Hon. Speaker: On Statements, we have the Member for Bomachoge Borabu.

POLICE KILLINGS OF RESIDENTS IN BOMACHOGE BORABU CONSTITUENCY

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Speaker, for giving me this opportunity to make this timely Statement.

Pursuant to Standing Order No. 43, I wish to make a Statement regarding police killings of innocent residents of Bomachoge Borabu Constituency.

Since September 2018 to date, my constituency has witnessed the loss of two innocent lives while three people have been maimed and their dreams shattered in the hands of the police.

On 12th September 2018, a *matatu* tout, Paul Onderi Omare of Kiabugesi Village, died mysteriously at the hands of a contingent of policemen who were chasing him. On 13th September 2018, the ensuing fracas saw police shoot dead a *boda boda* rider, Hesbon Onkona of Kerongorori Village.

At the same time, a primary school pupil at Keberesi Primary School, escaped death after he was hit by a stray bullet. In October 2018, a young man, Richard Nyangaresi from Kiango Market was wounded badly by the police.

On 3rd December 2018, another *boda boda* rider, Silas Okeromi Ogugu of Nyagancha Village also escaped death after he was shot by a police officer. On 3rd March 2019, a Probox driver, Joash Juma Nyaisu from Maraba Village was shot by a police officer only to die hours later while undergoing treatment at Kisii Level 5 Hospital.

The above incidents have denied families their bread winners and left behind widows, orphans and disabled men. While we wait to see justice done through the courts, I would like the Ministry of Interior and Coordination of National Government to act expeditiously to halt this trend; to take stern measures against the culprits, and ensure the police execute their rightful mandate of protecting and not killing innocent citizens.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Statement is by Hon. Aisha Jumwa.

PERSONAL STATEMENT

PURPORTED DISCHARGE OF HON. AISHA JUMWA FROM ODM PARTY

Hon. (Ms.) Aisha Jumwa (Malindi, ODM): Thank you, Hon. Speaker. Pursuant to Standing Order No. 84, I wish to make a Personal Statement regarding the purported discharge by my party; the Orange Democratic Movement (ODM) for allegedly being disloyal.

The ODM party, which I am a member of, has enjoyed fanatic following in Malindi and the larger Coast Region, thanks to the party's people-centred leadership and precepts of democracy. One of our greatest sons of the Coast Region, Hon. Ronald Ngala was elected in the Legislative Council in 1957. He unified not only people from the Coast Region but the whole

nation at large. He overcame political party barriers in his quest to ensure this nation remains one and indivisible. I pay tribute to him.

Chapter 4 of the Constitution provides for rights and fundamental freedoms, including freedom of speech and freedom of association. Freedom means one can express himself/ herself without victimisation, freedom to have a divergent opinion within a party and have that opinion respected without being condemned. Let it be on record that Hon. Aisha Jumwa supported the handshake spearheaded by His Excellency the President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta, and Hon. Raila Amollo Odinga. It is an important rallying call for all Kenyans to embrace each other. It is an opportunity for us to come together, work together, walk together and develop this country together. Further, the building bridges initiative, which calls for dialogue among Kenyans has opened a new chapter in our political history.

When the history books shall be written, I believe that future generations will read that there lived a heroine who stood for a genuine handshake. They will read that Aisha Jumwa stood for true building bridges and practised the true spirit of togetherness. Above all, they will read that Aisha Jumwa stood against hypocrisy, ethnicity, despicable gender dehumanisation and party extremism. I wish to categorically state that I have been unjustly condemned for building bridges with my fellow Kenyans and urge the great people of Malindi and the Coast Region to remain calm. I echo the civil rights movement of the United States of America in the 1960s - I will overcome.

Thank you, honourable colleagues and Members for standing with me.

Hon. Speaker: Hon. Members, Hon. Aisha Jumwa stood under Standing Order No.84 and, therefore, there can be no debate. It is a personal statement. There is no debate. There can be no debate on a personal statement. I will firmly implement our Standing Orders and ensure that they are followed. It is a personal statement. There can be no debate.

MESSAGE FROM THE PRESIDENT

NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR EDUCATION

Hon. Speaker: Hon. Members, I indicated to you that I will be delivering another message. This is Message No.3 of 2019 from the President.

Pursuant to the provisions of Standing Order No. 42, I wish to convey the following Message from His Excellency the President regarding nomination of a person for appointment as Cabinet Secretary for Education.

In the Message, His Excellency the President conveys that, in exercise of powers conferred by Article 152(2) of the Constitution, as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Prof. George Albert Omoro Magoha for appointment to the office of Cabinet Secretary for Education.

Pursuant to the provisions of Standing Order No.204(4), I hereby refer the Message, together with the curriculum vitae of the nominee to the Committee on Appointments for consideration.

Section 8 of the Public Appointments (Parliamentary Approval) Act provides that, unless otherwise provided in law, the Committee to which such nomination is referred shall consider the matter and table a report in the House within 14 days from the date of notification. It is, therefore, imperative that the Committee immediately commences the process of consideration of approval of the nominee to enable speedy conclusion within the set timelines. For the

avoidance of doubt, the Committee should notify the nominee and the general public of the time and place for holding the approval hearings by 7th March 2019, following which the approval hearings should commence. Thereafter, the Committee should table its report in the House by Tuesday, 19th March 2019.

I just wish to add that contrary to views expressed by some quarters, there is no nominee who is presented to the House who cannot be vetted by the House; that is a constitutional requirement. Therefore, notwithstanding views that will be held even in churches or such like places, every nominee has to be considered by the House.

Let us move to the next Order.

MOTIONS

ADOPTION OF REPORT ON BUDGET POLICY STATEMENT 2019/2020

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement and the Debt Management Strategy for 2019/2020 and the Medium-Term, laid on the Table of the House on Wednesday, 27th February 2019.

(Hon. Kimani Ichung'wah on 27.2.2019)

(Debate concluded on 28.2.2019)

Hon. Speaker: Hon. Members, debate on this Motion was concluded and what remained is for the Question to be put. Having confirmed that there is sufficient quorum, I proceed to put the Question.

(Question put and agreed to)

Hon. Speaker: Hon. Members, looking at the Order Paper and because I did not think it was necessary to come up with a Supplementary Order Paper just to re-organise business, I re-organise business so that business appearing as Order No.10 be the next to be considered because sufficient numbers of Members have contributed to this Motion. If there is further interest, then there is business appearing as Order No.11 which in substance is about the National Government - Constituencies Development Fund (NG – CDF) as well so that we can conclude the first one.

There is room to talk about NG - CDF in Order No.11. Order No.10 deals with the Report of the Committee on the audited financial statements for the 2013/2014, 2014/2015 and 2015/2016 Financial Years for constituencies within Kisumu County. Those who have been following proceedings will agree with me that many of you have contributed to this. Should there still be need and desire to contribute to matters generally about NG - CDF then that can be considered within the business appearing as Order No.11.

REPORT ON AUDITED FINANCIAL STATEMENTS FOR CONSTITUENCIES IN KISUMU COUNTY

THAT, this House adopts the Third Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Kisumu County for the Financial Years 2013/14, 2014/15 and 2015/16, laid on the Table of the House on Wednesday, 28th November 2018.

(Hon. Erastus Nzioka on 26.2.2019)

(Resumption of Debate interrupted on 27.2.2019 – Morning Sitting)

Hon. Speaker: Hon. Members, you have forgotten your Standing Orders. Therefore, having rearranged business in the manner I have stated, I call upon the Mover to reply. Let us have Hon. Kathuri Murungi or any Member you may appoint.

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Speaker for this opportunity. I agree with you that Members have contributed to this Report for almost 10 hours in Parliament. This is one of the most popular reports that we have had in this Parliament. We can see some Members still want more time to contribute even now. I want to thank you, Hon. Speaker and Office of the Clerk because you have supported our Committee. We have a backlog of these audited reports of NG-CDF since 2013. It is through you that we have finished looking at the NG-CDF, both in Nairobi and Kisumu counties. We will still come to you because we have 45 counties to go through since 2013 to 2018.

The issue that Members have discussed or raised on the Floor of the House is late disbursement of funds, including this financial year. Fifty per cent of NG-CDF has not been disbursed to the constituencies yet we are in the third quarter. This has affected many projects like disbursement of bursary funds. The Government has achieved almost 100 per cent transition from primary to secondary schools this year. Even those who finished their Kenya Certificate of Secondary Education (KCSE) are still waiting for funds because the target is to ensure that students join colleges and universities.

Besides the late disbursement, Members have also discussed the allocation of the NG-CDF. The constituencies we have are unique in one way or the other. There are some constituencies with many schools and others with few schools, and some have high population while others have low population. The current formula is that all the funds that we get are distributed equally among the constituencies. I request the Select Committee on NG-CDF which is chaired by Hon. Maoka Maore to look into this matter and get the right formula, so that Members can see there is equity in this distribution.

Another issue that has come out is about the oversight committee which is still not in place. In the regulations of 2013, it was suggested that there must be an oversight committee, which does not have a budget at the moment. Therefore, the Select Committee on NG-CDF led by Hon. Maoka Maore should bring regulations on the Floor of the House, so that the committee can be put in place. All Members contributed to this Report. I would like to stop there.

Hon. Speaker, I beg to reply.

(Loud consultations)

Hon. Speaker: Order Members. There are some serious consultations which are happening. The Member for Muhoroni has just walked into the Chamber and immediately attracted the attention of the Leader of the Minority Party for consultation.

(Question put and agreed to)

Member for Eldama Ravine, you are alone. Hon. Members, as I had indicated, the re-organisation of business was merely to accommodate a particular business to be transacted. Move to Order No.9.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Hon. Moses Cheboi took the Chair)]

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

Hon. Chairman: Order Members. We are in the Committee of the Whole House to consider the County Governments (Amendment) Bill, 2017.

Hon. Members, let us begin because we will move fast.

(Clause 2 agreed to)

Clause 3

Hon. Chairman: We have a proposed amendment by Hon. Amos Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Chairman, I beg to move:

THAT, Clause 3 of the Bill be deleted and substituted with the following new clause —

“3. The Principal Act is amended by inserting the following new section immediately after Section 7A —

7B. (1) Whenever there is a new county assembly, the President by notice in the Gazette, shall appoint the place and date for the first sitting of every new county assembly which shall be not more than thirty days after the election.

(2) A sitting of a county assembly may be held at any place within a respective county and may commence at anytime the Assembly appoints.”

As Members will note, the President has several functions. One, he is the head of the Executive. Two, he is also the head of State. Therefore, he acts on behalf of the people. So, when the President calls for the First Sitting of Parliament, he acts on behalf of the people, but not as the head of the Executive. The Executive, Legislature and Judiciary are independent bodies. This power is contained in Article 126 of the Constitution which basically gives the President the

power to appoint the date and place of the First Sitting of the House. This was omitted in Chapter 11 of the Constitution which deals with the county assemblies and county governments. We tried to capture it in 2012 through the County Governments Act. However, we did not do it by some mistake. That is the error we want to cure with this amendment. We assumed that the President as the head of State is represented at the county level by the governor who is the chief executive of the county government, but not the head of the state of the county. He has no power to call the county assembly to sit, on behalf of the people.

According to Article 185 of the Constitution, the county assembly oversees the governor. I brought this amendment in order to make this law be in tandem with what is provided for in Article 126(2) of the Constitution. The President has the power to convene a Parliament. He should also convene all the county assemblies because he acts as the head of State at that point, but not as the chief executive of the executive arm of Government.

I ask the House to correct the anomaly that we created in 2012 so that county assemblies can independently oversee the governors without feeling that they are under the mercy of the governors, yet governors are chief executives and not heads of states at the county level. This is to draw that distinction.

I beg to move.

(Question of the amendment proposed)

Hon. Chairman: I will give chance to two Members. I am trying to see those who have pressed the intervention button.

Member for Suba South.

Hon. John Mbadi (Suba South, ODM): Hon. Chairman, I oppose this amendment. It is clear that the President has powers, through a Gazette notice, to appoint a place and date for the sitting of the National Assembly. Executive power, according to the Constitution, is exercised at two levels. It is exercised at the national level, through the national Executive; and at the county level, where it is exercised by governors and county executive committee members. That is what is in our Constitution. I do not see why convening county assemblies in the country should be the business of the President. We are giving the President too much work, including finding out, for example, when Samburu County Assembly, Kajiado County Assembly or Homa Bay County Assembly want to start sitting. It will be a total mess for the President. When we legislate, we do so to correct some mischief. I do not see any mischief in the current system that the amendment is seeking to address.

My friend, Hon. Amos Kimunya, should reconsider this amendment because to me, it serves no purpose. Let us allow the counties to decide between the speaker of the county assembly and the governor. It is very easy for them to agree rather than asking the President to decide. The speakers may not even access the President. These are small people. How do speakers of county assemblies access the President to agree on when the assemblies should sit? Do you not see that we are giving our President too much unnecessary work?

Hon. Chairman: Leader of the Majority Party. I will give chance to two more Members because the leadership of the House has spoken on this amendment. I want the ordinary Members also to have a say.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I want Hon. Kimunya to reconsider this amendment. I have very good reasons for that. The Constitution contemplates two levels of government. At the national level, the President is the head of the national Government.

At the county level, it is the governor. Let us not assume always that the President will have the majority of the counties. I want the Leader of the Minority Party to listen to me.

Imagine a situation where the President of the time does not control majority of the county assemblies in the country. The President can use his powers not to operationalise certain county assemblies. It is possible. We are talking about a presidential system of government, where county assemblies and even the national Parliament must be independent of the Executive. So, we have a law where the governor and the speaker of the county assembly consult on the venue and date when the county assembly will sit. The same is with the Speaker of the National Assembly and the President. This is the week when we have the devolution conference. We should not make legislation that weakens devolution.

(Hon. Jimmy Angwenyi spoke off record)

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, my neighbour is telling me that Hon. Kimunya should go to the devolution conference. Hon. Kimunya is here on behalf of the people of Kipipiri, legislating. He has no business in the devolution conference. We should not be seen during the week of devolution to be weakening legislation on devolution. Hon. Amos Kimunya is a very good friend of mine. He helps me during Committee of the whole House, but I beg him to withdraw the amendment. It is good but I oppose it.

Hon. Chairman: We will have Hon. Mbui, Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Chairman. You said that the leadership of the House has spoken. It is now time for ordinary Members to speak. I have just realised that the Office of the Deputy Leader of the Minority Party seems not to be recognised as part of the House leadership.

I support the Leader of the Majority Party and the Leader of the Minority Party.

Hon. Chairman: What did you say you are?

Hon. Robert Mbui (Kathiani, WDM-K): I am the Deputy Leader of the Minority Party.

Hon. Chairman: Okay, then you do not have the Floor. Obviously, that is an oversight. I had said that the next Member to speak would not be a leader in the House but an ordinary Member. You are not an ordinary Member. On your own admission, you have denied yourself an opportunity to speak. So, I will give chance to the Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Chairman, the leadership of this House has made a good point. I see Hon. Kimunya nodding in agreement; that the amendment should be withdrawn because it will bring confusion and interfere with devolution. We have executives at the county level, and they function with county assemblies. We do not need another national interference in the arrangement. I see Hon. Kimunya's face and think he will withdraw the amendment.

Thank you very much, Hon. Chairman.

Hon. Chairman: I am having difficulty picking a Member from the right side. Hon. Member for Central Imenti.

Hon. Moses Kirima (Central Imenti, JP): Hon. Chairman, I stand to support the amendment by the Member for Kipilipili, Hon. Amos Kimunya.

(Laughter)

Hon. Chairman: We do not have such a Member in this House. We do not have a constituency by the name “Kipilipili”.

Hon. Moses Kirima (Central Imenti, JP): Hon. Chairman, the one you have mentioned.

I hereby stand to support the amendment because it is well thought-out, if only my learned friends can take it with good heart looking at the intention of the said amendment.

The President is the symbol of unity in the country. For the President to declare when county assemblies can assemble...

(Hon. Kassait Kamket walked on the gangway)

Hon. Chairman: Order, Hon. Kamket. Proceed.

Hon. Moses Kirima (Central Imenti, JP): For the President to declare when county assemblies can assemble to start their normal sessions would mean...

Hon. Member: Put the Question.

Hon. Moses Kirima (Central Imenti, JP): Hon. Chairman, I am being disrupted. We cannot put the Question when I am contributing. It would mean that my contribution is being disregarded.

The amendment is proper. We have an experience before where some county assemblies declared themselves independent from the rest of the country. So, to have the President declaring dates when county assemblies can sit is not abnormal because it is known that the President is a symbol of national unity in the country. That does not water down devolution at all.

Hon. Chairman: Let us not debate.

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

(Clause 3 agreed to)

(Clauses 4 and 5 agreed to)

Clause 6

Hon. Paul Koinange (Kiambaa, JP): Hon. Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended in the proposed amendments to Section 9 by deleting the proposed new Section 9A and substituting therefor—

Speaker of a
county assembly.

9A. (1) The speaker of a county assembly shall be elected, in accordance with standing orders of the respective county assemblies, from among persons who are eligible to be elected as members of a county assembly but are not such members.

(2) In the absence of the speaker of the county assembly or in matters that directly affect the speaker, the county assembly shall elect a member to act as speaker as contemplated under Article 178(2) (b) of the Constitution.

(3) Unless otherwise removed, the member elected under subsection (2), shall, in the absence of the Speaker, preside over the sittings of the assembly for the term of the county assembly.

The amendment proposes to delete and substitute the entire Clause 6. The Committee has...

Hon. Chairman: Are you sure you are moving the correct proposal?

Hon. Paul Koinange (Kiambaa, JP): Yes, I want to justify why I want to withdraw it.

Hon. Chairman: Proceed, Hon. Koinange.

Hon. Paul Koinange (Kiambaa, JP): Thank you. Hon. Chairman, the Departmental Committee on Administration and National Security proposes the amendment whose effect is to remove the office of the deputy speaker as envisioned in the County Governments (Amendment) Bill.

The Committee was informed by the decisions of the High Courts of Machakos and Meru in 2016 and 2017 respectively that declared the office of the deputy speaker in counties invalid. However, upon further reflection and pursuant to a decision by the High Court of Nyeri last week, that found the position of deputy speaker valid, according to Article 178 of the Constitution, Section 21 of Elections Act and Section 9(4) of the County Governments Act, to the effect that it could not have been intended in the Constitution for the Speaker not to have a substantive deputy, I have satisfied myself and my Committee that the amendments may not be suitable and move to withdraw them.

Thank you.

Hon. Chairman: That puts the matter to rest. I see some Members are putting up their hands, others their heads. The amendment is not before you anymore because it has been withdrawn. It was not yours in the first place.

We will proceed.

(Proposed amendment by Hon. Paul Koinange withdrawn)

(Clause 6 agreed to)

Clause 7

Hon. Chairman: What Hon. Koinange proposes to do as he rises is to delete. If he succeeds with the deletion, the other three Members who have proposed amendments will have their amendments falling on their faces. That is Hon. Moses Kuria, Hon. Faith Gitau and Hon. Kwenya Thuku. That is the first scenario.

The second scenario is, if Hon. Koinange's proposal fails, we will have three Members who are proposing very similar amendments. The one which I consider to be a bit more inclusive is the one by Hon. Faith Gitau. We will give her an opportunity to propose hers, and if it is carried, both Hon. Kuria and Hon. Thuku Kwenya will have had their views and their proposals on board. So, they will also fail.

Hon. Members, I hope you have understood that. Hon. Koinange, are you satisfied that the withdrawal of your Clause 6 does not at all have any effect on Clause 7? This is because still it is about election of a Speaker. Make it very clear and the Members will be with you, if you are clear enough. It seems to me that it is also about the election of a Deputy Speaker

Hon. Paul Koinange (Kiambaa, JP): Hon. Chairman, the amendment proposes to delete the entire Clause 11A of the Bill. The Departmental Committee on Administration and National Security proposes the amendment whose effect is to remove the office of the deputy speaker as envisioned in the County Governments (Amendment) Bill.

The Committee was informed by the decisions of the High Courts of Machakos and Meru in 2016 and 2017 respectively that declared the office of the deputy speaker in counties invalid. However, upon further reflection and pursuant to a decision by the High Court of Nyeri last week, that found the position of deputy speaker valid, according to Article 178 of the Constitution, Section 21 of Elections Act and Section 9(4) of the County Governments Act, to the effect that it could not have been intended in the Constitution for the Speaker not to have a substantive deputy, I have satisfied myself and my Committee that the amendments may not be suitable and move to withdraw them.

Thank you.

(Proposed amendment by Hon. Paul Koinange withdrawn)

Hon. Chairman: That being the case that you have withdrawn it, the rest of the membership will have a right to proceed and propose their amendments. As I have said, we will start with the gracious lady from Nyandarua, Hon. Faith Gitau.

Hon. (Ms.) Faith Gitau (Nyandarua CWR, JP): Hon. Chairman, I beg to move:

THAT, clause 7 of the Bill be amended—

(a) in the proposed new section 11—

(i) by deleting the words “at least two-thirds of all the members of the county assembly” appearing in subsection (1)(c) and substituting therefor the words “not less than seventy five percent of all the members of the county assembly”;

(ii) by inserting the following new subsections immediately after subsection (8)—

(9) If a motion under subsection (8) is supported by not less than seventy five per cent of all the members of the county assembly —

(a) the deputy speaker of the county assembly shall inform the Speaker of the Senate of that resolution within two days; and

(b) the speaker shall not perform any of the functions of the office pending the outcome of the proceedings required by this section.

(10) Within seven days after receiving notice of a resolution from the deputy speaker of the county assembly—

(a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the speaker; and

(b) the Senate, by resolution, may appoint a special committee comprising eleven of its members to investigate the matter.

(11) A special committee appointed under subsection (10) (b) shall—

(a) investigate the matter; and

(b) report to the Senate within ten days on whether it finds the particulars of the allegations against the speaker to have been substantiated.

(12) The speaker shall have the right to appear and be represented before the special committee during its inspection.

(13) If the special committee reports that the particulars of any allegation against the speaker—

(a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or

(b) have been substantiated, the Senate shall, after according the speaker an opportunity to be heard, vote on the impeachment charges.

(14) If a majority of all the members of the Senate vote to uphold any impeachment charge, the speaker shall cease to hold office.

(15) If a vote in the Senate fails to result in the removal of the speaker, the Speaker of the Senate shall notify the deputy speaker of the concerned county assembly accordingly and the motion by the assembly for the removal of the speaker on the same charges may only be re-introduced to the Senate on the expiry of six months from the date of such vote.

I am proposing to remove “at least two-thirds” and replace it with “not less than seventy five per cent of all the members of the county assembly”. In order for the county assembly to achieve its mandate, the speaker must be self-driven and very articulate on matters legislation and oversight. He should also be able to point out irregularities without fear or intimidation.

We find that whenever a speaker differs with the executive principally, his impeachment or removal is normally instigated by the governor, especially when the governor’s agenda is questioned by the assembly. The governors find it easy to use the nominated MCAs who are in the real sense their nominees. Unlike in Parliament where the number of nominated MPs or Senators is negligible, in assemblies the number is quite high and can fundamentally influence the removal of the speaker.

Hon. Chairman: Even as you proceed, Hon. Gitau, I can see you are concentrating on your proposal on part (a)(i). I would have wanted you to move the whole of it then when I propose the Question I will first give opportunity to the Members who had made similar proposals, so that they can probably buttress your case. If yours fails, then the rest of them will fall with you.

Proceed.

Hon. (Ms.) Faith Gitau (Nyandarua CWR, JP): If the Motion is passed by not less than 75 per cent, then the deputy speaker should write to the Senate and the Senate should immediately convene a special committee comprising of 11 Members to investigate the matter. If the special committee of the Senate finds out that whatever was written by the deputy speaker is not substantiated, further proceedings shall not be taken under this section in respect of that allegation. And if the report is substantiated, then the speaker ceases to be in office.

Hon. Chairman: It is now clear. You have moved, therefore, I will propose the Question.

Hon. (Ms.) Faith Gitau (Nyandarua CWR, JP): Yes.

(Question of the amendment proposed)

Hon. Chairman: I will give four Members a chance, starting with Members who have amendments. We will start with Hon. Kuria. Is he in the House?

(Loud consultations)

Hon. Members, I want you to understand. The reason I am giving these Members a chance is that they have similar amendments. So, all of them are tied at the hip to that one of Hon. Faith. Hon. Kuria is not in the House. So, I give Hon. Kwenya a chance and then I will come to the rest of the membership.

Hon. Kwenya, please, proceed.

Hon. Zachary Thuku (Kinangop, JP): Thank you, Hon. Chairman. I wish to withdraw my amendments because they are similar to what my colleague, Hon. Faith has. I support her amendment.

(Proposed amendment by Hon. Zachary Thuku withdrawn)

Hon. Chairman: Well, that is why I was giving you the Floor to probably support her and which you have just said. Let us have Hon. Millie Odhiambo. I will give more Members on this one. I realise it is a bit of a serious amendment and Members want to speak to it.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Chairman for giving me the opportunity. I do not have a proposed amendment. However, I wish to oppose the amendment for the same reason that Hon. Faith has given.

You can actually abuse the position of the speaker; if for instance, you have a speaker who then takes the nominated Members of County Assemblies (MCAs) hostage as it happened in Homa Bay County. Therefore, if you raise the bar it means you will be having a person who is rogue and is not subject to any authority or rule. The counties should be a mirror at the national level. If we have such a standard at the national level, why do we want to shield a speaker at the county level? Have they become goddesses or gods? We need accountability and, in fact, the bar should be lowered.

Hon. Chairman: Please, let us be brief because I want to give as many Members as possible a chance on this matter. So, Members be patient. Let us have the Leader of the Majority Party. I will give many more Members a chance. You do not need to worry.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, I want you to allow me two minutes. This is because I took two hours to study these amendments and prepared a write-up. This amendment is outrageous; the Member proposes that the Senate be involved in the removal of a County Assembly Speaker! The Speaker of the National Assembly, who is third in ranking after the President and the Deputy President, is removed by a two-thirds majority vote in this House.

There is a scheme here to undermine governors and to profile speakers. The difference between a speaker and a governor is that the latter is elected by the people. That is why the Senate is the referral House. On the contrary, a speaker is not elected by the people and so if the Senate disagrees with the assembly, you will be imposing a speaker on the county assemblies. We should not legislate for our counties. We should legislate for the people of Kenya.

I thank Hon. Koinange, particularly this week when there is a devolution conference. The National Assembly should not be used to undermine it. I talked to the Director of Legal Services. I had a discussion with my colleagues this morning and everyone is in agreement that this amendment is mischievous. If you are a county speaker and you cannot get the confidence of your members at the county assembly, you park and go! You cannot force yourself on the MCAs; they are the ones who elected that speaker and so must have a right in law to remove him.

Hon. Chairman: On this one, let me give Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Chairman. The amendment by Hon. Faith is outrageous and in bad faith. From the look of things, it is a conspiracy by the people of Nyandarua against Governor Kimemia. This is because the two legislators behind it come from Nyandarua.

Hon. Chairman: Do not impute... I will have to protect Hon. Members. I know Members bring their amendments here in good faith. Once they have been processed, please, just oppose or support them. You do not have to impute improper motive without a substantive Motion.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Chairman, I said that because when I was looking at a similar amendment and the people behind it, I realised that both of them come from Nyandarua County. So, I have a right to say that whatever goes on in the county...

Hon. (Ms.) Faith Gitau (Nyandarua CWR, JP): On a point of order.

Hon. Chairman: Order! Now that you have mentioned Hon. Faith in bad faith, I will give her an opportunity. What is your point of order, Hon. Faith?

Hon. (Ms.) Faith Gitau (Nyandarua CWR, JP): Hon. Chairman, I am very disappointed with my friend. I legislate for the people of Nyandarua. We have seen so many speakers being impeached elsewhere, but not any in Nyandarua. So, please, let him withdraw

Hon. Chairman: Well, I have to agree with Hon. Faith Gitau. We cannot have ourselves throwing words at our own colleagues when they are legislating. She is perfectly in order. She has gone through the rigours of preparing her amendments. Hon. Wamalwa, just withdraw that bit and proceed.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Chairman, I had said Hon. Faith brought this amendment in bad faith. That is what I meant.

Hon. Chairman: Just withdraw it on record and do the necessary. After the withdrawal you have to apologise

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): *(Inaudible)*

Hon. Chairman: You know Hon. Wamalwa ...

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): *(Inaudible)*

Hon. Chairman: Thank you. You can now proceed. You are a senior Member and a chair of the Catholic MPs. You are a big man, proceed.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): I am a man of faith and for your information even the Governor of Nyandarua is a Catholic.

Having said that, we borrow from international standards; these two-thirds majority is something that is in many jurisdictions. The county assemblies are supposed to borrow from the National Assembly. Recently, we failed to raise the two-thirds requirement to vote on the constitutional Bill. So, two-thirds is already a high threshold. In fact, some of us are thinking should we have an opportunity to go for the referendum, we should reduce the threshold. So, if we can hardly achieve two-thirds in numbers and here you are proposing that we go to 75 per cent, then it means you want to have speakers who are going to be rogue and removing them will be impossible. So, I oppose and oppose.

Hon. Chairman: Okay. You have been heard. Let us have Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Chairman, I was about to complain that you are ignoring me. I oppose the proposed amendment. As my colleagues have said, I think it is not a well-founded amendment and could be aimed at other intentions. Article 106 (2)(c) of the Constitution of Kenya clearly states the threshold thus:

“The office of Speaker or Deputy Speaker shall become vacant –

(c) If the relevant House so resolves by resolution supported by the votes of at least two-thirds of its members...”

We must remain consistent in all our legislative processes so that we retain the two-thirds majority.

Hon. Chairman: Okay, why do you not leave it at the first one only so that we can have other Members contributing? Let us have the very old Member of this House, Hon. Jimmy Ondieki Angwenyi and I will still give two other Members a chance.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Chairman, *naweza kuwatemea hao mate ili wakae hapa miaka mingi*. Anyway, I rise to oppose the amendment being proposed by the Hon. Member from Nyandarua.

Hon. Chairman: No. There is only one amendment. Jimmy you know you are a seasoned politician. There is only one amendment before the House and that is by Hon. Faith Gitau.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Okay, Hon. Chairman. We are not making law for a particular county. We are making a law that will affect all the counties in this country. I hope there is no Member who believes or thinks that our procedures here are substandard. For example, a threshold of two-thirds of the membership is required if you, for any reason, want to impeach the Speaker. If you want to impeach anybody else, even the President of Kenya, it is two-thirds. I do not know why a Member would think about raising the threshold for the counties to 75 per cent. Maybe, he or she will propose it to be 100 per cent membership next year. There is nowhere you are borrowing that from. So, let us not do away with that threshold.

Hon. Chairman: Okay. Hon. Ngunjiri Wambugu.

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you very much, Hon. Chairman. I strongly disagree with this amendment. I rise to oppose. The word “oppose” had disappeared for a minute. I rise to oppose this amendment for his simple reason: The way I read this amendment is that it is supposed to secure a speaker to the point that you no longer need to care about getting the legitimacy and confidence of your assembly as you conduct yourself.

It is not good if we created that kind of situation even here in the House, in the National Assembly, where you as the Deputy Speaker knows that you cannot be affected by the membership no matter what you do. When you raise the threshold from two-thirds to 75 per cent, what you have done is secure that speaker to the point where he needs to keep 25 per cent of the assembly on his side and he can do whatever he wants.

I strongly oppose this. I think it is mischievous as well.

Hon. Chairman: I am giving chance to two last Members. We will start with the Leader of the Minority Party then I will come to one Member from this other side and that will be it. The rest can talk later. We still have two other amendments which are almost similar.

Proceed.

Hon. John Mbadi (Suba South, ODM): Hon. Deputy Speaker, I also oppose.

I want to make the following quick comments: One is that the amendment could have made sense if we come up with a procedure, executed at the assembly, of how the speaker is to be removed and under what grounds. The speaker needs to be given an opportunity to defend himself or herself before a committee of the assembly. Trying to make the threshold so high that the removal of the Speaker of the National Assembly is misplaced. Two, giving veto power to the Senate to veto the work of assembly, the same assembly that elected the speaker, is not good. Electing the Speaker is by simple majority. The moment you elect by simple majority, this person becomes a demigod so that you have to seek authority from the Senate for you to remove him. Surely, we should be keen even when we are bringing amendments. Some do not make sense. Let us not compare governors, as the Leader of the Majority Party said, because the governor is voted for by people in the county. So, you cannot do that. You have to allow such a person to enjoy some other veto power elsewhere, outside the assembly.

Hon. Chairman: Okay. Let us have Hon. Sankok. The rest will get a chance in the next one. No stories on this.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Chairman. I do not have any story. I do not know what the basis of this amendment was. The threshold in the National Assembly is very clear. It is two-thirds. The threshold for the most powerful person in this country, the President, is two-thirds. Hon. Members, let us have something as the basis of the amendments we bring to this House. I have never heard of 75 per cent on any legislative framework. Let us have a basis for any amendment we have in this House.

Thank you.

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

As the nays have it, the proposal by Hon. Kuria falls because he was not here to prosecute it. Hon. Kwenya Thuku has withdrawn his.

(Proposed amendment by Hon. Moses Kuria dropped)

(Clause 7 agreed to)

Clause 8

Hon. Chairman: Hon. Paul Koinange, let us be brief on that one so that we can move faster.

Hon. Paul Koinange (Kiambaa, JP): Hon. Chairman, I beg to move:

THAT, Clause 8 of the Bill be amended in the proposed amendment to Section 25 in the new subsection (2) by deleting the words “and the county Gazette” appearing immediately after the words *Kenya Gazette*.

The amendment is informed by the fact that the County Printer is not yet in force. There are no county gazette notices. Consequently, making reference to a nonexistent entity makes the law redundant.

(Question of the amendment proposed)

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

(Clause 8 as amended agreed to)

(Clauses 9 and 10 agreed to)

Clause 11

Hon. Paul Koinange (Kiambaa, JP): Hon. Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended in the proposed amendments to Section 31 by deleting the proposed new paragraph (a) and substituting therefor—

“(a) may dismiss a county executive member, if the governor considers appropriate and shall give reasons for dismissal”

The proposal aims to ensure that the proposed amendment does not contradict provisions of Article 48 of the Constitution relating to fair administrative action by requiring the governor to give reasons for dismissing a County Executive Committee (CEC) Member

(Question of the amendment proposed)

Hon. Chairman: I will give chances to speak to two Members. Let us have the Hon. (Dr.) Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Chairman. I rise to support this amendment because it makes a lot of sense.

When you are dismissed from office, it is important that the reasons are clearly stated and are applicable because you might just be dismissed for no reason.

So, I support this because it is important.

Hon. Chairman: Okay. Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Chairman. The operative word here is “may dismiss”. Therefore, it is not mandatory. Again, appropriate reasons for the said dismissal is a sufficient threshold when you want to sack a CEC Member who is wayward.

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

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

(Clause 11 as amended agreed to)

(Clauses 12, 13 and 14 agreed to)

Clause 15

Hon. Paul Koinange (Kiambaa, JP): Hon. Chairman, I beg to move:

THAT, The Bill be amended by deleting Clause 15 and substituting therefor—

Amendm
ent to
section
44 of No.
17 of
2012.

5. Section 44 of the principal Act is amended by-

(a) deleting subsection(2) and substituting therefor—

“(2) A person shall be qualified for appointment as a county secretary under subsection (1), if that person —

(a) is a citizen of Kenya;

(b) holds a degree from a university recognised in Kenya;

(c) has at least ten years relevant professional experience;

(d) has at least five years’ experience in a leadership position at senior management level in a public service or private sector organisation; and

(e) meets the requirements of leadership and integrity as prescribed in Chapter Six of the Constitution.

(b) inserting the following new subsections immediately after subsection (2)–

(2A) The Governor shall, for the purpose of competitive recruitment of a county secretary under subsection (2), constitute a selection panel.

(2B) The selection panel shall consist of the following persons–

(a) a chairperson, not being a public officer;

(b) one person from the private sector;

(c) an Advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;

(d) an accountant who is a member of the Institute of Certified Public Accountants of Kenya; and

(e) one person from an association representing workers.

(2C) The provisions of section 58A shall, with such modification as shall be necessary apply to the recruitment of a county secretary.

(2D) Upon interviewing the applicants for the position of county secretary–

(i) the selection panel shall submit to the governor the names of two applicants who qualify for appointment as county secretary; and

(ii) the governor shall submit the name of one applicant to the county assembly for approval for appointment as county secretary by the governor.

(2E) The county secretary shall hold office for a term of five years and shall be eligible for reappointment once.

(2F) The county secretary shall be an *ex officio* member of the County Executive Committee with no voting rights.

(c) inserting the following new subsection immediately after subsection (3) –

(3A) The county secretary may be removed from office on the following grounds—

(a) inability to perform functions of the office arising out of physical or mental infirmity;

(b) incompetence;

(c) gross misconduct;

(d) bankruptcy; or

(e) violation of the Constitution.

(3B) Before removal under subsection (3A), the county secretary shall be informed, in writing, of the reasons for the intended removal, and shall be given an opportunity to put a defence against any such allegations, either in person or through a representative.

(3C) Subject to subsection (3A), (3B) and conditions of appointment, a county secretary may be dismissed by the governor.

The amendment seeks to provide the recruitment procedure of a county secretary via a selection panel. The proposed amendment seeks to make the position of the county secretary independent.

(Question of the amendment proposed)

Hon. Chairman: The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): I really thank Hon. Koinange and his Committee. He is a very competent Chair. We have just been picking county secretaries from the streets. County secretaries are so important that they are the equivalent of Joseph Kinyua, the

Head of Public Service. A governor would just pick even his girlfriend or boyfriend to be a county secretary.

Hon. Chairman: Order. Somebody else here is saying “or both”.

(Laughter)

Proceed, Hon. Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, that one is illegal. You should hide if you want to practice that business. We are being told the qualifications of a county secretary is that he should have experience in leadership, even five years. Secondly, county secretaries are not competitively recruited today. They are just picked. So, we have a recruiting panel here and it is composed of different people. I really thank the Chair. Once this law comes into force, county governments must re-advertise all the positions of county secretaries. In fact, we need to put the operation date of this law once this Bill goes back to the Senate so that if there are county secretaries who are mediocre they vacate office so that officers are competently recruited.

I support.

Hon. Chairman: Okay. Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Chairman, for giving me this opportunity. I support.

I am saying this in line with what happened in the first election of county assemblies. We had a county secretary who was kicked out by the court. They kept going round and round. Eventually, a county secretary was sent from national Government to go down there. This is a better process. For the last five years, we have had the County Secretary who was appointed. He never went through competitive process. This is a better way of picking a county secretary.

Hon. Chairman: Hon. Oku Kaunya.

Hon. Oku Kaunya (Teso North, ANC): Thank you, Hon. Chairman.

This amendment is key particularly because it takes cue from our Public Service – the selection of various positions like in the commissions and other public service practices. The section which states that the selection panel shall submit two names is good. This gives the opportunity to pick a competitive person instead of giving the governor a chance to select one person who he likes for one reason or the other.

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

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

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

(Clause 15 as amended agreed to)

(Clauses 16 and 17 agreed to)

Clause 18

Zachary Thuku (Kinangop, JP): Hon. Chairman, I beg to move:

THAT, clause 18 of the Bill be amended in the proposed new section 58A (2)—

(a) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) two persons nominated by the Association of Professional Societies in East Africa;

(b) by deleting paragraph (d).

We do not want to give preference to specific professions. We can get professionals from other areas like the Association of Professional Societies in East Africa (APSEA) instead of being discriminative in the Bill.

Thank you.

(Question of the amendment proposed)

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): On a point of order, hon. Chairman.

Hon. Chairman: What is your point of order, Hon. Chris Wamalwa?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Chairman. As my friend, Hon. Thuku, explained, Members would like to know what the current law says. He is talking of discrimination. He needs to qualify that for better understanding by Members.

Hon. Zachary Thuku (Kinangop, JP): Hon. Chairman, I stand guided. The Bill proposes that one of the persons to be appointed to sit in the panel of selection should be an Advocate of the High Court of Kenya and a member of the Law Society of Kenya (LSK).

Part (d) proposes an accountant who is a member of the Institute of Certified Public Accountants of Kenya (ICPAK). This is discriminative. I am proposing this amendment, so that the appointment can be open to any profession. I have proposed that the same...

Hon. Aden Duale (Garissa Township, JP): On a point of procedure, hon. Chairman?

Hon. Chairman: What is your point of procedure, Leader of the Majority Party? I am interested in knowing what this discrimination is.

Hon. Aden Duale (Garissa Township, JP): Hon. Chairman, in Clause 15, which we have agreed on, we have already passed a selection panel. So, Hon. Thuku's amendment is null and void, unless he is proposing a further amendment, which he should have done in consultation with the Committee Chairperson.

Hon. Chairman: I am in agreement with the Leader of Majority Party. Hon. Thuku, that is what we say; that, the matter has been overtaken by events. So, your amendment falls.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Chairman.

Hon. Chairman: What is your point of order, Member for Suba North?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Chairman. Even though I agree with the Leader of Majority Party, Hon. Thuku has raised an important issue that the House should be cognisant of. Is the Hon. Member in order to say that if you add an Advocate of the High Court of Kenya you will be discriminatory? I do not understand how adding an Advocate of the High Court of Kenya is being discriminatory. I am speaking as an Advocate of the High Court of Kenya. We are being marginalised, as lawyers. Increasingly, we are being removed from every appointment yet everything to do with law has to do with lawyers.

Hon. Chairman: Let us leave that for another day. Do not waste a lot of your saliva on it. It has been overtaken by events. That is it. So, we will move to the next Order.

(Proposed amendment by Hon. Zachary Thuku withdrawn)

(Clause 18 agreed to)

(Clauses 19, 20, 21, 22, 23 and 24 agreed to)

Clause 25

Paul Koinange (Kiambaa, JP): Hon. Chairman, I beg to move:

THAT, Clause 25 of the Bill be amended in the introductory paragraph by deleting the words ‘deputy speaker’ appearing after the word “serving as”.

This amendment proposes to remove the office of the deputy speaker in the introductory paragraph as envisioned by the County Governments (Amendment) Bill. The Committee was informed by the decisions of the High Courts of Machakos and Meru in 2016 and 2017 respectively that declared the office of the deputy speaker in county governments invalid. However, upon further reflection, and pursuant to a decision by the High Court of Nyeri last week, that found that the position of the deputy speaker is valid, according to Article 178 of the Constitution, Section 21 of the Elections Act and Section 9 (4) of the County Governments Act to the effect that it cannot have been intended in the Constitution for the speaker not to have a substantive deputy, I have satisfied myself that the amendment may not be suitable and move to withdraw it.

(Proposed amendment by Hon. Paul Koinange withdrawn)

John Mbadi (Suba South, ODM): On a point of order, Hon. Chairman.

Hon. Chairman: What is your point of order, Leader of Minority Party? The owner of the proposed amendment has withdrawn it.

John Mbadi (Suba South, ODM): Hon. Chairman, I do not want to belabour the point that the Chairperson has put. He is perfectly in order to withdraw the amendment. My concern is that, when the courts pronounce themselves on a matter and insist that a legislation is unconstitutional - unless we have a clear order from the court - should we be making attempts to comply to such a court ruling? Legislation will be untidy. I noticed that there was an attempt by the Committee to comply with the rulings of the High Courts of Machakos and Meru yet that decision had not been appealed against and taken to the Supreme Court. Maybe, as a House, we need to come out clearly that, unless there is a court order asking Parliament for specific action, we need not make attempts to amend a law on the basis of any court ruling.

Hon. Chairman: That is really the position. I hope the Chairperson of the Departmental Committee on Administration and National Security has heard that. Even when the court order is made, there are ways in which we adopt it. We cannot be legislating at the behest of our courts.

I can see that most of the Members who are interested in speaking have already spoken. So, I have a problem in giving any of them the Floor. That clause is gone. Let us move on.

(Clause 25 agreed to)

New Clause 6A

Hon. Chairman: Is Hon. Kuria in the House? Well, he must be in Kirinyaga attending the...

That clause is dropped.

(Proposed amendment by Hon. Moses Kuria dropped)

(Title agreed to)

(Clause 1 agreed to)

Paul Koinange (Kiambaa, JP): Hon. Chairman, I beg to move that the Committee do report to the House its consideration of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Hon. Christopher Omulele) in the Chair]

REPORT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have the Chairperson of the Departmental Committee on Administration and National Security.

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Mover.

Hon. Paul Koinange (Kiambaa, JP): Hon. Temporary Deputy Speaker, I beg to move that the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) be now read the Third Time. I request Hon. Duale to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Chairperson, are you at the right place? Are you done? You need to state that, "the House do agree...." Please, repeat it so that it is clear.

Hon. Paul Koinange (Kiambaa, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Duale to second the Motion for agreement with the Report of the Committee of the whole House.

Thank you.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, because we do not have the requisite numbers to put the Question, we will leave it there for now. We will take the necessary action on this matter next time it will be set down for consideration.

I direct that we move to the next Order of business.

MOTION

REPORT ON DISBURSEMENTS OF FUNDS TO NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

Hon. Maoka Maore (Igembe North, JP): Hon. Temporary Deputy Speaker, you recall that we had some issues regarding the National Government Constituencies Development Fund (NG-CDF) disbursements. Many of us were looking forward to this Motion.

The National Government Constituencies Development Fund is established pursuant to the National Government Development Fund Act 2015. Its main objective...

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): On a point of order, Hon. Temporary Deputy Speaker. With due respect, Hon. Maoka Maore is an old Member of this House. There is a procedure on how to present a Motion. So, the Motion must be moved first before he comes in with his arguments. Can he follow the procedure? I know he is a senior Member of this House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wamalwa, you are quite in order. Hon. Maore, comply with the Standing Orders and the requirement of proceeding with this Motion.

Hon. Maoka Maore (Igembe North, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the Status of Disbursements of Funds to the National Government Constituencies Development Fund as at 22nd February 2019, laid on the Table of House on 26th February 2019.

Section 4 of the Act as amended establishes the NG-CDF as the national fund consisting of monies of an amount of not less than 2.5 per cent of all the national Government's share of revenue as divided by the Division of Revenue Act, which was enacted pursuant to Article 218 of the Constitution. Pursuant to the provisions of the Act, the Government, through the National Treasury and Planning, allocated Kshs33,286,162,000 to fund the annual Development Estimates of 2018/19 Financial Year.

The Board, with approval of the National Assembly Select Committee on the NG-CDF, determined the budget ceiling for each constituency in accordance with Section 34, subject to the provisions of Section 8(1) and 23(1). The total amount allocated per constituency was Kshs109,040,875.52. As at 19th February 2019, the National Treasury had released Kshs12 billion. The Board has so far disbursed Kshs8,348,000,000 to constituencies and the remaining balance of Kshs3,652,000,000 was used to settle approved projects of previous financial years.

It is worth noting that there are pending arrears of previous financial years yet to be disbursed to constituencies totaling to Kshs1,274, 273,813 from the fiscal year 2010-2018. That

which is yet to be disbursed by the National Treasury is Kshs4,976,750,000. The Committee resolved and made the recommendations as follows:

- 1) The National Treasury should ensure that the remaining Kshs21,286,162,000 is released by the end of March 2019 to give constituencies adequate time to absorb the funds before the closure of the financial year.
- 2) The Cabinet Secretary of the National Treasury should ensure that the Kshs4,976,750,000, which is annually remitted by the National Treasury and is owed to the Board, is provided for in the next Supplementary Budget.
- 3) The NG-CDF Board should, by the end of March 2019, submit to the Committee a comprehensive list of all incomplete projects countrywide, clearly categorising those that have stalled because of either leaning in the category of devolved functions, were initiated without the authority of the Board or under-funded, among other reasons. The Board should also suggest the way forward regarding those projects.
- 4) Funding of the incomplete projects by the constituencies to be staggered within the next three financial years in order to ensure that new projects that are critical to the community are adequately funded.
- 5) Constituencies with cumulative balances of over Kshs20 million to be invited to appear before the Committee within two weeks to clarify the reason for the huge pending cumulative balances. For the Members who are not spending money, we want to know where the problem is. How can they be having more than Ksh20 million in their accounts?
- 6) The five constituencies; that is, Shinyalu, Mbeere North, Nyeri Town, Kiharu and Ndaragwa are yet to submit their project proposals to the Board and they should comply with immediate effect.

Hon. Temporary Deputy Speaker, I now invite the Member for Kiminini to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I beg to second.

Indeed, Hon. Maoka Maore has highlighted some of the critical issues affecting the NG-CDF. Every village you go to, you will find a project by NG-CDF. This is a very critical Fund, which must be followed. I am happy on the Schedule. He has shown how the disbursement has been done.

As we move on, I think it is important for the NG-CDF Board and the National Treasury, when disbursing funds, to do so promptly. I am saying this because during this financial year, when schools were opening, there was no money because it had not been released. This brought a lot of inconveniences. We have so many bright children from poor families who cannot go to school and rely on the NG-CDF. If these funds are released when schools have already opened, it is useless.

We have seen many children, particularly those who did Standard Eight and had a specific timeframe for them to join Form One. Some of them lost their positions because they did not manage to report on time. In future, it is important for the NG-CDF Board and the National Treasury to adhere to the timelines when it comes to releasing these funds. If they release five months down the line, it will be useless.

As we speak right now, the funds that were initially released were mainly used for administrative purposes and paying employees' salaries. Majority of the MPs have not yet released the bursary funds. As we move forward, we are calling upon the constituencies that have not released their project proposals to the NG-CDF Board to move with speed.

Otherwise, this is a good Fund. How I wish that in future we can increase its allocation from 2.5 per cent to something like 5 per cent. It is the only Fund that is being felt. I have gone

to many counties and the money they get is not felt in some of the villages. As I aspire to become a governor, God willing in 2022 - I am not declaring but aspiring. There is a difference between aspiring and declaring. My colleagues need to learn the difference. I am not declaring there is a difference.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oudo, what is out of order? You seemed to be totally displeased by something. What is disturbing?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): On a point of order, Hon. Temporary Deputy Speaker. Is it in order for the Hon. Member to come and declare his interest in the governorship on the Floor of the National Assembly?

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oundo, you are out of order. Hon. Chris Wamalwa proceed.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Hon. Temporary Deputy Speaker, I thought Hon. Oundo is a fast learner only to realise he is a slow learner. I did not come here to declare. There is a difference between aspiring and declaring. Maybe, they are synonyms, he needs to refer to the Oxford English Dictionary, for further understanding.

As I said earlier, the NG-CDF Act has undergone a lot of transformation or metamorphosis. Many amendments have gone to this law. Now it is called the NG-CDF. It is important as we move forward, to look for a framework for increasing it from 2.5 per cent. This is the time for an impact analysis to be done on how NG-CDF has transformed villages. For instance, when you come to my region, we have shortage of land and I am focusing on storey buildings.

I have started something called *Operation Matope Out (OMO)*. All the schools in my constituency which were built with *matope* are now being rebuilt. We are throwing out the *matope*. Pupils being infested with jiggers is now history. However, these funds are never enough. As we move forward, I know there is a Government policy of not introducing new schools. It is becoming very difficult to register new schools. As we try to move forward towards the 100 per cent transition from primary to secondary school, it is indeed important that we must also reduce the distance our children walk to school. This is where we introduce new secondary schools through the use of NG-CDF. However, we are getting frustrated when it comes to the Ministry of Education. This is because the Ministry of Education is actually reluctant to register the new schools and there is even a policy that they are freezing registration of new schools because of shortage of teachers yet in many areas we are getting teachers who have Teachers Service Commission (TSC) personal numbers. In some areas, they volunteer to offer their services so that they can provide education to these children.

So, I request the Ministry of Education to go slow on that policy and ensure that there is continuous registration of new schools to help in 100 per cent transition from primary to secondary. We are also calling upon the NG-CDF Board, which plays a critical role, to move with speed and approve the NG-CDF projects when they are brought before them.

Another issue I want to mention is about the fund managers. They are the ones who have the authority to incur expenditure and some of them are not present for five days in the office. We have seen head teachers and principals complaining. So, we are requesting the NG-CDF Board to put a framework for performance management of these fund managers. This is because some of them do not report to office. So, in terms of issuance of cheques, the process is delayed.

When you put into consideration the value of time whereby suppliers have supplied cement and sand and you stay for so long without paying them, some of them want to increase the cost. I have had a situation where when you purchase land and six months down the line money has not been paid, the owners feel that you must revalue that land and they increase the cost. So, it is important that we must work on time.

Another issue I want to speak on is that the public should know that Members of Parliament are not involved in running the NG-CDF. The NG-CDF has undergone a lot of metamorphosis. The law has changed. The person who runs the NG-CDF is the fund manager with the NG-CDF committee. Many times, you find people following the Member of Parliament and telling them: "I want you to give me a tender." Members of Parliament do not give tenders. We have NG-CDF Committee and we have a project management committee (PMC). It is the one responsible for issuance of tenders. We are telling the public to know that. I also want the Auditor-General also to understand. This is because as the Auditor-General goes to do the audits, he follows Members of Parliament. If there is any audit query, the person responsible is the AIE holder who is the fund account manager. The fund account manager is an employee of the Ministry of National Treasury and Planning, through the NG-CDF Board. It is important for this issue to be understood because many times when the Auditor-General's reports are tabled here, people say that a Member of Parliament has misappropriated funds. It is said that ignorance is no defence. They should look at the law. The NG-CDF law is different from the one that was in the 5th and 6th Parliaments. It has undergone a lot of changes. I am told initially Members of Parliament were being given cheques to walk with and issue them the way they wanted. Currently as the law is...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wamalwa, your contribution is quite good, but are you sure there was NG-CDF in the 5th and 6th Parliaments?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): I think it was around the 8th or 9th Parliaments when the law had just been introduced. At that particular time, we are told the funds were being channelled to the Member of Parliament's account. In those days, things were different. Right now, with the new Constitution, Members of Parliament, who are there to oversee the Government are also there to oversee the NG-CDF. When you look at the NG-CDF Act, there is a provision for an oversight committee. This oversight committee is dormant. As we allocate these funds, we should allocate them to oversight committees so that they can be enabled to move around. There is no point of creating an oversight committee and yet you have not provided funds for it. That is why now in many areas you go, there is collision between the NG-CDF committee and the oversight committee. It is high time Hon. Maoka Maore, as the Chair, looks at this so that in future, funds are provided for these oversight committees so that they can work efficiently and effectively.

Time has run out. I thank you, Hon. Temporary Deputy Speaker. I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the first Member with interest on my screen is Hon. ole Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support because NG-CDF has been doing wonders in our respective constituencies. I am a nominated Member and I do not benefit from the NG-CDF, but I know what it has done because at one time, I was its beneficiary. At times, disbursement of this Fund is

totally delayed. I know of a boy in Narok, from Majengo area, by the name Nyakio Richard Julius who scored 371 marks and was admitted to Kilgoris High School. However, due to lack of funds, he was not able to join that particular school. It is only through the intervention of the County Commissioner, Mr. Natembeya, that I heard that the boy has joined another day secondary school. Now the boy lives in a church and attends a day secondary school yet this boy attained 371 marks from a small day public school, Osonkoroi Primary School.

The Member of Parliament of the area was really willing to assist this boy, but there was no disbursement of NG-CDF on time. That is why we have such suffering. I know this is just an isolated case in Narok. There may be many other cases elsewhere. We also need the national board of the NG-CDF to move to various areas in this country so that they can actually oversee and get the feel from the ground. They can get cases of people such as Nyakio Richard and know what is actually happening so that when they contact the National Treasury, they tell it what is required.

It is shameful because we know that the Treasury is headed by a Kenyan who knows the opening date of schools and the needs on the ground. They need to up their game because sometimes it is better to delay some infrastructure funds rather than delay the fund that is meant for bursaries. The school calendar will not wait. Infrastructure may wait for a few months but the school calendar may not wait.

We also need to see ways of bringing all these funds together into one digital portal so that we know what is happening. This is because when I requested the county government to support this boy, they said they had already exhausted their funds. They may not be aware of such cases. Their bursaries were given to people who may have earlier benefitted from other bursary schemes. There needs to be a way for NG-CDF Board to coordinate with other funds meant for the same people so that we can know who have benefitted and who have not.

Currently, there is the devolution conference taking place in Kirinyaga. I heard they bought 150,000 condoms and there are 47 governors. I support this Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, what did the last bit of your contribution have to do with the Motion that is before the House? I am sure that was on a light note. Let us have Hon. Martin Owino, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. This was one of the brightest ideas that were enacted to help devolve funds to the needy people in the rural setting and urban areas.

In Ndhiwa Constituency, which is a huge constituency consisting of 300,000 people with over 200 schools, this is the lifeline for the kids there. I budgeted for almost 30 per cent of those funds to help the needy kids. Some are already in school. But if the funds do not flow to them, they are sent home. Some have just joined school. This piecemeal disbursement is a punishment to those kids. The manner in which it is released does not work. Those funds are used for everything, including salaries and emergencies. A small disbursement cannot work.

Currently, one of the schools was blown to the ground by strong winds. There is nothing left. There is no disaster response from my county or the national Government. Those kids are all in school. If we had emergency funds which we usually do when this money is disbursed, we would put up makeshift classrooms to help those kids. But they are now at home. The NG-CDF is a lifeline for so many things and it is currently not doing its job.

Although allocation is disbursed equally, it is clear that some constituencies do not have the capacity to consume the funds. I was surprised to hear that there is Kshs12 billion just lying there without being used. It may call for a review of how those funds are distributed. It is good to

have equity but some constituencies fall in areas that have been developed and everything has been taken care of. We, in the rural setups, suffer because of that. We need to revisit that. I agree with the Mover that the remaining amount of Kshs12 billion should be disbursed with immediate effect to the constituencies to rescue the situation.

Lastly, the Government should synchronise its plans and policies. For example, there is 100 per cent transition of kids from primary to secondary school, but there are no classrooms for them to learn in. In my constituency, some learn under a tree. If it rains, there is no learning. At the same time, the National Treasury which is supposed to release funds to help us with the infrastructure is delaying funds. Why do we have this discord? If we cannot implement an initiative because we do not have money, then we better not do it. It is quite embarrassing so to speak.

I support the Motion and hope the board will act quickly to disburse those funds to the constituencies, especially Ndhiwa.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Iringo Kubai.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to comment on this Motion on the NG-CDF by the Chair of the Committee, Hon. Maoka Maore, who happens to be my neighbour back at home.

We have talked about NG-CDF at length in different forums. There was another Motion by the Special Funds Accounts Committee which was concluded just this afternoon. We were talking about NG-CDF. The bottom line is that this is the only Fund which I can say is felt at the grassroots in our communities. I thank the MPs who introduced it in the 7th or 8th Parliament. Unfortunately, the implementers of this important and critical Fund either do not know its seriousness, are not serious themselves or there is somebody who is trying to sabotage the same. This Fund is supposed to help the communities and our people to develop infrastructure and pay school fees. Funds were committed, budgeted for and proposed in July last year. We are in March and they have not disbursed even 30 per cent of the same. The piecemeal way these funds are released is becoming a problem. You cannot share it. You do not know where to start, which project to fund or complete. The users of these facilities are in dire need of the same.

Currently, the biggest problem is the 100 per cent transition of students from primary to secondary school. All the parents, children and the communities are looking at NG-CDF and the Members of Parliament to ensure that the proposed classrooms are put in place. It is unfortunate that those funds are not there. We are in March and this is the time we are releasing bursaries to schools. The bursaries are a small amount because this money is being released in piecemeal. It is high time that the Chair of the NG-CDF Board cracked his whip and ensured that the board is efficient. I accept that there could be shortage of cash from the National Treasury, the Kenya Revenue Authority (KRA) or wherever the Government is collecting the money from. Why do they not give a lump sum? They could disburse 25 per cent in September, then 25 per cent before we break for the long holidays, another 25 per cent in January and 25 per cent in March. I agree with the Chairman because he insists that this money should be disbursed by the end of March so that we can put it into use.

Another big problem is that once this money is released to the accounts, if the AIE is not in place, that money can remain in the constituency's account indefinitely. Disbursing the AIE and the funds to the constituency takes two to three weeks. You start wondering what the secretariat is doing. If you have released funds, why not disburse the AIE immediately so that the funds can be spent? It took my intervention in going to the NG-CDF offices to see why they have

not disbursed the AIE. There is a heap of them there and they are yet to be signed. The CEO comes in and out. Chair, you need to look into that with your Committee so that it can be followed up.

This Fund needs to be relooked. I pray that the Committee sits down and relooks into it so that we change some of the laws especially that bit of oversight which has no funding. Hon. Temporary Deputy Speaker, if there is an oversight committee which is led by the Member of Parliament, it needs some funding so that we can go to those projects and see what is happening. We use our vehicles to do that. When you go out there with the oversight committee and officers, you buy them lunch and give them some allowance from your pocket because there is no kitty for that. That should be looked into.

Unfortunately, I was in the Parliament which equalised these funds among 290 constituencies. However, using natural justice, we cannot say that we are all equal as a country, constituencies or individuals. If we parade 290 Members of Parliament here, there are some who are tall, short, heavy and light. Why do we say that each constituency should get the same amount of money without looking at other factors in that particular constituency, like the terrain, climate, levels of education, how many schools are there and how many have been developed, population and so many other factors? If we find there is a small constituency which has 20, 30 or 40 schools and you equalise it with a constituency with almost 200 schools, that is unfair. If we have to share this money, we should use various indices like it was before. Whoever brought those changes did disservice to our communities and misled this House.

If those amendments are brought to this House, I will support them because that is what we need most. There are Members who have funds which they do not use and others have excess. I talked about it here the other day. I remember the Leader of the Minority Party commented on it. I was sincerely candid about it. There are those constituencies which have well up people who take their children to big and expensive schools. Hon. Members shop for people to give bursaries and some give scholarships. I struggle to see how I can share Kshs20 million among 15,000 applicants. We take a lot of time to vet and know who should be given the bursary. If you are to give bursary to every applicant, you will end up giving Kshs2,000 each. What is that for secondary education? That is why I feel it is high time we amended the Act. The poorest constituencies and the most needy children should get a better share like it was before.

Finally, let me commend the Committee, but we need them to put more muscle. They should crack the whip. We should not lament in this House that there are delays and that there are problems. Let the Committee see them even before we realise they are there. I support the ultimatum of disbursement of funds at the end of this month, so that we can complete the projects which we had already proposed and promised the people. Our people will not understand that there is a problem in the National Treasury and that the NG-CDF Board is not releasing money. They will not understand all these things. They will say that the Member of Parliament is not doing what they requested for because they believe he is the one who does everything. They do not care whether the Cabinet Secretary, Mr. Rotich, has not disbursed the money or where the funds come from. We should crack the whip because we are the ones who are bullied down there whereas the people who are sitting on the projects or the money are comfortable in their offices here in Nairobi.

I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kubai, you would support that new formula that is proposed even if Igembe Central receives less money than it is

receiving. I am confident of that. We shall have contributions from Hon. Amin Kassim, Member for Wajir East.

Hon. Rashid Kassim (Wajir East, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to articulate the issues of NG-CDF. Its contribution to the wellbeing and development of the various constituencies in the country is enormous. It has done significant development, particularly in education and security in those areas that we represent.

Despite the little amount of money that was disbursed last year in my constituency, we disbursed over Kshs30 million for bursaries for 5,000 students who applied in colleges, tertiary institutions and secondary schools. Despite Government's effort to provide free day secondary school education, the amount that was disbursed was not enough. We intervened to make sure that those in day secondary schools get their food and daily meals in their respective schools by augmenting the money that was allocated to them.

I started three secondary schools for girls last year which have problems. One in Jogbaru ward, another in Wagberi ward and another one in Khorof Harar. That improved significantly the girls' secondary schools in my constituency. The policy which the Government came up this year of 100 per cent transition without any support to schools and infrastructure in place was ill-prepared. It made us to support and develop schools and classrooms, so that we can have 100 per cent transition of children from primary to secondary schools. Without proper consultation, this Government came up with a policy without providing the necessary infrastructure and support. This negates the meagre funds that we have for bursaries. I urge the Government to work within the allocations that we have. Any policy that they come up with should be in tandem with the NG-CDF.

When schools were opened, everybody was prepared to get the support that is always ready. We only managed to get Kshs10 million against 5,000 students' applications. If you look at that, will we provide funds for secondary schools or tertiary or college students? This has made us to be in a very precarious position to determine the flow of funding and how we will disburse it. The rationale of the NG-CDF is very good. We urge the National Treasury to give priority to the disbursement of money so that it can help Kenyans. We have only four months to the end of this financial year and we have managed to get Kshs20 million out of the money that was allocated. This means that we will not significantly support the desired objectives of the NG-CDF.

As it was suggested earlier by other Members, this money should be provided for in the last quarter of the financial year or when the funds will be released in the first year, we get 50 per cent and in the subsequent years, we get 25 per cent twice. That will make us cover significantly the priority projects that have been assigned to us. I ask the National Treasury to prioritise disbursement of the NG-CDF. This idea of keeping money and waiting when the need is already there and the schools have been opened is something that has put us in a very precarious position. We need to change that.

We also use the NG-CDF for security matters. In the early part of this year, we had incidents where teachers were killed in our respective counties. Two teachers were killed in my constituency. This was difficult for us. It became necessary for me to construct teachers' houses in the Administration Police (AP) and police camps, so that teachers can feel secure. These are emergencies that arise often. I constructed houses for teachers, so that they can continue to provide education to our children. Despite putting that effort and making sure that teachers are properly housed, the TSC went ahead and removed teachers from those schools without knowing the significant contribution we had made to make the teachers secure. These are issues that have

encumbered us and affected our performance as Members of Parliament. So, we urge that before any sector makes a decision, they should assess how it affects the area Members of Parliament and how it affects the security situation in the area so that we know and plan for it.

Further to that, on emergencies, the money allocated for them in the NG-CDF kitty is too little. We live in a drought-prone area, where the poverty index is about 75 per cent. The people we represent are extremely poor and, therefore, in dire need of support. We urge that the emergency allocation be increased. That is the recommendation we make.

Further to that, we have realised that over the years, despite the big sums of money provided to county governments, the people we represent here still have a lot of confidence in NG-CDF funding and its utilisation because they manage the Fund and it covers specific needs of the people. Despite the billions of shillings that county governments get, it has not been significantly felt on the ground. Because of its significance in the social development of the people we represent, we propose that the allocation for NG-CDF be increased to about 5 per cent of the last audited accounts so that we can have sufficient resources to meet the desired development needs of our people.

Further to that, on the budget line items that have been prescribed, including for emergency, schools and security, there are other basic needs that we feel should be included so that they can be covered. Women issues and poverty alleviation should be included so that we can have a significant impact on the lives of the people we represent other than confining it to security, education and emergency. We find the three-line items to be few. We recommend that we have other line items included, which can have significant improvement in the lives of the people.

The NG-CDF is there to stay, and it is significant. It has brought remarkable improvement to the lives of the people we represent. We recommend an increase in the amount of the money allocated.

We have also realised that the 2.5 per cent allocated to the Equalisation Fund is still lacking and may not achieve its intended purpose. As much as it is a constitutional provision, we suggest as a further amendment to transfer part of the Equalisation Fund to the NG-CDF in the respective counties that have been earmarked to benefit so that we can have a significant improvement in the NG-CDF allocation.

Thank you very much.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Thuku Kwenya, Member for Kinangop. He desires not to be present. We will give this opportunity to Hon. Passaris, Member for Nairobi County.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for allowing me to contribute to the Report on the status of disbursement of funds to the NG-CDF presented by Hon. Maoka Maore.

It is a bit disturbing to hear about the money that has not been disbursed to the board for onward disbursement to the various constituencies. We occasionally hear Government saying that money is returned unspent. It is a shame that the unspent money that is returned, probably, is that which has not been disbursed in a financial year. I pray that the money, which is over Kshs1 billion, is disbursed in the course of this month because NG-CDF has helped a lot to enhance devolution. With the NG-CDF resources, most Members of Parliament have focused on building offices and staffing them so that their constituents can access them. That is important. The NG-CDF has also helped schools. We have free basic education but we do not have classrooms in many schools. For instance, in Nairobi, we have Uhuru Boys High School in Embakasi West and

Ngara Girls, where projects were started by previous Members of Parliament but up to now, they have not been completed. It is in order to ask for lists of incomplete projects so that the Government can look for ways of allocating resources to them. Normally, new MPs would want to start new projects rather than complete projects that were initiated by previous MPs. At Ngara Girls, we have a social hall that is incomplete while at Uhuru Boys High School, we have a wall that has not been completed because there are interested parties trying to grab the public land. There is danger if we do not get funds to secure school compounds. The land is being taken right under our noses. It is happening everywhere. We have community land in Mukuru kwa Rueben that was set aside for the community to build schools. A primary school was built by donors and right now because there is no wall to protect the land, we cannot have a secondary school because the rest of the land was allocated to a politically-correct member of the public.

I support the Report. I believe that there is need for more money. It is good to enhance the allocation to the Fund. The MPs, definitely, have a lot on their plate. How do you decide which school to fund and which one not to fund when all require classrooms, ICT centres and special units for the disabled? There is no money for that. You cannot choose one school against another. There is need for oversight and public participation to ensure that we have money specifically for them.

With those remarks, I support the Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I heard similar sentiments during the debate on the Motion on the Report on the Audited Financial Statements for Kisumu County Constituencies. In this debate, all Members seem to be of the opinion that the NG-CDF resources should more or less be doubled. However, I have not heard any Member contributing to the Report of the Budget and Appropriations Committee on the Budget Policy Statement and Debt Management Statement Strategy for 2019/2020 and the Medium Term, which was laid on the table of the House, propose an amendment to it so that we can take on board the very good intentions of increasing the allocation of the NG-CDF. It is up to you, hon. Members. This House makes the national Budget.

We shall have contribution from Hon. Rachel Nyamai, Member for Kitui South.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I fully support this Report that has been done by our NG-CDF Committee and also thank the Chair for the good leadership that he has shown based on the experience that he has had in this House, where he has served for many terms.

I join my colleagues in saying that NG-CDF is a fund that has changed our constituencies. I am very proud of my constituency of Kitui South. We can see what NG-CDF has done in all parts where we are trying our best to do proper distribution of the resources that the Government has given us.

I would like to start by talking about the 2.5 per cent. This is a fund which, if it was given a higher percentage than this, can make a difference. It is very well grounded on the NG-CDF Act where we have our expenses and projects clearly stipulated with regard to how much money goes to administration and all the programmes. This makes it very organised and it makes sure that resources are not misused. When I say this, I am comparing it with what we are seeing in the counties where a lot of money is being used, but the impact on the ground is so small.

I would like to comment on the equal distribution of funds to all the constituencies, where they receive an equal amount of money. I was in the 11th Parliament when this happened. It is something that needs to be looked into. I would like to give an example of my constituency which has over 270 primary schools with two sub-counties and more than 70 secondary schools.

I believe that there must be other constituencies that are unique. It is so difficult for me and many Members to share Kshs100 million between so many institutions. As much as we are doing our best, the way it was being done before was much better because it looked at the land mass, poverty levels and this made some constituencies which are bigger with so many institutions get much more than others. It is something that can be reviewed.

I would also like to comment about leadership in terms of our managers. It is important for the Committee to note that when a manager is not effective in a constituency and the Member of Parliament makes a report... I have heard five constituencies mentioned that have not been able to deliver. They have not even brought their projects for this financial year to be approved. Most of the times, it will not be because the Member of Parliament is not working. It will be that there is somebody who is managing that constituency who is not available. What happens when managers are not working? Most likely, they are transferred to the next constituency where they are likely to do the same mess. It is something that the board needs to look into so that it can either train them or be stricter with the managers so that they can do their job.

The other one is about release of funds. I know that there are constituencies which are behind and there are Members of Parliament who are working extremely hard. My constituency was behind by two years. So, we keep on trying to catch up with the others. I see now we have been able to catch up. I thank the secretariat of NG-CDF for giving Kitui South Constituency support. We have been able to build Kenya Medical Training College (KMTC) using NG-CDF. We are currently constructing a teacher training college among other institutions that I do not think they would have been built if we did not push them through NG-CDF.

Availing this money in good time is extremely important and makes it easier for Members to get it without having to go and ask for it. I ask the CEO who has been working very hard that he needs to put a lot of pressure on the directorates to make sure that they are more effective.

I do not know whether I will be wrong to say that the CEO of NG-CDF has been in acting capacity of eight years. I do not know whether there is another office in this country where a CEO can be in an acting capacity for almost 10 years. It makes it difficult for a person when they know they are in acting capacity to make some decisions. This is something that the National Treasury needs to handle. Also, the Committee needs to put a lot of pressure. We are also asking questions. What is there that makes National Treasury not to just make this decision about the CEO? We know that he has been doing a very good job. This needs to be voiced. I also call upon other Members of Parliament to join us so that we can push together to make sure that there is a CEO who is not in an acting capacity; somebody who can make the right decision.

I have seen children from extremely poor families make their way to universities and get degrees and jobs. I have seen children who are orphaned go to university and get jobs through NG-CDF. This is a noble idea. I would like to thank the proponents of NG-CDF. This is a Fund that needs to be increased because it has proven to be effective in this country.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The issue of the acting CEO for NG-CDF has been raised in this House on many occasions. I hope that the Chair of this Committee will take it up so that it is resolved one way or the other. We will have a contribution from Hon. Odhiambo Akoth, Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support the Report and also join the other Members who are saying that NG-CDF is, indeed, one of the best initiatives undertaken in this

country. The only tragedy is that we have not celebrated the Member of Parliament who came up with this noble idea. Perhaps, one of the things that we missed or the misstep we had when we came up with devolution is that we needed to have undertaken economic devolution as opposed to taking the wide form of devolution. I am saying that because I would just imagine if the amount of money that is going to counties for development were to go to NG-CDF. This country would change significantly. I know that despite what is out there in the public, the NG-CDF is one of the funds that have undergone a lot of tremendous improvements and it is one of the best administered funds in this country. Within a period of one year, you can say what result it has produced.

When I became a Member of Parliament, I was amazed by some of these things that look simple. I was amazed that the first batch of funds were given and then I went back three months later and there was a classroom, it looked like one of those fairy tales where you wave the magic wand.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Aladdin.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Aladdin. Thank you. It is good to sit next to learned people like my friend, Passaris. You wave the magic wand and suddenly, lo and behold, there is a classroom! NG-CDF has produced miracles like that.

I spoke to a similar Motion. So, I will not say much. I want to over-emphasise one thing. As Members of Parliament, I know sometimes because we are busy, we forget our role – I included. Sometimes we are guilty of speaking to ourselves. Every person who is speaking here is acknowledging that there are two faults with NG-CDF. There are many others, but the most significant one is the issue of oversight because the role of the Member of Parliament is primarily oversight of funds and we have fund account managers who, most times, are very difficult. You tell them this is the way it should go, they want to go their own ways for their own reasons. The MPs are not enabled to do their oversight role. We speak a lot and we tell the Committee. Sometimes, we must stop speaking and act. So, I am bringing an amendment to the NG-CDF Act that will enable us to have funds to undertake our oversight roles as Members of Parliament.

The other issue which is problematic as NG-CDF is that of public participation. The law talks about the issue of public participation in coming up with projects. Most Members of Parliament do this as a matter of course and yet there are no funds for public participation. So, when you go to these constituencies, you have to release your own money. You have to pay the public for any *soda*. You have to undertake every activity that is the responsibility of the Government during public participation. I am, therefore, bringing another amendment to put funds for public participation. It is not in order for Members to be using their own money to do Government work. For those of us who have studied anti-corruption measures, you tempt people to be corrupt. You want to get your money back from the same funds or others, so that you can facilitate your work and so, you end up looking like you are stealing when you are doing Government work. We should not be made to start doing innovative work around the NG-CDF. Let the Government work be done properly using Government funds. If it is public participation, it will be spelt as public participation and funds allocated just the same way they are allocated for oversight.

Another thing that Hon. Members have spoken to is the issue of 100 per cent secondary school transition that is raising challenges. There are schools that previously were pretty okay until we moved to the 100 per cent transition, which for me, as one who has worked in the sector of child rights before, is an excellent thing. We have been pushing for education for all goals,

especially the issues of transition and completion rates. For us to realise that, we must have classrooms. We cannot go some steps forward and some steps backwards. One of the issues that I got a little time to speak to last time is that there is a trend that sometimes you want to find account managers either stealing, which then gets blamed on the Members or overusing money or getting over-expenditure on administrative issues. If this happens, it eats on projects. Now, the fund account manager is not an employee of the Member. My role is oversight. As the Member of Parliament for Suba North, where I find there is an over-expenditure on administration which eats on funds for the people of Suba North, or I find that the fund account manager has stolen money that eats into the funds, I do not care whether the board gets the money, but it must go back to the people of Suba North. It does not matter how far it dates. The money that may be lost in Suba North must go back to projects in Suba North because I was not party to the stealing, neither were the people of Suba North. That is one of the amendments I am bringing. The board must find means because it is up to them to ensure that their employees do not put their hands in public coffers only for the Member of Parliament to be blamed for such things.

Another issue that has arisen, which is linked to that, is the issue of supervision. When you sometimes speak to the board, they say that their challenge is that they do not have sufficient staff. Let them find a way of sorting that out, but our funds must work well.

The other issue that is of concern to me is pending projects. When we were asked as Members of Parliament, to forward pending projects, I went to my constituency and asked for every Government project that was pending and brought them. Now, as Suba North, we are being told to spread all of them in the next three years. Sometimes, they may be pending in one ward and so, development stops in all the other wards. We are completing projects that we did not start. So, the Government must commit special funds beyond the NG-CDF funds to complete Government projects that date beyond a period of five years. I like using this example. President Kibaki came with his own vision and so, you do not expect President Uhuru Kenyatta to further the vision of President Kibaki. He has his own agenda, which he is furthering. So, it is not fair to also expect us to push the vision of somebody else.

We can complete the projects because they are in our constituencies, but there must also be projects that align themselves to the strategic plan. Every constituency has developed a strategic plan. I am sure there is no constituency that provides one strategic objective which is to complete incomplete projects. If we want to be true to our strategic plans, the Government must provide special funds to enable us complete the pending projects.

Finally, I want to re-emphasise the issue of the equalisation funds. Sometimes we have been challenged and I congratulate my good brother and friend, Hon. Ken Okoth, for the good work he is doing in Kibra. Sometimes we are challenged and we are asked why we cannot do the same work that he is doing. He has nine schools while I have 146 with the same allocation of funds. He can take all his money and build five schools in one year. How can I do that with 146 schools against nine schools? So, he is doing an excellent job and I would do the same if I had the same amount and same number of schools. So, there must be a balance that takes into account all the parameters that one of the Members spoke about, namely, population, schools' terrain, poverty, historical marginalisation among other things.

I thank you and I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Garane Hire, Member for Lagdera.

Hon. Mohamed Hire (Lagdera, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also contribute to the Report by the Committee on the National Government Constituencies Development Fund.

From the outset, I support the Report and commend the Committee for bringing to the Floor of the House a wonderful report.

Everywhere you go in this country, there is a success story about development by the NG-CDF, be it construction of classrooms, renovation of existing infrastructure, construction of houses for security officers and many other things. However, barely three months before the end of the Financial Year 2018/2019, disbursement to the constituencies stands at 25 per cent. This is very painful. I think there is a deliberate move by the National Treasury to sabotage disbursement of funds to the constituencies.

The National Treasury is quick to disburse funds to ministries and agencies that do not even spend the money and are returned to the Exchequer at the end of the financial year. The NG-CDF allocation to the 290 constituencies is barely above Kshs30 billion. I do not know why the Treasury is holding onto the funds. It is painful. There are many challenges and pending developments in our constituencies. It is baffling that the funds have not been disbursed on time. I was in my constituency over the weekend and I realised that almost all secondary school going students, save for day scholars, are out of school and idling at home.

My constituency is in a very harsh region. It is one of the hardest hit constituencies when it comes to drought. In this dry season, and considering the fact that our people are pastoralists and depend on livestock in order to educate their children, you can imagine the magnitude of the problem when there is no market for the livestock. They depend on the NG-CDF.

With regard to teacher training colleges, I have encouraged and managed to enroll 47 students from my constituency, but none of their families can afford fees. If the NG-CDF is not disbursed in the next week, the 47 students will be out of class. This is a very painful phenomenon. We have a problem of extreme shortage of teachers in northern Kenya and we want to bridge the gap by encouraging our children to join teachers training colleges. If we cannot provide them with bursaries, they will become disappointed. Then it will be a tall order to send them back to class.

It is time the NG-CDFC takes the Cabinet Secretary for the National Treasury to task. I do not see the reason why they have waited this long, until three months to the end of the financial year. We are running up and down. Parents in the constituencies know the Member of Parliament as the person who holds the funds. They do not have information about the fund managers or the National Treasury. To them, the person who is supposed to give the funds is the Member of Parliament. We get endless calls from desperate parents whose daughters and sons are idling at home. This is not the right thing. Therefore, we need to do something about the disbursement of the NG-CDF funds to the NG-CDF Board for forward disbursement to the constituencies.

The Chief Executive Officer (CEO) has been in acting capacity for all this period because the National Treasury is doing this for blackmail. If you are in acting capacity, you cannot make proper decisions or ask the National Treasury to give you money. They are the people who are supposed to extend his contract. It is high time the Chair of the NG-CDF Committee took this matter seriously. Also, it is high time this House took the disbursement of funds seriously.

As Members, we cannot sit here while the only successful funding mechanism in this country is being taken lightly. I also want to support the proposed amendments by Hon. Millie Odhiambo. They should have been brought to the House a long time ago. You cannot do public

participation or oversight without funding. Therefore, these amendments to the NG-CDF Act are timely.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Lagdera, which amendments are you speaking to?

Hon. Mohamed Hire (Ladgera, KANU): The proposed amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): She has already proposed?

Hon. Mohamed Hire (Ladgera, KANU): Hon. Millie Odhiambo, has shown her intention of bringing amendments to the NG-CDF Act on the Floor of the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): But they are not yet here.

Hon. Mohamed Hire (Ladgera, KANU): I cannot wait for them to come to the Floor of the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Proceed.

Hon. Mohamed Hire (Ladgera, KANU): Hon. Temporary Deputy Speaker, with those few remarks, I strongly support the Report by the Committee.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Millie, I hope you will not be like the Member for Kwanza. He said he would bring similar amendments the very next day we had this discussion last week. However, he has not done so. I am confident you will deliver on this. Hon. Maanzo, Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute on this very important Report by the Select Committee on NG-CDF. Quite a number of things have been highlighted, but the most important is on how money has been disbursed, the amounts already given and what is pending.

If you go through that list of constituencies, Makueni is one of them, and it has been allocated Kshs109 million. What has been disbursed is Kshs36 million and what is expected to be disbursed is Kshs73 million. You can see how the people of Makueni are disadvantaged by what is happening at the National Treasury with regard to release of this money. This means that development in Makueni and, in fact, in over 90 per cent of the constituencies, is derailed. Most unfortunate is the five constituencies that have not received any money at all.

I remember the pressure we had when schools were opening because of bursaries. I can only imagine what is happening in the five constituencies. For whatever reasons, something must be done. One of the reasons given is the balances in respective NG-CDF accounts of the constituencies. When the balance is Kshs10 million, they do not go below. However, we have to think about the administration fee and some pending bills. The issue of bursaries is where delays occur. You issue cheques to respective secondary schools, universities and colleges and by the time they are banked and released, you still have a huge balance covered by bursaries.

This should be relooked into so that we can avoid blaming the CEO and the NG-CDF Board for this particular delay. Each constituency should be handled on its own set of facts so that proper explanation is given and it is understood where all the cheques are virtually issued out and the balances are still high because they have not been banked in respective projects. Then you can still release funds to this constituency to avoid the huge balances since this is administrative.

Again, there is the issue of the funds account managers. I want to agree that when we were debating the Budget Policy Statement (BPS) and the Budget in the House, this is where we should have given our input on increment of the NG-CDF funding. I am sure this will also come

in the Supplementary Budget and many other opportunities that will arise. So, we need to raise the amounts of money that goes into the NG-CDF and especially for bursaries. With the current allocation of Kshs25 million, many children do not go to school despite a very fair distribution.

A lot of times the NG-CDF chairman or manager has to write a letter to a school that the child is very needy and they should be allowed to stay in school. They commit that they will give funds in the next allocation, such that some students have stayed at home for a month or two weeks and this is a big loss to them. The intention for the NG-CDF and the Government is to ensure that all children go to school in good time. They should be accorded equal opportunity and poverty should not give them a disadvantage. So, it will be important to increase the bursaries.

The committee in charge of oversight has been mentioned. It is in the law, but a lot of times, it does not exist because it is not funded. This committee should be going round visiting every project in the constituency, monitoring, checking the status and giving reports. The Member of Parliament should work with this committee because our work is to oversee the other committee. So, without a committee on oversight, we are likely to get bad reports. Probably, the audit queries can be minimised if there was an oversight committee. The committee will ensure that every coin is put into use. Where they have issues, they are sorted out on the ground even before the audit reports are given.

I want to support Hon. Millie Odhiambo's proposed amendments. I believe we will work together because I know she is very good in proposing amendments. We can work together as a team of lawyers in Parliament with other interested parties or Members. We can screen the statute together and come up with amendments on how to strengthen it for better service. There is the issue of Authority to Incur Expenditure (AIE) and the National Treasury. You know the board has a lot of limitations currently.

There is an acting CEO. The board has been operating with the bare minimum of Principal Secretaries of the respective ministries who are nominated. That has delayed a lot of management issues. I believe the ministry in charge of planning and also the National Treasury are now working with a substantive CEO. The issue of the CEO has come out very many times in this House. In fact, the confirmation of the current CEO is in our own reports in this House and that CEO should have been confirmed a long time ago to motivate him. However, he has done very well. He has worked with most Members of Parliament without a problem. I believe on full confirmation, he will work with full confidence. He will make demands with the Treasury fully backed and authoritatively so that we do not have this sort of balances as they have been proposed to be given by the end of March. Considering the current situation in the National Treasury, I am sure it is tough war. I believe all the Members of the Committee and all of us should work with the acting CEO to make sure that the money is delivered here. Every opportunity we meet the National Treasury - and the National Treasury comes here quite often - we need to remind them of the balances of the NG-CDF allocations which have not been released. There is the issue of emergencies.

Emergency funding, money on sports and environment is quite minimal, but in any occasions, we have emergencies happening in the constituencies. I believe it should be configured in a way that when there is an emergency like a school roof is blown off or there is flooding in a constituency, the team on the ground and the PMCs should move faster and mitigate the emergency as soon as possible.

Finally, there are pending Government projects, some of which have been pending for quite a while. I believe we really need to work on them together with the Committee, the

National Treasury and the board, so that we can serve our people better. I really support and thank the Chairperson of this Committee and his team. They have done a very good job. They have presented a very good Report. I encourage them to carry on. They are really serving the nation and Parliament.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Purely on seniority basis, I will allow Hon. Angwenyi to make his contribution.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute on this Report. People might think I am trying to be proud, but I am actually proud in the sense that Eng. Karue, the former Member for Kipipiri, and I, brought the NG-CDF Motion and the NG-CDF Bill to this House. At that time, no lawyer wanted to prepare the Bill for us. We had to hire Gacheru from England because when you were seen to be opposed to President Moi, even if you were a private lawyer, you would not get business in this country. So, they refused to take it. However, fortunately, we passed the Bill. The current Chairman of the NG-CDF Committee was then a Member of Parliament. We passed a Bill, but President Moi did not assent to it. He returned it to us, but we were not able to override his veto.

Fortunately, during the discussion of the Bill, the former President Mwai Kibaki, who was the Leader of the Official Opposition, praised us and said: “Why did Kenyans not elect these two young men?” By then, I was a young man, I am still young. I know my age. By then, I was a young man. He said: “Why did Kenyans not elect these young men a long time ago? Kenya would have developed.” However, when we lost and it was not approved...

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Akoth, what is out of order? Hon. Angwenyi, just hold your horses.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I hate interrupting my senior who is also my brother because the Abasuba and the Abagusii are brothers.

(Hon. Jimmy Angwenyi resumed his seat)

Because I have said that, I can see now he has followed the rules of procedure and sat down when I am talking despite the seniority. Would I be in order, given the role that my brother, Hon. Angwenyi, undertook in bringing up this noble NG-CDF Act with Hon. Karue, to put a proposal to the Speaker of the National Assembly that they be specially honoured for their work?

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you mum.

(Laughter)

Hon. Temporary Deputy Speaker, I am just saying that... I was giving you background history.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, but she raised a point of order and I think it was proper to stand in her place. It is still within your power and the power of the House to honour Hon. Angwenyi and any other person that it deems to be

deserving of such honour. So, Hon. Akoth, the humble Member for Suba South, it is within your power to bring such a Motion. Hon. Angwenyi, proceed to make your contribution.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker. I hope the powers have heard her sentiments and they can appoint Eng. Karue to some position in this country, especially to be the Chairman of the NG-CDF Board. He tried to run for governorship, but he could not make it. He is at home. However, I want to say that, eventually, as God arranged, Hon. Kibaki won the elections in 2002 and both Eng. Karue and I, were re-elected. So, we revived our Bill, but when we went to see him, he called Hon. Mwiraria, who was the Minister for Finance and told him: "Can we take these young people's Bill?" Hon. Mwiraria said: "We found our coffers empty." He said that Moi had emptied all the coffers and there was no money. However, Kibaki convinced him to take it up and asked us to accept two things: One, to reduce the minimum from 5 per cent to 2.5 per cent, and two, to give the Bill to Hon. Mwiraria to be a Government Bill instead of being a Private Member's Bill, which we did and the Bill was passed. That is what our Kenyans are enjoying today.

I heard somebody earlier say that cheques used to be paid to Members of Parliament. It was never done that way. That was being done in South Africa and we tried to borrow from there, but we did not pass it in this Parliament. So, Members of Parliament were never paid through cheques to their accounts to use in the NG-CDF projects.

Anyway, I have seen the Report and it is a good one. I wish this House can really support the Committee so that we can demand our fair share of the national budget for the NG-CDF projects. For example, the national budget for the year ending June this year was Kshs1.7 trillion. If you calculate 2.5 per cent of Kshs1.7 trillion, it will be Kshs42 billion and not Kshs33 billion. So, we are owed Kshs11 billion. We are owed in a Parliament which has the power to approve or disapprove the budget. I cannot understand that. Certain projects had been undertaken by the NG-CDF committees in the various constituencies, but governors went to court and they were given certain services and functions which were removed from the national Government to the counties, for example, building of dispensaries and health facilities, developing water sources, cattle dips and agricultural facilities. Governors went to court and the court decided that the projects are to be done by the devolved governments. Therefore, the NG-CDF cannot do them. However, some of the projects had been undertaken and they were halfway done or some portions of them had been done, but they are now white elephants because governors have never taken them up. Where I come from, they never took them up. We have powers to approve the budget. Can this House decide in the coming Supplementary Budget to assign some amount of money to complete pending projects throughout the country?

Thirdly, there are arrears which were not paid in the last four or five years. Those arrears amount to about Kshs4.9 billion. We should demand that this is paid to us. We should not think that the money should have been paid to the Member of Parliament who was there at that time. The money belongs to the constituency and not the Member of Parliament. If it is disbursed now, you can use it to develop your constituency.

Finally, let us facilitate the committee concerned so that they can monitor and oversee the NG-CDF functions in the country instead of leaving it to the Auditor-General even though he can help in the supervision. Since the Members are not active in NG-CDF committees, they can oversee the projects in the constituency.

We should also raise the minimum share of the national revenue to 5 per cent. We must do it legally. We do not want to increase the share without a legal framework. The counties are supposed to be given 15 per cent of the national revenue. Currently, they have reached 32 per

cent of the national revenue in four years. For 17 years, the NG-CDF has only increased to 2.5 per cent. We do not even get that 2.5 per cent.

With those few remarks, I support the Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very good contribution, Hon. Angwenyi. The Members needed a jog down memory lane.

Let us have Hon. Mohamed Sheikh, Member for Wajir South.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support the Report. I must congratulate my colleague, Hon. Maore, and his team for the Report. It is important that we understand that the NG-CDF is an important provision. It has been established through an Act of Parliament. It is an essential Fund. It empowers societies in the rural areas. The Constitution provides that villages should be empowered to receive the national cake wherever they are in the country.

For the 290 constituencies, the NG-CDF funds have been provided through an equitable model. In my opinion, it is important that we give more consideration to far-flung constituencies in arid and underdeveloped areas. For instance, Wajir South is the second largest constituency in the country. Its size is almost equivalent to that of Rwanda, a country which is 27,000 square kilometres and Wajir South is nearly 23,000 square kilometres. Rwanda is about 27,000 square kilometres and Mandera County is about 25,000 square kilometres. Therefore, that model does not favour constituencies that are large, expansive, rural, remote and underdeveloped. The NG-CDF needs to get to people who deserve more. In that sense, although I will not propose amendments, I strongly suggest that the NG-CDF's percentage of 2.5 per cent of the gross domestic product be increased to 10 per cent.

It also gives us a heartache that the little amount of 2.5 per cent of the GDP has not been disbursed accordingly and on time within the prescribed period that it ought to have been. The 2018/2019 Budget is hardly seen. A sum of Kshs12 million has been disbursed and that is not sufficient to cater for the children and young men and women who are supposed to be in tertiary institutions and secondary schools. It has taken them back. Parents who are quite poor and cannot afford fees during these difficult economic times are subjected to begging for funds to take their children to school. It is not good enough to see that this House is a sleeping tiger. I put it to the Committee on NG-CDF that they have not stood up for the Members and the poor parents. Hon. Maore and his team should stand up to that and ensure that funds are delivered within the prescribed period of time so that pupils and students can go to school.

My constituency is one of the driest in the country. As expansive and dry as it is, we have quite a number of emergencies. Currently, we provide water tracking in 43 locations and sublocations. It is quite unfortunate that the funds for the counties have not been arriving on time. Therefore, the meagre amount of 5 per cent of the NG-CDF that is meant for emergencies is not there. Therefore, we are unable to serve our societies and communities in hardship situations. We want the funds to be disbursed as soon as possible. We should consider the historical good that the NG-CDF has provided. It is quite commendable.

Funds disbursement must be improved. We should consider allocating more funds to larger constituencies. We have built schools, security centres and other support centres through the NG-CDF. The NG-CDF remains a very important Fund.

Once again, I support the Report, but more efforts should be put to ensure that the funds are released on time.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Ali Athman, Member for Lamu East.

Hon. Ali Sharif (Lamu East, JP): Asante Mheshimiwa Naibu Spika wa Muda. Ningependa kwanza kumshukuru Mwenyezi Mungu kwa kunipa fursa hii ya kuchangia Ripoti hii ambayo tunayo hapa Bungeni. Mimi ni Mwanakamati wa Kamati ya Hazina ya Maendeleo ya Maeneo Bunge. Vile vile, ningependa kumshukuru Mwenyekiti kwa kuileta Ripoti hii.

Waheshimiwa wamezungumzia masuala ya Kamati ya Hazina ya Maendeleo ya Maeneo Bunge. Vile vile, ningependa kumpongeza Mheshimiwa Angwenyi kwa kuelezea historia fupi ya namna Hazina hiyo ilivyoanza. Ni takriban miaka 15 tangu Hazina hiyo ianzishwe. Ukweli ni kwamba Wakenya wengi wameiona faida ya Hazina hiyo tangu ianze hadi sasa inavyoendelea. Wengi waliochangia wamezungumzia changamoto nyingi ambazo ziko bali ya kwamba kuna faida nyingi ambazo zimepatikana katika maeneo Bunge tofauti tofauti. Ukweli ni kwamba faida nyingi zimepatikana. Sisi ni Wabunge ambao tumewajibika kuyatekeleza majukumu yetu katika fedha hizi. Watu wengi wanaziangalia kama fedha zinazosimamiwa na Wabunge mashinani. Wananchi huuliza hizi fedha kupitia kwa Wabunge.

Ni jambo la kusikitisha kuona pakubwa kwamba hali hii bado inaendelea katika nchi yetu. Utakubaliana na mimi ya kwamba *Constituencies Development Fund* (CDF) ilibadilishwa jina kuongezwa jina kwamba ni pesa za Serikali kuu kutokana na mipangilio ya Serikali ya ugatuzi. Hapo awali CDF ilikuwa na changamoto baada ya Wakenya kupitisha Katiba. Walisema ya kwamba CDF hairuhusiwi kuwepo tena kwa sababu ya ugatuzi. Katika historia fupi, baada ya hapo, masuala haya yalifika mpaka mahakamani na ikabadilishwa jina kuongezwa kwamba ni fedha za Serikali ya kitaifa. Waheshimiwa wengi ambao wamechangia leo wanalalamika kwamba hizi fedha ni kidogo kwa sababu majukumu na matakwa ni mengi katika maeneo Bunge. Suala hili lisiendelee kuchangiwa na Waheshimiwa kwa sababu suluhisho lipo. Hazina ya NG-CDF ilipangiwa kuangalia masuala ya elimu na usalama.

Vile vile, katika Bajeti ya nchi hii wakati pesa hizi zinavyogawanywa, fedha nyingi zinapelekwa katika wizara zinazohusika na elimu na usalama. Tukienda mashinani kama Waheshimiwa, tunaulizwa na wananchi masuala ya elimu na usalama. Wananchi wanatarajia pesa za NG-CDF zisimamie usalama na elimu. Nina swali kwa Serikali ya kitaifa. Kwa nini inapeana pesa nyingi kwa Wizara ya Elimu na kuna majukumu ambayo wamepeana kusimamiwa na NG-CDF katika masuala ya elimu? Maoni yangu katika jambo hili ni kuwa wakati Bajeti ya nchi hii inapopangwa, asilimia kubwa ya fedha ambazo zinaenda kwa Wizara ya Elimu ziletwe katika kuimarisha NG-CDF. Katika neno “NG-CDF”, kuna fedha ambazo zinaenda kwa wizara katika maendeleo ya elimu. Pia, kuna neno “*National Government*.” Kwa hivyo, hii ni pesa ya Serikali lakini si pesa ya Wabunge. Kwa hivyo, pesa zinapelekwa kwa wizara lakini majukumu yako kwa NG-CDF. Waheshimiwa wanaangalie masuala ya elimu kupitia kwa NG-CDF. Ninaona hili ni jambo ambalo linahitaji kuangaliwa vizuri.

Tukiwa mashinani, walinda usalama kama machifu wanawategemea Wabunge kutekeleza mambo yao ya usalama katika zile sehemu. Serikali hii inapeana pesa kwa wizara kama hizi. Kwa hivyo, ningependelea tutenge pesa fulani kutoka kwa zile fedha ambazo zinaenda kwa wizara inayohusika na usalama na kupelekwa kwa NG-CDF ili Waheshimiwa washughulikie mambo ya usalama katika maeneo Bunge yao.

Ninaunga mkono pakubwa pesa ya NG-CDF iongezewe. Mwenyekiti wa Kamati ya NG-CDF yuko hapa. Kama Mwanachama wa Kamati hiyo, nashauri tukae chini pamoja na *Budget and Appropriations Committee* na tuangalie haya mapendekezo ambayo tumeleta ili tubadilishe haya mambo. Wabunge wengi wanalalamika kuhusu suala hili. Wabunge wengine wako na mashule 200 katika maeneo Bunge yao na hawajui vile watakavyopeana *bursaries* kwa sababu

ya uchache wa pesa ilhali wamebandikwa majukumu kwamba kuna pesa wanapewa za Serikali katika kusimamia maeneo haya.

Kuna changamoto ambazo tunapata kama Kamati katika suala la kuridhisha haya mambo kwa sababu Wabunge wanalalamika. Tuko mwezi wa tatu na utapata ya kwamba maeneo Bunge hayajapata kabisa ule mgao wa NG-CDF wa mwaka huu. Wengine wamepata kama Ksh10 milioni. Wabunge wenzangu wanalalamikia Kamati ya NG-CDF. Ukweli ni kwamba sisi kama Kamati, tunajitahidi vilivyo kuhakikisha kwamba Wabunge wamepata pesa kwa sababu tunaelewa hali hii. Matatizo yako katika Wizara ya Fedha katika kutoa pesa hizi. Ningewaambia Wabunge wenzangu kwamba tunajitahidi kuhakikisha tumefuatilia jambo hili kwa sababu tunajua zile changamoto Wabunge wanapitia katika maeneo Bunge yao. Wizara ya Fedha haijatililia maanani kuhakikisha kwamba wakati mwafaka ukifika, hizi fedha za NG-CDF zinafika kwa wahusika kwa wakati wake na kwa namna inavyotakikana.

Ningependa kusema ya kwamba hapo awali, mgao wa NG-CDF ulikuwa unaangazia masuala ya umaskini na wingi wa watu katika sehemu. Waheshimiwa wanalalamika kuhusu suala hili. Tutafute njia ya kuhakikisha kwamba kuna sehemu ambazo zinahitaji hizi fedha zaidi kuliko sehemu zingine. Ninaunga mkono jambo hili, lakini ifahamike pakubwa kwamba kuna miegezo mingine ambayo tunafaa kuangalia. Kwa mfano, idadi ya watu siyo suala la kuzingatiwa kikamilifu. Suala la kuzingatiwa kikamilifu ni umaskini. Unaweza kupata idadi ya watu katika sehemu ni kidogo lakini umaskini ni mkubwa sana. Kwa hivyo, tuwe waangalifu kama Waheshimiwa katika kutaka kurekebisha haya mambo tusije tukadhulumu sehemu zingine na wengine tukawapa mwongozo na kuwainua.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very good contribution Hon. Athman. We will have a contribution from Hon. Chumel Moroto, Member for Kapenguria.

Hon. Samuel Moroto (Kapenguria, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Motion which is before us. My colleagues have praised what the NG-CDF has done. I also want to join them by thanking the current Committee for the wonderful work they have done. The Report is very clear. It indicates every level that has happened from the time we started in 2017.

We know the much the NG-CDF has done. Some of us were here when the NG-CDF was not even there and we used to depend on *harambees*. We used to call our colleagues to sacrifice whatever they had and we also used to go round supporting our people. The NG-CDF started with only Kshs6 million. That made an impact compared to what the Government used to do in the regions and we had to increase the allocation.

Secondly, Hon. Temporary Deputy Speaker, I thank the old man or the “father of the House” for what he did. I also join hands with others to thank the former President, Hon. Mwai Kibaki. If it were other people in the situation we are in now where nothing is moving... Some people in some quarters want to control everything and do not want other Kenyans to perform their duties according to their capacity. The former President Kibaki, as it was said earlier, agreed and that is why we are enjoying his efforts.

I also agree with the Members who have proposed that we increase the money to what it is supposed to be. We should not be pushed. This is just a law. It was made law by Kenyans themselves. It should be, at least, 2.5 per cent. That should be the minimum. It can be exceeded. It is the same for the 15 per cent allocated to counties.

Last weekend, we were in Garissa as the Pastoralists Parliamentary Group (PPG) and we found that 80 per cent of Kenyans are suffering. It is just a small group that is enjoying. We should fear God and not pretend. This came as result of Sessional Paper No.10 of 1965 which

zoned Kenya into two, namely, the high potential agricultural producing areas and the others that were totally ignored. It was done by the Government of the day. Other successive Governments came in and supported it until Kenyans themselves changed it. I remember I was at the Bomas of Kenya during the drafting of the Constitution. I was in this House when the constitutional review was initiated until the end. Most of the time, we used to be at the Bomas of Kenya. It was supported by all Kenyans; from central and other places. Nobody said that we should go by the 1965 Cabinet decision, which made it law.

As Members, we are here to represent our people. We have been given the opportunity to do what is necessary and we have to do it. We should not wait for somebody to control us. The reports on corruption show that only a few people are enjoying while others are suffering.

I do not want to say much. I thank the Members who have articulated that we have to increase the funds. This is part of the welfare of our people.

I support the Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Milemba Omboko, Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker. I also want to go on record in supporting the Chair of this Committee for a good Report on the NG-CDF. Indeed, the NG-CDF has been a very important game-changer as far as development is concerned in the rural areas. Before the NG-CDF came, we did not see development in certain quarters in rural areas. In my constituency of Emuhaya, since the time of Hon. Marende, who was seated where you are now seated, and later on Hon. Wilber Ottichilo, the Governor of Vihiga, we have seen many changes which have gone all the way in the development of education and security.

In fact, today, the NG-CDF is the face of Kenya's development in so far as education is concerned. Without it, most of our schools, both secondary and primary, would be in very bad state. The NG-CDF has made us to see, for instance, in Emuhaya, that all schools must be in permanent state. We no longer have schools that are clay-made. This is what is also happening in the entire Kenya. So, it gives the face of Kenya in terms of development especially in education and security.

Therefore, it is my submission that, as the Chair indicated, these funds should be sent to constituencies on time. The existing backlog must be cleared soon so that constituencies can get the money. When I looked at the table annexed to the Report, I noticed that Emuhaya Constituency is supposed to get Kshs109 million, but currently, we have only received Kshs30 million. There is a balance of Kshs79 million, which has not yet been transferred to us. I also got very keen, because Hon. Temporary Deputy Speaker you are my immediate neighbour. I looked at Luanda Constituency and saw a similar situation where it has received only Kshs30 million instead of Kshs109 million. Therefore, I join the rest of the Members to agitate and reinforce that these funds be sent to constituencies on time.

The NG-CDF is currently being used to pay fees especially in day schools. With the 100 per cent transition of students from primary to secondary, day schools house more than 72.8 per cent of all the students in secondary schools. This is statistics that has been released by the Ministry of Education. It is, therefore, a fact. Day schools depend on the NG-CDF for facilitation of fees in the form of bursaries. It must, therefore, go on record that Members of Parliament have become surrogate parents. They are surrogate parents on behalf of the Government for all the students of Kenya because they pay fees. If they do not pay fees, students will not attend school.

I ask the Chair of this Committee that we could borrow from what we did with the Government funds going to schools. It was very difficult for Government to send funds to schools through the ministry. Therefore, we went ahead to make a law stipulating that 50 per cent of the money will be disbursed in the first quarter, 30 per cent in the second and 20 per cent will be released in the final quarter. So, I share with the Chair that because we know the money may not be available on time, we could also go that way so that in the first quarter, 50 per cent of the funds are sent. Then around January, the second quarter is sent. When we need the funds most, 30 per cent is sent, and finally, 20 per cent is sent so that there is an orderly way on how funds are sent to the constituencies. If there is an orderly way, the Members of Parliament and even the NG-CDF committees will have a chance to plan. Currently, you do not know when you will get 10 per cent, 5 per cent or when you will get nothing. Planning, therefore, becomes difficult and you cannot be relied on as a leader in your constituency and your committee on the projects that you are undertaking.

Without much emphasis, it was raised by both the General in the House, my brother, Hon. Angwenyi, and Hon. Millie, about the issue of the oversight committee. I will not belabour the point, but the oversight committee has to have a proper way of operationalising itself. The way it is operating, it relies so much on the person it is supposed to oversee. Imagine you are telling the person whom you oversee to facilitate your operations. The person will certainly deal with you in a way that you have to depend on him so much so that you will not do the work properly. So, for the oversight committee to be strong and to do its work, it must have some quasi independence or total independence, so that it does not over-rely on the people it oversees.

The fund managers, as has been raised here, are the real holders of the NG-CDF. We need to have fund managers who are knowledgeable. Above all, there should be frequent transfers so that they do not overstay in one particular place and, therefore, become complacent. They should also get transfers as easy as we see it with civil servants and teachers, so that they do not get complacent and, therefore, become local managers instead of being professionals. Maybe after two or three years, they should be moved round. This will help in the issue of being careful in managing the Fund. Together with the fund managers, are the accountants. Many times, you find that the so-called accountant, who is also a signatory to the money before it goes to whatever project, is not available. This delays operations of the Fund within our constituencies. I have had that experience in my constituency. This is an area that needs to be streamlined so that the so-called accountant is available in the office throughout to facilitate the funds going to work. They have to be consumed in time so that we are able to receive more funds.

Without much ado on this one, I support the Report fully and ask the Chairman to come up with a proper way and sit with authorities in the Government, so that there is an orderly plan on the funds that go to the constituencies.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Arbelle Milano, Member for Laisamis.

Hon. Marselino Arbelle (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Report on the disbursement of funds to the NG-CDF.

From the outset, if there is any Fund in this country that has been praised by the people of Kenya for the good work that it has done, it is the NG-CDF. If there are any funds that have been felt across the country for the good work that they have done, it is the NG-CDF. If there are any

funds in this country that have empowered communities across the country, it is none other than the NG-CDF. Therefore, it is very unfortunate that the funds, which have increasingly been meeting the objectives of the people have not been disbursed to the respective constituencies on timely basis. It is very unfortunate that the National Treasury is doing very little. Actually, they are disbursing the funds piecemeal to the respective constituencies making the lives of innocent Kenyans at the ward level very difficult.

I want to emphasise on the drought that is being felt in the arid areas today. There is drought everywhere in the country although it is critically being felt by the people in arid and semi-arid areas. Secondary school students, college students and university students who solely depend on these funds to pay their school fees have not received the funds. The pastoral community whose livelihood depends on livestock is experiencing acute drought and is unable to sell their livestock. There is no market to sell their livestock. The Kenya Meat Commission (KMC) is dead. How do you expect these Kenyans to survive? It is, therefore, prudent if the National Treasury is compelled to make sure they send this money as quickly as possible.

I read in the newspapers the other day that the National Treasury has disbursed billions of shillings to some non-existent dams. I think the National Treasury does not have eyes and ears to listen and hear the cries of Kenyans. That is why they went ahead and paid billions yet they are not able to disburse funds where they are needed. People feel that the money should go to the NG-CDF. There are places in this country where children are learning under trees. It is only the NG-CDF that can be used to build schools to make sure our children go to school. I am also surprised that the NG-CDF Committee came up with a recommendation to give equal amounts of money to all the constituencies in Kenya yet there are constituencies which are far much better than others. Pastoral communities need to be given more consideration owing to the fact that these are areas which have been marginalised and neglected since time immemorial.

We also have unfinished projects that require the NG-CDF. Because of the delay of the money, the projects will not continue. People have been contracted to build structures and wait for their money to be paid. It is very important that we facilitate this payment. The National Treasury should be compelled to ensure that the money is channelled to the constituencies as quickly as possible.

I want to put much emphasis on increasing the amount of money which is being disbursed to constituencies from 2.5 per cent of the GDP. It will be prudent if this amount is improved to, at least, 5 per cent. Although devolution came with a lot of goodies, the chunk of the money that counties are given goes to recurrent budgets. What goes to development is minimal. That is why the NG-CDF is very handy. It is instrumental to the people at the ward level. We need to increase the Fund from the current 2.5 per cent to 5 per cent for the welfare of Kenyans.

Thank you. I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Koyi Waluke, Member for Sirisia.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to speak. The NG-CDF is important for this country. I wish it was there during our time.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I see Members raising their hands. All these Members have been here all this time. Allow Hon. Koyi to make his contribution. I wish I had two or three microphones, so that I can allow Members to make contributions.

Hon. John Waluke (Sirisia, JP): Most of my colleagues have spoken about the NG-CDF. There are so many desperate cases outside there. There are poor children who miss out on school because of lack of funds. I want to take this opportunity to thank the Chairman of the NG-CDF Committee and his Members because they have done a recommendable job. Sometimes, I blame myself and other Members of this House. In the 11th Parliament, we failed as a House, when Hon. Lessonet brought the Bill on equitability. You cannot compare a constituency like Nyakach or Kwanza with either Starehe or Langata. These are constituencies that have been developed since Independence. Our colleagues are the ones who influenced the inequitable process knowing that constituencies in the rural areas are poor. It is like you are given poison to drink, you take it and kill yourself. When that Bill came on the Floor of the House, although I was not in, it is us that shot ourselves down by agreeing on equitability.

All the same, sometimes, the NG-CDF delays to get the money from the National Treasury. Also, there are some people in the National Treasury who think that the money belongs to either their mothers or fathers, but this is public money. They close the Integrated Financial Management Information System (IFMIS) to delay the money until when Budget is about to be read and then they release the money. There is misuse of money in the National Treasury and as a Parliament, we need to look into this very seriously. Sometimes the money can come and the AIE delays even for two months. You cannot account for the money in the account and the people in the constituencies are suffering. So, there are so many ways that we need to look into this and decide as Members of Parliament, particularly about the CEO of the NG-CDF. Mr. Mbuno has acted for too long. Eight years is a very long time for somebody to be in acting capacity. Sometimes his morale goes down. The Chair, together with the Finance and National Planning Committee, need to compel the NG-CDF Board and the Cabinet Secretary for the National Treasury, Mr. Rotich, to state why the CEO has acted for this long. It is unfair. He is a human being like me or any other. Sometimes, we need to think twice and consider him.

We need to change the Act. The 2.5 per cent is very little for the NG-CDF. Last time we were taken to court by a few governors, who are greedy. They have now raised their allocation from 15 per cent to 30 per cent. They wanted to take money to the counties, so that they can steal. It has been proven that counties are misappropriating money. The other day, a governor allegedly stole about Kshs2 billion. The mechanism that was put in place by the Government for the NG-CDF should also be put in place to manage the money in the counties because it is a lot of money yet they only pay Kshs3,000 per child for school fees. They call this public participation. Governors go round to meet the people and they only give Kshs3,000 per student. Last month, in my constituency, the NG-CDF disbursed Kshs15 million for bursaries. There are about 40 students from needy families who require full scholarship. This money is important. We need to raise it to about 6 per cent. This money is accounted for by the people themselves. If you build a school, the public will see that Hon. Wanyonyi has built a school in Kwanza and when we pay school fees or construct offices for security officers, chiefs or divisional officers, it can be accounted for. So, the Government should give the NG-CDF more money because there is no misuse.

Since I can see the button has turned red, let me end there by urging my colleagues to look at the NG-CDF Act. We need to increase money to the NG-CDF.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamuren. He will make his contribution without interruption. Hon. Kamuren, is this your Maiden Speech?

The Member for Baringo South (Hon. Charles Kamuren, JP): Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, I will allow you to speak, but you must know the consequences that if you have spoken before and you taking this opportunity then it will be...

The Member for Baringo South (Hon. Charles Kamuren, JP): Hon. Temporary Deputy Speaker, I am very clear.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, if it is your first time to speak, proceed

The Member for Baringo South (Hon. Charles Kamuren, JP): Thank you very much, Hon. Temporary Deputy Speaker. First of all, I want to take this opportunity to thank God for giving me the opportunity to serve the people of Baringo South. I want to thank the people of Baringo South for giving me this opportunity to serve them as a Member of Parliament.

Hon. Temporary Deputy Speaker, I appreciate the Jubilee Party for allowing me to run for this position on their party ticket. The agendas that I have for the people of Baringo South are four. Baringo South has many challenges including one on security. Youths in Baringo South are unemployed and have suffered for many years. Women are not empowered. Infrastructure, like roads, is dilapidated. The education and health sectors are ailing. Floods ravage the area. We have titling issues in areas like Mochongoi, among others. There are so many things subjecting the people of Baringo South to suffering.

In terms of infrastructure, we have roads all over, but during the rainy season, farmers are unable to transport their products to their destinations because of poor roads. We requested the Government to tarmack our roads from Karandi to Marigat. We appreciate that construction is underway. The contractor has started at Karandi and Mochongoi, and we hope that towards the end of this year, they will have reached Marigat. We still need a main road from Mukutani to Ramacha to Nyimbei to Subukia, so that the people in that valley can travel to Nakuru and get back in the evening. The road will open up the place because there is a challenge of security in that region. There is also another major road from Sokta to Kibingor to Koriema to Bekibon to Tuluongoi to Tebei and all the way to Bonde. If that road is tarmacked, it will open up the lower part of that constituency.

There are other major roads within and this will be documented and forwarded as expected. In terms of youth unemployment, we have many youths who are graduates, but unemployed. At times we have challenges with online applications. There are so many Kenyans who are qualified, but it reaches a time that they should consider according to constituencies, so that others may not be disadvantaged especially those with no connections. The other day, I was trying to check on the employment of our youth and discovered that we are so much behind compared to other constituencies. So, I call upon the Public Service Commission to consider Baringo South when employing the youth.

In terms of women empowerment, I expected the Government departments dealing with women empowerment to come in and assist the women in Baringo South. In the education sector, the NG-CDF is doing well. I support the call to increase the NG-CDF allocation from 2.5 to 5 percent or even more. The citizens of this nation have left everything to the NG-CDF because they have seen what it has done in our schools. Since they have appreciated the work of the national Government, I do not see why we cannot support that and increase the allocation. The NG-CDF has done very well in building schools in Baringo South and we want to improve the education sector, so that we can have quality and inclusive education and perform well. We issue bursaries to those joining national schools and universities as well.

On issues to do with food security, we are doing well. I thank the Principal Secretary who visited us the other day. We call upon our partners to assist the outcome of the research that was done. Mochongoi is a settlement scheme and people are living there. I call upon the Government, more so in the Ministry of Lands, to support us so that people can acquire their titles and live like other Kenyans and use their titles as expected. On issues to do with floods, it is common knowledge that during the rainy season, we have a problem in Ilchamus, Ng'ambo, Salabani and Lobi. We have called upon the Government to assist and I believe they will do so.

Lastly, on the issue of security, a week ago, we lost five students who were on half-term break. They were killed by bandits from Tiaty Constituency. The bandits attacked at night with guns and shot all of them. Last Saturday, we buried the five bodies. I am calling upon the Government to use their systems and arrest the culprits because they are known. It is alleged that some of them are children of Tiaty local leaders. The Government has the capacity to stop this. I am calling upon it to ensure that the culprits are arrested. People from Tiaty Constituency living in Rugus, which is a location in Baringo South, should return to Tiaty because Baringo South is a peaceful constituency. Those living in Raramoru should also go back to their constituency and leave our constituency without any interference.

We have reopened schools that previously existed in security zones. We are doing very well. We call upon the Cabinet Secretary for Devolution, who has been supporting us, to support us with relief food because people have been internally displaced for long. They do not have any food and they need to be supported.

I have requested the Cabinet Secretary for Interior and Coordination of National Government, Dr. Matiang'i, to give us the 45 National Police Reservists that are needed. We have fulfilled all the requirements and are waiting for his signature so that we can have the officers to guard our schools and protect our people.

I call upon the leadership of this country - the President, the Deputy President and Dr. Matiang'i, among others - to visit us and see what is happening to our security. Members do not control security, but the national Government does. So, let them visit us and understand the situation that we are in. My brother, the Member for Tiaty, should stop inciting his people against my people. I do not like that. I call upon the Government to investigate his behaviour. We cannot be preaching peace while somebody else is inciting his community against other communities. He has disturbed Elgeyo Marakwet, Turkana, Laikipia, Baringo North and now he is walking to my side. This is not right. We have a President. This country has a Government, which we should respect. If I am offending and inciting people, I should be arrested so that others can live in peace. He cannot behave as if he is good when he is messing up with us.

Hon. Temporary Deputy Speaker, Mukutani is in Baringo South. I have proof because we have maps. He cannot purport to be talking to people on matters boundaries. This is not about boundaries. It is about business and we know the culprits. The Government knows and they have the systems in place to curb this. I call upon the Government of Kenya to stop this and let the people of Baringo South live in peace like other Kenyans.

With those remarks, I support the Motion.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 6th February 2019, at 9.30 a.m.

The House rose at 7.00 p.m.