

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th April 2019

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: We may begin the business. Hon. Members, I will issue a Communication relating to the business appearing as Order No. 9 at the appropriate time.

PAPERS LAID

Hon. Speaker: Leader of the Majority Party.

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

Legal Notice No. 24 of 2019 relating to the Public Finance Management (Tourism Promotion Fund) Regulations, 2019 and the Explanatory Memorandum from the National Treasury to be referred to the Committee on Delegated Legislation.

Legal Notice No. 23 of 2019 relating to the Air Passenger Service Charge Act (Apportionment) Order, 2018 and the Explanatory Memorandum from the National Treasury to be referred to the Committee on Delegated Legislation.

The 2019/2020 Financial Year Programme-based Budget of the National Government of Kenya for the year ending 30th June 2020.

The 2019/2020 Financial Year Estimates of Revenue, Grants and Loans of the Government of Kenya for the year ending 30th June 2020.

The 2019/2020 Financial Year Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June 2020, Volumes I and II.

The Budget Summary for the Fiscal Year 2019/2020 and the supporting information from the National Treasury.

The 2019/2020 Financial Year List of Projects of the National Government of Kenya for the year ending 30th June 2020 from the National Treasury.

The 2019/2020 Financial Year Annex of Estimates of Revenue and Expenditure for State Corporations of the Government of Kenya for the Financial Year ending 30th June 2020 from the National Treasury.

The Financial Estimates for the Parliamentary Service Commission for the Financial Year 2019/2020.

The Estimates of Revenue and Expenditure from the Equalisation Fund for the Financial Year 2019/2020.

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

- (i) Consolidated Fund Services - Salaries, allowances and miscellaneous Services, and
- (ii) The Receiver of Revenue (Recurrent) from the National Treasury.

Hon. Speaker, I want to confirm that the Budget Estimates from the Judiciary were tabled last Thursday.

Hon. Speaker: Are those Estimates of Development Expenditure of the Government of Kenya Volumes I, II, and III?

Chair of the Departmental Committee on Lands.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Lands on its consideration of a petition by the residents of Embakasi West Constituency regarding non-issuance of title deeds to the area residents.

Thank you, Hon. Speaker.

Hon. Speaker: Chair of the Public Investments Committee (PIC).

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of Public Investments Committee on the inquiry into procurement and implementation of the excisable goods management system for printing, supply and delivery of security revenue stamps complete with track and trace system and an integrated production accounting system by the Kenya Revenue Authority (KRA).

Hon. Speaker: Next Order.

(Hon. Njagua raised his hand)

Hon. Charles Kanyi Njagua, do not raise your hand. You know what to do. Hon. Charles Njagua Kanyi, place your request card. Where is your request card? You cannot just stand in your place like that. Did you carry your card? Proceed.

Hon. Charles Njagua (Starehe, JP): Hon. Speaker, I beg to give Motion of the following Motion...

Hon. Speaker: Do you want to give Motion to the following Motion?

(Laughter)

NOTICES OF MOTIONS

REVIEW OF MANDATORY RETIREMENT AGE OF PUBLIC SERVANTS

Hon. Charles Njagua (Starehe, JP) Sorry, Hon. Speaker. I beg to give notice of the following Motion:

THAT, aware that 75 per cent of Kenyan population is under the age of 35 years and that the overall unemployment among the youth is at 55 per cent; further aware that 800,000 graduates from universities, colleges, technical institutes, vocational centres and other tertiary institutions join the job market

annually with only approximately 70,000 being absorbed into the formal labour force market; concerned that the high rate of unemployment in Kenya particularly among the youth remains a major challenge; recognising that Article 55 of the Constitution requires the State to take measures to ensure that the youth gain access to relevant education, training and employment; noting that the mandatory retirement age for public servants is set at 60 years, this House urges the Government to review the mandatory retirement age in the Public Service from the current 60 years to 50 years to, among other things, create opportunities for the employment of the youth of this nation.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kirinyaga Central.

POLICY MEASURES TO ENSURE TRANSITION FROM SECONDARY TO TERTIARY EDUCATION

Hon. Munene Wambugu (Kirinyaga Central, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that according to available data from the country's education sector, a huge percentage of students who sit for Kenya Certificate of Secondary Education do not transition to university to pursue degree courses; further aware that technical skills and knowledge are fundamental in every profession; concerned that despite the importance of technical and vocational training in teaching necessary skills and building adequate human capital to achieve and sustain the country and its uptake is slow; cognisant that promotion of technical and vocational education and skills alongside academics provides a mix of professionals and skills that the economy requires to create balanced manpower requirements; recognising that Article 55 of the Constitution requires the State to take measures to ensure youths access relevant education and training; appreciating the Government's policy of achieving 100 per cent of pupils from primary to secondary schools which has seen a huge increase in enrolment in secondary schools; this House resolves that the Government puts in place policy measures to ensure 100 per cent transition from secondary to tertiary education.

Thank you, Hon. Speaker.

(Hon. David ole Sankok moved to Hon. Aden Duale's place)

Hon. Speaker: There is something that is exciting Nominee 001. He is frantically hopping from his usual place to the Leader of the Majority Party's place in an excited manner. I may not know what is exciting Hon. Sankok.

Chair, Public Investments Committee.

REPORT ON PROCUREMENT OF GOODS MANAGEMENT SYSTEM BY KENYA REVENUE AUTHORITY

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Reports of the Public Investments Committee on the inquiry into procurement and implementation of the excisable goods management system for printing, supply and delivery of security revenue stamps, complete with track and trace system and an integrated production accounting system by the Kenya Revenue Authority, laid on the Table of the House on Tuesday, 30th April 2019.

Hon. Speaker: Next Order.

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Githunguri, Hon. Mukuha Kago.

Question No.209/2019

DELAYED CONSTRUCTION OF NYEGA-KIAMBURURU-KAMUCHEGE ROAD

Hon. Gabriel Kago (Githunguri, JP): Hon. Speaker, I rise to ask Question 209/2019 to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

(i) Is the Cabinet Secretary aware that the 15-kilometre Nyega-Kiambururu-Kamuchege Road in Githunguri Constituency is in a deplorable state and impassable?

(ii) Could the Cabinet Secretary explain why the construction of the said road to bitumen standards stalled, despite the project being awarded in June 2016?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by the Member for Kaloleni, Hon. Katana Paul.

Question No.210/2019

FORMULATION OF REGULATIONS FOR DEVELOPMENT OF SCHEDULED CROPS

Hon. Paul Kitana (Kaloleni, ODM): Hon. Speaker, I rise to ask Question No.210/2019 directed to the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation.

(i) Is the Cabinet Secretary aware that the Agriculture and Food Authority is yet to formulate regulations and other policy measures for the development of scheduled crops, in particular coconut, to facilitate marketing and distribution of the same through monitoring and dissemination of market information as specified by Section 8 and the First Schedule of the Crops Act, No.10 of 2013?

(ii) What measures has the Ministry put in place to enhance value-addition to coconut with the aim of promoting its market's viability and competitiveness?

(iii) When is the Ministry expected to roll out civic awareness programmes on value-addition and marketing options for coconut amongst the residents of the Coast region?

Thank you.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Agriculture and Livestock.

The next Question is by the Member for Bumula, Mwambu Mabonga.

Question No.212/2019

GAZETTMENT OF SUB-COUNTIES IN BUMULA CONSTITUENCY

Hon. Mwambu Mabonga (Bumula, Independent): Hon. Speaker, I rise to ask Question No.212/2019 to the Cabinet Secretary for Interior and Coordination of National Government.

(i) Is the Cabinet Secretary aware that the proposed two Sub-Counties in Bumula Constituency are yet to be gazetted?

(ii) Is the Cabinet Secretary further aware that Assistant County Commissioners are yet to be posted to West Bukusu and Siboti Divisions that fall within the new Sub-Counties?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Administration and National Security.

Next is the Question by the Member for Lugari.

Question No.214/2019

ISSUANCE OF NOTICE TO CLOSE CLIENTS' ACCOUNTS
BY BARCLAYS AND STANDARD CHARTED BANKS

Hon. Ayub Angatia (Lugari, ANC): Hon. Speaker, my Question is to the Cabinet Secretary for National Treasury and Planning.

(i) Could the Cabinet Secretary explain the circumstances under which Barclays and Standard Chartered banks are issuing a fourteen (14) days' notice for closing clients' accounts?

(ii) Could the Cabinet Secretary further explain what happens to the money held in those accounts once they are closed?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Finance and Planning.

The next Question is by the Members for Bonchari, Hon. John Oroo Oyioka.

Question No.215/2019

UPGRADING OF KISII LAND REGISTRY TO OFFER AUTOMATED AND DIGITAL SERVICES

Hon. John Oyioka (Bonchari, PDP): Hon. Speaker, I rise to ask Question No.215/2019 directed to the Cabinet Secretary for Lands and Physical Planning.

(i) Is the Cabinet Secretary aware that the Kisii Land Registry in Kisii County has only one land registrar serving nine (9) constituencies?

(ii) Is the Cabinet Secretary further aware that the Kisii Land Registry is yet to be upgraded to offer automated and digital services?

(iii) What measures is the Ministry putting in place to ensure that more land registrars are posted to the Land Registry in Kisii and, further, the registry is upgraded to offer automated and digitised services to ease issuance of title deeds and other land transactions?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Lands.

The last Question is by the Member for Moyale, Hon. Qalicha Gufu Wario.

Question No. 216/2019

DETAILS OF PRESIDENTIAL BURSARY AWARDS IN MOYALE CONSTITUENCY

Hon. Qalicha Wario (Moyale, JP): Thank you, Hon. Speaker. I rise to ask Question No. 216 of 2019 to the Cabinet Secretary for Education.

(i) Could the Cabinet Secretary provide details of the presidential bursary meant for secondary schools with regard to how much funding was allocated and the criteria used to identify and distribute the said funds to the beneficiaries in the Financial Year 2017/2018?

(ii) Could the Cabinet Secretary provide a detailed list of students from Moyale Constituency who benefited from the bursary for the last one year and the amount allocated to each student?

Hon. Speaker: Question to be responded to before the Departmental Committee on Education and Research.

COMMUNICATION FROM THE CHAIR

RESOLUTIONS OF THE SECOND LEADERSHIP RETREAT OF THE NATIONAL ASSEMBLY

Hon. Speaker: Order, Hon. Members. As you all may be aware, the Second National Assembly Leadership Retreat took place last week between 25th and 28th of April 2019 at the Sarova Whitesands Beach Resort & Spa in Mombasa. The retreat was part of a continuing tradition by the leadership of this House to hold leadership retreats aimed at taking stock of progress made in the various legislative sectors while setting the agenda and preparing the House for upcoming business.

The retreat under the theme “*Consolidating Synergy and Safeguarding the gains for the Welfare of Society*” came at an opportune time following the commencement of the Third Session of this Parliament and right in the middle of the Budget cycle. It also provided an avenue for the House Leadership to interact, share experiences and chart a way forward that will guide the business of the House during this Session. It also provided an opportunity for Chairpersons and Vice-Chairpersons of Committees to share their experiences on the legislative processes currently in place, including the management of Parliamentary Questions and Petitions.

The participants in the retreat included presiding officers, Leaders of the Majority and Minority parties and their deputies, Commissioners of the Parliamentary Service Commission (PSC), Whips of the Majority and Minority parties and their deputies, Chairpersons and Vice Chairpersons of all committees, Members of the House Business Committee and a section of the membership of the Procedure and House Rules Committee, journalists who cover parliamentary proceedings as well as senior parliamentary staff.

The retreat benefitted from the presentations and experiences of a cross-section of leaders, members of the Executive, representatives of the private sector, experts and resource persons from the National Treasury, Ministry of Interior and Coordination of National

Government, Kenya Institute of Public Policy Research and Analysis (KIPPRA), Kenya National Bureau of Statistics (KNBS), representatives of security agencies and the leadership of the Parliamentary Service Commission.

Hon. Members, the conference discussed various topics including on the Big Four Agenda, Blue Economy and National Security; Governance and National Security in the 21st Century; Population Statistics and issues for National Planning, including key national demographics, what the statistics and projections portend for the future, implications on the national planning, state of preparedness and the role of Parliament in fulfilling legislative and budgetary interventions to mitigate the challenges; and, a discussion on tools for effective oversight and Public Petition including taking stock of the new procedure for Questions and Public Petitions and receiving feedback from Committee Chairpersons on the effectiveness of the new procedure for Questions, and the Petitions to Parliament, laws, rules and procedure and identifying areas for improvement.

Hon. Members, the conference also discussed the very important subject of public debt, implications to the economy and budget financing measures, what were the key drivers to the rise in public debt, the question of sustainability and medium term debt strategies to be put in place, the formal debt versus the informal debt, and the rising pending bills at the national and at the county levels and whether there was room for borrowing by counties.

The retreat also discussed the approval of the budget estimates and revenue raising measures, the interest rate capping, the place of Provisional Collection of Taxes and Duties Act (CAP 415) on taxation measures, and the timelines for presentation and passage of the Finance Bills. The issue of delayed payments to suppliers and the implication to the veracity of money, economic growth and industrialisation, was extensively discussed.

The Parliamentary Service Commission committed to continue providing and improving services and facilities for efficient and effective functioning of the National Assembly.

At the conclusion of the Leadership Retreat, it adopted a raft of resolutions including a proposal to broadcast Committee proceedings when Cabinet Secretaries are answering parliamentary Questions so that the public is able to understand pronouncements made on key public policy issues. It was also resolved that Committees adhere to their mandates to avoid duplication of roles and proposing different recommendations when undertaking inquiries on similar issues. Committees should also ensure that public participation is well documented in their reports to cushion the House from unnecessary and, at times, uncalled for judicial challenge. It was also agreed that Committee leadership should follow established practice of giving adequate notice to witnesses of, at least, seven days before they appear before the committees. The workshop also resolved to prioritise training of Vice-Chairpersons of committees.

Hon. Members, in the interest of deepening bicameral comity between the Houses of Parliament, the House will ensure improved consultation and cooperation between the National Assembly and the Senate to build synergy during the legislative process and limit duplication of efforts and to reduce the chances for resorting to mediation.

On the very important issue of security for Members, it was agreed that, in consultation with my office, the National Police Service will consider a phased-out withdrawal and replacement of security attached to Members of Parliament whenever there is need to undertake such an exercise. To safeguard the security of Members, the National Police Service should exercise good discretion when dealing with security matters affecting Members and arbitrary withdrawal of security should never be applied. The National Assembly will, through its

committees, invite the relevant security agencies to offer training and sensitisation awareness to Members of Parliament on matters security.

Hon. Members, the resolutions reached at the retreat will be contained in a report to be presented to the House at a later time.

I thank you. Next Order.

MOTION

THANKS FOR EXPOSITION OF PUBLIC POLICY

THAT, pursuant to the provisions of Standing Order No. 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President, delivered in Parliament on Thursday, 4th April 2019 and further notes the following Reports submitted by the President in fulfilment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the House on Tuesday, 23rd April 2019-

- (a) 6th Annual Report on the Progress Made in Fulfilment of the International Obligations of the Republic;
- (b) 6th Annual Report on the Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance; and,
- (c) Annual Report to Parliament on the State of National Security.

(Hon. Aden Duale on 24.4.2019)

(Debate concluded on 25.4.2019)

Hon. Speaker: Hon. Members, debate on this Motion was concluded on Thursday. What remained was for the Question to be put, which I hereby do.

(Question put and agreed to)

Hon. Members, before we go to the next Order, I have this Communication which I need to make. The next Order is the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018). I wish to first guide that, after consultations and because of some proposed amendments by some Members to the first Bill which is the Kenya Accreditation Service Bill (National Assembly Bill No. 17 of 2018), it has been resolved that, that Order or Bill be taken out of the Order Paper today so that their proposed amendments can be incorporated so that when the Bill is being considered in Committee, Members are in appreciation of what it is that other Members are proposing.

(Order No. 9(i) dropped from the Order Paper)

For that reason, the Communication relates only to the second Bill; the Statute Law (Miscellaneous Amendments) (No. 2) Bill.

COMMUNICATION FROM THE CHAIR**THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL**

From the outset, Hon. Members, I wish to remind the House that provisions relating to the following Acts were withdrawn by the Mover, the Leader of the Majority Party, as conveyed in my Communication of 7th March 2019:

- (i) The provisions proposing to amend the Co-operative Societies Act (Cap 490);
- (ii) The provisions proposing to amend the SACCO Societies Act (No. 14 of 2008; and,
- (iii) The provisions proposing to amend the Statistics Act (No. 4 of 2006).

Secondly, the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018) is also proposing to amend the Energy Act (No. 12 of 2006).

In view of the fact that the Energy Act 2006 was repealed early this year when Parliament enacted the Energy Act 2019, the provisions proposing to amend the Energy Act of 2006 as contained in the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018) stand invalidated and shall not be considered in the Committee of the whole House. This is because the principle referred to in the Bill no longer exists.

Thirdly, regarding the Urban Areas and Cities Act (No. 13 of 2011), the Clerk has since advised me that the provisions proposing to amend the said Act do not conflict with the recently enacted Urban Areas and Cities Act (No. 3 of 2019). The Committee of the whole House may, therefore, proceed to consider the said provisions as contained in the Bill and any other amendments proposed by Members.

Fourthly, regarding the Public Private Partnership Act (No. 15 of 2013), you will note that the Bill proposes to amend Sections 4, 5, 6, 14, 17, 27, 28, 30, 31, 33, 37, 45, 48, 52, 54, 57, 58, 61, 64, 65 and 71 in the Act. In this respect, the House is aware of a separate Bill namely the Public Private Partnership (Amendment) Bill 2017 which is at an advanced stage, having been passed by this House and forwarded to the Senate. What is now awaited is consideration of the Senate's amendments by this House. A perusal of the two Bills reveals that they are both proposing to amend Sections 31, 37, 45, 54 and 57. In this regard, and in keeping with Standing Order No. 133(6) which provides that no amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the Committee, the provisions to amend Sections 31, 37, 45, 54 and 57 as contained in the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018) shall not be considered in the Committee of the whole House. This includes any other amendments proposed by any Members to the said sections of the principal Act.

Lastly, I wish now to draw the attention of the House to the amendments proposed by the Member for Gatundu South, Hon. Moses Kuria, to the provisions relating to the Public Procurement and Asset Disposal Act 2015. For the benefit of the House, the objective of the amendments is to address his concern of pending bills and delayed payments to suppliers of goods and services to the public sector.

I have subjected the said amendments to the procedure relating to money Bills as required by Article 114 of the Constitution and our Standing Order No. 231. I am advised that the Budget and Appropriations Committee (BAC) has recommended that the House does proceed to consider the proposed amendments. In this regard, the amendments proposed by the Member for Gatundu South with respect to insertion of New Clauses 87A and 87B under Section 87 of the

Public Procurement and Asset Disposal Act 2015 may be considered by the Committee of the whole House.

Hon. Members, the House now stands accordingly guided. I thank you.

Hon. Members, I am informed that there are some pupils from some institutions who had come to the House. I think it is only fair that they be recognised. They are from Oldonyiro High School, Oldonyiro Primary School, Kipsing Primary School, Lenguruma Primary School and Lobarishereki Primary School. They are all from Isiolo North Constituency, Isiolo County. They are welcome to observe proceedings.

(Applause)

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Members! Hon. Members, we are in the Committee of the whole House to consider the Statute Law (Miscellaneous Amendments)(No.2) Bill, (National Assembly Bill No. 13 of 2018). We shall move fast. Where Members register interest to speak, I will give only two Members a chance so that we can make progress.

Hon. Members, hold on for one second.

Hon Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Patrick Mariru): What is your point of order, Leader of the Majority Party?

Hon Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we have a Supplementary Order Paper. The Committee of the whole House was supposed to start with the Kenya Accreditation Service Bill, unless the Speaker has rearranged the Orders.

(Hon. Member spoke off record)

You are not the Speaker. I want to hear from the Chair.

The Temporary Deputy Chairman (Hon. Patrick Mariru): The Leader of the Majority Party, indeed, the Orders were rearranged. So, we will proceed as follows: We will start with the Betting, Lotteries and Gaming Act, and then flow in that order.

There are amendments by the Chairperson of the Committee, Hon. Munyaka and Hon. Millie Odhiambo on this. We will start with the Chairman's amendment. Hon. Munyaka, you have the Floor.

THE BETTING, LOTTERIES AND GAMING ACT (CAP.131)

Provisions relating to the Betting, Lotteries and Gaming Act, Cap. 131, Section 2

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Betting and Lotteries and Gaming Act Cap. 131—

(a) in the proposed amendments to section 2 by deleting the proposed definition of “Minister” and substituting therefor the following amendment—

s.2 Insert the following new definition in its proper alphabetical sequence—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Betting, Gaming and Lotteries.

The Committee looked at the amendments and decided to delete all the proposed amendments because we are repealing the entire Betting, Lotteries and Gaming Act, Cap. 131.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Munyaka, we have to deal with each section. You cannot do a guillotine prosecution. We will deal with one section after the other. Never mind, I know the Committee has dealt with each of those sections. However, we will handle one after the other so that you prosecute each section. Let us have Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman, I am requesting - even though we are dealing with paperless parliament - that you give us, if it is okay, the electronic pages that you are referring from, so that we are able to follow. We are dealing with many pieces of legislation and some have been withdrawn. Therefore, to enable us to effectively follow, can we know the electronic page we are at?

The Temporary Deputy Chairman (Hon. Patrick Mariru): That is well taken. For us to follow and move slowly, we are dealing with Section 2 of the Betting, Lotteries and Gaming Act, Cap. 131. I shall tell you, in a minute, the page so that we move together. I am sure Members have today's Order Paper. Hon. Members, I hope you remember that the Order Paper is online now. It is important that you get it so that you can follow.

Hon. Makali Mulu, you are on intervention. What is it?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman.

(Hon. Cecily Mbarire spoke off record)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hold on, Hon. Cecily Mbarire. Let us first hear from Hon. Makali Mulu then we will come to you. Hon Makali Mulu, the Floor is yours.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. My request is this: I know Dr. Munyaka has moved his amendment. However, it will be fair if he gives the justification for the deletion so that we can follow the debate.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Very well. That is a fair point. Let us deal with specificity. Hon. Makali Mulu, your request is on point.

Yes, Hon. Cecily Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. We have a challenge. Our systems are not working. I cannot log in. I am not alone. We are several of us. Quite a number of Members cannot log in. I do not know why. The Clerk's Office can be asked to call the Information and Communication Technology (ICT) people here.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Very well. That is a critical issue, Hon. Cecily Mbarire. Members must be able to log in. That is a fair request. Please, give us a few minutes to sort that out so that Members can log in.

(The Temporary Deputy Chairman consulted the Clerks-at-the-Table)

Hon. Munyaka, before you speak – and I know you have a fundamental issue - Members must go online to access the Order Paper. That is being sorted now. So, freeze for a few minutes.

(Hon. Members were given two minutes to log out and log in again)

*[The Temporary Deputy Chairman
(Hon. Patrick Mariru) left the Chair]*

*(The Temporary Deputy Chairman
(Hon. Christopher Omulele) took the Chair]*

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order Members, for purposes of proceeding now, Members may key in using “ICT” as the username, and “1234” as the password.

Are we on the same page now? Can I allow a minute so that everyone acclimatises with that page?

Hon. Aden Duale (Garissa Township, JP): We are now good.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Makali, you found it? Hon. Victor Munyaka, you were on your feet have you found it?

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Yes.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Munyaka, you can proceed, you were on your feet moving the proposed amendment to Section 2 of the Betting, Lotteries and Gaming Act.

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): The import of the amendment is just to change the definition of the Cabinet Secretary in the new order, to replace the word “Minister”. I therefore propose that the amendment be carried as per the Order Paper.

(Question of the amendment proposed)

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

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

be inserted, put and agreed to)

(Section 2 as amended agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, you had an amendment on this. The import of the amendment by the Chair being carried is that your falls.

Hon. (Ms.) Odhiambo – Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman. Since mine was a proposed amendment to the Schedule, if his is also a proposed amendment to the Schedule, I have no problem because it is the same thing.

(Proposed amendment by Hon. (Ms.) Odhiambo - Mabona dropped)

Provisions relating to the Betting, Lotteries and Gaming Act, Cap. 131, Section 3 (2A)

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Betting, Lotteries and Gaming Act Cap. 131—

(b) by deleting the proposed amendment to Section 3(2A);

The Committee deliberated on the Betting, Lotteries and Gaming Act Cap. 131 and saw all the amendments which were proposed to be inconsistent. The Act required full repeal because it was piecemeal and it was going to create inconsistencies. The Committee is repealing the whole Act and I can confirm today that the exercise was undertaken by the Budget and Appropriations Committee and it is ready for publishing.

The Temporary Deputy Chairman (Hon. Christopher Omulele): What is out of order, the Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chair, this Bill is mine. If you look at Section 3(2A), it says: “insert the words “for one further term at the end thereof”. You cannot tell us of a Bill that will come from the Committee; we are dealing with this particular Bill. The Chair must give us very good reasons why he is deleting Section 3(2A).

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): As I had indicated, we looked at the proposed amendments and we also looked at the existing Act. That particular Act is archaic because it is an Act of 1966 and we needed to repeal it. If we amend one particular section, we will have left a lot of inconsistencies in the remaining clauses.

So, we decided to delete most of the proposed amendments so that we may not leave inconsistencies and ambiguities in the remaining Act. That is one of the reasons because it is going to be addressed in the repealed Act.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well, Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Chairman. This debate is live on television and the public is watching us. With much respect to the Chair of the Departmental Committee on Sports, Culture and Tourism, I think he needs to help us and the public who are watching by giving a bit of a background on whatever amendments he is making so that the public and Members who may not have had the advantage

of looking at this Bill come along with him. Just claiming that this one was an old and archaic Bill does not help. We are not amending all archaic Bills here as long as they are still useful to this country.

Therefore, if the Chair does not have enough information now, he can request his colleagues who are in the same Committee to help him give us background information on why they are deleting this clause.

I thank you, Hon. Temporary Deputy Chairman.

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

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamalwa, what is out of order?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Chairman. With due respect to my friend Hon. (Dr.) Munyaka, we know that it is at the Committee of the whole House where we look at the Bill in details including grammar. What Hon. Duale said is procedural.

In this Bill, you are amending by deleting Section 3(2A). First, you must specify what it is you are deleting. You are talking of inconsistencies. So you must show specifically how it is inconsistent with the current law. That logical flow is not there. We cannot generalise and that is why we are going clause by clause. This is my humble recourse, Hon. Munyaka, who is doing his third term and knows the procedure very well. He needs to tell us specifics of that Section 3(2A) and tell us we are deleting it because of inconsistency. You must demonstrate the import. That aspect is lacking.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well, Hon. Wamalwa and the Leader of the Majority Party you are right. Hon. Victor Munyaka, this is the property of the House and you must give them reason why you want to delete. I will give you another go at it.

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Hon. Chair, I seek your indulgence because I was not aware of this Supplementary Order Paper. I remember we tabled a report on all these proposed amendments eight months ago. Right now I cannot remember them off head. I can seek your indulgence to access the report so that I know the basis of our deletion. Members particularly are aware that we have been ambushed by this Supplementary Order Paper. I was not aware of it.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chair, you are putting me in an awkward position because the matter is live before the House.

Just hold on Hon. Member No. 001. It is good to advise the Chair properly.

We shall proceed but the only recourse you may have is to re-commit so that you may have another bite at it in the procedure of re-committal. However, at the moment we shall have to proceed as it is because the House must decide one way or the other. It is a matter that is live before the House. Even the re-committal itself will have to be subject to the House agreeing with it. So, you are caught between the devil and the deep blue sea. We will have to proceed.

Hon. Makali, what is biting you?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. We need your guidance on this matter. Listening to Hon. (Dr.) Munyaka, he is saying that as a Committee they had put forward a comprehensive review of this Act of 1966. The Leader of the Majority Party is amending the same Act. So, according to Hon. Munyaka, it will not make sense to move on with these mysterious amendments because it is being

comprehensive and so you need to guide us. Do we move with the comprehensive review or we just do piecemeal?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Makali, you are opening up a debate that is not available now. The House cannot anticipate what the Committee is going to do. The House is at the moment seized of the matter and is live to the present Statute Law (Miscellaneous Amendments) Bill which is before it and it must deal with it one way or the other. So, we shall proceed.

(Question of the amendment proposed)

I see interest from Hon. Cecil Mbarire.

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

(Section 3(2A) agreed to)

What is out of order, Hon. Washiali?

Hon. Benjamin Washiali (Mumias East, JP): Hon. Temporary Deputy Chairman, I think you must have heard what the Chairman said. They made a report almost eight months ago and as we debate these amendments, he may not be in the picture of what formed the basis of these amendments. Given that there are other deletions after this one, you need to guide us on how we need to proceed because there will be no point of asking the Chair to move amendments or deletions that he may not be remember. So, I was going to propose that in consultation with the Chair, if he can accept the entire amendment up to "S" so that we can...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Members. Hon. Washiali, what you are proposing and saying is similar to what Hon. Makali had said and what the Chair had proposed. I had given advice that this is a matter that is live before the House. We cannot anticipate what the Committee will be proposing to do with this Act later on. So, if the Chair of the Committee can agree with Hon. Duale, who is the owner of this particular Bill that is before the House, it is better for the House. We shall abide by the agreement. However, if the owner of the Bill, Hon. Duale, is of the opinion that he wants to proceed with his Bill, he is free to do it. It is Hon. Duale who shall determine what he wants to do with his Bill.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. T.J. what is out of order?

Hon. T. J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Chairman. Let me ask through you if we have the Departmental Committee on Sports, Culture and Tourism on these amendments. If we do, it will show exactly what the Committee agreed instead of relying on what the Chairman is saying. We should have a Report before us so that we can read through it and know exactly where the Committee is coming from because this will help.

The other way would be to go through the painful selection of each of these amendments where all these issues will be raised but this will take a long time. If we are seized of that Report,

then we do not have to bother the Chair because we will see for ourselves exactly where the Committee is coming in.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Kajwang' I am advised that the Report was laid on the Table of the House sometimes back. So, the House is seized of that Report. But, let us hear the Chair of the Departmental Committee on Sports, Culture and Tourism. Hon. Victor before you speak, I want to advise... Hon. Wamalwa, when I am giving advice I cannot be out of order. You will have to wait.

I am just advising the other Chairs that you can see the difficulty we are having with this. So, they should prepare themselves adequately so that when we gain momentum we move without stopping. Hon. Victor!

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Thank you, Hon. Temporary Deputy Chairman. Hon. Members, you will understand that from the beginning there was confusion with the Order Paper because we did not have knowledge about the Supplementary Order Paper. The Report on these amendments was tabled around eight months ago and I cannot remember each section off head without the Report. But, the Committee is in the terminal stages of coming up with the repealed Bill. I do not mind dropping all these amendments so that we can make progress. The Bill, which is coming before this House will take precedence. So, I move to drop all the amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): We will give the first opportunity on the proposal to drop all the amendments to the Leader of the Majority Party who is the owner of the Bill in contention now.

Hon. (Dr.) James Nyikal (Seme, ODM): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Leader of the Majority Party just hold on. Hon. Nyikal what is out of order?

Hon. (Dr.) James Nyikal (Seme, ODM): On a point of order, Hon. Temporary Deputy Chairman. I see something which will be with us the whole afternoon. In as much as we may say somebody did not do the right thing, the fact is we are making a law. The Chair has said he went through this a long time ago and cannot remember.

I can tell you this is combined with the fact that we are getting into a new medium of operation with the machines. I saw it coming because many people are not aware of the miscellaneous amendments in the Order Paper. We will pass them yet, the Chair is saying he does not remember. In my mind, it may be important to look through these miscellaneous amendments. We will waste time, if we do not do so this afternoon. But, we need to get a proper law which the Committee, the Chair and everybody understands. This is much more important than the laws of a single day. This is because I am seeing this coming from all other Committees which will follow.

In my mind, we should say in a situation where a Chair feels he is not conversant, cannot remember or has not reviewed the amendments because they came a long time ago, we should find a procedure of by-passing and looking at them later because it is the basic principle and problem.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Nyikal, what you are saying is similar to what most Members are saying. I will give the opportunity to the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, you know we will look very bad in the eyes of the public by saying we are not prepared. We are

doing the Committee of the whole House and a Chair or any Member who has an amendment must convince us because it is the procedure. You must convince all the Members here to either agree with you or reject an amendment.

What usually happens with Chairs and I is we should carry a matrix. I have told Hon. Munyaka this is not about the Report, his legal officer must prepare a matrix for justification of the amendments. You know if your son goes to school and fails then tells you I did not read, that is not an excuse. I think what the Chair is saying, is that he has a Bill which I even traced and is at the Government Printer. If he cannot explain then he should withdraw and bring amendments in his major Bill so that we can move forward.

You know, Hon. Nyikal is making a generalisation that Chairs are not prepared. If you are not prepared yet you have the Supplementary Order Paper, the rest of us with amendments must convince Members. So, because the Chair of the Departmental Committee on Sports, Culture and Tourism is not prepared, we cannot judge all the other Members who are seated here. In the Fisheries Act, I want to introduce oceans and I have my reasons. So, I will convince the House and if it agrees with me, then that amendment will not be dropped. So, we need to move because we have business.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Jude Njomo

Hon. Jude Njomo (Kiambu, JP): Thank you, Hon. Temporary Deputy Chairman. This is a very important Bill on Betting and Gaming. If you look at what is going on in the country, betting has become very serious. People have become addicted to gaming and betting. We should not take this lightly. I support what the Chair of the Committee has said, that this Bill should be looked into a fresh.

It should be addressed as a whole so that we can ensure we capture all the areas. It does not sound well when he says he cannot remember anything. He needs to remember because he is the Chairman. But, as a Parliament, we must also decide on some very important aspects of gaming that are happening in our country. Companies are coming from out there and getting money from the public which they do not spend here but take it out of the country. We need to regulate this industry so that it benefits our country, people and investors.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Hon. T. J.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairman, just put your head to this if you do not mind. It can be very dangerous, if we allowed Chairmen to withdraw amendments in this House. This is not a Private Member's amendment. If it were, then it could be withdrawn by the person holding it.

*(The Temporary Deputy Chairman (Hon. Christopher Omulele)
consulted with the Clerks-at-the-Table)*

Hon. Chairman, I am making a point here. There has been precedent in the House which has been followed that whereas an ordinary Member may have the right to withdraw his amendments, a Chair is in a different position. This is because the legislative proposal has gone through public participation and Members of the Committee have taken part in it. So, this will be very dangerous in my view.

(Hon. Kimani Ichung'wah spoke off record)

No, I am still on my feet. So, it will be very dangerous to suggest that the Chair cannot prosecute this. So, we just have to pronounce ourselves and make a decision as the House and vote, but to allow a Chair to withdraw would be terrible particularly with what Hon. Jomo has just said. If we were to be seen that we withdrew important things before the Assembly, it would be terrible. We just have to express ourselves by voting one way or the other.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. T.J., if you remember, I had expressed myself exactly in those terms. Nominally, the Bill belongs to the Chair but it belongs to the House. This is a public interest Bill. It is not his personal Bill. Hon. Wamalwa, what is out of order. What is eating you?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Temporary Deputy Chairman, this Floor has veto powers. I agree with my colleagues who have said we should allow this to be withdrawn. Hon. (Dr.) Munyaka has been very sincere and honest. This Report was tabled a long time ago and he is a human being. He has forgotten. My suggestion is: Can we move to other clauses where other Members are prepared and then we will come back? Maybe at that time, Hon. Munyaka would have gone quickly to look at the report and then he will be in a better position so that we move. It is important for anyone bringing amendments to explain so that Members can make a decision from an informed perspective. However, for me, Hon. (Dr.) Munyaka has been sincere and honest. So, let us move to other colleagues who are ready with their amendments and then we will revisit this later.

Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is nothing absolutely out of order now. Hon. Wamalwa, what you have spoken to is correct. Hon. Munyaka is also right because the report on these amendments was tabled before this House on 3rd July 2018. So he is right. I will now give this opportunity to Hon. Ichung'wah so that we can hear his point of order.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, as you are saying, there is really nothing out of order. I just want to support what Hon. Nyikal was saying. It is not just Hon. Munyaka as Chair of the Departmental Committee on Sports, Culture and Tourism. You will see there are also very many amendments that relate to other committees, specifically the Departmental Committee on Health where Hon. (Prof.) Nyikal sits and the Chair is not even here. I have just take a glimpse of the House this afternoon and looked at the Order Paper and the number of amendments that are there in this Bill and the sponsors of those amendments are not in the House. Maybe it is because of the issues that Hon. Munyaka has spoken about. I was really asking if the owner of this Bill, who is the Leader of the Majority Party, would consider withdrawing it at this particular time and give Members, including Chairs of committees, adequate time so that even those Members who are not here... For instance, I have seen there are very many amendments that relate to the Public Procurement Act and the sponsors of those amendments are contractors themselves. I would really have been interested to hear the justification of why people who are contractors are bringing amendments relating to the Public Procurement Act. We will lose that opportunity should we not have those Members here.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ichung'wah, you were doing very well until you jumped the gun. Let us have Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Sankok, there is a point of order by the Leader of the Majority Party. Hon. Sankok, hold your horses. Let us hear this point of order.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, before I do what I am supposed to do, let me first go on record. I said we look very bad. You cannot give an excuse to a Chair and a Vice-Chair of a committee who have amendments on the Order Paper and they are not here. Hon. T.J. Kajwang' is a Member of Parliament. He is here. So, those who are giving excuse to Chairs and Vice-Chairs, you do not control the calendar of the House. The calendar of the House and the business is from the House Business Committee (HBC). I will do this for the last time.

Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018) up to Clause 3(2A) of the provisions relating to the Betting, Lotteries and Gaming Act Cap. 131 and its approval thereof with amendments and seek leave to sit again.

This is the last time.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members! Hon. Sankok, there is nothing out of order. The Leader of the Majority Party was on a point of order. So, there is no way you can interrupt him when he is on a point order. You were on the Floor but he was on a point of order. The rules are clear. When he is on a point of order, he finishes what he is saying. Hon. Sankok, you may have to refresh your mind on the Standing Orders. Hon. Members, allow me then to put the Question.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

Hon. Deputy Speaker: Order, Hon. Members! Let us have the Chairperson. Order, Hon. Ichung'wah! Order, Hon. Members! Please allow the Chairperson to proceed.

Hon. Christopher Omulele (Luanda, ODM): Hon. Deputy Speaker, I beg to report that that the Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018) up to Clause 3(2A) of the provisions relating to the Betting, Lotteries and Gaming Act Cap. 131 and approved the same with amendments and seek leave to sit again.

Hon. Deputy Speaker: Let us have the Mover to move agreement with the report.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Cecily Mbarire to second the motion for agreement with the report of the Committee of the whole House.

(Question proposed)

Hon. Deputy Speaker: What is it, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, as much as we agree with our Leader of the Majority Party, next time if the Chairpersons are not prepared, all of us should not be punished because of people who give excuses. Excuses are justification of failures. The whole House cannot fail simply because you did not read the Report and some of us came here prepared to tackle the Bill. So, next time let them be prepared.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I do not consider that it is a punishment on your part but in any case, in the absence of punishing the whole House as you want to put it, who do you propose we punish and how? I am willing to listen to you, Hon. Sankok. I am trying to see. You end up getting punished but sometimes they are things which are beyond anybody's control. Let me here the leader and then I see the lady from Suba North.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, you have seen my very good friend, the Chair of the Departmental Committee on Health, majestically walking in one hour after business has started and she has amendments. I do not see the Chair of the Departmental Committee on Agriculture and Livestock and many other Chairs. Luckily enough, you are the Chair of the Liaison Committee. That should be a top agenda of our next meeting. The business of this House is set by the House Business Committee. It is on the Order Paper 24 hours before the House sits.

Whether you tabled a report one year or five years ago, when we come to the Committee of the whole House, anybody who has an amendment including myself, must come and explain. All these Members want to contribute to the Statue Law (Miscellaneous Amendments) Bill. Does it mean that just because the Chairs of the Budget and Appropriations Committee or the Departmental Committee on Finance and National Planning are not around, we cannot transact business? Each time I am not around as the Leader of the Majority Party, how will Parliament transact its business? There are Bills that I have to move for Second Reading. I want you to give a warning. There are some Chairs who are around such as Hon. Limo, Hon. Ichung'wah, I and the Chair of the Departmental Committee on Education and Research. Hon. Sabina is a very active Member but I do not where her Vice-Chair, the Indian man, Hon. Mishra, is. Hon. Mishra is nowhere to be seen. I have said Hon. Mishra, the Indian. You can describe him. There are people who do not know who Mishra is.

Hon. Deputy Speaker: When you talk about the Indian, you make him an Indian yet this is a Member of Kesses Constituency, a Kenyan by naturalisation.

Hon. Aden Duale (Garissa Township, JP): The Hon. Indian Mishra who has been nicknamed Hon. Kiprop by the Kalenjin community. I come from the Luhya community. The Chair of the National Cohesion and Equal Opportunity Committee is here. There are many Members who are here. Let us not play around with the time of the National Assembly. Our time is very critical. I have indulged you and withdrawn the Bill. I have asked for deferment of the Bill. We will bring this matter first thing on Thursday.

Hon. Deputy Speaker: Hon. Kuria. First, let us have the Hon. Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker.

I want to raise a slightly different issue. The confusion that we are seeing in the House today is testimony of an issue we have raised that is of concern. The number of Bills that have

been brought in this Statute Law (Miscellaneous Amendments) Bill are very many. I have gone through almost all the Bills except the one that should be of the greatest concern - the Fisheries Management Act. We are not doing justice as Members of Parliament. There are Members who are in the Departmental Committee on Agriculture and Livestock who will focus on agriculture and they are confused over one Bill, what about those of us who are focusing on all the Bills?

The House leadership must also direct the Executive and force it to follow the law. Some of my proposed amendments are touching on the fact that these laws are unlawful. I do not even go to the substance because they are touching on substantive issues that should not be dealt with by the Statute Law (Miscellaneous Amendments). I am amazed when I hear Hon. Sankok say that people should be punished. Some of us are already punished because I sat and spent days coming up with amendments to these Bills and suddenly they have all being withdrawn. They are being withdrawn in such a haphazard manner that you do not know which one we are operating with or...

Hon. Deputy Speaker: I do not know whether that particular statement is factual.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): It is, Hon. Deputy Speaker.

Hon. Deputy Speaker: When you say the Bill is being withdrawn, that is not the position. When you withdraw, it means you are removing it completely. This is a situation where it has been deferred to Thursday.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Deputy Speaker, can I clarify? I am not speaking to what the Leader of the Majority Party has said now. I am speaking to what the substantive Speaker did earlier. Several of the Bills have been withdrawn. The amendments I brought to the House were over 40 pages. After I have done all that work, there will come a point where I will sue Parliament to pay me for my time which I could use to serve the people of Suba North. You cannot make us do so much work.

Hon. Deputy Speaker: You probably will not succeed in suing Parliament.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Even if I do not succeed but from a public...

Hon. Deputy Speaker: Parliament is paying you for that time that you are using courtesy of your constituency. You have raised very valid issues. Allow us to look at them. Let us leave these other issues. I hear you on that particular one.

Since there are many Members who really want to speak to this, let me give an opportunity to only three of them. Let us start with Hon. Kuria then I will come to my left to see who is interested and that will be it.

Hon. Moses Kuria (Gatundu South, JP): Thank you, Hon. Deputy Speaker. I echo and support the Leader of the Majority Party in matters of us being serious with the business before the House. It is true that some of the Members or Chairs of Committees may not have been ready. Let us look at it from the point of view of Members, as Hon. Millie has said, who have had to work extra hard to come up with their amendments.

If you look at my situation, for this Bill to be postponed and given my busy schedule out there as a presidential candidate, you will agree with me that were it not for my love for this country...Most of my competitors are outside this House.

Hon. Deputy Speaker: I do not want you to use the Floor of the House to engage in campaigns.

Hon. Moses Kuria (Gatundu South, JP): In this respect, Hon. Deputy Speaker, I agree with the Leader of the Majority Party. I also request that when this matter comes up on

Thursday, we execute this business no matter the limitations of time until we are done with the business of that day. Hon. Millie Odhiambo takes matters of withdrawal very seriously.

Hon. Deputy Speaker: That is enough. I agree with you totally. When I see Hon. Kuria in the House, it is not normal. He hardly finds time to sit in the House. Let me see. What is the point of order, Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, up to the last record of the Jubilee Party, the Member for Gatundu South is a member of our party. We have no record of him contesting against other candidates. Hon. Moses is using this Floor to preach falsehoods. He should resign from the Jubilee Party and run on that party. Up to now, he only has a Certificate of Notification because he has to collect 24,000 signatures from 24 counties which is not an easy job. There are a number of us here who might join his party if he convinces us. I am on a point of order. We are not in City Hall or counties. As of now, Hon. Moses Kuria is the MP for Gatundu South. One of his respected constituents is His Excellency the President. There is no presidential candidate in this House.

Hon. Deputy Speaker: That is not convincing. Let me go to Hon. Simba Arati. He is a party leader of some sort.

Proceed. You have the microphone.

Hon. Simba Arati (Dagoretti North, ODM): Hon. Deputy Speaker, I do not know if it is in order for you to allow the Leader of the Majority Party to entertain us with issues of a confused team in terms of the presidency. It does not matter. When Hon. Moses Kuria stands and tells us his competitors, I wonder which country he wants to compete in. Is it Kenya, Uganda or another country? Let us be realistic with what we are serious about.

(Laughter)

Hon. Deputy Speaker: You are out of order, Hon. Arati. As I come on this side, are you also on points of order? Let me give the opportunity to Hon. Lessonet and then I come this way, please.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute. This, definitely, is a House of records. I have also heard what our colleague here, Hon. Moses Kuria, has alluded to. He is a presidential candidate. The Independent Electoral and Boundaries Commission (IEBC) has not announced any elections. We are not aware that the current President Uhuru Kenyatta, has vacated or is about to vacate office, so that Hon. Moses Kuria can contest in an election. Hon. Moses Kuria needs to stop alluding to a presidential election that all of us are not aware of.

Hon. Deputy Speaker: Hon. Lessonet, there will an election in 2022. He does not need to allude to it. It is a constitutional issue. If Hon. Kuria wants to vie, he can do it. The only thing that I discourage him from doing is using the Floor of the House to campaign.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Deputy Speaker...

Hon. Deputy Speaker: Order, Hon. Lessonet. You cannot speak when I am speaking. The only thing that Hon. Kuria is doing wrongly is using the Floor of the House to advance his political ambitions. In as far as him alluding to there being an election sometimes later, it is a fact. We will have an election in 2022. If he wants to vie for a gubernatorial position, presidential position or anything else, it is his constitutional right. So, let us not belabour that point. Let me give the opportunity to Hon. T.J. Kajwang', so that I can hear what he wants to say. He wants to contribute.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I want to get away from that supposed presidential candidate debate. I want to go back to where we were. We were on debate on adoption of the Report for deferment of the Statute Law (Miscellaneous Amendments) Bill. I want to agree with the Leader of the Majority Party on this that we need to take up our roles very seriously.

Hon. Deputy Speaker: You are very interesting lately, Hon. Kajwang'. You agree with the Leader of the Majority on virtually everything, which is a good thing for the House.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I am in Government and I am advancing its interest.

(Laughter)

Were it not for the fact that legislation on betting, lotteries and gaming is a very important issue amongst the community, I probably would have gone the way of the Leader of the Majority Party that we must continue in spite of all these issues the chairmen of committees are bringing to us. We take time to research. Those reports are huge. We need them and we are not in those committees. We came here prepared to work on the legislation and then a Chairman, for some reason, says that the proposed legislation was done eight months ago and he does not even have a report. He must have it.

Hon. Deputy Speaker: That makes a lot of sense, Hon. T.J. Kajwang'.

Hon. T.J. Kajwang' (Ruaraka, ODM): Because we are speaking to you, as the Chair of the Liaison Committee, we expect you to rein in these Chairmen, including their Vice-Chairmen.

Hon. Deputy Speaker: The Leader of Liaison Committee is absent in this particular discussion. The one who is seated here is the Deputy Speaker now. I have also quite a number of ways of approaching the Liaison Committee, whose Chair will obviously take quite some concern for some of these issues they are talking about. Hon. Kajwang', when you say you are in Government, I am sure you are there in as far as the legislature is one arm of the Government among the others. In terms of the records that I possess here, you are in the Minority Party. You are in Government and I agree with you totally.

Hon. T.J. Kajwang' (Ruaraka, ODM): I am also glad. Hon. Deputy Speaker, I do not intend to move away from the Government. I intend to sit in it with my both bottoms.

(Laughter)

Let us not lose sight of these Chairmen. Otherwise, we will be wasting legislative time. It is frustrating to many of us who come to the Chamber prepared to transact business.

Hon. Deputy Speaker: That is noted. We will have Hon. (Dr.) Wamalwa. Let us not take too much time. I will give an opportunity to two more Members only and that will be it. They have to be brief.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. The issue that has just happened is very unfortunate. Many a time, Members of Parliament that you see at the Committee of the whole House are very serious legislators who have gone through the Bill. You know very well that we must scrutinise every clause at this stage. The Chairs of Committees are supposed to prepare. Hon. Munyaka was very sincere and honest. The issue here is the House Business Committee (HBC). It is also the responsibility of the HBC...

Hon. Deputy Speaker: You can see that Members are walking out. So, you will have to cut short your contribution because I have to put the Question.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Give me two seconds.

Hon. Deputy Speaker: No. You have already taken too much time.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): The HBC should inform a Member that his business would be on the Order Paper the following day, so that the Member prepares accordingly. The Clerks-at-the-Table should do that.

Hon. Deputy Speaker: Order, Hon. Wamalwa. The numbers are about to diminish. Hon. Members, we can only put the Question when we still have the numbers, which we do.

(Question put and agreed to)

Before we go to the next Order, Hon. Members, I wish to recognise a delegation of staff from the Parliament of Uganda who are seated in the Speaker's Gallery. The delegation is welcome to observe the proceedings of the National Assembly.

Next Order.

MOTION

REPORTS OF THE KENYA DELEGATION TO SESSIONS OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY

THAT, this House notes the Reports of the Kenya Delegation to the sessions of the African Caribbean and Pacific Parliamentary Assembly and the African Caribbean, Pacific and European Union (ACP-EU) Joint Parliamentary Assembly, laid on the Table of the House on Wednesday, 27th February 2019 as follows:

(i) Report of the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, from 13th to 20th June 2018;

(ii) Report of the 51st Session of the ACP Parliamentary Assembly and the intercessional meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, from 9th to 11th October 2018; and,

(iii) Report of the 52nd Session of the ACP Parliamentary Assembly and the 36th Session of the ACP-EU Joint Parliamentary Assembly held in Cotonou, Benin from 25th November 2018 to 5th December 2018.

(Hon. Ali Rasso on 23.4.2019)

(Resumption of Debate interrupted on 23.4.2019)

Hon. Deputy Speaker: I am aware the Motion was moved by Hon. Rasso and seconded. The Question was also proposed. What remains is for us to proceed with the debate. I will give the first opportunity to Hon. Njomo. Do you want to contribute to this Motion or the previous one?

Hon. Jude Njomo (Kiambu, JP): Hon. Deputy Speaker, I wanted to contribute to the previous one.

Hon. Deputy Speaker: Let us not go to the previous one.

Hon. Jude Njomo (Kiambu, JP): I will not go to it.

Hon. Deputy Speaker: Do you want to contribute to this Motion?

Hon. Jude Njomo (Kiambu, JP): I am not prepared.

Hon. Deputy Speaker: Then it is okay. You are a Member of the Pan-African Parliament (PAP). The Members who want to contribute to this Motion should place their interventions, please. If I see none, I will put the Question. I see none of the Members wants to contribute. I will ask the Mover to reply. Proceed and reply. Is there any Member who wanted to speak? Hon. Sankok, do you want to contribute to this Motion?

Hon. David ole Sankok (Nominated, JP): Yes.

Hon. Deputy Speaker: You are overtaken by events. Proceed and move reporting, Hon. Rasso. Order, Hon. Sankok. Sorry, do not move reporting, but reply, please.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Deputy Speaker. I beg to reply to the three reports which cover the ACP-EU Kenyan delegation to the three different conferences.

I want to draw the House's attention to three very important areas. The first one is the Economic Partnership Agreement Post-Cotonou (EPAC) 2020. The second issue is wildlife trafficking and thirdly, cybercrime. The fourth area is on women's and children's forum.

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

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

The first thing that I would like to highlight to the House is on EPAC. In East Africa, it is only Kenya and Rwanda who have signed EPAC while the other three regional countries have not done so. That is an issue of concern because it is likely to make us bargain at a slightly much lower level because when you are negotiating with two countries, it is the opposite or there is not much gravitas as when you are negotiating with five countries from the region.

The other thing is on the Post-Cotonou 2020. The Cotonou Agreement that was signed in 1975 will come to an end on 20th February 2020. It is a major area of concern because it is about political, social and economic negotiations that have been going on. For that reason, Kenya is within the central negotiating team for the East African Region. As a delegation, we are concerned and seized of the matter on what happens on Post-Cotonou 2020.

The third area is wildlife trafficking and trafficking of endangered species. As a country, we are spending much and putting a lot of effort in protecting our wildlife and its habitat. There are other 'smarter' countries trying to destroy what we have preserved all these years. For that reason, for us to protect our wildlife heritage, we need to make it an international agenda so that our wildlife and its habitat are protected.

On the Women's Forum, one of the major concerns throughout the world today is the role of women in governance, family affairs, economic and social contribution to the wellbeing of societies. In the African, Caribbean, Pacific and European Union (ACP-EU), the Women Forum is given gravitas so that the women agenda can be propagated at the international, regional, national and sub-national levels. One of the issues is the right of the girl-child, education, female

genital mutilation and early marriages. These are among the major concerns particularly in the developing countries.

The final issue is on weather and climate change. Climate change is a major concern that the ACP-EU is seized of. In recent time, we saw a cyclone that affected Mozambique, the coast of Tanzania and the Comoros Islands. Climatic changes that have been brought about by humans disturbing or interfering with our environment and this is a cause for concern. It is considered that if the effect of climatic change goes on unchecked, islands in the Pacific and the Atlantic are likely to disappear under the sea. The effect of failed rains or delayed rains in Kenya can be attributed to climatic changes.

With those few remarks, I beg to reply and seek deferment of putting of the Question under Standing Order No.53. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): After replying, and guided by the procedures of the House, I am not in a position to put the Question to the Reports of the Kenyan Delegations to Sessions of the ACP-EU Joint Parliamentary Assembly. I, therefore, order that putting of the Question will be done when it will be slotted on the Order Paper.

(Putting of the Question deferred)

Hon. Members, before we go to the next Order, allow me to give the Floor to Hon. Kamanda to lay a Paper.

PAPER LAID

Hon. Maina Kamanda (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. This document has just arrived and it is very urgent. Hon. Mr. Speaker...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Kamanda, be guided. I am not Mr. Speaker.

Hon. Maina Kamanda (Nominated, JP): I am sorry, Madam Temporary Deputy Speaker.

I beg to lay the following Paper on the Table of the House:

Report on Select Committee on National Cohesion and Equal Opportunity on Consideration of National Cohesion and Integration (Amendment) Bill, National Assembly Bill No.12 of 2019.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Next Order.

BILL

Second Reading

THE OFFICE OF THE COUNTY ATTORNEY BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party or his representative, Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Temporary Deputy Speaker, the Leader of the Majority Party, who is supposed to be moving this Bill, is attending a mediation session, which is equally very important and has timelines. As one of the Members of the leadership of the House, I must admit that when debate on Order No.9 could not proceed, it took us off the course as a House because it had the miscellaneous Bills which would have taken us most of the afternoon.

Therefore, even the Leader of the Majority Party, who was meant to move this Order No.11, would not have been prepared. Definitely, if we were to debate adequately Order No.9, then there was no way we could have reached this.

Therefore, as you are aware, Order No. 9 has a lot to do with the Departmental Committee on Justice and Legal Affairs. As you can see, even the Chair is not around. Therefore, I would just request that we step down this Order to another sitting day.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Washiali, being the leader...

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me hear Hon. Kajwang'.

Hon. T.J. Kajwang' (Ruaraka, ODM): We have just dealt with an emotional subject in which the Leader of the Majority Party was, so-to-speak, struggling with his Chairpersons. As he said, they were not prepared. There is somebody called the Deputy Leader of Majority Party. How is it that business cannot be transacted in this House if Hon. Duale is not in the House? It is not possible. The Majority side of this House is telling us that business can only be transacted in this House if Duale is present here. Can you rule them to be out of order?

I know the Leader of the Majority Party is in a mediation meeting and I am also going for a mediation meeting right now. We all know our roles. We cannot have a situation in which this Parliament runs just because of one person. It cannot happen.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kajwang', the leadership has requested that we stand down Order No.11. He explained that they did anticipate to have dealt with the Committee of the whole House which ideally is supposed to have taken longer than now. Hon. Members, I rule that the Office of the County Attorney Bill (Senate Bill No.3 of 2018) be stood down.

(Bill deferred)

Next Order!

MOTION

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR 2015/2016

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Deputy Speaker, we had not anticipated that we shall get to this, but since the Public Accounts Committee (PAC) is ever ready, we are going to move the Motion.

Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2015/2016, laid on the Table of House on Tuesday, 23rd April 2019.

This is one such moment that I was looking forward to. In a span of not more than four months, the PAC, which I am privileged to chair, is submitting to this House a Report on the Examination of the Report of the Auditor-General on financial statements of the national Government. You will recall that in November 2018, the PAC tabled a Report on the financial statements for the Financial Year 2014/2015, which was eventually adopted by the House with minor amendments. Therefore, this Report, coming just about four months after that other Report, is a demonstration of the fact that PAC, that I chair, is more than equal to the task that has been placed before it.

It is important to point out that PAC does not just act in vain. You will no doubt note that the equitable share of the national revenue between the two levels of Government is dependent upon the latest audited financial statements of the national Government adopted by this House. Therefore, the tabling of this Report, and hopefully its eventual adoption by the House, is going to make another milestone in the short history of the PAC of the 12th Parliament.

True to our tradition as PAC, we have diligently examined the Report of the Auditor-General with regard to various ministries, departments and agencies (MDAs), constitutional commissions and independent offices for the Financial Year 2015/2016. We have accordingly come up with various findings and observations in respect of each of those agencies.

QUORUM

Hon. (Ms.) Peris Tobiko (Kajiado East, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Tobiko Peris, what is out of order?

Hon. (Ms.) Peris Tobiko (Kajiado East, JP): Thank you, Hon. Temporary Deputy Speaker. I was just referring to the issue of quorum. We do not have the necessary quorum to go on with this business.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Deputy Speaker, I can confirm that...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson of PAC, this is a House of procedure. The Member for Kajiado County rose on a matter of quorum during the proceedings of the House. That is under Standing Order No.35. I order that the Quorum Bell be rung for 10 minutes.

(Quorum Bell was rung)

(Hon. Wafula Wamunyinyi walked along the aisle)

Order, Hon. Wamunyinyi. As a matter of procedure, Members are not allowed to leave the Chamber when the Quorum Bell is ringing. It is only the official Whip who is supposed or allowed by procedure to walk out of the Chamber. We must appreciate the service of Hon.

Wamunyinyi. He has served for some time and he is one of the senior Members of Parliament who are aware of the procedures. He is doing the work of the Whip.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order Members! After 10 minutes of the Quorum Bell ringing, I order that it stops ringing.

Hon. Members, we are not in a position to transact the remainder of the business on the Order Paper. The House is not constitutionally constituted.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 4.52 p.m., this House stands adjourned until Thursday, 2nd May 2019, at 2.30 p.m. It is so ordered.

The House rose at 4.52 p.m.