

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Wednesday, 4<sup>th</sup> December, 2019

The House met at 2.30 p.m.

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

#### PRAYERS

**Hon. Speaker:** Well, if there is Communication ready, we will make it later.  
Next Order.

#### PAPERS LAID

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

The list of nominees to the National Government Constituencies Development Fund Committee for North Imenti Constituency from the National Government Constituencies Development Fund Board.

The Report of the Auditor-General on the financial statements of Nyando Constituency for the year ended 30<sup>th</sup> June 2018 and the certificate therein.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Transport, Public Works and Housing on its consideration of the following:

The County Roads, Walkways and Parking Bays Bill (Senate Bill No. 18 of 2018);

The Traffic (Amendment) Bill (National Assembly No. 28 of 2019);

The Petition regarding poor drainage design of the Nakuru-Nyahururu interchange.

**Hon. Speaker:** Very well. The Chairperson of the Committee on Regional Integration. Are you the one, Hon. Ruweida Obo?

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): I am the Vice Chairperson. Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the delegation of Members of the Select Committee on Regional Integration to the 12<sup>th</sup> Pan African Parliamentary Conference on the Women Rights held in South Africa on 14<sup>th</sup> October 2019 and 15<sup>th</sup> October 2019.

Thank you.

**Hon. Speaker:** Very well. At some point later in the proceedings, the Chair of the Departmental Committee on Defence and Foreign Relations will be tabling a report on some instruments as well as giving a Notice of Motion. Let us proceed.

Next Order.

Let us have the Chairperson of the Select Committee on the National Government Constituencies Development Fund. Hon. Maore, it is indicated that you are giving a notice of motion.

## NOTICES OF MOTION

### APPROVAL OF NOMINEES TO THE NORTH IMENTI NG-CDF COMMITTEE

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of section 43(4) and (10) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of the nominees for the North Imenti National Government Constituencies Development Fund Committee for the National Government Constituencies Development Fund laid on the Table of the House on Tuesday, December 3, 2019:

- (i) Khadija Makena Mohamed - female and youth representative.
- (ii) Jacob Githinji Manyara for the constituency office Meru.

Thank you.

**Hon. Speaker:** Very well. Chairman of the Departmental Committee on Agriculture and Livestock.

### EXTENSION OF PERIOD FOR THE INQUIRY INTO CHALLENGES FACING DAIRY FARMERS

**Hon. Ali Adan** (Mandera South, JP): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, notwithstanding the provisions of Standing Order No. 44(2) (Statement Hour), this House resolves to extend the period for the inquiry into the challenges facing dairy farmers arising from a Request for a Statement from the Departmental Committee on Agriculture and Livestock on the decline in prices of milk and milk products in the country by a further period of 60 days with effect from the date committees are expected to commence sittings in the year 2020.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## QUESTIONS

*Question No. 520/2019*

## STATUS OF THE CONSTRUCTION OF THE BARICHO–GALANA ADC ROAD

**Hon. Speaker:** The first Question is by the Member for Magarini. He has written to request that Hon. Owen Baya asks the Question on his behalf.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Speaker. I rise to ask Question No.520/2019 on behalf of the Member for Magarini. It is addressed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) What is the status of the construction of the Baricho–Galana ADC Road in Magarini Constituency?

(ii) What measures has the Ministry put in place to expedite the rehabilitation of the said road and when is it expected to be completed?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Housing and Public Works.

Next Question is by the Member for Lamu County, Captain Ruweida Obo.

*Question No. 521/2019*STATUS OF COLLECTION AND DISTRIBUTION OF  
BLOOD AND BLOOD RELATED PRODUCTS

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Thank you, Hon. Speaker. I rise to ask Question No.521/2019. It is addressed to the Cabinet Secretary for Health:

(i) What is the status of collecting, testing and distributing blood and blood related products to all transfusing hospitals in the country?

(ii) What is the quantity of blood reserve in the Government's blood banks as managed by the Kenya National Blood Transfusion Services (KNBTS) and is the quantity sufficient to serve casualties in case of occurrences of disasters and emergencies?

(iii) What challenge is the Kenya National Blood Transfusion Services facing with regard to continued support of the project by donor agencies?

(iv) What measures has the Ministry put in place to ensure sufficient funding of the Services?

Thank you.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Health. Next Question is by the Member for Kilifi South, Hon. Richard Chonga.

*Question No. 522/2019*

## PROGRESS REPORT ON CONSTRUCTION OF SECTIONS OF MOMBASA ROAD

**Hon. Ken Chonga** (Kilifi South, ODM): Thank you, Hon. Speaker. I rise to ask Question No.522/2019. It is addressed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) Could the Cabinet Secretary provide a progress report on why the construction of the 32 kilometres stretch of the Mombasa–Nairobi Highway has stalled at Mto wa Mawe in Athi River?

(ii) Could the Cabinet Secretary further explain why the construction of a foot bridge at stage 39 along the same road is yet to be completed?

(iii) When will the construction of the said section of the road and footbridge be completed?

Thank you.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Housing and Public Works.

*Question No. 523/2019*

## COST OF SERVICES FOR THE SUPPLY OF PETROLEUM PRODUCTS

**Hon. Speaker:** This is the last Question by the Member for Rongo, Hon Paul Abuor. The Member apparently is absent not desiring to be present. The question is dropped.

*(Question No. 523/2019 dropped)*

**Hon. Speaker:** Just to excite you Hon. Members and to also refresh your memories on the Standing Orders, Questions and Motions are sessional. So, those of you who are asking Questions and you know the House is going on recess tomorrow, thus marking the end of this Session, you must move with speed when we resume or just before we resume to come and file the Questions and the Motions afresh. It is only Bills which have a life span of two sessions. So, a Bill that was published this year will still remain alive and active until the end of next Session. But Questions and Motions, for your information, die with the session.

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Speaker.

**Hon. Speaker:** Now this is a problem. Hon. Kamket is purported to have been a Speaker of some place...

*(Laughter)*

Hon. Kamket, do you want to question the Standing Orders? What is it?

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker. I do not have the authority to question the Standing Orders; neither do I have the wherewithal to question the

Speaker. However, I want to plead with you Hon. Speaker, given what you have said, and the urgency of some of these Questions, that you utilise your powers under Standing Order No. 1 to give special permission to some of these Questions to be replied even during the recess period.

**Hon. Speaker:** Again, lack of clear understanding of the first Standing Order.

*(Laughter)*

It applies only to those situations which are not expressly provided for in the same Standing Orders. So, where the Standing Orders have provided that Questions and Motions are sessional, the Speaker cannot override that. If there was no provision to the contrary, perhaps, the Speaker could exercise some sympathy. But right now, there is no room for sympathy. The rules must apply as they are.

Member for Igembe Central.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker. I still seek your indulgence. You have just communicated that most of these Questions and Motions are going to expire by tomorrow. I was given a date by the Leader of the Majority Party that my Question will be responded to tomorrow. But because the Chair is in the Chamber, can he confirm what the Leader of Majority said? He did not know about that. My Question was about a boy who is being held in jail in Tanzania. Up to now, we do not know his fate. I had requested the Cabinet Secretary (CS) for Foreign Affairs to respond to the same and secure the security of that boy. Now that we have only hours left and I can see *Mhe*. Katoo ole Metito is here and I have been talking to him over it; can he react to it before it expires?

**Hon. Speaker:** The House will be sitting tomorrow.

**Hon. Kubai Iringo** (Igembe Central, JP): Yes, Hon. Speaker. But I am afraid the answer may not be there. I have not been called to go and prosecute my question before the Committee.

**Hon. Speaker:** You are being anticipatory.

*(Laughter)*

The House will be sitting tomorrow.

**Hon. Kubai Iringo** (Igembe Central, JP): I appreciate that, Hon. Speaker. But my fear is that I have not been called to prosecute my case before the CS.

**Hon. Speaker:** Yours is a Question?

**Hon. Kubai Iringo** (Igembe Central, JP): Yes, Hon. Speaker.

**Hon. Speaker:** You have been told that it will be responded to tomorrow?

**Hon. Kubai Iringo** (Igembe Central, JP): So I hear, Hon. Speaker.

**Hon. Speaker:** Has the sitting been called off?

**Hon. Kubai Iringo** (Igembe Central, JP): Let me wait, Hon. Speaker.

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, we are in very interesting times. The Hon. Member's fears are whether the House will sit tomorrow and whether the CS will be available and whether the Chair will be around. The CS for Foreign Affairs is away and I am coordinating with Hon. Katoo so that in the worst case scenario, the PS can provide a written

answer or the CS can come and answer the question. Tomorrow I will have an answer for you. You are in safe hands my friend and it is the Almighty God who knows if we will sit tomorrow. It is not you to decide. Do not fear if you are a man of God. But if you believe in witches, then you have to fear. We believe in God.

**Hon. Speaker:** I can see a few other interventions. The Chair of the Departmental Committee on Energy, Hon. Gikaria, what is it?

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Speaker. I just wanted to make a request. I had submitted a few amendments regarding the NG-CDF Act on the appointment of the CDFC members. The current members' term is coming to an end on 8<sup>th</sup> of December. You remember in the last Parliament, we really struggled to have them gazette. It took us almost five months. We are going to a period where we need money to pay for fees through the NG-CDF. I took the amendments to the Legal Department more than five months ago so that we could have addressed that transition period between the expiry of the term of the current CDFC members and others who are coming in. On the 8<sup>th</sup>, their term is coming to an end. So, it means by law, the CDF Act says their term will come to an end and then the Fund Account Manager will take charge. But he cannot make any decision regarding NG-CDF until another committee has been properly and legally constituted so that it can undertake its functions. That is the position, Hon. Duale.

**Hon. Speaker:** I can see the Chair of the Select Committee shaking his head in disagreement. Hon. Maore.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, there is a memo from the CDF Board to all the fund managers and Members should make some effort and look at what it says. But for the benefit of the entire membership, I will table the memo tomorrow and read excerpts of it, which do not tally with what Mheshimiwa is saying. I will do it tomorrow.

*(Loud consultations)*

**Hon. Speaker:** Hon. Maore, are you at liberty to summarise what is contained in the memo? Remember you are asking him to do something from memory and if his memory is faulty, then he may have...

*(Laughter)*

**Hon. Maoka Maore** (Igembe North, JP): No, I have read the memo, Hon. Speaker. It would be prudent for Members to wait for accurate content of what it says. And what it says is not what Hon. Gikaria is saying. I will do it tomorrow.

**Hon. Speaker:** Hon. Maore, what the Members would want to know is whether there is cause for alarm.

**Hon. Maoka Maore** (Igembe North, JP): No. Actually the expiry date for all those CDFC committees is tomorrow, not on the 8<sup>th</sup>. But I am saying that when we bring the memo, it will explain that you do not have to worry.

*(Loud consultations)*

**Hon. Speaker:** You know there is no business to discuss. What Hon. Maore is able to remember from the memo is that you have no cause for worry. Hon. Junet, what is it?

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, Hon. Maoka must know that he is the Chairman of a Committee of the House. When he is responding to issues, he should respond as a Chairman. He is responding like a Government officer that: “Do not worry!” That is how Government replies to people. “Do not worry. Do not worry.” We are worried because we want to know the contents of the circular. If you are saying the committees are lapsing tomorrow and you are telling me not to worry... The constituency committee is CDF. Leader of the Majority Party, I know you were busy with the supplementary budget, but I agree with you.

When Hon. Maore left Parliament, there was no CDF. I do not know whether it was there. Okay, it was there. But now that he is the Chairman, can you share with Members what the circular says? Otherwise, you should have given us copies yesterday. Give us an insight.

**Hon. Speaker:** Let him respond then we will give you a chance.

**Hon. Maoka Maore** (Igembe North, JP): I think Members are actually displaying their incompetence in dealing with their fund managers over that memo. Actually, it is addressed to the fund managers and Members should have access to it. So, it is wrong for them to believe it is I who is supposed to read for them. It is not meant for the House. I was just saying it is with your fund managers. You should have actually sought advice from them.

But for the benefit of the House, it states that the committees that were gazette for two years, the last date for them to operate is today. But Members will be at liberty to appoint new members or renew the terms of those ones that are there and make sure the names are tabled before the House, which everybody knows will not be there after tomorrow. When the House resumes sittings, we will have those members gazetted afresh.

*(Loud consultations)*

Now, when you are making noise, you will not get what you are looking for. And if I do not finish, you will not be able to know out of the ignorance you are displaying. So, what I am saying is this: From tomorrow, you have up to five months to be able to regularise those CDF committees. In the meantime, there is no gap between the current committees and the time the others are gazetted. So, there is no single day when the fund managers will run anything single-handedly without you. Ask your fund managers to forward to you the memo now. Do not harass us.

**Hon. Speaker:** Hon. John Mbadi, what is it?

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, save me from the Leader of the Majority Party because I want the Chair to listen to this.

**Hon. Speaker:** Let us allow Hon. John Mbadi to make his point.

**Hon. John Mbadi** (Suba South, ODM): My friend Hon. Maoka Maore, you know why we are concerned, is because we have seen that memo. Actually, I think most fund managers have liaised with their Members of Parliament; at least mine has communicated with me. Yes, the term of those committees is coming to an end today. But the five months provision was not something that we were aware of. So, is this five months an administrative decision or is it based

on law? The concern we have is this: We will resume in February. Between now and February, there will be no committees. We will be giving bursaries in December and January. So, we need clear assurances that the five months provision is anchored in law. Again, we do not want a situation where after we have left for Christmas, then we are told that we cannot spend the CDF money in the account until and unless the committees are approved by Parliament. You see the Chair is not coming out clearly until now when he has mentioned the five months. I want to know where the five months are anchored.

Thank you.

**Hon. Maoka Maore** (Igembe North, JP): I think if Members would read the CDF Act, 2015 and learn to listen, there would be no need of being verbose. The Act is very clear. Until another committee is gazetted, there is no one hour gap and I have said that. So, there is no need for so many words and so many stories.

*(Loud consultations)*

**Hon. Speaker:** Order Members. Hon. John Mbadi, who is not just the Leader of the Minority Party but a ranking Member of this House, even in the former system of governance, including now, every Member of Parliament is deemed to know and understand every law and, I would expect, more particularly the NG-CDF Act. It is for that reason that Members are not allowed to ask questions about laws because the expectation throughout the traditions of this House is that every Member understands the law. For instance, you cannot ask the Chair of the Select Committee what the NG-CDF Act says about the expiry.

*(Loud consultations)*

No! You cannot ask a question about law. Even those laws that were enacted in 1960, as a Member, you are expected to know all of them. These ones of 2015 are supposed to be at your finger-tips.

*(Loud consultations)*

Maybe, those of you who can read the particular provision of the Act... Hon. Duale, if it is before you, can you read for the Member so that we do not end up discussing something that is... Hon. Baya, what does it say?

**Hon. Owen Baya** (Kilifi North (ODM): As per the provisions of Section 43(8) and (9) of the NG-CDF Act, the tenure of the office of the members of the NG-CDF shall expire upon the appointment of a new constituency committee in the manner provided for in the Act.

*(Loud consultations)*

**Hon. Speaker:** Hon. Gikaria, you have not yet got that one?



**Hon. David Gikaria** (Nakuru Town East, JP): I am not a very seasoned legislator, but on this one, I mean exactly what he just read “shall expire” and it expires today. If, indeed, what the Chair...

**Hon. Speaker:** It is upon appointment.

**Hon. David Gikaria** (Nakuru Town East, JP): Let me finish, Hon. Speaker. I had an opportunity to sit with the Legal Department and they agreed with me. Hon. Duale, we will give you time to do whatever you want to do. They agreed with me that even upon expiry, if you read the whole section to the end, it expires and they cannot continue. If that is what they say, then what is the business of the memo if the law provides for that? What is it that the Chairman is telling us that there is a memo that gives us a grace period of five months? The term expires today and they cannot continue. I will be able to bring that. The Legal Department agreed with me so that we could make an amendment. That is the truth.

**Hon. Speaker:** Hon. Members, even assuming upon expiry of the terms of the current CDCs, nothing else will happen, by raising this point today, are you not therefore accusing yourselves? Who has sat on their rights? Is it the CDCs or the Members who are supposed to ensure that CDCs continue running?

**Hon. David Gikaria** (Nakuru Town East, JP): That is why I was saying that I brought amendments five months ago to try and address that. They have been staying with the Legal Department since then. I made a request when Hon. Cheboi was the sitting Deputy Speaker around two and a half months ago, and it was never addressed again.

**Hon. Speaker:** So what do you want me to do? Do you want me to direct the Legal Department to work overnight and ensure that...?

**Hon. David Gikaria** (Nakuru Town East, JP): Not that, Hon. Speaker. I am just saying that I had brought them on time - five months ago. If it was addressed then, this would not be the case today.

**Hon. Speaker:** Hon. Otiende Amollo, the Floor is yours.

**Hon. Dr. Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I think as you have guided us, this matter need not detain us, but there are two preliminary points.

First, I think the Hon. Chairman only mentioned tomorrow 5<sup>th</sup>, but, actually, the Memo talks of four different expiry dates because they were gazetted differently. So, it is from 5<sup>th</sup> and 20<sup>th</sup> December, 14<sup>th</sup> February and 22<sup>nd</sup> May. Not all are expiring together.

Secondly, it is unfair for the Chairman to blame Members for not having read. The Memo was addressed to the managers who are not our employees, but it was copied to the Clerk of the National Assembly. My request would be that we request the Clerk to circulate it to Members whose managers may not have contacted them so that they can see the contents of the Memo. If they see the contents of the Memo, then the issues raised by most Members and Hon. Gikaria will be responded to. Paragraph 7 actually responds to it specifically. It goes more than just to restate the provisions of the Act. It actually states that in the transitional period, after stating that process of replacement, it is only when that process is done and then the new members can take office.

Until then, the old members continue and so any legal interpretation to the contrary might be erroneous. What it does is to warn us that those whose tenure of their members expires as early as tomorrow and you want to replace them, you will start the process. If you want to retain

them, it is as simple as confirming them and then they can continue. I suggest that we need not spend more time on this except to direct that the Clerk shares the Memo with the rest of the Members.

**Hon. Speaker:** If, indeed, it has been copied to the Clerk of the National Assembly as you say Hon. Otiende, perhaps, because you can see there are some Members who interact with their fund managers more regularly than others, there are others who just take a walk into those offices and leave. Hon. John Mbadi says his Fund Manager forwarded the copy to him. So, it all depends on how you relate with your fund managers.

Hon. Gikaria, I think what has been stated by Hon. Otiende Amollo and which is in tandem with what Hon. Baya read out, indeed... I also want to confirm what Hon. Otiende has said. Even in today's Order Paper, there is a Motion to confirm some new Members of some CDCs. Obviously, those ones cannot be expiring today, tomorrow or even May next year. Perhaps, what we could do is, if indeed Hon. Maore says that he is going to table the Memo here, then that could be an easier way for it to be circulated among Members.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I will.

**Hon. Speaker:** You will table the Memo.

**Hon. Maoka Maore** (Igembe North, JP): Yes.

**Hon. Speaker:** Very well. Then I do not think we need to spend any more time on that. I hope these other interventions are not on the same thing. Hon. Nyikal, surely, it is not about this.

**Hon. Dr. James Nyikal** (Seme, ODM): Hon. Speaker, I just want to reassure Members. Yesterday afternoon, my fund manager addressed this issue and actually said we stop activities. I actually summoned him and we sat with the CEO who read that part for me and said he is going to send a Memo. That came from the CEO of CDF himself. Members should be rest assured that as it is, they are safe.

**Hon. Speaker:** Very well. There are quite a number of assurances. I think that now should put everybody to rest and have some little bit of comfort.

Let us move to the next Order, a Statement. Hon. Katoo, you are to respond to some Statement.

## STATEMENT

### PENDING BILLS IN THE MINISTRY OF DEFENCE

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Speaker. I have a Statement as requested by the Member for Kiambu, Hon. Jude Njomo, who is not in the House. This is in relation to some alleged pending Bills in the Ministry of Defence. The Statement is very lengthy but, I have supplied a copy to the Member and I will table this one in the House.

Hon. Speaker, in a nut shell, the Ministry of Defence appeared before the Committee and responded to the five questions that were raised. Overall, they said they have no pending bills. When the Member sought the Statement, it was actually the day we had just adopted, as a Committee, the Supplementary Budget Estimates I for the Ministry. Even in that Supplementary Budget, they had confirmed that they had no pending bills. So, on the request by the Member on the pending bills that he was asking about, the Ministry said that there was time that they just

placed an advertisement in the newspapers for proposals on preliminary designs of some barracks and many contractors (all Kenyans) send their proposals. Before the preliminary design was completed, the Ministry terminated that project. They did this before entering into a contract with any contractor and so there were no tenders awarded. So, no money was spent and they owe nobody any pending bills. We discussed with the Member and he has a copy of the Statement. I think he is satisfied and that is why he has not come for it.

**Hon. Speaker:** So, the Member is satisfied and has decided to go to the village. Hon. Jude Njomo has decided to go for early Christmas having been satisfied with the answer given. Very well, you can just table it and then the matter ends there because it was sessional as well. So, it is over.

Next Order.

## MOTION

### ADOPTION OF REPORT ON THE NUCLEAR REGULATORY BILL

THAT, this House does agree with the Report of the Committee of the whole House on its consideration of the Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2019).

**Hon. Speaker:** Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I seek your indulgence before we move to the next Order on Statements.

**Hon. Speaker:** Yes. Sorry. We had forgotten.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): We had made consultations on it.

## STATEMENT

### APPROVAL TO STOP TRANSFER OF FUNDS TO 15 COUNTIES DUE TO NON-SETTLEMENT OF PENDING BILLS

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, on 27<sup>th</sup> November 2019, you referred the Message from the national Treasury on the request to stop transfer of funds to 15 county governments on account of non-settlement of pending bills to Budget and Appropriations Committee (BAC) for consideration in light of Article 225 of the Constitution.

Hon. Speaker, pursuant to the provisions of Article 225 of the Constitution, the Budget and Appropriations Committee held deliberations to consider this request by the national Treasury. The Committee made the following key observations regarding the request:

- 1) That the national Treasury request is based on Article 225 of the Constitution which empowers the national Treasury to stop transfer of funds to a State organ or any other public entity in the event there is a serious breach or persistent material breaches of a measure under enacted legislations.

- 2) That the national Treasury has acted within the Constitutional and Public Finance Management Act, 2012 provisions in seeking to stop the 2019/20 equitable share transfers to the 15 county governments on account of non-settlement of pending bills.
- 3) That the position of the Office of the Controller of Budget (COB) has not been filled and hence the Controller of Budget report on this matter envisioned under article 225 (7) could not be obtained by the Committee. Members are aware that it is only this morning that the House approved the name of the nominee to be the substantive holder of the Office of Controller of Budget.

Hon. Speaker, given that a report on this matter from the Controller of Budget envisioned under article 225(7) could not be obtained, the Committee was unable to make a decision on the request by the national Treasury to stop the transfer of funds to the 15 county governments. Now that we are going to have a Controller of Budget, the Committee seeks your indulgence and, indeed, the indulgence of this House for more time to consider this matter and comprehensively report back to this House.

I think the long and short of the Statement is that we were unable as a Committee to make a decision because the constitutional provision of Article 225(7) is that we should have a report from the Controller of Budget. The fact that there was no substantive holder in that office, we were not able to obtain that Report. So, constitutionally, we may not proceed to make a decision. Therefore, the import of it is that the request by the national Treasury stands not approved since a decision has not been made.

It is also worth noting some of the other observations that were made by Members of the Committee. Some of them are seated in the House this afternoon. It is said that he who seeks equity must do so with clean hands. It was noted that the national Treasury, even as they seek to take measures against county governments for non-settlement of pending bills, is also guilty of not settling pending bills. So, it was a feeling that even as the national Treasury seeks to stop remittance of money to county governments on account of non-settlement of pending bills, being the bigger brother, or the father or mother to the county governments, they should lead by example. The national Treasury should now act given our approval of the Supplementary Appropriations Bill today.

In accordance with the Public Finance Management Act, pending bills form the first charge to the Exchequer. The national Treasury should, therefore, ensure that Ministries, Departments and Agencies of Government settle pending bills, especially the money owed to Small and Medium Enterprises (SMEs) in this country.

Hon. Speaker, the other question that begged for an answer is this: What would be the import of stopping the release of Exchequer to the county governments and, at the same time, expecting them to settle pending bills? There was feeling within the Committee that, maybe, we needed to provide more time.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Speaker.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): What is out of order?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I do not want to interject my good friend the Chair of BAC. However, the matter Hon. Ichung'wah wants to deal with through a statement is not procedural. What I have tabled before this House is a Statement from the national Treasury and we referred it to the BAC. So, the BAC must bring a report for the House

to discuss and not a statement. So, it is not a Member who asked for a Statement. I tabled a document inquiring on the status. To each one of us seated here in Parliament, the question is not about the national Government not paying pending bills, but the National Treasury requesting to get the concurrence of the National Assembly and the Senate on the pending bills of 15 counties.

So, we asked the Committee just like we did with the Supplementary Estimates to table a Report and make recommendations so that the House can decide. This is because we leave many people in our counties suffering and becoming poor. Even if there is a legal lacuna, all the same procedurally, I am inquiring about a document from the National Treasury that was tabled. I think the House ought to have a report to discuss this. The Statement the Chair read is a recommendation of the Budget and Appropriations Committee.

Hon. Speaker, before we go further, we need your guidance on the way forward.

**Hon. Speaker:** I can see Hon. Mbadi has placed a request.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, when the Chair of my Committee was reading the Statement, I was a bit disturbed and got confused. I thought the National Treasury was seeking the approval of the National Assembly and the Senate to withhold funds of 15 counties procedurally as provided for in law. Therefore, this House has to make a decision. This decision can only be made after the Committee has made recommendations in a formal way in a Motion. This is because through a Statement, this House cannot take a vote.

Probably, the Chair was trying to explain the difficulty the Committee had in concluding this exercise. I think he should just restrict himself to that instead of going ahead and talking like he has made a decision for the Committee. I thought the decision is yet to be taken because the Controller of Budget is not in place to give her view. When the Chair spoke, he confused me because it is like he is making a conclusion and we are rejecting the request of the National Treasury. I think this is a decision that should not be made by the Committee. The House makes a final decision on the same.

So, I request that the Chair restricts himself to explaining why the Committee has not concluded this matter as opposed to going ahead and making a conclusion. This is because many of us have a contrary opinion. Probably, we may agree with him on the issue of the national Government having pending bills, but we are also alive to the fact that our counties are killing businesses in this country.

They have already awarded contracts and contractors have executed them, but they have not been paid. Even when they are told to pay, they still do not pay. Money goes to their own companies. We know of counties where a road is done but payment is made to somebody else. So, I want to request the Chairman of Budget and Appropriations Committee to be careful. This House wants to make a decision based on an informed report by the Committee.

Thank you.

**Hon. Speaker:** Hon. Junet, is it on the same issue?

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, this is a very serious matter in the country because many people, especially in the counties, are suffering because of the pending bills. Some of the pending bills go way back to 2015/16 Financial Year.

The only way this matter can get justice in Parliament is through a report from the Committee and not through a statement. The Controller of Budget, as the Chair has stated, has been out of office for two months. But, these are pending bills that have been there for many

years. Basically, the county governments have not appeared before the Committee and said they are unable to clear the pending bills because the Controller of Budget is not in office. So, they should not give an excuse of the Controller of Budget not being in office. Yet, she was there in 2015, 2016, 2017 and 2018. These are pending bills that have not been cleared from that time.

People are dying and have been auctioned because of money they borrowed from banks. With you indulgence, can you order the Committee to give a report tomorrow by 2.00 p.m. so that we can discuss this matter. If the Chair is busy in *Tanga Tanga*, he can delegate to his Vice-Chair.

**Hon. Speaker:** Hon. Members, let us just return to the main issue. Indeed, the National Treasury acting in accordance with the provisions of both the Constitution and the PFM Act sought concurrence from the two Houses of Parliament. The concurrence can only be made through a resolution of the House; after each House having considered the Report coming from the relevant Committees. In our case, it is the Budget and Appropriations Committee which the request was referred to. Therefore, even if the Committee experienced difficulties, this can only be received by the House in form of a report.

I am aware that the same Committee has been quite busy with the process of the Supplementary Estimates which has concluded with the passage of the Supplementary Appropriations Bill earlier today. Therefore, the Chair, Budget and Appropriations Committee, even though you know the House is going on recess tomorrow, you may have to call your Committee tomorrow morning and involve as many people as possible. If need be, you can table a report which will be debated even if it means doing a Supplementary Order Paper to accommodate that.

Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, of course, I am obliged with your guidance. The only problem is that just like when the Member for Igembe North and Chair of National Government Constituencies Development Fund (NG-CDF) was speaking on the provisions of the Act, many of us were not listening and rushed to react to things without listening. Even as I read and made observations as we deliberated on this matter, I sought the indulgence of the Speaker and the House to give us more time to consider this matter comprehensively and report back to the House.

It is only that the emotions of many of us... I know that Governor Obado of Migori County owes Hon. Junet some money. I know many of you are suppliers and contractors to your county governments. As I said, this is not happening in the county governments, but also the national Government. The issue of pending bills is affecting, in a very big way, the performance of our economy and the liquidity in the market.

Therefore, this is not a matter as a House we can afford to take lightly. That is why we sought more time because we could not just indicate that there was no substantive Controller of Budget in office. We could have dismissed it and said it cannot be done. We wanted more time to consider it and we will do so. I have been informed that the Controller of Budget has already been sworn in. So, her first order of business will be to meet with the Budget and Appropriations Committee; hopefully somewhere in Parliament.

**Hon. Speaker:** I am aware of all those processes. The Budget and Appropriations Committee, please, sit tomorrow morning.

**Hon. David ole Sankok** (Nominated, JP): *(spoke off-record)*.

**Hon. Speaker:** Hon. Sankok you cannot shout from your seat that tomorrow you are going to Naivasha. To do what? Tomorrow is a sitting day for the National Assembly. I may not speak on behalf of any other Member but, for the National Assembly, as per the Calendar you adopted on 13<sup>th</sup> February, tomorrow is a sitting day. So, the Committee will sit and bring a report to the House. We do not want to know about other issues.

Hon. Members, I have been keenly listening to some of you. Because of those difficulties, some of you had already gone public to say that you have rejected it. Unfortunately, the Member who I saw a while ago in some press conference is not in the House. He is busy making noise about some document that the Speaker has already expressed himself as having no feet or legs. I do not know. The Member was speaking as though he has been injured.

*(Laughter)*

He is injuring himself by getting information from the streets. For this one, let us wait to get a report into the House tomorrow.

Order Members. Member for Kamukunji, try to squat. I know it might be difficult. Member for Kamukunji, are you able to squat? Is the Member next to Hon. Duale able to assume some seat? He is the Member for Aldai. Hon. Members, you cannot come here to pursue personal interests.

#### VISITING CONSULTANT FROM THE CPA HEADQUARTERS

Hon. Members, I wish to recognise the presence of Mr. Anthony Staddon, a consultant from the Commonwealth Parliamentary Association (CPA) - International from the United Kingdom who is seated in the Speaker's Gallery. He is in Parliament at the invitation of the CPA-Kenya Branch to carry out a self-assessment exercise on the CPA Recommended Benchmarks for Democratic Legislatures. The CPA Recommended Benchmarks for Democratic Legislatures were first published in 2006 and comprise of 87 indicators for excellence in Commonwealth Parliamentary and Legislative Practice.

Mr. Staddon has held meetings with the Speakers of the Houses of Parliament here in Kenya and the House leadership. He is scheduled to meet Chairpersons of selected Committees and Members of the CPA-Kenya Branch Executive Committee. Upon conclusion of the self-assessment exercise, CPA International will prepare a report that will highlight the status of our Parliament in upholding the recommended benchmarks.

On my own behalf and that of the House, I wish to once again welcome him to the National Assembly this afternoon and wish him fruitful engagements during the remainder of his stay in the country.

*(Applause)*

Next Order.

**CONSIDERATION OF REPORT AND THIRD READING****THE NUCLEAR REGULATORY BILL**

**Hon. Speaker:** Hon. Members, as you will recall, debate on this Bill was concluded yesterday in the Committee of the whole House. The Question could not be put given that, at the time, the House had not complied with the provisions of Article 121 of the Constitution which it now does.

*(Question put and agreed to)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move that the Nuclear Regulatory Bill (National Assembly Bill No.27 of 2018), be now read the Third Time.

I request Hon. Gikaria, the Chair of the Departmental Committee on Energy, to second.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Speaker, I beg to second.

*(Hon. Peter Mwathi stood in the gangways)*

**Hon. Speaker:** Member for Limuru, please, allow us to transact business. If you cared to look at the Order Paper, I would not have to keep calling on you to either freeze or assume some seat.

*(Question proposed)*

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

**Hon. Speaker:** Is it the desire of the House that I put the Question?

**Hon. Members:** Yes.

**Hon. Speaker:** Very well. Having confirmed that the House quorates, I will put the Question.

*(Question put and agreed to)*

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

**Hon. Speaker:** Next Order.



**MOTION****REPORT ON CONSIDERATION OF THE CENTRAL BANK OF KENYA  
(MORTGAGE REFINANCE COMPANIES) REGULATIONS, 2019**

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Central Bank of Kenya (Mortgage Refinance Companies) Regulations, 2019 (Legal Notice No. 134 of 2019) laid on the Table of the House on Thursday, November 21, 2019, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order No.210 (4) (b) annuls Regulation 26 (2) and Regulation 42 of the said Regulations.

*(Hon. (Ms.) Gladys Boss Shollei on 3.12.2019)*

*(Debate concluded on 3.12.2019)*

**Hon. Speaker:** Very well, Hon. Members. Do not do that. Just freeze. You should not move about like other creatures. Debate on this Motion was concluded. What remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

**BILL***First Reading***THE BUSINESS LAWS (AMENDMENT) BILL**

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

**Hon. Speaker:** Next Order.

**SPECIAL MOTION****APPROVAL OF NOMINEE FOR APPOINTMENT AS A REPRESENTATIVE OF THE PSC TO SRC**

*(Hon. Joseph Limo on 4.12.2019 – Morning Sitting)*

*(Resumption of Debate interrupted on 4.12.2019 – Morning Sitting)*

**Hon. Speaker:** Hon. Members, I am informed that this Motion was moved by the Chair of the Departmental Committee on Finance and National Planning. It was seconded and the

Question was proposed. Time ran out at that point. Any Member is at liberty to contribute. Hon. Pukose, what are you saying about this?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, this had been exhausted. Hon. Amina Abdalla is well-known to this House. Hon. Speaker, I do not think we should subject it to a lot of debate and under Standing Order No.95, I beg to ask that the Mover be now called upon to reply.

**Hon. Speaker:** Even the Mover does not appear to be here.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Duale, what is your point of order?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, Hon. Otiende Amollo will agree with me that these are the kinds of things that when they are taken to court, the judges indict Parliament. I want Hon. Pukose to withdraw the statement that the Motion has been debated extensively. Hon. Speaker himself said that it is the Mover and the Seconder and so, he cannot make that statement. We need to remove it from the HANSARD.

Hon. Speaker, you said it and you are on HANSARD. You said that it is only the Mover and the Seconder who spoke on the Motion. Nobody else has spoken to it. So, the use of that statement will even negate what we want to do. We have no problem with the use of Standing Order No.95.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, the Mover moved the Motion extensively and the Seconder seconded extensively. Actually, if we debate it, we will be repeating the whole Report because all of us have read the Report. Our debate will be a repetition of the same Report over and over again. I do not think I should withdraw my request that the House should agree with me that the Mover be now called upon to reply. The Leader of the Majority Party and Leader of the Minority Party now agree with me.

**Hon. Speaker:** Hon. John Mbadi, do you want to contribute? Hon. Members, you also need to look at Standing Order No.95 and notice that it is not always that the Hon. Speaker will always agree. The Hon. Speaker can take his or her time to listen to some other views and try to test whether what Hon. Pukose has raised is the mood of the House.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, the mood may be for the Motion to be passed, but I am wondering what the Mover will reply to because the Motion was just moved and seconded. What would the Mover reply to?

Let me say a few things about this Motion. As much as we want to pass the Motion, we support Hon. Amina Abdalla because many of us worked with her or have worked with her. I have worked with her in this Parliament for about ten years. We know she is competent, able and is very organised in her thinking and even in her work. We know that she is likely to do a good job. But I am worried about the people we give appointments to the Salaries and Remuneration Commission (SRC). They appear very good at the point of vetting and approval but, the moment they get to the Commission, they completely forget about Parliament.

In fact, they get into the Commission with the sole agenda of fighting Parliament in order to be seen to be working for Kenyans. I do not know where it is written that the only way to reduce the wage bill in this country is by attacking the remuneration of Members of Parliament and Parliament. The remuneration of Members of Parliament is an insignificant proportion of the wage Bill in this country. So, I ask the SRC to think outside the box. Let them not have the

confined thinking that the only way to work there and be appreciated by Kenyans is by attacking Members of Parliament. They have been fighting the salaries of Members of Parliament and yet, the wage bill has been increasing. The salaries of Members of Parliament are stagnant.

In fact, if you asked me because I served in the 10<sup>th</sup>, 11<sup>th</sup> and now the 12<sup>th</sup> Parliaments, and my colleagues like the Whip of the Majority party can attest to this, the salaries of Members of Parliament have been going down. But the wage bill has been increasing. So, what is happening? It is clear that the commissioners of the SRC do not know their work. The commissioners do not know their work because they contract everything. We have put them there on a permanent basis and yet, they hire consultants for every little work that is performed by that Commission.

I ask Hon. Amina Abdalla that, as she goes to this Commission to inject new ideas which we thought Hon. Dalmas Otieno would do well in there but he is overwhelmed, let her go and help him bring proper thinking to the SRC and avoid the idea of Ms. Mengich thinking that by posturing out there that she is fighting Members of Parliament, she is serving this nation. She is not. The wage Bill is still going up every day.

Finally, I ask Ms. Mengich before she attacks the many allowances she is talking about to ask herself how the allowances came to exist. They exist because of the poor remuneration of our civil servants. That is why they have been creating other allowances to take care of other assignments they are given. If our civil servants can be given a proper consolidated pay, there would be no need for the 146 allowances. Let them rationalise the allowances by consolidating them into a consolidated pay.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, let me make my contribution so that the Chair in replying has something to say procedurally. I support.

Hon. Amina Abdalla has been here and she knows the goings on of Parliament even though I thought Hon. Dalmas Otieno would put his foot down because he served as a minister for many years. If you have served in the Executive, sometimes you become an apologist. I think he has become an apologist. With Hon. Amina Abdalla, they can put the case for the Parliamentary Service Commission to the SRC.

As we approve the appointment of Hon. Amina Abdalla, we need to re-visit the SRC Act and make the Commission part time. When it was made full time in this Parliament, the essence was to give them more time to discuss issues and have time for the Speaker as the Chairman of the Parliamentary Service Commission. It now looks different. If you look at what goes on in the Judiciary, the national Government and in county governments, county governments employ people every day. Letters are issued. You will even find somebody fresh from university given a job scale of the county commissioner or made a consultant. They focus more on Parliament. So that they get less time, we should make them part-timers.

I ask through the Chair of the Public Accounts Committee Chair who is seated here, where the Cabinet Secretary for National Treasury uses Article 223 of the Constitution to make payments and come to seek the approval of the House and this House through the Budget and Appropriations Committee rejects that payment, what happens? I remember there was a certain amount of money the former Cabinet Secretary for the National Treasury used in buying vehicles

for SRC commissioners irregularly. His application of Article 223 is defined in the PFM Act and the Constitution. It must be a matter of emergency. The Budget and Appropriations Committee in their report of the Financial Year 2019/2020 rejected it. So, we expect somebody to be surcharged. This must be seen in the Report of the Public Accounts Committee (PAC). Who are we surcharging? Is it the Cabinet Secretary and his Principal Secretary, Kamau Thugge? There are many cases. We even had Ruaraka land payment of Kshs1.3 billion that the National Assembly rejected. Who was surcharged? If we do not get serious by having those officers held accountable, there will be an abuse of Article 223 of the Constitution by the National Treasury.

As we approve Amina Abdalla, the Departmental Committee on Finance and National Planning led by the able Chair, Hon. Limo, and PAC led by Hon. Wandayi need to consult and see what happens to more than Kshs200 million which was rejected by the Budget and Appropriations Committee in the Financial Year 2019/2020. Who will be held responsible? This afternoon, we were discussing the audited accounts. The Chair must have a list of people who have been surcharged for violating Article 223.

Finally Hon. Speaker, the Parliamentary Service Commission that you chair, today in the Supplementary Appropriation Bill created a third account holder called the Joint Services. It is very easy now to manage Parliament. The Senate has its own accounting officer and the National Assembly has its own accounting officer who is our Clerk. We now have an accounting officer called Mr. Nyandiere, for the Joint Services. There is a programme in the gym that falls under Joint Services. That officer now has resources. We expect the Joint Services to improve because we have made it easier for him. He can now spend money. He does not need to go to the National Assembly or the Senate.

At least, we have discussed the Motion extensively. Hon. Pukose, I do not know whether your request will be accepted by the House. It is now a bit tidy and a bit decent. Hon. Otiende Amollo will agree with me that it is now a bit decent. You are now in order.

With those many remarks, I beg to support.

**Hon. Speaker:** Hon. Members, there is a point here which goes to our two Chairs, Hon. Opiyo Wandayi and Hon. Abdullswamad, who chair the utmost watchdog committees. This thing about surcharge is there in the law. The reason why, as many of you would recall, we established a Committee on Implementation of this House, was to make follow-up on some of those recommendations. It appeared over a long period that Parliament would act in vain. You make recommendations for people to be surcharged, if they are disputing that, they can go and challenge those recommendations before court. It is not open to the Executive to just take the recommendations of the House and a year later, the matter is with Directorate of Criminal Investigations (DCI) or Ethics and Anti-Corruption Commission (EACC).

I believe Hon. Kenta is around. I am very happy that the three are seated together. Indeed, we want resolutions of this House implemented. It is not that the House is on a witch-hunt. Its resolutions must be taken with the seriousness that is expected. That issue of surcharge is important because we do not want people pointing fingers at the institution of Parliament. If there is anybody who has done something wrong, be it in Parliament or not, then the Committee is at liberty to make similar recommendations. When we also resolve in a particular way against other people out there, they must be held accountable.

Member for Funyula, I could see you are almost standing.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Motion. At the outset, I support the nomination of the former Member of this House to sit in that position. I hope we will come to a positive conclusion on this matter.

As I support it, I did not have an opportunity to serve with her here. That is why we felt very intimidated when Hon. Pukose purported to call the Mover to reply. Knowing that 75 per cent of Members of Parliament are always new in every Parliament, it was important to be given an opportunity to make one or two remarks in respect of this proposal before the House.

I must admit that based on the Report and the CV of the appointee, she is such a decorated Member of this country. We hope she will add the much needed value.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Let it be a point of order, not a point of argument, Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, the word “purport” would mean I do not know what I am talking about. That is the definition. I am a medical doctor. I referred to Standing Order No. 95 meaning I knew what I was talking about. I would want the Hon. Member to withdraw that remark. You cannot claim that I purported. That is unparliamentary.

**Hon. Speaker:** Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, I hope Standing Orders allow me to disregard the comment and proceed with my comment.

As we stand here today...

**Hon. Speaker:** What was it? That is why sometimes it becomes very difficult when you are supposed to be here, but you are not. Like now, I am being told to look at some purported corrigenda. The reason the Speaker has to look at some of these things when I am not here is so that I am also able to apply my mind. Therefore, I would be directing that the proposed Order No. 14 shall not be proceeded with on the Order Paper.

In what context did you use the word “purport”?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): My colleagues who have spoken before me like the Leader of the Majority Party, made it very clear that we cannot bring the discussion to an end by calling the Mover to reply when there is nothing to reply to. You made a ruling to that effect that you would wait to listen to a few comments before you make a determination on that matter.

Hon. Speaker, allow me, if you do not mind, so that I do not lose my minutes to enable me make a contribution on this matter. I must admit that the service the hon. Member has offered this country is distinguished. I am even feeling such decorated CV going to SRC might not bring out the best of her in respect of service to this country. It is unfortunate that with such a kind of a CV, she has not been considered for higher positions in this country. Most of us would envy her because she would look as if she was born with a silver spoon in her mouth. That is because of all those years she has served in Parliament through nomination. And now she has got this position. We sincerely hope she will go there and serve the interest of the organ that has nominated her to sit in that SRC.

As we stand here, many Kenyans feel CIC has veered off its mandate. CIC seems to concentrate on minor irrelevant issues.

**Hon. Speaker:** The body which was called CIC ceased to exist.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): It is SRC. Thank you for the correction. The Salaries and Remuneration Commission (SRC) seems to have veered off its mandate and concentrated on irrelevant issues instead of focusing on the core issue.

The issue of productivity of an employee or a worker is related to the amount of compensation. For one to get the best of a person, he or she must feel adequately compensated for the services they are offering to the employer. In this respect, it is the Government or the people of Kenya. Concentrating on minor issues instead of looking at the HR aspect holistically is to miss the point. If you walk around this country, members or staffs of the Civil Service employed by the Public Service Commission (PSC) are the most miserable members in this country. If you look at teachers all over the country, they are the people with the least pay and yet they undertake such important duties in our society. It is impossible to believe the way they are demonised and belittled by the SRC. It does not offer them any motivation to serve this country.

It is important, as we sit here, that the members we are nominating to sit in the SRC seriously go there and consider the interests of those people without being discriminative and conformist. The problem we always have is that members, who go to sit in those bodies, go there and serve their personal interest or interests of the Executive without serving the interests of the people of Kenya.

With those few remarks, I support the Motion.

**Hon. Speaker:** Member for Emurua Dikirr. I have not heard your voice for some time now. I am told you have joined another club.

*(Laughter)*

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Speaker. You know I was transiting. I was going through a transitional period in my life. Therefore, I had to take each and every step slowly.

I thank you and also say that I support this Motion. It is not especially because *Mheshimiwa* Amina Abdalla served with us in this House. If Members of this House are looking for somebody to represent them in the SRC, we are missing the point because we had *Mheshimiwa* Oloo Aringo serving in that position. We had Dalmas Otieno also serving in the same position, and many others, who we thought, maybe, were going to look at the affairs of this House. We have the Parliamentary Service Commission which is supposed to be looking into the affairs of this House. So, when we put somebody in the SRC, let us agree that he or she is going to serve as a national figure. That person is going to serve the nation. What we are only asking of them is to serve diligently – follow the Constitution and the laws which are made in this House.

I support Amina Abdalla because of the much I have seen of her. We served together in this House. As much as her position was through nomination, I think she was the longest serving Member through nomination in this House. She never disappointed those who nominated her. She was a person who stood her position. So, I really want to say that the lady will serve the

nation and Parliament diligently. However, if we want this House to have that image that we want, it is us the Members of this House who should live up to that expectation. You cannot expect to be treated with respect outside there if we Members in this House do not even treat our position with respect. We must treat this House with a lot of respect. Some of us Members, at times, just watch what people do. Sometimes, we must be good examples. I have joined Kenyans and Members of this House as a father.

*(Applause)*

*(Laughter)*

So, I now speak as a father and I would want to say that we should speak and carry ourselves well. Before I did that, I used to be reckless. You know me. However, I am nowadays sober. I am organised. My Chairman can confirm that. So, I urge the Members of this House that we change the image of this House. It is us who can make it respected outside there. It is us who can make this House not respected outside there. So, Parliament must be respected. You will wonder when you, at times, hear what people talk about Parliament. I was listening to some statements from outside saying some issues cannot be brought to this House. This is the House, under Article 95, which has the mandate to legislate on anything below the sun. All the legislation we are using in this country, when you look even at this table...

**Hon. Speaker:** There is a point of order from the Hon. T. J. Kajwang'.

**Hon. T. J. Kajwang'** (Ruaraka, ODM): Hearing my friend from Emurua Dikirr, would it be in order if you consider giving this eminent Member paternity leave for the good things he has done to himself and this nation?

*(Laughter)*

**Hon. Speaker:** Well, I am sure he has applied his mind fully to the Labour Act? There is a law we passed in the year 2006 or thereabouts. I am sure the Deputy Speaker remembers that. I think it could apply to the Member for Emurua Dikirr very well as suggested by the Hon. Kajwang'. Are you through? Hon. Kipyegon said he is now a father - something like that.

Now that you are a father, let me give this chance to the Member of Suba North.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you Hon. Speaker for giving me this opportunity. I am very happy that you have given me an opportunity after the Hon. Member for Emurua Dikirr who has just gotten married. The reason is because some of us are veterans in marriage. He can come for tutorials from us. The only place he has beaten me is having a child. So, I am going to catch up, but in the spirit, not live. I have given up on that front.

*(Laughter)*

However, I will come help him babysit.

Having said that, I support the nomination of Hon. Amina Abdalla to this position. I know Hon. Amina Abdalla very well. We came into the 10<sup>th</sup> Parliament with her and we sat with

her in the Departmental Committee on Justice and Legal Affairs. I can tell you for a fact that whenever other Members from the opposite side walked out of the room or were in the room, I did not care. It is because it was a very contentious Committee. When Amina was in the room, all my senses became alert because, even though she was not a lawyer, she has a mind sharper than that of a lawyer. I am not flattering her. I think many Members do not understand why she was nominated in the same party three times. She is an extremely brilliant woman. She is very intelligent and a strategist par excellence. I can tell you she did some work for her party that many people did not know. She would sit in this House. She was not a person who would go to rallies and do such things, but she would sit in this House. When I saw her speak to one Member of our party, I would have to follow because I knew she was lethal. She spoke to you and you would move over. So, I can tell you for a fact that Amina was an excellent addition to her party. Sometimes, I encourage parties to see the strengths of individuals in their parties. Not everybody must be excellent in speaking. Not everybody was given the gift of the garb. Some are very good at strategies. Some are very good at legal action. We all have different strengths.

Without talking about what she will do in the SRC, I can say she is going to add value. Whether that value will be favourable to us as MPs or not, I do not know. It is because I know she is also a very fair and just person. She knows what MPs go through. I know for a fact that she is diligent in her work. I know she is committed. I know she does an excellent work. I would have no reservations recommending her for such a job. I would only have reservations in commending her in a job where she is our opponent. Like where she is fighting my party for instance. But where she is doing work that is professional... Yesterday, without knowing that she was recommended for this position, I congratulated her for the work she did for the Committee on Delegated Legislation. She is actually the reason we have delegated legislation and she is not a lawyer. She brought a technical piece of legislation. She did not bring it because somebody had tutored her. You could see that she actually understood clearly what that law was about. It is not only that law; she did a lot of excellent work in this House when she was the Chair of either the Environment or the Lands Committee. I think she was even awarded.

I have absolutely no reservations. I am hoping, as Members of Parliament, as much as we joke and laugh a lot, the legacy of people like Hon. Amina Abdalla will be a challenge to us. When we are long gone, can people look at our work, despite of our political inclinations, and confidently support us and our work? I support her despite the fact that we come from different political leanings.

Thank you.

**Hon. Speaker:** Well, just one moment. There is a person who has served with her for quite a long time. The Member for Kuresoi North, the Deputy Speaker of the National Assembly.

**Hon. Moses Cheboi** (Kuresoi North, JP): Thank you, Hon. Speaker. If I were asked, probably the position that should have been given to Hon. Amina would have been a Cabinet Secretary position.

*(Applause)*

In fact, we were expecting that kind of big position. Some of us have served with her for a long time. In 2003 – I am sure you will remember... Many people have always talked of Amina



Abdalla as a nominated MP and they may have not known how she was nominated. The Kenya Africa National Union Party (KANU) was the first party to have nomination by vote. In the year 2003, Hon. Amina Abdalla was among four other eminent Kenyans who were nominated through a vote, including your own vote, Hon Speaker. They were Amina Abdalla, Hon. Mutula Kilonzo, an eminent lawyer, and several others were nominated. They were four in number. Having seen Amina through that process... In 2003 when she was nominated, she joined me as one of the members of the Justice and Legal Affairs Committee. She came there as an ordinary Member because we were not so sure that we wanted to give nominated Members positions at that point in time. In the subsequent Parliament, she was made the Chair of the Committee on Delegated Legislation. She created that important Committee. Thereafter, through an election, she managed to win against elected Members of Parliament and became the Chair of the Environment and Natural resources Committee. She worked well.

Hon. Amina Abdalla has previously worked with Non-Governmental Organizations (NGOs). It will be a good thing that we have somebody who is not only a politician, but also has experience coming from different backgrounds. Talking of intelligence, there is nothing that I can say of her - she is intelligent. With her Master's Degree, she was good in her committees. So, what we expect of Hon. Amina Abdalla is not to go and do favours for anybody, not even MPs. We want somebody who will instill a sense of fairness so that every other person – and I am not talking about MPs... Teachers also have issues and other public servants as well – about their benefits. We want somebody who is intelligent and rational. Some of the people we have elected before as representatives in the SRC went there and got submerged.

We had an opportunity to serve with Hon. Amina Abdalla as MPs for more than three terms. We believe to be true when we say that this is a person who has been tried and tested. So, I want to urge members, especially those who have not worked with her, to support her. In this lady who will be approved today, if you accept, you have a person who probably, will not do favours. She will do the right thing. If the right thing is done, we will not complain. You know, there are petty things that people do not appreciate because they are small ones. In Amina Abdalla, we believe that these things will be appreciated. In her and Hon. Dalmas Otieno, we will have somebody who has served in the NGO sector, a politician and Hon. Dalmas Otieno having been a Minister, things will be good. Therefore, I beseech Members to quickly pass her and they will see the results shortly.

Thank you.

**Hon. Speaker:** Well, Hon. Members. I now revisit... There is no business. If we are going to say the same thing... I now revisit the Question - the point raised by the Hon. Pukose.

*(Question, that the Mover be now called upon to reply,  
put and agreed to)*

**Hon. Speaker:** Mover, Hon. Limo.

**Hon. Joseph Limo** (Kipkelion East, JP): Thank you, Hon. Speaker for giving me the chance to reply. I want to thank Members who have contributed. Hon. Amina Abdalla is an outstanding person in terms of performance. All of us who were in the 11<sup>th</sup> Parliament saw her contributions. We have no doubt in our minds that this is the right person who will ensure that

the stereotypes that have been formed by SRC about MPs and certain categories of civil servants like teachers will be corrected. We want a Commission that will comply with the Constitution and generally work for Kenyans. It should not talk only about a certain cadre of people. I urge her to ensure that the Constitution is complied with.

For record purposes, currently the SRC is breaking the law and pretending to be above the law. Last week during the processing of the Supplementary Budget, SRC appeared before our Committee and presented a request to be given some funds and yet, they had already planned a workshop. They waste public money on a workshop to talk about the public wage bill. This House had not approved that. We are still discussing the Supplementary Budget and yet, they did the workshop last week. So, a special audit should be done on SRC to ensure that they comply with the law. How did they spend public money without the approval of this House? In the last Financial Year Budget, they had a Supplementary Budget to procure vehicles as if there was an emergency. We did not approve that. Therefore, that was irregular and they are supposed to be surcharged. In fact, this is a constitutional commission that should follow the law. I am sure Hon. Amina Abdalla, who is able, is going to bring order in the SRC. We are also considering making some recommendations, so that the SRC toes the line.

I want to thank the Office of the Clerk for the support they gave us during this process. I also thank the Office of the Speaker. We got a lot of support from the office. I also thank the Members of this House for their support during this process. Finally, I thank the members of the Departmental Committee on Finance and National Planning. That was a job well done.

I beg to reply.

*(Hon. Waluke stood up in his place while the Speaker was on his feet)*

**Hon. Speaker:** Member for Sirisia, can you be in the House. You cannot just stand in your place and start looking all over. It is good to draw your attention to the fact that you are now here.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order.

## MOTION

### APPROVAL OF NOMINEES TO BARINGO SOUTH CDF COMMITTEE

*(Several Hon. Members walked out of the Chamber)*

**Hon. Speaker:** Hon. Members, the House has not adjourned. We are still in business. Before we proceed to the Motion listed as Order No. 12, as I had indicated earlier, I want to, at this point, allow the Chair of the Departmental Committee on Defence and Foreign Relations to table some report and give notice of Motion. Hon. Katoo.

**PAPER LAID**

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Speaker, for giving me this opportunity to lay this report. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the multilateral convention on mutual administrative assistance on tax matters.

**NOTICE OF MOTION****ADOPTION OF REPORT ON CONVENTION ON MUTUAL  
ADMINISTRATIVE ASSISTANCE ON TAX MATTERS**

**Hon. Katoo ole Metito** (Kajiado South, JP): Having laid the report, Hon. Speaker, allow me to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the multilateral convention on mutual administrative assistance on tax matters for ratification, laid on the Table of the House on Wednesday, 4th December 2019 and, pursuant to Section 8 of the Treaty-Making and Ratification Act, 2012, approves the ratification of the Convention on Mutual Administrative Assistance on Tax Matters.

Thank you, Hon. Speaker.

**Hon. Speaker:** That Motion should be listed for debate tomorrow. Hon. Members, business appearing as Order No. 12 is approval of nominees to the Baringo South NG-CDF constituency committee. The Mover is the Chairman of the Select Committee on NG-CDF, Hon. Richard Maore Maoka. He is absent. The Member of Parliament for Baringo South is also absent, not desiring to be present at all. And this is about his constituency. This is what I keep telling you, Hon. Members. It is about your constituency. You should be the one...Unless you do not look at the Order Paper. So, the Motion is deferred.

*(Motion deferred)*

We go to the next Order. The Leader of the Majority Party is not the one to move a Motion on CDF. We move to the next Order.

**BILL***Second Reading***THE KENYA ROADS BOARD (AMENDMENT) BILL**

**Hon. Speaker:** Before the Bill is moved, I want to make it absolutely clear that after you conclude debate on Second Reading, because I have seen some proposed amendments which are being submitted to me when I am here in the Chair and, therefore, I have not had occasion to consider and apply my mind to them, I, therefore, order that the business appearing as Order No.

14 shall not be proceeded with this afternoon. So, if the House concludes debate on Order No.13, the next business should be Order No.15 as per the Order Paper.

We proceed, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I am not the Chairman of the Select Committee on CDF. They must carry their business here. I beg to move:

THAT, the Kenya Roads Board (Amendment) Bill, 2019 be now read a Second Time.

This is a small Bill and one of the reasons it is here is because our colleagues at the Senate decided to kill, at the mediation stage, the Roads Bill which was very comprehensive. This matter was very urgent. It was part of the Roads Bill and the national Executive, through the Ministry of Transport, realised that this is important for them and we must deal with it in terms of amending the law as it was in the Roads Bill before we go on the long recess, so that certain functions of the... Now the Member for Baringo South is here. He does not know that his matter has been deferred.

As you are aware, this amendment is basically on the Kenya Roads Board which, as per Section 6(1) of its own Act of 1999, is mandated to oversee the road network in Kenya and make sure they coordinate the maintenance, rehabilitation and development of road infrastructure which they ideally fund. This, indeed, is a very huge responsibility in view of the extensive road network that has been given to the Board in order to ensure that there is accessibility and equity in terms of road network in our country.

You may take cognizance of the fact that the road maintenance and infrastructure development itself is a very expensive venture for any economy. That is why this House allocates a lot of resources every financial year to the Ministry of Transport and Infrastructure in order to improve our ports, airports, roads, railways and many others. So, there was need, after public participation and consultation in Government, to come up with a very innovative idea for the purpose of increasing the resource base available to this sector. That is why even today, because of the rains that are going on in our country; many roads and bridges have been destroyed. I am sure this was not anticipated in the budget to that Ministry. So, I am sure the Ministry of Infrastructure must be looking at the Supplementary Estimates we have passed and even the next one to make sure that there is some money allocated to emergencies.

The Kenya Roads Boards has relatively successfully managed what we call the Road Maintenance Levy Fund over the last 20 years. However, in 2016, and in realization for more funds for road maintenance and with the support of International Finance Corporation and the World Bank, KRB undertook a study, a preparatory works for marketing a sound financial infrastructure bond; that can we create an infrastructure bond that can make sure that outside the resources that we have, KRB will have the power to engage other partners in order to increase their resource base. In order to undertake the issuance of that road bond that was in the Roads Bill that collapsed, and the Departmental Committee on Transport, Public Works and Housing through the Chair passed it... It was not even part of the clauses that were mediated. Even the Senate Departmental Committee on Transport, Public Works and Housing agreed but, because of the issue of the Constituency Roads Committees and how greedy the Senate Members were that they should have their Members in that Committee, the Roads Bill collapsed.

There was this particular amendment. So, in order to undertake the issuance of the road bond when there is need, we found there was the absence or a *lacuna* of a legal review. There was a legal gap in the Kenya Roads Board Act 1999. This small amendment could enable Kenya Roads Board to go to the market and deal with the Finance Corporation, World Bank and IMF as they help us in constructing. I want to thank the World Bank because, for the first time in the history of Kenya, they are now financing the construction of the road between Isiolo, Wajir and Mandera. The same I think was done to the Marsabit Road. The same is being done through partners on the Limuru-Mai Mahiu- Mau Summit Dual Carriage. So, this particular Bill gives powers to Kenya Roads Board to borrow.

It also enables Kenya Roads Board to receive all development funds for the road network for the national Government. It also exempts Development Fund and any other funds borrowed from Fuel Levy allocation criteria in Section 6 of the Kenya Roads Board Act. It gives powers to the Cabinet Secretary to set aside a fund to secure extra resources and extra funding. It is a small Bill. Clause 2 seeks to ensure that reference in Section 6(2)(d) of the Kenya Roads Board Act is made only to the Fuel Levy and not to any other sources of money for the Fund. In order to exempt the development budget and any other funds raised through borrowing from the funds allocated, an allocation formula is stipulated in the Act.

Clause 3 seeks to amend Section 19 of the Kenya Roads Board Act to ensure that the annual roads programme funded, out of the monies appropriated by Parliament or borrowed funds are managed under the terms prescribed by the Board with the approval of the Cabinet Secretary. We are only dealing with Clauses 2, 3 and 4.

Finally, the last proposed amendment contained in Clauses 5 and 6 is to insert Section 32(a) which empowers the Roads Board with the approval of the Cabinet Secretary on matters relating to roads and other infrastructure, including the bridges and all that.

As I conclude, I wish to assure the House that the proposals in the Bill comply with the provisions of the Constitution and the Standing Orders. There are some amendments which are being proposed by the Committee. I have not seen any individual Member bringing amendments, but the Chair will tell us. From where I sit, I can see he is only improving on the Bill. He engages the stakeholders. He has tabled the Report and as I move, I ask the Chair of the Departmental Committee on Transport, Public Works and Housing to second and give the views of the stakeholders, including the Ministry of Transport, Infrastructure and Public Works.

**Hon. Speaker:** Hon. Chair of Departmental Committee on Transport, Public Works and Housing, Hon. Pkosing, the Floor is yours.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Speaker. I would like to extend that thanking to the Leader of the Majority Party. He has captured all what is in this Bill. As the Chair, I am communicating to the House the views from the public. Yesterday, we had a public participation session. I would, therefore, like to share with the House as I second this Bill.

Hon. Speaker, this Bill is just dealing with one thing. It has only five clauses. It is dealing with one main thing which is to give Kenya Roads Board the chance and power to borrow a bond. That is all. Once that is understood, the rest is legal. In terms of frame and text, it is just giving power to Kenya Roads Board to borrow a bond. Therefore, one question Members will be asking is why we should give power to Kenya Roads Board to borrow a bond. Why can the National Treasury continue the way they have been doing in borrowing bonds? It is the wisdom

of this Committee and, therefore, the benefit of the House that we give Kenya Roads Board the power to borrow that roads bond since this Committee has been pushing for that for the last two years. The reason being that the bonds that are borrowed through the National Treasury sometimes do not end up on the roads. They call it an infrastructure bond because it goes to other priorities, maybe, health and some other things which are not necessarily roads. Therefore, it was the wisdom of this Committee and by extension of the House that we give power to Kenya Roads Board to then float for a roads bond. It is history. This House is on the verge of making history. This will be a legacy of this 12<sup>th</sup> Parliament. When we do this, then we will be able to accelerate construction of our roads. That is only one thing that this small Bill is attempting to do. Members will find it in our Report and also in Clause 5.

Two, this Bill is trying to take development money which we normally vote from the House to Kenya Roads Board to pay for the bond. It is very clear. That needs to be understood very clearly. Where will Kenya Roads Board get the money to pay the bond? It will get from the money we normally appropriate in this House for purposes of building roads in terms of development. How much is that? From the last budget, it is about Kshs65 billion. In Clause 4, it means that when we are appropriating money to Kenya Roads Board, that money will then go directly to pay the bond. This bond is one of the most sustainable. I will prosecute the reasons in a while but that is under Clause 4. So, we are giving the money to Kenya Roads Board to pay for that bond. Why? It is because the third thing that this small Bill is trying to attempt is to ring-fence the money we give Kenya Roads Board every year through Fuel Levy which is transmitted to our constituencies through the Constituency Roads Committees. Therefore, it was the wisdom of this Committee and the public who made their presentations that we still ring-fence this money so that it is clear to the Members of Parliament and specifically the National Assembly that Kenya Roads Board will not spend the money that is going to repair our roads in the constituencies to pay for the bond. We still need those roads.

Therefore, the amendments in Clause 2 which is actually the first part of the Bill are attempting to amend Section 6 of the Act and, therefore, ring-fences the money that goes to the constituencies. That is very clear for Hon. Members and the country. This means it is only the money we vote from Parliament which is like Budget which we normally do which will go to Kenya Roads Board to pay for the bond.

Finally, there might be a few amendments which you have seen and which are well guided that we might prosecute tomorrow. By the Committee hearing the views, it was able to prosecute and propose amendments just to clarify and make the Bill clearer. It is only five clauses. The context of this Bill from my Committee and the public is one: We better say the truth or bite the bullet. At the moment, there is a portfolio in the Ministry of Transport, Infrastructure, Housing and Urban Development of Kshs700 billion. In another language, works totaling to Kshs700 billion has been procured under the Ministry of Transport, Infrastructure, Housing and Urban Development.

Hon. Speaker, this translates to about 7,000 kilometres of the 10,000 kilometres that we promised the people of Kenya in the last Parliament that we were going to do as the Government. What Kshs700 billion means is that if we were to go through the normal budget process, it will take us close to 11 years to finish the committed roads. That is terrible! Ten years to complete only 7,000 kilometres and that is why we thank the Ministry and the Executive for thinking

outside the box. They were thinking without the box because we cannot wait for 11 years for the people of Kenya to enjoy roads and yet roads touch every constituency. Every person in this National Assembly will come back to Parliament or go home because of the state of roads. That is why we are preparing our come-back by helping our people. If there is something that shows responsibility, then it is doing roads for the people of Kenya. When roads in your constituency are good, people access markets, schools and hospitals and everybody will come back. That is the work of this Committee that we want all Members to come back. If you support this Bill, we will all come back. I can assure you. Maybe, other things will make you go home but not roads if you agree with us, as a Committee. It means we will need 12 years if we go the normal way to do those roads while we only have three years left. Who knows what will happen after that. That is why we are saying we better get this bond, do our roads in three years and pay for the ones that are taking 11 years with Kshs700 billion as commitment.

Secondly, one of the reasons why my Committee agreed with the proposals and recommendations from the Ministry and the public is that the national Government... I was sitting here when the National Treasury came to present to the Budget and Appropriations Committee (BAC) during the Supplementary Budget Estimates. The National Treasury declared that the national Government owes Kshs90 billion to the people of Kenya in terms of pending bills. Earlier, the Chairman of BAC was arguing about this matter. This Bill will not have come at a better time than now, the reason being that out of the Kshs90 billion that the national Government owes the people of Kenya, Kshs81 billion is on roads against a budget of Kshs65 billion a year. That means contractors have moved out of the way. If you look at the questions that come before my Committee most of the time, Members are asking about the desertion of roads by contractors. The contractor has demobilised because the Government has not paid them and that triggers interest.

We were informed by the Ministry that the Kshs81 billion that we owe the people of Kenya through roads is attracting close to Kshs5 billion in terms of interest. We are losing as a people. We must think outside the box or without the box and perhaps, this is the Bill that will sort out these issues. It will help the people of Kenya to get their money. For instance, the Ministry now owes Kshs81 billion against a budget of Kshs65 billion. We can have engineers in roads doing nothing but earning salaries for the next 11 years and that is a tragedy. That is why we, as a Committee, are pleading with the House this afternoon that we are at the verge of making history as Parliament and as the National Assembly to save our people, save our roads and ensure that we come back in the 13<sup>th</sup> Parliament, God willing. Therefore, we must face the reality. Where will the Government get the money to pay the Kshs81 billion? The national Government is in the lead telling county governments to pay pending bills which we heard a few minutes ago. But the national Government itself is leading in pending bills with regards to roads. That is why they are asking us, as Parliament, to agree with them. If we agree with them, they can float the bond. They might float a bond of Kshs150 billion. Initially, of course they will not get the Kshs700 billion at once. They will stagger it for four years but, in January or February, they can get about Kshs200 billion. Let them pay the Kshs81 billion they owe to the people of Kenya for contractors and let our roads continue being constructed. Then they have a security of Kshs65 billion to pay for the next ten years and we have no problem with that. It is simple mathematics. If you are earning a salary of Kshs65,000 and you want to buy a car of

Kshs200,000, it is simple logic. Take a loan, buy your car, enjoy and pay slowly what you owe. That is what this Bill is attempting to do, but it is not a simple thing. We will be helping ourselves and the people of Kenya and that is why we are pleading with the House and Members to make history together. Let us help our country together.

Nothing as this has happened in history and that is why we believe that the 12<sup>th</sup> Parliament will make history by accelerating the construction of our roads so that we can enjoy. Even we in Parliament, three years to come, we want to enjoy for those three years. Whatever happens with Kenyans in 2022 will be decided. If we do this, 90 per cent of Parliamentarians will be re-elected. Another thing that motivated us, as a Committee, was the floods all over the country. Roads have been destroyed and there is no better example of floods and weather changes ... There are no roads in West Pokot. We lost 52 people. Today, I heard that Mwingi County lost about 10 people. If we gave Hon. Members an opportunity to talk about roads, I am very sure they will say there is no good road in every constituency. So, where will we get the money to respond? We will get through this Bill. Those five clauses will make us address these issues that we are talking about quickly. In the last budget, this Committee attempted to raise Kshs 8 billion from the National Youth Service (NYS) and divided Kshs30 million per constituency so that we can rehabilitate our roads. During the Supplementary Budget Estimates, all that money was taken. The Kshs30 million per constituency was taken away. These Hon. Members are still asking us where the money is so that they can construct roads. I will tell them the money will be in these five clauses we have presented to you this afternoon. It requires mutual understanding. Let me not talk about the stalled projects. It is one of the reasons we went this way as a Committee. This is because no contractor is working.

As I conclude, one person may be asking if there has been any study to see whether the bond is viable and so on. Yes! The Kenya Roads Board has already done a survey and they presented the report to us yesterday and we were satisfied. They established that going this way is one of the fastest ways of securing a bond because the money to pay the bond is available. It means that we will get the bond at the lowest interest rates than any other because the money is available. The Kshs65 billion will be paid every year. Everybody would like to give us money, including the Breton Woods institutions and other local banks. So, with those few remarks, I plead with the House to make history and make the roads of Kenyans good.

With those few remarks, I beg to second.

**Hon. Speaker:** Member for Suba North. I can see you want to continue chatting with the Hon. Chachu Ganya.

*(Question proposed)*

Hon. Member for Tongaren? Member for Ndhiwa, is it on this? Are you prepared so that you do not speak for one minute and keep quiet?

**Hon. Martin Owino** (Ndhiwa, ODM); Thank you, Hon. Speaker. I am amazed when the Committee says there is Kshs700 billion that will take us 11 or 12 years, if we go the way we are going now. If the Bill before us cures this, I support it. I want to relate this to my constituency where the Board did a survey as indicated. Up to date, because of the relationship between the



National Treasury and the Roads Board, nothing has been done completely. For those roads that were sponsored by the Board, the contractors have not been paid and many projects have stalled.

This is a serious issue and, as it has been stipulated, I think we should go this way. We should invest in bonds and then translate them as we implement projects. I think this is a good thing to do. It also needs to be explained to us in more detailed terms how it will work, especially with the development partners like the World Bank. For those who have studied this extensively, if we go this way, we need assurances on how it will work and how the money will be borrowed and implementation done without a hitch using the bonds.

We have just heard about money being denied to counties because of pending bills. We have been told there are pending bills of Kshs81 billion at the National Treasury. I tend to wonder what authority they have to detain money and, at the same time, they are not paying their bills. This is worrying to me.

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

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

Hon. Speaker...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Member for Ndhiwa! I do not think you have noticed change of guard. I am not Hon. Speaker.

**Hon. Martin Owino** (Ndhiwa, ODM): I am so sorry. I was not looking up. This Bill also tends to ring-fence the funds to constituencies. I think this is where we also suffer a lot. If you look at how roads are being networked in this country, some parts have good road network. But, if you go to my constituency, there is only one road passing through the entire constituency which is not passable even to date. So, if this could work out through this Bill, then other constituencies will also have a better share of tarmacked roads and this will be very considerable.

Lastly, I want to urge the Members to pass this Bill. This is so that we can raise bonds and ring-fence the money given to constituencies to pay contractors. If we do not pay them, there will be no circulation of money even in our rural constituencies. That is why I have been very skeptical even as we talk of our Gross Domestic Product (GDP) being as high as 6 per cent and the household income being less than Kshs.100 per day. So, I want to encourage all Members to pass this Bill because when the Roads Board manages this money, I am sure they will pay contractors.

With those remarks, I support and urge my colleagues to support this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you Member for Ndhiwa for your contribution. Next on my request list is the Member for Mwea. Let us have Hon. Wachira Kabinga.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill. I do so in recognition that this is one of the most innovative Bills I have seen since I came to this Parliament. Development in this country will only be realised if we are innovate enough and do not just do things in the ordinary way, but apply our minds. I

therefore, want to congratulate the CS in-charge of Transport and his entire team for having come up with this kind of an innovation which will take us far.

I would also like to bring to the attention of the Departmental Committee on Transport, Public Works and Housing the utilisation of the Fuel Levy Fund and especially money that goes to the counties. Historically, all roads were done by the national Government. When we devolved functions, there are some roads that were classified to be maintained by counties. But, you find most of those roads are in a poor state and whenever we go back home, we are blamed for not advocating for their maintenance.

Therefore, it is important that even as we undertake this innovation, we do not forget to oversight the money that goes to the counties from the Fuel Levy Fund. I am particularly happy that I will not have to wait for 10 years before I get, at least, one road completed in Mwea. My constituency happens to be the most populated rural constituency in Kenya. But it is sad that we do not have any tarmacked road in Mwea despite us being a Kshs7 billion agricultural economy. But I am happy because there is some hope.

All we are asking is that once this Bill is passed, the CS in-charge of Transport should move with speed and get this money. I do not think Kshs150 billion will be enough. I think we should go for something like Kshs300 billion. One thing this innovation will bring is resources to do projects at a go. Money that is appropriated for infrastructure in bits attracts a lot of malpractices. When we get bulk money hopefully, the Departmental Committee on Transport, Public Works and Housing will bring a report showing allocation of the money borrowed and we will have an easier time supervising the roads earmarked to be done.

Therefore, it is important we realise that if we remain the way we are, this country will never realise it 10,000 kilometers of road and the 7,000 kilometers of road will not be completed in the next 10 years. I want to inform my colleagues that the 7,000 kilometers have started, but they are not complete because contractors have not been paid. Most of them have been paid 10 per cent to enable them to commence works and there are several cases out there.

So, this innovation will not only pay more money to contractors to complete the 7,000 kilometers but also, we will have an opportunity of adding the other 3,000 kilometers so that constituencies like Mwea that were forgotten in the 7,000 kilometers may be brought board. This will enable the farmers to increase their production so that we can feed the nation. As I said, I am a Kshs7 billion economy constituency but much of the money does not benefit our farmers who struggle with poor infrastructure to carry their produce from their farms. I hope that even as we get this money, the Ministry will identify potential areas that add money into the economy and my constituency happens to be one.

This is an innovation that should be borrowed by other boards. I have in mind the board that manages our irrigation scheme in Mwea. Every year, we collect money from farmers to maintain roads but because that money - to the tune of about Kshs80 million - is not enough to finance the entire infrastructure, probably the National Irrigation Board (NIB) can now borrow from this innovation, use the Kshs80 million per year to borrow more money to finance the entire infrastructure so that we do not have to wait for another 10 years before our farmers can start enjoying better infrastructure to transport their produce from their farms.

As noted by the Chair, it is good for this House to note that with Kshs700 billion required to clear the roads that have been started and with the Ksh65 billion appropriations, we will never

ever get there. I am happy that the Chair clearly articulated that this money will move us to a level that is 10 years from where we are. The Chair should be very keen on the utilization of that money. We shall have a bond that we will be paying in five years. If the money or funds are not properly utilised, then the next five years will be very hard for us because we will not have infrastructure. It is, therefore, important that the Board not only presents the research that it has done, but also comes up with a report that clearly indicates that if we borrow or have a bond of Kshs300 billion today, what roads are expected to be done so that the Members of the House can also see where they fit into the bond. That money should not come and then five years down the road, we are asking ourselves what happened to the money that was borrowed. It is important that immediately we pass this Bill, the Ministry prepares and tables a comprehensive report in the House for us to see clearly the roads that those funds will go into. That will help us a lot.

As I conclude, I hope other boards will start being innovative. I hope that our Government will also find it necessary to accommodate some of those innovative ideas so that, as much as possible, development funds and appropriation-in-aid (A-in-A) funds can be used to get bonds and other loans that can enable us to realise development that we desire much faster than we are doing currently.

I once again congratulate the Committee and the Ministry for work well done. I hope that you will be keen enough from now on to ensure that you provide the necessary oversight so that the money is not misused. The Ministry has been quite good lately. We can see a lot of development out there. You only need to support them. I am sure that in my constituency, the road that was started recently will be completed and the road on the other side of the sub-county which is eagerly being waited for will also be completed with the funds that we will get. I will be keen to ensure that I am among the first on that list.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. For those honourable Members who are coming in, we are on the Kenya Roads Board (Amendment) Bill (National Assembly Bill No.77 of 2019). There are 24 requests from Members who want to speak to this. Some have expressed interest to speak to the next Order. The Speaker stood down Order No.14. We will not deal with it after this. So, it is important for you to know where we are as you request for a chance to speak.

Let us have the Member for Igembe Central. Are you on intervention or do you want to speak to this?

**Hon. Kubai Iringo** (Igembe Central, JP): I want to speak to this, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You were also on intervention. Let me first hear your reason for intervention.

**Hon. Kubai Iringo** (Igembe Central, JP): I was just trying to catch your eye.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You cannot catch the Speaker's eye. You are out of order.

**Hon. Kubai Iringo** (Igembe Central, JP): I beg your pardon, Hon. Temporary Deputy Speaker, but I am on my feet.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Your reasons for intervention are not acceptable to the Speaker. You cannot catch my eye. You have already removed your card for intervention. Despite that, you are first on the request list. Carry on.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker. I am sorry for that mix-up. I was waiting to speak to this.

I support the Kenya Roads Board (Amendment) Bill. I thank the Committee and the Ministry of Transport, Infrastructure, Housing and Urban Development for coming up with this noble idea.

Infrastructure is one of the areas in this country where we have done very little. Very few constituencies or areas have permanent roads. When it rains, we just start from square one with regard to those roads which have not been tarmacked. At the end of the day, we keep on mark-timing in one particular place or road season after season. It is high time that the Ministry puts its foot forward, gets money and tries to make the all-weather roads in our country into the low volume seal roads which the Ministry talks about so that we can go for a season or a year or two without going back to those roads. At this point in time, after these heavy rains, we will start all over again.

The Ministry is always crying that there is no money from the Exchequer or that the fuel levy is not enough. Therefore, it is important that we look for other sources of funds. It is not just the Government that is straining. Even the people themselves are straining. The bills of the contractors who have been making those roads have not been paid. They have pending bills yet there is no money to pay them. The same people owe the labourers, suppliers and everybody who was in the chain of making that particular road. Once we get this money, it will trickle down to the local *mwananchi* who assisted in mixing the ballast or carrying an item from point A to B. In essence, we shall bring our economy back again.

We also went overboard during the last elections. The leadership of this country went across the country promising infrastructure, roads and other facilities. At the end of the day, when they went back to the national Treasury, there was no money. When they discovered there was no money, everything was frozen including any new project. Unless the Government goes out of its way through this Bill to look for extra money to be paid within a period of time with a small interest, we shall now be the punching bags of our communities because whatever was promised by the leadership of the country should be fulfilled. Because there is no money to fulfill it and the Member of Parliament (MP) is the one who is on the ground, we will become the punching bags by being asked why this was not done.

This is a noble move. Let this money come and the roads be made. Let us use them as we look for funds to repay the same. That is what we have been waiting for. Every other day, we go to see the Cabinet Secretary (CS) Macharia over those roads. He keeps those roads in his books. They are in the files in the system. There is no contractor on the road. In my constituency, there is a road which was started in 2014. To date, out of the 24 kilometres, they have only done four kilometres. Those four kilometres were washed away during these rains. Some money has already been spent and there is no Exchequer for the same. Citizens have been waiting for this road to be done.

Therefore, let us expedite this Bill and pass it. I urge my colleagues to pass it. Everybody has a debt. We owe loans individually. Our companies get loans from banks and other people. We get loans to even buy our vehicles, as the Chair has said. You enjoy the services of the vehicle but pay slowly. Equally, let the Government go out of its way and pay pending bills so that those activities can take off. Let them start new projects or the promised projects so that

when we come to the end of our term, we will have something to tell our people. We will remind them what we promised to do. But, let us borrow carefully with a lot of caution and make sure what is borrowed is spent correctly.

Corruption also eats into our money. We borrow money so that it can be lent to people. But 70 per cent goes to their pockets and 30 per cent does the work shoddily. We end up paying money which was spent by someone else. So, corruption should be checked into seriously and a proper audit carried out. EACC should come in at any time when some of those small things happen.

Hon. Temporary Deputy Speaker, we have witnessed where contractors are given work and once the work has started, the same people working for the contractor sell cement that is supposed to be used to do the roads. They sell it to the people for whom the road is being constructed for and, at the end the day, shoddy work is done. So, we should be careful especially with the engineers in Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) and Kenya National Highways Authority (KeNHA). They should be up to the task. They should be people of integrity and not people who are easily compromised with a few coins or shillings and compromise the contractor and very little work is done. I am saying this because I am ever at war with the KeRRA and KURA people. They collude with the contractors to do a shoddy job. The contractors are paid and then after three months, we start looking for additional money for the same contract. Let the Kenya Roads Board get powers to buy the bond, but it has to be carefully tailored so that the money can be spent prudently.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Ugunja, Hon. Opiyo Wandayi, do you want to speak to this?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Temporary Deputy Speaker. Let me make some comments on this Bill. At the outset, I support it in principle.

Firstly, I must commend the Committee under the able chairmanship of my friend Hon. Pkosing, who is a neighbour. Hon. Temporary Deputy Speaker, you and I sat with Hon. Pkosing in the last Parliament. In the last Parliament, both he and I were *raia* but things have since changed.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Member. Hon. Member, my Chairperson, what do you mean that you were a *raia*? You were Hon. Members.

**Hon. Opiyo Wandayi** (Ugunja, ODM): We were not chairing any committees. That is what I meant.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): We now get it.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Deputy Speaker, when he was made the Chair of this very important Committee in this House, I was actually expectant of the good performance we have come to see. He has not let us down.

We have to underscore the fact that infrastructure is the lifeline of any economy. In fact, we say time and again that the role of Government is not to meddle in business, but to create an enabling environment for business to thrive. Apart from ensuring security, one other thing the Government does towards creation of an enabling environment is development of infrastructure and roads are a key component.

I commend the Government for the work it has done in the last couple of years. At least, in this term of the Jubilee Administration, some work has been done on the roads. In the last term, I do not remember anything tangible happening, for sure. I think what has been done is because of the Handshake, perhaps. In the last term, there was the ambitious annuity programme which was supposed to deliver 10,000 kilometres of tarmacked roads within a span of five years. At the end of the term, we had not done even 1,000 kilometres. But, this time round, a lot of progress is evident. In my constituency since Independence, we are now able to talk about two roads that have been completed. These are the famous Sidindi, Butere Sigalagala Road and the famous Ugunja, Musanda-Butere Road. But as we support this Bill, we must ensure that we get our priorities right and, more so, on matters financing of the road projects. We must align our priorities with the needs of the people. There is no point of starting multiple road projects only for all of them to stall. We would rather prioritise a few roads, start and complete them before we move to other ones. That way, we shall create value for money for the taxpayers.

As we speak, a number of roads have stagnated literally. This morning, I was trying to get in touch with the Director-General of KeNHA. I was not able to get him. I do not know how busy he was. I hope he will call me back. I was looking for him because there is a road which was launched by none other than His Excellency the President in my constituency. It cuts through Ugunja and Alego Usonga constituencies, the famous Ugunja, Ukwala-Rwambwa Road. That road has been mismanaged and the President promised to come back and commission it. I am wondering what he will come to commission. The Hon. Chair of the Committee, Hon. Pkosing, kindly take note that the work that has been done on that road by the contractor called Covec is shoddy. The contractor is so arrogant that he does not listen to anybody; including the stakeholders who are the villagers and the owners of the road actually. The consulting engineers have literally slept on their job. I must also blame the implementing agency, KeNHA in this case. It is not my nature to deal with those people when they are doing their projects because I believe they know their work. But when you see me intervening, something has gone astray. I do not want to have an engagement with those people in PAC which I chair over shoddy jobs that are done in my constituency because it will create a conflict of interest. But I want the agencies charged with the responsibility of doing those projects to take their work seriously. They use taxpayers' monies which they cough from their pockets or if it I borrowed, the taxpayers will pay ultimately. They have no excuse to sit on their laurels and hope that things will just remain as they are. The country can no longer afford laxity on the part of the officers that are charged with the responsibility of managing public funds.

This Bill is very progressive and timely. We need to support the Kenya Roads Board and give it strength. We need to support KURA, KeNHA and KeRRA. But as we support and strengthen them, let them also demonstrate to us that they are doing the work that they have been charged to do.

This country could go a long way if it could just concentrate on infrastructure; that is, roads, water and energy. Kenyans are industrious people. They will take advantage of the infrastructure to engage in their private businesses and create wealth for themselves and for the future generations. So, as this House approves this Bill, we want to put the officers in charge of those agencies and authorities on notice. They are in those offices to serve Kenyans and not themselves.

Thank you very much, Hon. Temporary Deputy Speaker. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you, Member for Ugunja. We now understand why you were saying that in the last Parliament, you were ordinary Members or *raia*. The Committee has done very well. Before I call the Member for Mathira, Members, as you are aware, this was just a five-clause Bill. Most Members have come to me to indicate that they want to speak to the next Motion. Let us have the Member for Mathira, Hon. Rigathi Gachagua.

**Hon. Rigathi Gachagua** (Mathira, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill because it is timely. There has been an outcry by our contractors who are owed over Kshs80 billion. The properties of many of them have been auctioned. Many of their companies have shut down. If you have looked at the daily newspapers for the last one year, every morning, we have had over 10 pages of auctions. Most of the affected are road contractors who have rendered services to the Government. This has broken families. It has made people who have been very hardworking and very enterprising to become helpless and destitute in their own country.

Recently, a leading newspaper held a party for auctioneers. The party was to thank the auctioneers for a good job done by selling people's property. If this bond sees the light of day by getting the legislative framework from this House, all the contractors will be paid what they are owed by the Government and there will be money circulation in the economy. Kenyans are crying that there is no money in this country because most people who have rendered services to Government have not been paid. Through this bond, Kshs80 billion will be paid to contractors and this money will circulate and spur economic growth.

We have so many road tenders that have been awarded. The construction started but along the way, the contractors have abandoned the sites because they have not been paid. With the enactment of this Bill to get those roads bond, all those roads will get on course and they will be completed within the contract period. We run the risk of roads that have been awarded for completion between two years to three years going between eight to 10 years. This is a situation that is not acceptable. As such, once this has been done, it will be very good for this country because the road network will spur economic growth. It will make farmers get their produce to the market and enable Kenyans to go about their businesses in a good manner. Therefore, this bond could not have come at a better time.

As I talk for the country, I must talk for my constituency. I have several roads that are ongoing. If we do not establish this bond for roads, we run the risk of those roads that have been contracted for three years, going to eight or 10 years. I cry for my people from Konyu Ward who have never seen a tarmac road since Independence. Now that a contractor is on site, if this bond sees the light of the day, the road will be completed within three years and those people, who have not seen a tarmac road since the beginning this world, will see a tarmac road. That is not just in my constituency. It is across the country. I have in my mind the dual carriage from Kenol to Marwa that will open up that area of the Central Kenya region. We have a traffic jam in Karatina every Sunday. People cannot get back to Nairobi. If this money is made available, that area of this country will be opened up and Kenyans can get back to Nairobi in good time to be able to carry out their activities.

In a nutshell, we want to thank the Cabinet Secretary for Infrastructure who is working very hard, but he has been inhibited by lack of funds. He has able engineers. He has people working under him who are raring to go but there has been that handicap of lack of resources because what comes from the Exchequer is hardly enough. We, therefore, need to say that this initiative by the Cabinet Secretary and the Ministry is well thought-out because we cannot just keep on crying about problems. We need to look for solutions. We want to see a good solution by the Cabinet Secretary and we need to support it.

With those many remarks, I wish to support. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let me hear Hon. Chachu Ganya, Member for North Horr.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. We should support it. Transformation for any country takes off when we invest in road infrastructure. As a Member for North Horr for the last three terms, I have seen serious transformation when the road from Isiolo was constructed all the way to Moyale - almost 600 kilometres. Our lives have changed dramatically in terms of food security. We are able to get food and greens from Meru in a few hours. The time we used to travel from Moyale to Nairobi has reduced. Instead of spending three days on lorries, now we spend less than eight hours from Moyale to Nairobi on buses. I can speak of how our lives have been transformed in terms of health, security, food security and education.

On the same note, I strongly believe those funds, once availed for road transformation, will be ring-fenced and earmarked purposely for road construction. We will see serious transformation in Kenya. For this reason, I strongly support this Bill. I hope once we pass this Bill, the Ministry will be able to source for funds from development partners, from financial lenders and ensure that we have enough money to construct the 10,000 kilometres stretch of roads that we have been promised by this Government. It is possible. There are many investors who are willing to invest in the road sector. We know the World Bank, Exim Bank, ADB, among others, are interested. This enabling legislation once passed and enacted, will enable this country to source for funds globally for the road sector.

With those few remarks, I strongly support this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next is the Member for Kwanza, Hon. Wanyonyi Kevin.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I thank the Ministry and the Committee for coming up with this innovative idea of looking for alternative source of funding for our roads. We do not have to go out there. The roads are in a bad state because of the climatic changes. We do not have to go out to see. Recently, I was driving from Nakuru to Nairobi and it took me a long time because the roads are in bad state due to the rains.

Back home in our constituencies, the members of the public are asking Members here that the roads are bad as if they are not seeing the rains pouring. In my own area, for example, heavy trucks have spoilt the roads. Even if we were to rely on National Treasury to fund roads, it would be very difficult given that today, the economy of this country is doing badly. It is common knowledge. The Committee and the Department of Roads need to think outside the box. I support the fact that we can now get bonds from the World Bank. That is the purpose of this



amendment. The interest rate is very low. It is affordable. Therefore, I want us to pass this Bill. I am not a Member of the Committee, but as a responsible Kenyan, I want us to pass this Bill, so that the Kenya Roads Board can borrow bonds which are payable for a long time and deduct low interest rates, to fix our infrastructure.

We are being careless as Kenyans. Those of you who live in Westlands, I have seen a road there which I think is a waste of resources. It has a lot of infrastructure that does not make sense to anybody. I want to be quoted saying that the road between Wangige and Naivasha Road is being constructed and when you go there, you may have a chance to see a lot of useless infrastructure. There are flyovers everywhere. There is a flyover after about every two kilometres and it does not make sense to me. Again, to Naivasha Road from Westlands, all the way to Limuru, the road had been completed, but to my dismay, yesterday and the other day, I was driving from Nakuru and I took more than one hour on the stretch. I realised it is some useless infrastructure. Therefore, the Kenya Roads Board, which is responsible, as much as they are borrowing money, and we are giving them a hand to borrow, should use the money properly because we are going to repay it.

The other thing which I want to talk about is the roads levy, which is paid through fuel. I wanted to find out from the Chair, and I hope he is listening, the amount of money that goes to roads. There is a lot of wastage. Members are complaining that some of the roads have not been completed. The money is supposed to be there, but it has been misused. Contractors are complaining. I have a special hat for the Chinese because they have done very well. You give them a road and they do it well. There was a road from Kakamega to Webuye, which I use, which had been given to a local contractor who failed to complete it. When it was given to the Chinese, it was completed. I take this opportunity to thank the Chinese for doing a better job than our people. Our people look at nothing other than money to line our pockets.

Therefore, even as we all want to support this initiative which is thinking outside the box, we should be very aware that our local contractors do not do proper works.

*(Loud consultations)*

Hon. Temporary Deputy Speaker, is this a market place? We cannot do this. This is not a market place.

*(Hon. Kipyegon Ngeno and Hon. Dominic Koskei consulted loudly)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order. The Member wants to be heard. There is this Member, whom I used to call a certain name during the last Parliament, and I will do it when I want, but he announced today that he is a father. He joins the fathers' club. Hon. Members behave differently especially in the House. However, we congratulate you. Congratulations for being a father. We need to observe some decorum in the House.

Carry on, Hon. Member.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): I do not want to take too much time. Hon. Members, there is a very big and nice room over there if you want to consult. It is for Members to consult.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Hon. Member. Do not do the work of the Speaker. You see, your time is even over. One minute for you.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker.

I take this opportunity to thank the Committee. Infrastructure in this country, including airstrips are affected. The Committee should also look at airstrips. Sometimes we want to get to places faster and we have a responsibility over airstrips. Some airstrips are in very bad states. I hope the Committee will look into the issue of airstrips and resources to fix them.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You support. Order, Members. Order, the Member from Embu.

*(Hon. (Ms.) Cecily Mbarire and Hon. (Ms.) Rachael Nyamai stood in their places)*

Can you resume your sits, Members who are standing? That includes the Whip of the Majority Party. I do not know whether you are whipping. A Whip is supposed to be allowed to whip, but observing some decorum. As I said, the Kenya Roads Board (Amendment) Bill (National Assembly Bill No.77 of 2019) had five clauses. Following our Standing Orders, let us be relevant. Let us not just speak for the sake of speaking, so that we can do justice to the proposed amendments to the Bill. Other Members had expressed interest to speak to the next Order. It may not be easy to separate them, but I will tell from where you are. I see an intervention by the Member for West Mugirango. What is your point of intervention, Hon. Mogaka Kemosi?

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Hon. Temporary Deputy Speaker, given the mood of the House, I wish to request that the Mover be called upon to reply.

*(Applause)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I may not be able to read the mood. The mood can only be expressed by the Members through a vote. The Member is right under the Standing Order No.95 that the Mover be called upon to reply. I will just put the Question to the Members and you will take the vote. Then I will make a ruling from that.

*(Loud consultations)*

Order, Members. I am going to rule some Members out of order here.

*(Hon. David ole Sankok consulted with Hon. Mugambi Rindikiri)*

Member 001, you can express yourself in a different way, either by negating or saying “Ayes” to the Question. I do not know how lobbying is done. I can see some are lobbying loudly. I will rule you out of order. Please, do your work. You either negate or support.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

The Mover to reply.

**Hon. David Pkosing** (Pokot South, JP): I beg to reply. In doing so, I want to thank the Members for agreeing with the Committee. What touch every constituency are roads. We can talk about other things and debate, but we can never debate about roads. You cannot debate about roads. Every constituency needs roads. I wish to thank the Members for agreeing with the Committee that we need to get out of the way and have a board.

Finally, I want to assure the Members that I have taken note of all the contributions. They will build the Report, going forward.

With those few remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I can see some Members including 001 really wanted to contribute to this. I am sure you can always express yourself even in the next Motion, through writing. Thank you.

I was confirming whether the House is properly constituted for us to move to the next part of the Bill. I confirm that we are properly constituted for me to put the Question.

*(Question put and agreed to)*

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

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Next Order! Hon. Members, on Order No.14, the substantive Speaker did rule that due to the proposed amendments that were being brought for the Committee of the whole House, we will not be able to consider Order No.14. So, it is deferred.

## BILL

THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

*(Bill deferred)*

Next Order!

## MOTION

ADOPTION OF PAC REPORT ON EXAMINATION OF FINANCIAL STATEMENTS  
OF NATIONAL GOVERNMENT FOR FY 2016/2017

*(Hon. Opiyo Wandayi on 3.12.2019)*

*(Resumption of Debate interrupted on 3.12.2019)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, this is resumption of debate that was interrupted yesterday, 3<sup>rd</sup> December 2019. Four Members contributed to the Report, namely, the Mover, Hon. Wandayi and Hon. Jessica Mbalu seconded. Then we had Hon. Savula and Hon. Moitalel ole Kenta, who had nine minutes. Hon. Moitalel, you have priority in speaking. Please, have your nine minutes.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. From the onset, I would like to reiterate my support for the Report. Having gone through the Report, I find it incisive, thorough and factual. The Committee raised some red flags. Those red flags have been there for quite some time. One of them is the issue of pending bills. That is something that has been recurring in every debate that has come to this House for the last one year. It is well known and it is a fact that many SMEs are collapsing in Kenya because of non-payment of bills for services rendered. This cuts across not just in the national Government departments, but even in county governments. People have used their life savings to carry out some works for the benefit of the Kenyan people, but at the end of it all, they are lose and become destitutes. The society has been destroyed by this kind of behaviour of those who receive services, but are not willing to pay for them.

There is also the issue of incomplete projects. When a Government, be it the national or county governments, commences projects, the projects are meant to benefit the people of Kenya. When we become a country that begins projects, but does not finish them, that is when we start becoming a failed State. The worst part is that we all know that the projects are started because of benefits the people who control the projects gain or get, such that when a certain percentage is paid, there are hawks or vultures on standby who grab what has been paid. They do not care about the completion of the projects. So, what does it do? Such activities encourage the starting of new projects every day for purposes of gaining benefits through corruption. The President has been trying to do the much he can. Every Kenyan of goodwill must stand firm and support the President in fighting the scourge of corruption.

There is also the issue of unbudgeted expenditure. We thought that the era of roadside resolutions by the Executive had come to an end, but our politicians never give up this bad practice. You find that somebody goes to a constituency, for example, and promises a road when it is not budgeted for. What happens at the end of the day? Because of his orders, other projects which were budgeted for are bypassed and fake projects are started. What happens? Parliament allocates money for the good of the people of this country, but the Executive decides to use the money to do other unbudgeted for endeavours. This House should ensure that any money that is used without the approval of Parliament is stopped and no payment is made. I would like to

congratulate Parliament because in the past, it has stopped such kinds of payments. That should be the practice. You cannot have authority to allocate money for the people of Kenya as their representative and somebody else, who does not have that mandate, decides to disrupt it.

The other thing that was very clear was outstanding imprest. I thought we employ people to serve the people of this country. Unfortunately, this has become a country where you serve your stomach. It has become a country where those at the top, who are supposed to ensure that imprest is returned, do not do so because they are also culprits. They abuse that service. The Committee has resolved that anybody who fails to return imprest from now on should answer for that misdemeanour.

The other issue that was highlighted by the Committee is the matter of outstanding debt. We are reaching a very dangerous level of indebtedness. If we continue like this, I do not know when we will ever develop. Most of the money this country earns through taxes and other means is used to service debts. When will we realise development that we have promised our people? It is very imperative that we look into the issue of indebtedness. The other day, we raised the ceiling to Kshs9 billion. The issue is whether we are even able to service the debt that we have. You cannot get more debt to pay debt. It will be a vicious cycle. You will never come out of that hole. This is something that must be looked into. Let professionals handle the matter and politicians get out of that indebtedness. If I am the President of this country or holding a high office, I will not be there forever. So, if I create unmanageable debt portfolio, when a successor comes to office, what will happen? Everybody will borrow and leave the burden to the other *ad infinitum*, such that no time will this country's budget balance.

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

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) took the Chair]*

Many issues were raised and have been addressed. We should strive to ensure that such reports are implemented. Of late, there has been unnecessary interference with implementation of resolutions of the House. We must stand up to protect Parliament. We should not let outsiders decide what Parliament does. In any case, if we are the ones who defeat our resolutions, then we are have given up on our mandate. This goes to the heart of the authority of Parliament and if not looked into, it will destroy Parliament. What the Committee has resolved must be implemented to the letter. If we do not do that, then Parliament ceases to exercise the authority that it is given by the Constitution.

With that, I will end there to allow my colleagues to also support the Report, which is very good. We must applaud it as a Committee. In the last Parliament, reports were 10 to 15 years late. I commend the Committee, the Chairman and Parliament for doing such a thorough and wonderful job.

I beg to support, Hon. Temporary Deputy Speaker.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall have Hon. Odhiambo Akoth. Hon. Odhiambo Akoth, must I say Millie?

**Hon. Ms. Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

First of all, let me thank the Parliamentary Service Committee (PSC) for an excellent job done. I had actually put my card earlier and I was just about to leave. Now that you have given me the opportunity, let me just say one or two things about it.

I want to agree with the Committee on their findings, especially on the issue of scholarships that they raised yesterday. We have many young and needy students who do not get opportunities because people misuse public funds. I want to agree with the Committee in the recommendations they gave about ensuring that funds are utilised well and Parliament has a say in overseeing and ensuring proper expenditure especially for the poor and vulnerable.

Hon. Temporary Deputy Speaker, there were also other issues that I had indicated earlier. However, because I was kind of ambushed, I may not put them all in my thought. One of the things that I have observed, and I do not know how PAC will help us, is in relation to the CDF Funds. We must find a way of ensuring that our accounting officers are held personally liable where there is misuse of public funds. Yesterday, I realised that the Chairman of the Committee was saying that they got information that should have gone to the Auditor-General. The reason is that some of the officers know they are not going to be held accountable. Even in cases which are very clear and direct, they do not have any documentation. They think it is a joke. Some accounting officers have also found that as an avenue for corruption and misuse of public funds. It becomes very difficult especially when you are talking about CDF funds and you find that the person that is being asked to take political responsibility are Members of Parliament. I know there are instances when issues have come even before this House that touch on our own constituencies when the only thing that is required is documentation. Somebody is careless enough because they are not being held to account. Otherwise, I want to thank the Committee for the good work they have done. Right now, if they give the next report, we may be talking about very current accounts. That actually has a direct impact on devolution.

I know that the Building Bridges Initiative (BBI) is hoping that we could move the funds to at least 35 per cent. However, before we reach that 35 percentage that is envisaged by the CDF, we know the last audited accounts have an impact on what goes to our counties. It, therefore, makes sense even for purposes of planning for the national Government, you have accounts that relate or approximate to economic realities. If you are talking about audited accounts which are ten or so many years old, they actually do not show our realities. We know the challenges that we are facing globally and even nationally. Therefore, if you are talking about audited accounts which are so proximate to that financial year, then, it actually makes more financial or economic sense.

I thank the Chair and I encourage him to pull up his socks. When I say you pull up your socks, it does not mean you are doing badly, but you are doing very well except as I said yesterday, committees chaired by women are still doing much better. My good friend and brother, Hon. Wandayi, is also doing very well. I can see they want to challenge me. You are doing well, but the ones led by women are still doing better.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wandayi seems to be super excited by those compliments. Let us hear from Hon. Simiyu Eseli. The Floor is yours.

**Hon. Dr. Eseli Simiyu** (Tongaren, FORD-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity. In fact, I had pressed my button sometimes back and I ran into another Motion. The Speaker then gave me a chance and I told him I did not want to contribute to the Roads Bill. It is this one that I wanted to contribute to.

It really amuses me when we debate the Report of the PAC, which I am a Member. That is the ultimate of oversight for Parliament. However, it is usually amuses and embarrasses me, that, at the time when we were debating the Report, usually the House was very thin yet this is the ultimate. One of our functions in this House is oversight. This is the ultimate oversight of the Government. We might have to come up with a way of encouraging Members to participate in this and read the reports because they are key to our function in this House.

Hon. Temporary Deputy Speaker, if you just read the general comments, you will find something very interesting. One of the causes of the difficulties we have is slow absorption of resources. In this case and that particular financial year, there was under-expenditure of Kshs220 million. The reasons given were the IFMIS challenges and inadequate revenue collection. It means we are drawing up budgets which we are unable to keep up with. It is like if this House passes a budget, but apparently we are unable to get the revenue for it. It confirms what we have been told by the acting Cabinet Secretary for Finance that our projection of revenue collection as taxes is way out of this world. So, we cannot meet our targets. That kind of wishful budgeting is not good for us because then we end up with an under-expenditure yet we need to collect that revenue, and we could not spend it.

At the moment, KRA is on the warpath of collecting taxes. If any Member of this House has not been called by KRA, then he is a very lucky fellow. They are on the warpath of collecting taxes. They have even gone to the villages and the CDF to the project management committees. They are now on the case of the small contractors in the villages to pay their taxes, yet nobody is telling us how efficient they are becoming on collecting non tax revenues. We are having a problem in collecting the non-tax revenues because of inefficiencies within the Government. That means we are not collecting the amount that we should collect as non-tax revenue. Instead, we are very busy chasing the tax revenues.

If you look again at the general comments, you will find that debt increased by 137 per cent in less than five years. An increase of debt of 137 per cent is no joke. In fact, I deliberately refused to contribute in the last Motion, namely, the Roads Bill, because we are increasing debt. We have started roads which we are unable to complete and we must borrow to complete them. At this rate, after we finish these roads, any other Government coming in, will not be able to build any other roads. Whatever money the Kenya Roads Board will collect will be going to pay the debts. These extreme debts that we are getting ourselves into are not good for the country.

The other amazing thing is that there are certain departments that the Auditor-General gave a disclaimer opinion. This means it was total mismanagement of resources. They did not provide any supporting documents. The amount of money involved in that situation was close to Kshs35 billion. Such an amount of money is not chicken feeds. It is a hell lot of money. Some of the departments involved in this were the Ministry of Lands and the Settlement Funds Trustees.

Those were the ones that are given a disclaimer opinion, meaning there was total mismanagement of resources.

Hon. Temporary Deputy Speaker, we are becoming a bit more current with our PAC reporting although there has been frequent change of accounting officers. This led to a lot of confusion. So, you would find an accounting officer taking very long with us because they have to go back and dig up very many things. They have been changed so frequently until at one time, I asked one of them whether the frequent changes are deliberate. You know by frequently changing accounting officers, one is unable to trace the flow of money. I hope that is not the intention.

Another interesting reason for this poor performance of the budget was the numerous supplementary budgets. It is very interesting that even today, we were dealing with a Supplementary Budget. Supplementary budgets are playing havoc on how the budget is implemented in this country. This is in the sense that when we have budgeted for some project and it has been started, then a Supplementary Budget comes in, removes money from the project and puts it elsewhere, the other project stalls. So, we end up with stalled projects. These frequent supplementary budgets are not good for our financial wellbeing. We should encourage the Executive to cease and desist from frequent supplementary budgets.

In any case, we, as Parliament, has disobeyed the law by agreeing to participate in these supplementary budgets. The law is very clear that you cannot introduce new projects in the middle of the financial year. That is in Article 223 of the Constitution. You cannot introduce new projects and yet that is what these supplementary budgets are doing. They are introducing new projects. Even Section 44 of the Public Finance Management Act of 2012 and Regulation 43 of the same bar the introduction of new projects in a supplementary budget. Actually this is playing havoc.

As we all know, we have had a serious economic down-turn. Despite what the Public Accounts Committee keeps on recommending year in, year out, not enough action is being taken. If action is not taken against the people who are not handling public finances properly in the manner that is expected of them, then we will continue having a problem with the economy of this country. We are not being careful. The British say: "Take care of the pennies and the pounds will take care of themselves." Here we have a situation where, as you heard, imprests in billions and hundreds of millions are not accounted for. We cannot go that way and succeed in anything.

So, I like what the Chair of the Committee on Implementation said that he is going to take up matters that this Report has raised. Even on a clear and obvious travesty of the law on procurement, somebody tries to justify his or her actions. You eventually realise that some of these procurements are, right from the word go, vendor-driven. Some of the projects are totally unnecessary, but because the vendor has convinced the department to procure, then they procure to suit what the vendor wants. That kind of behaviour is what has messed up this country for long.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. (Dr.) Eseli.

Hon. Tong'i, what is the intervention for?

**Hon. Richard Tong'i** (Nyaribari Chache, JP): Hon. Temporary Deputy Speaker, is it in order for a Member to mislead the House that all supplementary budgets are brought because as



a country we have not planned well? We know that supplementary budgets come to cure existing gaps.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Tong’i. That is not a point of order. It seems to be some information to Hon. Eseli. Do you not want to get concurrence from him that he needs your information? Hon. (Dr.) Eseli, do you want to be informed?

**Hon. (Dr.) Eseli Simiyu** (Tongaren, FORD-K): I think the information is not needed because I never said supplementary budgets should not be brought to the House. I said it is very clear, even from our own Constitution, that you do not introduce new projects with a supplementary budget. That is a constitutional matter. It is not Dr. Eseli saying it. Again, it is clear in the Public Finance Management Act and the Regulations that you do not do that, but that is what we are doing! As we were investigating these matters, we found that one of the reasons we have poor implementation of our budget is the frequent supplementary budgets. So, we encourage the Executive to go slow on the supplementary budgets. They should not be many. If they are too many, then they will impact negatively on the implementation of the budget.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mohamed Sheikh.

**Hon. Mohamed Mohamud** (Wajir South, JP): Hon. Temporary Deputy Speaker, I wish to give up on this given that I was waiting for a report from the Public Investments Committee (PIC). I wish not to contribute to this one. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Sorry, Hon. Sheikh. I missed what you said, but I guess you contributed.

**Hon. Mohamed Mohamud** (Wajir South, JP): I wanted to contribute to the earlier one on the PIC. I am a Member of the PIC. So, I wish to give up on this one.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. You must be very kind and so your kindness must be extended very quickly to Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for this opportunity to also raise my voice on this very important Motion.

First, I would start by congratulating the Committee that is led by the able Chair, Hon. Opiyo Wandayi. They have worked very hard. Once we have passed this particular Report, it will mean that we only need one report, namely, the one for 2017/2018 and we will be up to date as Parliament. You are aware that this Parliament has been blamed in the past that we have not passed audited reports as required and so, the revenue that goes to the counties is below what they should receive. I think this is a commendable step because that means in the next financial year when they will be computing the revenues to be shared to the counties, we expect the amounts to be higher.

Hon. Temporary Deputy Speaker, when you read through this Report, you realise that something is fundamentally wrong with our accounting system as a Government. Everywhere you do not get good stories. I am particularly concerned about several issues. First, this Report highlights that there was under-expenditure of over Kshs240 million shillings. I want to also concur with Hon. (Dr.) Eseli that some of these things give an impression that we have a serious problem with our planning. This under-expenditure is caused by delays in release of Exchequer and inadequate Exchequer resulting from inadequate revenue collection. There are things like delayed disbursements of donor funds, issues to do with IFMIS and procurement challenges. We

should not be experiencing such issues when we have well planned. For example, with regard to inadequate revenue collection, this morning we were debating the issue of vetting of the new Controller of Budget. I listened to the nominee, who is now the Controller of Budget, saying that one of the challenges is that budgeting officers at the National Treasury do not use projections by the KRA.

That is why sometimes we do not meet the targets we want to achieve in our budget. Now that the new Controller of Budget has identified the problem, we will not have issues like under-expenditure as highlighted in this Report.

The second issue is pending bills. Again, this issue is a reflection of poor planning. They arise as a result of delays in release of the Exchequer, variation of project costs and austerity measures introduced mid-stream, for example, what we call budget rationalisation and weak budget controls. These are issues and challenges that can be addressed if we had a proper planning regime. Sometimes we wonder whether there is a coordination problem between the planning department, the budgeting department and other organs of the State which are concerned with planning processes. The issue of pending bills can be resolved.

Again, the issue of public debt as indicated in this Report increased to 137 per cent within a period of five years. This is a serious issue. I want to thank the Budget and Appropriations Committee because in their Report, one of the things they recommended is that we set-up an independent budget management office to look at issues of public debt because this matter has to be addressed.

The Speaker's ruling to the Departmental Committee on Finance and National Planning was that they need to bring a report to this House analysing all reports on public debt. This will inform this House on the challenges around public debt and how to address them. Someone talked about the supplementary budget. I want to agree with Hon. Dr. Eseli that if you see many supplementary budgets in a year, it is a sign of poor planning. If you plan well, you will have very few supplementary budgets.

An important recommendation was raised in last year's budget that new projects should not be introduced in the supplementary budget. Even the supplementary budget we have just passed has introduced new projects. So, it raises the question of whether they did not foresee a project would come up in the next few months. In the past, we could have one or two supplementary budgets, but now they have become too many. This is not a good sign and I think something has to be done about it.

The Controller of Budget is a key person when it comes to public finance management. She is the second gatekeeper to the Consolidated Fund. Now that we have passed a new Controller of Budget, we want to see effectiveness in that office. One of the issues we are concerned with is that the Controller of Budget is supposed to manage budget implementation. She is also supposed to ensure that funds are released to evaluated projects that meet the set requirements.

In the last financial year, we wondered how the Controller of Budget oversaw the payment of public money to ghost projects like Arror and Kimwarer dams. We do not want to hear such things again. We have also heard about the Eurobond. So, we expect the new Controller of Budget and the National Treasury to play their roles very well. We also expect

Parliament to play its role very well in matters of budget oversight. This way, I am sure we will address some of the challenges noted in this Report.

Lastly is an issue of un-surrendered or unaccounted imprest, which amounts to over Kshs518 million. This is not small money. The Committee has recommended that ministries must take this seriously. As the Vice-Chair of the Committee on Implementation, I want to support my Chair. We will look at this Report and ensure the recommendations approved by Public Accounts Committee are implemented.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mawathe Musili.

**Hon. Julius Mawathe** (Embakasi South, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Motion. First, I want to congratulate the PAC for the wonderful job they have done. We have always worked with very outdated audit reports, but this Committee has almost brought us to the current financial year. They have brought the 2016/17 Audited Report.

As we continue to support devolution in the division of revenue, we will use current figures of the 2016/17 Financial Year and the counties will get more money. I wish to support this point in the Report. Some of us come from very needy constituencies which have issues of education scholarships. So, I wish to support the issue of ensuring we have scholarships for our needy students.

With those few remarks, I wish to yield as per the request of one of my seniors that we should bring a Motion. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ngeno, you want to speak to this? But I cannot see you on the screen.

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker. Let me speak to this briefly because Members wish to discuss the next report. I want to say a few words, but let me start by congratulating the Members of the Committee and reiterate that it is our work as Members of Parliament to implement this Report.

Our major role is oversight and legislation. So, when we budget, the Government should use the funds in a good manner. Another role is advising the Executive on the next cause of action. I wish to state that this House has the responsibility of advising the Executive on better management of funds allocated to the different departments and ministries. We have heard the President's debate on the Big Four Agenda, the fight against corruption and better use of funds allocated to different ministries and departments in the country. It is our responsibility to advise the President where there are loopholes, so that he may not direct his energies wrongly.

The legacy the President should leave for this country is not what many people have been talking about. The President should leave a legacy of sealing the loopholes of wastages in this country. We budget billions of shillings every year, but nothing happens on the ground. This question goes to the Executive because it implements. It is meant to give this nation a clean slate of expenditure. The President should ensure that all the wastages in the ministries are sealed. The issue of corruption that the President has been talking about is a mirage. I have never imagined a country that speaks of finishing corruption and doing exactly the opposite.

There are three arms of the Government, namely, the Legislature, the Judiciary and the Executive. The Executive gets the largest allocation in every budget every year followed by the

county governments and may be the Legislature and the Judiciary, but a lot of the money that is lost is in the Executive. It is the responsibility of the President to tell us why that money gets lost, not this House. In most cases, the people who are presented and dragged before courts because of loss of money are in the Executive. It is very rare to find Members of Parliament being taken to court. It is very rare for members of the Judiciary to be taken to court because of corruption. It is the Executive. The President should look unto himself and his team and ensure that if he wants to finish corruption, he should deal with his team so that we do not hear those noises about how Members of Parliament, the public and the Judiciary should finish corruption. It is the Executive that should finish corruption.

Lastly, the Executive and the President himself should stamp his authority on how we manage the funds that we allocate to roads. Looking at the debts that we have as a country currently, we are really overwhelmed. The first President of this country, Mzee Jomo Kenyatta, never left us with debts. The second President, Mzee Moi, never left us with debts although he left a country that was almost broken in terms of the economy. The third President, Mwai Kibaki, who was sick and took office in a wheelchair, is the man who changed the economy of this country.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Ngeno. What is out of order, Hon. Muriuki Njagagua? I doubt your microphone is audible. Use the other one.

**Hon. Charles Njagagua** (Mbeere North, JP): Hon. Temporary Deputy Speaker, this puts me in trouble because the speaker who was there before mentioned the Member for Embu and she never clarified whether it is me or *Kalemba*. Now I can see Cess is around.

Is it in order for the Member who is contributing to mislead this House that President Moi never left us in debt while we know he left us way behind in matters of debt? It is only Hon. Kibaki who tried to bring us up. Is the Member in order to mislead this honourable House?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Njagagua wanted to give you information, but he used another route through a point of order. Hon. Ngeno, do you not want to speak to that?

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Hon. Temporary Deputy Speaker, my great friend never understood what debt is and how the economy runs. What I meant is that President Moi never left debts to the people of this country, but he left a country that was in tatters economically. We never had debts. If we had any, they were very little just like any other normal country.

Hon. Kibaki brought this country up from -2 per cent to 7.2 per cent GDP growth. He left a small debt. President Kibaki only borrowed for the Thika Super Highway. That is the debt Kibaki left us with. The current Government is even borrowing to buy water for their offices. This House has the responsibility to advise the presidency that the country is heading in the wrong direction in terms of debts and the economy. People are hungry and have no money. It is very shocking that the President asked lately why people do not have money. Some people might ask you why you slept hungry. Is it because you had no appetite or do they not know you slept hungry because there was no food to eat? The President was also asking why we do not have money. It is the responsibility of Hon. Wandayi, Hon. Ngeno and Hon. Wahome to advise the President on why people do not have money in their pockets.

This document, which has been tabled in the House, is good enough to advise the President and the Executive on how to bring the country back to its normal course.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Hon. Alice, you will get a chance, but not before Hon. Nyenze Edith.

**Hon. (Ms.) Edith Nyenze** (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this time to contribute briefly on this Report on the financial statements as laid down by the Public Accounts Committee. I congratulate them for tabling the statements on time. We hope they will improve next time, so that we only have one year pending.

I would like to comment on the Report that there has been a slow absorption of funds. This is brought about by the Exchequer taking time to release funds. They should take a shorter time to release the funds because there are so many projects which are unfunded. It is not that the country cannot absorb the money, but the issue is the time taken to release the funds. There should be improvement on such.

The other issue is on pending bills especially in county governments. Most county governments have an issue of pending bills. In some counties, people have done work, but have not been paid for years. Some people have even over-borrowed and gone through depression. Some people have even died because they borrowed heavily from banks and have not been paid. This is the right time to push the Government, so that pending bills are paid. In future, we should engage people and pay them immediately.

We should have very few supplementary budgets. We should budget for what is necessary and try to avoid supplementary budgets. If we are not careful, this is where some things get into the budget which were not intended or anticipated. It is good the Committee also observed and talked about supplementary budgets.

I congratulate the Controller of Budget who was approved today. I wish her the best and hope that she will contribute in making sure that Government funds are well spent.

With that, I support the Report and congratulate the Committee.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Wahome Muthoni.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to speak to the Report on examination of financial statement. Let me start by appreciating the Report. It is timely, but most important, we have looked at a Supplementary Budget and my colleague has spoken to the fact that new items have found their way into the supplementary budget. Obviously, that is bad manners and bad practices. The role of a supplementary budget is very clear as laid out in the Constitution and its parameters are known. Therefore, when we have new items, it is possible that people want to sneak in items that are likely to benefit particular individuals and not the public interest. As we do this, unfortunately, there are projects that have stalled because they have been underfunded, have not been funded or the budget has not been released. Therefore, the work of this House is not to congratulate the work, but to oversee by giving positive criticism that is likely to help the Executive. We are in an era where we do not have a functional Opposition because it is in bed with the Government. Therefore, we wait for possible criticism that is not forthcoming. The work of Members of Parliament elected through the ruling party is not necessarily to commend the Government every time or to support always.

The oversight role is suffering more so because of the era I have talked about. Therefore, it is time Parliament took its role more seriously than it is doing. Recently, a Member of this House spoke in very bad light about her colleagues in a harambee in Kirinyaga. It is in public domain and unless we are careful, we cannot be given bad names by others and other Members follow the same and give ourselves bad names without substantiating issues. Therefore, we are doing things that are not necessarily legislative thus not doing our work correctly.

When I look at the budget work and where the Government is, we have a lot in our hands that we can do to help the Government to implement projects. But the loss of money continues every year. Every year, we deal with big and bigger loses of money. Parliament has to be accountable. It is not always proper to point fingers at the Executive when we are the ones who examine financial statements and allocate money to the Government. Then when it comes to overseeing, we say that things are going on very well. We are shying away from our work. I see Hon. Nassir is very happy about this statement. He is in the Public Investments Committee and he has done fairly well, but I remind him that the oversight role is more critical especially when it is taken up by the Opposition or the Minority. When you call people the Opposition, they feel like they are not in the Government. This Government is for the Minority and the Majority. Therefore, all of us have a critical role to play.

I am concerned about the debt the country is shouldering. We are talking about close to Kshs6 trillion and every year, we are adding onto it instead of reducing it. The last time we allowed the National Treasury to borrow, we agreed that it was because we want to retire very old debts. I want to inform Hon. Ngeno, the Member for Emurua Dikirr, that the debts we were referred to by the Cabinet Secretary for the National Treasury and Planning go back close to Independence days, way back to 1970s. Some of them have commercial rates. We asked the Cabinet Secretary to file a schedule of the debts, so that this House can see that we allowed borrowing for purposes of consolidating the debts by borrowing at a 1 per cent from the World Bank and retiring the old debts. That schedule will help Hon. Ngeno to see whether we are dealing with the debts of retired President Moi, retired President Kibaki or this Government. This Government has done very badly. If you look very clearly at the debt, it is syndicated and commercial loans borrowed by the same people who are in the Government. Therefore, when we come here to approve a supplementary budget, we must remind the corrupt, the people stealing from Kenyans that we still have roads that have not been done, hospitals where people are still dying, there is hunger and we have not irrigated one million acres of land. We want to remind our President the promises he made about the stadia. We want to remind this Government that we still expect the country to move as a nation and that unity is more important than the positions that we seek to occupy in a hungry nation. Look at the floods that have hit the country. A lot of it has to do with bad planning in towns. Our roads have been swept away because of bad workmanship. Therefore, this country must style up and start working properly. Parliament must of course stop singing choruses when we come to this House to approve budgets, but ensure that accountability is maintained.

I retire there. Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to speak even as we soon go for recess. I hope we will have enough time to go through the BBI Report. Next time we also need to factor in the budget properly, so that we are not drawing money through the back door to fund a referendum or other groupings of some work.

Thank you, Hon. Temporary Deputy Speaker, I know someone wants to speak to it.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, there are two reports. What we are dealing with is the Public Accounts Committee Report. I know immediately after this, we hope to get to the Public Investments Committee Report. I am aware that quite a number of Members would like to speak to the next Motion and not this particular one. But I do not know who they are here. When I call a Member, some say they have registered for the next Motion. Let me just confirm. We have Hon. Thuku, Hon. Ibrahim, Hon. Tuitoek, Hon. Hassan and Hon. Katana.

*(Loud consultations)*

Order, Hon. Members. These are Members who have registered interest to speak. The next person is Hon. Thuku. I am not sure whether he wants to speak to this Motion or the next one.

**Hon. Zachary Thuku** (Kinangop, JP) Thank you, Hon. Temporary Deputy Speaker. It is my discretion to choose the one I want to speak to. So, protect me from my colleagues, so that I can speak on this one. As much as I want to speak on the next Motion, we are almost time barred.

I support this Report by the PAC. They have done a good job. It brings to light the kind of country we are in. I happen to sit in a certain departmental committee and I look at the way they do their things and the kind of reports they present to us especially when they appeal for budgetary allocation. Many times we have engaged them, we have had issues. Why is it that we still have pending bills yet we have the PFM Act whereby you cannot procure more than the money that is at your disposal? We are grappling as a country because we have deliberately refused to move forward. The issue of pending bills should not appear every other time. This is an indictment on the Controller of Budget because I do not know how these budgets are approved in the first place. There is money that is allocated, but we still find ourselves in this predicament year in, year out. This is something that we have to deal with as a House. We have to pronounce ourselves on this.

On the numerous supplementary budgets that are brought to this House, economic planning is something that is very important for any progressive country. For sure, the budget is one tool of planning and projection as to how much you want to spend based on the kind of projects that we have. When we have supplementary budgets that are varying from the original budget to the tune of more than 10 per cent, it means something is very wrong in our planning mechanism.

With the appointment of the new Controller of Budget, she should take up her office positively and do what she has to do so that we can get ourselves out of the quagmire that we are in. Since we came into this House, several supplementary budgets have been passed, which are not reflective of the budget that was passed. That is so telling on the type of managers we have entrusted with our money.

Now that my colleagues are on my case, I wish to stop at that and thank you for giving me this opportunity. I thank the PAC for taking their time to prosecute and give us a Report that is worth the salt.

Thank you.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I see an intervention from Hon. Ibrahim.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Hon. Temporary Deputy Speaker, I rise under Standing Order 95. Going by the mood of the House, I request that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Deputy Speaker, thank you very much. I thank my colleagues for the contributions to this very important Motion.

At this juncture, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we shall not put the Question at this particular time. It will be done at a later time.

*(Putting of the Question deferred)*

Next Order.

## MOTION

### ADOPTION OF REPORT ON INQUIRY INTO SAFETY OF FERRIES

**Hon. Abdullswamad Nassir** (Mvita, ODM): Ahsante sana Mhe. Naibu Spika wa Muda. Naomba kuwasilisha Hoja ifuatayo:

THAT, this House adopts the Report of the Public Investments Committee on its Inquiry into the Safety of Ferries as observed in the Audited Accounts of Kenya Ferry Services for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, December 3, 2019.

Katika Ripoti yake ya mwaka wa 2016/2017, Mkaguzi Mkuu alitaja na kuweka wazi kuwa milango ya ferry haikuwa inafanya kazi na ferry zilikuwa zinafanya kazi bila marekebisho kwa mda. Tunapongea sasa hivi, dakika chache zilizopita, kuna ferry ambayo imekwama katikati ya bahari na ferry nyingine imeitwa kuivuta.

Takriban siku tatu or nne zilizopita, kwa sababu ya milango kutofanya kazi, mtu mmoja kwa sababu ya mvua, aliteleza na kuingia ndani ya maji. Lau angelikuwa mjasiri na kama hakungekuwa na boti ya haraka, leo tungekuwa tunazungumza masuala mengine. Kenya haitasahau tarehe 29 September 2019. Wakenya wawili, mama na mwanawe, walipoteza maisha yao. Ninapongeza wanakamati wenzangu kwa kazi waliofanya. Naipongeza afisi ya Karani Mkuu wa Bunge na pia afisi ya Spika kwa usaidizi wa kuhakikisha kuwa tumeandaa Ripoti hii.

Tunavyoongea, hizi ferry mpaka sasa milango haifanyi kazi. Feri inatumia Kshs102 milioni kila mwaka ili kulipia gharama ya mafuta ya kuendesha lakini asilimia 25 ya hiyo



imesababishwa na milango kutoafanya kazi. Waswahili wana msemu ya kuwa tunatupa shilingi ili tuokote penny. Hatutengenezi lakini tunazidi kudidimia. Katika ukaguzi wetu, tuliita Kenya Maritime Authority (KMA), Waziri mhusika, Kenya Ferry Services (KFS) na tukaenda hadi kwa feri zenyewe. Tunaomba Bunge likubaliane na nasi. Ninajua kuwa ni tembe chungu na sindano chungu ambao lazima tuikubali ili pawe na mwelekeo bora. Kwanza shirika la KFS, Ripoti hii ikikubaliwa na Bunge inafaa kuhakikisha kuwa feri ya MV Harambee imewekwa kando na ifanyiwe *dry docking* ama ukaguzi na utengezaji wa feri kwenye kitanda chake pale chini.

Pili, ni jambo la kusikitisha. Katika ukaguzi, ilitokea wazi hakuna ukaguzi wowote unaoendelea kwa feri hizi. Tulipowauliza wakaguzi kama waliona kuwa milango haifanyi kazi, walisema walikuwa wameona. Hakuna aliyekipofu kujua kwamba milango ya feri haifanyi kazi. Tunaambia KMA kuwa feri zilizobaki zifanyiwe ukaguzi upya, zile cheti wamezitoa za bandia bila kufikiria zirekebishwe. Feri ikiwa haipo sawa, isimamishwe isiendeleo kufanya kazi.

Tatu, tunataka Serikali kupitia kwa Wizara ya Fedha, itoe pesa kwa KFS. Tulipokuwa tunafanya Ripoti hii, ilisemekana kuwa fedha zinatoka lakini baada ya ile siku tulikuwa tunaandika Ripoti, fedha hazikuwa zimefika kwa KFS. Kwa hivyo, tunashurutisha Serikali itoe fedha za kuhakikisha kuwa marekebisho yamefanyika. Pia, hizi fedha ziziregeshwe tena katika Serikali Kuu mwisho wa mwaka bali zibaki ili zitumike kutengeneza feri. Kwa lugha ya kitaaluma ya Bunge na sheria, zile fedha ziwe *ring-fenced*. Pili, afisi ya Mkaguzi Mkuu iangalie ule mkataba uliopo baina ya kampuni ya African Marine and General Engineering na KFS kwa sababu hiyo ndio kampuni pekee ambayo inaweza kufanya utengenezaji wa feri kwa kitanda cha chini. Tunataka afisi ya Mkaguzi Mkuu iangalie kwamba fedha zinatumiwa ifaavyo.

Tunasema shirika la Kenya Ports Authority pia liangalie uwezekano wa kuhakikisha ya kuwa wameweka sehemu ya kutengeza hizi feri ili gharama hizi zipungue. Tunataka Kenya Maritime Authority waangalie wanayozungumza kwa sababu, bila shaka, ni urongo walipeana kwa Kamati kuwa walikagua hizi feri. Hawakuzikagua. Tunataka pia, kwa kuwa tumegundua Kenya Maritime Authority, wale walipewa kazi ile ya ukaguzi wana miaka 70 na zaidi. Ni watu wawili pekee. Suala ni kuwa hawa wasipokuwa, vifaa vyote vitakaguliwa na nani? Tutaka Serikali ikiweka bodi za Kenya Ferry Services, isitafute watu ambao hawana taaluma yoyote. Watafute watu ambao wana taaluma ya ubaharia.

*(Applause)*

Watafute watu walio na taaluma ya kazi za uinjini. Watafute watu wenye taaluma kadha wa kadha. Tunasema kuwa Kenya Maritime Authority wahakikishe kuwa wanaajiri wafanyakazi. Wanakusanya Kshs1.2 bilioni kwa mwaka. Waajiri wale wa kuzama chini kwa chini na wale wa kuzama ndani ya maji ili kuhakikisha usalama wa zile feri.

Wakati hauko nasi. Nitawacha hizi zingine. Ninajua ni jambo la uchungu kwa wale wanaotumia feri hizi zikizuliwa. Serikali haitoweza kusikia mlio wa watu isipokuwa panapokuwa na tatizo. Hatuwezi kukubai hili tatizo. Ni afadhali tuwe na tatizo la watu kuzuiwa vivukio kidogo kuliko tatizo la vifo kwa jambo linaloweza kurekebishwa kwa miezi.

Asante sana Naibu Spika wa Muda. Naomba Naibu Mwenyekiti wangu aniunge mkono katika jambo hili.

**Naibu Spika wa Muda (Mhe. Patrick Mariru):** Huyu ni nani? Naibu wako anaitwa nani?

**Mhe. Abdullswamad Nassir** (Mvita, ODM): Ni Mhe. Abdisalan. Sijui kama ataongea kwa Kiswahili ama Kiingereza, kumkumbusha tu kuwa Kisomali hakikubaliwi Bunge.

**Naibu Spika wa Muda** (Mhe. Patrick Mariru): Mhe. Ibrahim, wakati ni wako.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion.

The PIC's inquiry into the safety of ferries operated by the Kenya Ferry Services started from an audit query raised by the Auditor-General on the audited accounts of State Corporations for the Financial Year 2016/2017. In his Report, the Auditor-General raised that the pulleys on most ferries were defective causing the prowls to be submerged in water. This has exposed vehicles and passengers on the ferries to a dangerous state. The Auditor-General further observed that the high docking for most ferries was not done on time as scheduled and that some ferry engines had operated for more than 30,000 hours without undergoing an engine overhaul. The MV Kwale is a good example of such ferries.

The safety of ferries operated by the Kenya Ferry Services has been under national spotlight. You remember we lost two lives on 26<sup>th</sup> September 2019, a mother and her child. That ugly scenario led to the country into incurring a lot of expenses as a result of this. Our Committee had a meeting with the Kenya Ferry Services, the Kenya Maritime Association, the Cabinet Secretary and the Principal Secretary. Our observations were that prowls on most ferries were totally nonfunctional and some were submerged in water. Secondly, at the time of the inspection of the Committee in November 2019, the prowls of MV Harambee, which led to the loss of two lives, the mother and her child, were badly damaged and totally submerged in water. As a safety measure, we expected a chain was supposed to run across the deck to prevent vehicles and passengers from slipping off into the water. We realised that it was nonfunctional during our visit. Passengers were supposed to be getting education on safety measures, but have not received any education.

Interestingly, passengers boarded their vehicles and stayed inside their vehicles. This is contrary to the safety procedures that require passengers to disembark from vehicles once they got into the ferry. In terms of certification, you will find that there were only two people responsible. One man does the inspection and the other person checks the inspection report and signs it. In terms of the two people, as the Chair has correctly observed, both of them are on contractual terms. They are past the retirement age. There was no clear succession plan by the KMA to ensure continuity of service in inspection. This is dangerous to the existence of this country.

Before I give time to my colleagues - I seem a bit under pressure from them - we have realised that in terms of budget allocation by the Treasury to KFS, it is very low. It is important for them to do timely dry docking. The National Treasury should allocate the required money urgently.

That said, I second the Motion. Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we start with Hon. Hassan Maalim?

**Hon. Omar Mohamed** (Mandera East, EFP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report from the onset. The Ministry of Transport, Infrastructure and Urban Development is gambling with the lives of Kenyans that use the Likoni Channel, just because there is serious lack of funding for this very important transport system to the people of Mombasa, Likoni, Ukunda and South Coast. What is interesting to note is that there is a body that is mandated to regulate, inspect and provide safety certificate, namely, the Kenya Maritime Authority. They are sleeping on the job. Most of these organisations fall under the Ministry of Transport, Infrastructure and Urban Development, which has deliberately decided to underfund KFS, thereby risking the lives of Kenyans.

Out of the six ferries owned by the KFS, three are over 30 years old. There is no evidence of continuous servicing of the ferries. It is a very sad situation. I would urge this House to adopt this Report and thereafter come up with a mechanism of funding these services and ensuring KMA take up its role.

I support, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): There seems to be quite a bit of pressure from your neighbours there. Hon. Katana.

**Hon. Paul Katana** (Kaloleni, ODM): Asante Mhe. Spika wa Muda. Nasimama kuunga mkono Ripoti hii. Ukiangalia Ripoti hii na vile hali ilivyo kwa sasa, Wizara ya Uchukuzi imezembea na inachezea maisha ya wananchi ambao wanatumia kivuko cha feri cha Likoni. Tunaweza kulaumu Mkurugenzi na timu yake ambao wako kwa feri, lakini hawana fedha za kufanyia ukarabati feri hizi. Ukiangalia feri ya MV Harambee ambayo ilihusika kwa ajali, MV Nyayo na MV Kilindini, zina umri wa miaka 30. Tunatumia pesa nyingi. Feri moja inatumia zaidi ya Kshs100 milioni kufanyiwa ukarabati.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Hon. Katana Kahindi, Member for Kaloleni. It is 7 p.m. That is not to say that your space is gone. It is not gone. When this matter is scheduled next by the HBC, you shall have a remainder of nine minutes, so that that you can prosecute your case fully.

Hon. Members, the time being 7.00 p.m., this House stands adjourned until Thursday 5<sup>th</sup> December 2019 at 2.30 p.m.

The House rose at 7.00 p.m.