

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 8th October 2020

The House met at 10.00 a.m.

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

PRAYERS

Hon. Deputy Speaker: Hon. Members, I can confirm we have the required quorum both in the Chamber and holding Chamber. So, we will begin business.

PAPERS LAID

Under this particular Order we have the Chairperson, Departmental Committee on Transport, Public Works and Housing. Is the Chairperson in? Okay, then we will go to the next Order.

ORDINARY QUESTIONS

On this particular Order, we will start with Ordinary Questions. To start us off is the Member for Nakuru Town East, Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, JP): Hon. Deputy Speaker, I am looking for the Question.

Hon. Deputy Speaker: Where are you looking for it?

Hon. David Gikaria (Nakuru Town East, JP): Hon. Deputy Speaker, let me read it from my phone.

Hon. Deputy Speaker: Hon. Gikaria, just a minute, take your seat. I am looking if we have skipped a particular item. So, hold on briefly. Can I confirm whether the Chairperson, Departmental Committee on Transport, Public Works and Housing is here? So, we will go to Order No.6 and give Hon. Kapondi an opportunity to give a notice. Hon. Kapondi, you have the Floor and your card does not seem to reflect here.

NOTICE OF MOTION

APPROVAL OF NOMINEES TO NG-CDF CONSTITUENCY COMMITTEES

Hon. Fred Kapondi (Mt. Elgon, JP): Hon. Deputy Speaker, it is reflecting. I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following three constituency committees of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, 6th October 2020 –

1. Kuria East;
2. Shinyalu; and,
3. Emgwen.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. On the same Order, let us have... That is the one you have just done; the one that would have been by Hon. Wamunyinyi. So, we will go the next Order and ask Hon. Gikaria to take the Floor. That Order had already been called.

ORDINARY QUESTIONS

Question No.130/2020

DISREGARD OF PRESIDENTIAL DIRECTIVE ON RELEASE OF KCSE CERTIFICATES BY SCHOOL HEADS

Hon. David Gikaria (Nakuru Town East, JP): Hon. Deputy Speaker, I beg to ask Question No.130/2020 to the Cabinet Secretary Ministry for Education.

- (i) Could the Cabinet Secretary explain why the presidential directive to all secondary school heads to release KCSE certificates and seek for compensation of fees arrears from the Ministry of Education is being disregarded by school heads?
- (ii) What is the Ministry doing to ensure school heads comply with the said presidential directive? and
- (iii) What action is being taken against school principals/headmasters who continue to treat this directive with contempt?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We will go to the next Question by the Member for Westlands, Hon. Tim Wanyonyi.

Question No.236/2020

MEASURES TO PROTECT PERSONAL DATA OF MOBILE PHONE USERS

Hon. Tim Wanyonyi (Westlands, ODM): Hon. Deputy Speaker, I rise to ask Question No.236/2020 to the Cabinet Secretary for Information, Communication and Technology, Innovation and Youth Affairs.

- (i) Could the Cabinet Secretary explain the measures put in place to protect personal data of mobile phone users upon a mobile number being declared dormant by a mobile service provider and allocated to a new subscriber?
- (ii) What additional measures are put in place by the mobile service providers to protect the new subscribers from being followed by liabilities of the previous subscriber(s), such as demands for settlement of the mobile loan debts held by the previous subscriber?
- (iii) Could the Cabinet Secretary state whether there are any plans to classify mobile phone numbers as personal property, owned by the customer and capable of being transferred or inherited, considering the advanced use of mobile telephony in financial transactions, mobile banking and its recognition on the *e-Citizen* platform to access and transact various Government services?
- (iv) Could the Cabinet Secretary outline the measures put in place to record, store, secure and later destroy all personal data, including mobile phone contacts, collected under contact tracing for the COVID-19 Pandemic?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We go to the Member for Ganze, Hon. Teddy Mwambire.

Question No.246/2020

STATUS OF ELECTRICITY CONNECTIVITY IN GANZE CONSTITUENCY

Hon. Teddy Mwambire (Ganze, ODM): I have the pleasure to ask Question No.246/2020 to the Cabinet Secretary for Energy.

- (i) Could the Cabinet Secretary provide the status of electricity connectivity in Ganze Constituency, indicating the number of public schools, health centres and trading centres that are yet to be connected with electricity?
- (ii) When will the said schools and trading centres be connected, particularly Muryachakwe Primary School, Muryachakwe Dispensary and Muryachakwe Trading Centre despite poles having been erected in 2002?
- (iii) Why was the transformer at Ndugumnani Trading Centre in Mwahera Location in Vitengeni Division removed on 13th December 2019, and when will it be replaced?

Thank you, very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. I realise I did not refer the specific Questions to particular committees. The first one, which was asked by Hon. Gikaria, will be replied to before the Departmental Committee on Education and Research; the second one by Tim Wanyonyi will be replied to before the Departmental Committee on Communication, Information and Innovation and this one will be replied to before the Departmental Committee on Energy. We go to Hon. Member for Manyatta, Hon. Muchiri Nyaga.

*Question No.265/2020*CONSTRUCTION OF MUTHATARI-KIMANGARU-BAT
AND MUTHATARI-KARURINA-KIVWE ROADS

Hon. John Nyaga (Manyatta, JP): Hon. Deputy Speaker, I rise to ask Question No.265/2020 to the the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

- (i) Could the Cabinet Secretary explain the status of construction of the Muthatari – Kimangaru-BAT and Muthatari-Karurina-Kivwe roads in Manyatta Constituency to bitumen standards despite preliminary work having been done?
- (ii) What has caused the delay in the construction of Ena-Kithimu-Kivwe- Kevote Road to bitumen standards as directed by the President in July 2017
- (iii) When is the construction expected to commence and when is the expected completion date for the project?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well, that will be replied before the Departmental Committee on Transport, Public Works and Housing. We go to the Member for Mwingi, Hon. CNN.

Question No.266/2020

STATUS OF OWNERSHIP OF NZALAE – MIGWANI GROUP RANCH IN NGUUTANI LOCATION

Hon. Charles Nguna (Mwingi West, WDM-K): Hon. Deputy Speaker, thank you for the opportunity given to me to ask Question No.266/2020 to the Cabinet Secretary for Lands and Physical Planning.

- (i) What is the current status of ownership of a parcel of Land LR Nzalae-Migwani Group Ranch – Block 1 in Nguutani Location, Nguutani Ward, Mwingi West Constituency?
- (ii) Could the Cabinet Secretary clarify whether an exercise to survey the said land is being carried out, and if so, what is the status of progress so far?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well, that Question is to be replied before the Departmental Committee on Lands. So we go to the Member for Teso North, Hon. Oku Kaunya. I am not able to pick you from here. Now you have the Floor, but you should always place the intervention slot. It makes it easier for me.

*Question No.267/2020*DELAYED ISSUANCE OF CONTRACTS TO CEDAR HOSPITAL
BY NATIONAL HOSPITAL INSURANCE FUND

Hon. Oku Kaunya (Teso North, ANC): Thank you, Hon. Deputy Speaker. My card was on, I thought you could see it from that end.

Hon. Deputy Speaker, I rise to ask Question No.267/2020 to the Cabinet Secretary in the Ministry of Health.

- (i) Could the Cabinet Secretary explain the cause of delay by the National Hospital Insurance Fund (NHIF) to issue contracts to Cedar Hospital (Level 4) code (00178743) and to renew the contract for Cedar Clinical Associates (Level 2) code (0017481) despite them having met all the accreditation and contracting requirements?
- (ii) Could the Cabinet Secretary confirm whether delay in issuance of the said contract has led to the suspension of all services between NHIF and Cedar Hospital including rebates and surgical packages since November 2019, and what measures have been taken to avoid the situation?
- (iii) Could the Cabinet Secretary state when the payments for services offered will be made and could the Ministry consider issuing the contracts to the said hospitals?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That one will be replied before the Departmental Committee on Health. So we go to the Member for Mukurweini, Hon. Githiaka Kiai.

Question No.272/2020

MEASURES TO ENSURE RUMUKIA FARMERS' COOPERATIVE SOCIETY BENEFITS FROM
PRESIDENT'S DIRECTIVE ON DEBT WAIVER

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Deputy Speaker, I rise to ask Question No.272/2020 to the Cabinet Secretary for Industry, Trade and Cooperatives.

- (i) Is the Cabinet Secretary aware that Rumukia Farmers' Cooperative Society Limited in Mukurweini Constituency has a coffee milling plant which is currently not operational due to unserviceable debt amounting to Kshs155,000,000?
- (ii) Is the Cabinet Secretary further aware that Rumukia Farmers' Cooperative Society Limited did not benefit from the President's directive on debt waiver despite making requests to the Ministry, at least four times in 2016 and 2018?
- (iii) What measures is the Ministry putting in place to ensure that Rumukia Farmers' Cooperative Society Limited benefits from the said President's waiver directive and becomes operational?

Hon. Deputy Speaker: Very well. That Question is to be replied before the Departmental Committee on Trade, Industry and Cooperatives. The next Member is Hon. Col (Rtd) Dido Ali Rasso, Member for Saku.

Question No. 274/2020

MEASURES TO ADDRESS POWER RATIONING IN MARSABIT TOWN

Hon. Ali Rasso (Saku, JP): Hon. Deputy Speaker, I wish to ask the Cabinet Secretary for Energy the following Question:

- (i) What steps has the Ministry taken to address power rationing in Marsabit Town, Marsabit County, which has been experienced since July 2020?
- (ii) When is the Ministry replacing or rehabilitating the diesel generators that have been in use since the 1980s, given that their continued operation is unsustainable?

- (iii) Could the Ministry consider connecting Marsabit Township, its environs and the whole county to the National Grid or to other sustainable power supply, such as wind power, considering the increased high population, and state by when this will be done?

I thank you.

Hon. Deputy Speaker: Okay. That one will be replied to before the Departmental Committee on Energy.

The next Question is by the Member for Ikolomani, Hon. Benard Shinali.

Question 276/2020

MEASURES TO CURB INFILTRATION OF ILLEGAL IMMIGRANTS

Hon. Benard Shinali (Ikolomani, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Is the Cabinet Secretary aware of the massive influx of foreigners working without legal registration and permits in the country, especially in Ikolomani Constituency?
- (ii) What measures has the Ministry taken to curb infiltration of illegal immigrants into the country and secure jobs meant for locals?
- (iii) What short term and long-term actions is the Ministry taking, including putting in place policy measures, to mitigate and ensure that illegal immigration is contained?

I thank you.

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Administration and National Security.

The last one would be by the Member for Malava, but I have to confirm whether you wish to ask the Question. At one point, you wrote asking that it be deferred. At another point, you wrote asking that the Question be modified. I have no problem with the modification because it does not seem to alter the material facts about what you are asking for. So, are you interested in asking the Question, Hon. Moses Injendi?

Question No. 277/2020

CRITERIA USED IN PAYMENT OF SALARIES TO BOM TEACHERS
IN KAKAMEGA NORTH SUB-COUNTY

Hon. Moses Injendi (Malava, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

- (i) How much funds were recently released by the Ministry to secondary schools to pay teachers employed by the schools' Board of Management (BOM), and in particular money released to Kakamega North Sub-County, Malava Constituency, which is also my constituency?
- (ii) Could the Cabinet Secretary provide a list of all BOM teachers who were considered for payment from the funds, indicating the schools they teach, the amount paid per teacher and the duration of payment in Kakamega North Sub-County?

- (iii) Could the Cabinet Secretary explain the criteria used in determining and approving BOM Teachers that were paid by the Ministry?

I thank you.

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Education and Research.

That marks the end of our Question Time. So, we will go to, under the same Order, responses to Statements. We seem to be having two responses from the Departmental Committee on Agriculture and Livestock. So, first, let me confirm that the Chair or his representative are in.

We have responses to the requests by Hon. Gabriel Kago and Hon. Ayub Angatia. Is Hon. Silas Tiren in the House? Are you prepared to give those responses? Okay, you have the Floor then.

STATEMENTS

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Deputy Speaker. I have two Statements to respond to from Hon. Members. Should I start from any direction or a specific one?

Hon. Deputy Speaker: Whichever you are comfortable to start with will be fine.

Hon. Silas Tiren (Moiben, JP): But I heard you mention Hon. Ayub Angatia. I think Hon. Ayub Angatia's was a Question, which I think was...

Hon. Deputy Speaker: Just to be clear, how many responses to Statements do you have?

Hon. Silas Tiren (Moiben, JP): I have two responses to Statements.

Hon. Deputy Speaker: One is by Hon. Gabriel Kago.

Hon. Silas Tiren (Moiben, JP): Yes.

Hon. Deputy Speaker: What about the second one?

Hon. Silas Tiren (Moiben, JP): Hon. Gabriel Kago and Hon. Ayub Angatia. Sorry, thank you.

Hon. Deputy Speaker: Yes. Start with whichever you are comfortable with.

DISBANDING OF STRATEGIC FOOD RESERVE TRUST FUND IN THE COUNTRY

Hon. Silas Tiren (Moiben, JP): Let me start with Hon. Ayub Angatia's.

Hon. Deputy Speaker, this response is on the Statement regarding disbanding of the Strategic Food Reserve Trust Fund (SFRTF) in the country by Hon. Ayub Angatia, Member for Lugari. The background information is that until 1980, Kenya produced sufficient basic food to feed its population, reaching a surplus of 20 per cent by mid-1970s. Since then, agricultural production has fluctuated year by year. At the same time, Kenya has been seeing sustainable high growth in population, nearly six times increase since 1963. This compares to the 2.2 growth index of staple cereals from 1963 to 2017. The food deficit of maize, rice, Irish Potatoes, wheat and sugar continues to widen. By 2017, Kenya's basic food production could regularly feed 72 per cent of the population.

In pursuit of 100 per cent food and nutrition security, the Ministry of Agriculture, Livestock, Fisheries and Cooperatives developed the Agricultural Sector Transformation and Growth Strategy (ASTGS) 2019/2029. The ASTGS identified nine flagships crucial in addressing systemic bottlenecks constraining Kenyans' ability to achieve food and nutrition security. The strategy, therefore, proposes reforms of the National Food Reserve systems. In particular, Flagship

Five proposes restricting of the Strategic Food Reserve where governance and operations of the current systems were deemed wanting.

Hon. Members, it is against this background that I am giving a Statement regarding disbanding of SFRTF in the country. In my Statement, I will focus on the circumstances that led to the disbandment of the Strategic Food Reserve Trust Fund. The Ministry of Agriculture, Livestock, Fisheries and Cooperatives, in collaboration with stakeholders and development ASTG, identified the need to boost household food resilience to better serve approximately four million Kenyans by restricting governance and operations of the Strategic Food Reserve. This necessitated disbandment of SFRTF and was guided by:

- (i) The need to stop undermining the basic functions of the market and Strategic Food Reserve system. Historically, the Government, through the Strategic Food Reserve, intervenes in the maize sector by offering to purchase maize soon after the harvest, at a price higher than the prevailing market prices. The product is stored within the National Cereals and Produce Board (NCPB) and later released to the market at a price below the market price, when supplies are depleted. Such practice causes market distortion, both in price and supply of the commodity.
 - (ii) The need to stop undermining the growth of a predictable agricultural market. The preferential relationship given to the National Cereals and Produce Board in the agency arrangements with the Strategic Food Reserve Trust Fund, coupled with blanket Government subsidies, private sector participation in the food storage system and generally disorganise private sector involvement in strategic food reserve system.
 - (iii) The need to remove overlaps in the legal mandates. The Legal Notice establishing SFRTF did not change the NCPB Act Cap 338. This created overlaps in the legal mandate between the two agencies to procure, store and sell food commodities and maintenance of national food reserves. The subsequent agency relationship of SFRTF with the NCPB on non-commercial terms has created a situation where NCPB is in practice subservient to SFRTF.
 - (iv) Conflict of interest and contradictions: As per the SFRTF Regulations, the Principal Secretary responsible for agriculture is a member of the oversight board as well as the administrator of the Fund.
 - (v) Lack of functional instruments for monitoring trade flows including up-to-date food balance sheets. These affect the available food quantities, early warning of impending crisis, as well as mechanisms and triggers for market stabilisation in the functioning of SFRTF.
 - (vi) The need to realise time and resources in the Ministry of Agriculture for other strategic crop production interventions. The intense involvement of the Ministry of Agriculture in operational issues of the maize sub-sector draws focus and funds away from broader and more strategic action for improving food and nutrition security.
- That is the Statement requested by Hon. Savula from the Ministry.

I will now go to the second Statement which was raised by Hon. Gabriel Kago. It is a Statement regarding the outbreak of Foot and Mouth Disease (FMD) in Kiambu County, particularly Githunguri Constituency, by Hon. Gabriel Kago, the Member of Parliament for Githunguri Constituency.

OUTBREAK OF FOOT AND MOUTH DISEASE IN GITHUNGURI CONSTITUENCY

Hon. Members, I acknowledge that there was an outbreak of Foot and Mouth Disease in Githunguri Constituency. However, the Ministry of livestock Agriculture, Livestock, Fisheries and

Cooperatives and the County Government of Kiambu have taken responsibility in addressing the outbreak of the disease as outlined in the Constitution of Kenya, 2010. The Fourth Schedule of the Constitution of Kenya assigns the disease control function to county governments.

The Ministry of Agriculture, Livestock, Fisheries and Cooperatives, in collaboration with the County Government of Kiambu have done the following:

- (i) Developed final drafts of the veterinary and livestock policies in consultation with stakeholders.
- (ii) Started the review of the Animal Diseases Act Cap. 364 to empower the Cabinet Secretary and the Director of Veterinary Services/County Directors of Veterinary to effectively manage animal diseases and outline responsibilities of both levels of government in line with the Constitution.
- (iii) Developed guidelines for delivery of the Veterinary Services Act, 2014 in consultation with county governments. These guidelines unbundle the various veterinary functions provided in the Constitution for both levels of the Government. They spell out what should be done at the national level and what is the mandate of the County Veterinary Services. The guidelines were adopted by both levels of the Government and cascaded to counties.
- (iv) Developed the National Risk-Based Foot and Mouth Disease Control Strategy in consultation with the counties.
- (v) Trained 15 veterinarians and animal health assistants - both public and private - from Kiambu County and over 700 animal health service providers countrywide on surveillance of animal diseases and reporting using mobile phone-based application. This provides real-time disease reports and alerts.
- (vi) Linked the County Veterinary Service to the national disease database known as the Kenya Animal Bio-Surveillance System (KABS). The County Director is able to access disease reports submitted by frontline personnel at farm level in real-time.
- (vii) Under the technical assistance of counties, we have developed and printed 3,000 Foot and Mouth Disease posters and 5,000 brochures and distribution to the various counties including Kiambu County. These are ready to use extension creation material targeting both the technical and non-technical audience. Sample radio message to local FM stations have also been shared with the county. This will assist in early detection and reporting of Foot and Mouth disease.
- (viii) National Foot and Mouth Reference Laboratory has been receiving and processing Foot and Mouth Disease samples submitted from the counties. Githunguri Constituency has trained competent personnel who can ably collect Foot and Mouth Disease samples and submit them to this laboratory for confirmatory diagnosis before vaccination. Githunguri Constituency and Kiambu County in general have used their own laboratory personnel.
- (ix) Quality Foot and Mouth vaccines are available from the Kenya Veterinary Vaccines Production Institute (KEVEVAPI).
- (x) The Ministry has continued to support disease outbreak investigations upon request from the County Government. On 2nd June 2020, a retrospective Foot and Mouth Disease outbreak investigation was conducted in Limuru and Tigoni. It was revealed that serotype 'O'. Laboratory subtyping is currently ongoing in Foot and Mouth Disease Embakasi Laboratory. Samples received from Githunguri on 10th February 2020 also revealed the presence of Foot and Mouth serotype 'O'. The results of

subtyping will inform the matching of the circulating Foot and Mouth strains and the vaccines being used. These results will inform the necessary recommendations to KEVEVAPI and the County Veterinary Service.

Thank you, Hon. Deputy Speaker for the opportunity. This was a Statement signed by Hon. Peter Munya on 10th August 2020.

Hon. Deputy Speaker: I see there is quite some interest especially in the first Statement you read. I will start with the Member who made the request for that Statement, Hon. Savula. We will start with you. I will then give an opportunity to a few other Members. Feel free to use that microphone. You had made a request. Proceed.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Deputy Speaker. I am not quite satisfied with the answer. There are issues I raised that touch on food security of this country. That is one. If you merge the SFRTF with a parastatal called the NCPB, you are putting the country in danger. The NCPB only deals specifically with cereals. The SFRTF deals with all items that are factored in the food reserves of a country. For a country to be secure in terms of food production, you need milk, fish, sugar and beans. You need all items. The NCPB only deals with cereals. That is why we need to recreate the SFRTF. We should not ignore these things.

The Kenya Meat Commission has been transferred to the Ministry of Defence. Meat falls under the SFRTF. It is not handled by NCPB. If we transfer all the functions of SFRTF to NCPB, we will leave other foodstuff outside the mandate of strategic food reserve. I would like the Cabinet to rethink about this idea and separate NCPB from the SFRTF. Let us have SFRTF in Kenya.

Thank you, Hon. Deputy Speaker.

The Deputy Speaker: I am not very convinced that meat falls under SFRTF. It is something that I believe the Chairman will clarify. We will only deal with the first Statement and then we go to the second one. Even if Members will ask about it, let us go in that sequence. I will give the opportunity to Hon. (Dr.) Wamalwa. Are you seeking clarification of the second Statement or the first one?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): I am seeking clarification of the first Statement on the SFRTF, Hon. Deputy Speaker.

Hon. Deputy Speaker: Proceed.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): First, I want to thank the Chairman for that response. However, it is not satisfactory in the sense that the core mandates of SFRTF and NCPB are totally different. The SFRTF is under the Ministry of Interior and Coordination of National Government and the other one is under the Ministry of Agriculture, Livestock and Fisheries.

Before disbanding SFRTF, it had some assets. What happened to the assets of the SFRTF, in terms of human resource and money? I am aware there was more than Kshs10 billion in the account. What is the fate of these assets? Secondly, the integral part of our Constitution right now is public participation. Was there any public participation before this decision was made? If public participation was done, to what extent...

(Hon. Silas Tiren consulted Hon. Member)

Hon. Deputy Speaker, I am asking for clarification but the Chairman is not paying attention. There is interference from another Member. He needs to listen. He was being disturbed but the Member has left.

Hon. Deputy Speaker: He has two ears. Let us proceed and be brief.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Before SFRTF was disbanded, was there any public participation? To what extent was it? What happened to the assets of the SFRTF? We are aware that there were members of staff and more than Kshs10 billion in the bank. What happened to that money?

I thank you.

Hon. Deputy Speaker: It seems there is a lot of interest from Members from Trans Nzoia County and the surrounding areas. The SFRTF is a national Government function. However, let us hear what Hon. Wangwe has to say.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. First and foremost, history is important. We need to take cognisance of the fact that SFRTF came out of NCPB. That history must be well recognised. Therefore, to revert back is not an issue.

Let us not hide corruption. Let us not run away from what has been corruptly transferred elsewhere. The SFRTF was wound up. There is a clear dispute of Kshs1.8 billion which was paid erroneously. It is this transfer of Kshs1.8 billion that is under investigation today by the Public Investments Committee (PIC). Let us not transfer the functions of an institution to another one because there is something that has happened there which is making us to run away from it.

Otherwise, I support any kind of organisation that the Executive wants to do. It is very much within its mandate. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. As you are aware, since the time of President Moi, President Kibaki and now President Uhuru, NCPB has played a crucial role in this country. We expect it to play a key role. It is important to have a closure on SFRTF matters before winding it up, so that Kenyans can be aware of all their assets. If there are assets that would be lost, we should recover them.

Interests must also be declared in this matter. We often see people in this country who have interest in parastatals when they are winding up, so that they can benefit. There are assets and we want that to be made very clear.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Kevin Wanyonyi Ferdinand.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Deputy Speaker, I am very disturbed because the answer which was given by the Cabinet Secretary on SFRTF is not very clear. The mandates of SFRTF and NCPB are very clear.

I have been in this Departmental Committee on Agriculture and Livestock for some time now. We even took time to go to South Africa and realised how the two functions work. I understand there was an interest which was mentioned by my colleague from Trans Nzoia County, Hon. Wamalwa. We had Kshs10 billion in SFRTF. I am very clear. I can be quoted anywhere that was the interest the SFRTF transferred to NCPB. You can see how we are suffering today. About 190,000 bags of maize were destroyed yesterday because there is no clear function between SFRTF and NCPB. If you go to Trans Nzoia County today, you will find people still have maize for the other year and yet nothing has happened because of that confusion. A busy body called Mr. Omtatah will go to court. I want my Chairman to reflect on that. The merging of NCPB and SFRTF was stopped.

I want the Chairman of the Departmental Committee on Agriculture and Livestock, who is my good friend, to call the Cabinet Secretary to come before the Committee, so that he can clarify exactly what is happening. At the end of the day, Kenyans will have food problems.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us give the opportunity to Hon. Atandi and then we stop the discussion. We will go to the next Statement.

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Deputy Speaker, I do not want to comment on this Statement.

Hon. Deputy Speaker: Hon. Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank very much, Hon. Speaker. One thing that is clear is that the SFRTF was born of the NCPB. There was a reason for that. The Ministry needs to explain properly why it is getting back. Is the object and reason of why it was born out of NCPB being met or not? These are some of the fundamental questions the Cabinet Secretary needs to bring around, so that when we discuss this, we will be very clear that the mandate of the SFRTF can easily get back to the NCPB again.

Besides that, when we talk about SFRTF, we are not talking about buying and selling because NCPB is a market player. It makes sure that the market becomes favourable to the other players in the country. However, that is not a role that SFRTF is supposed to do. It is supposed to project, particularly now.

As a country, we are not producing enough and we are constantly subjected to catastrophes that require that, at least, we get food from somewhere. That is what the Strategic Food Reserve ought to be doing in terms of projecting and storing food such that when we are in a situation where we cannot produce enough, which in real sense is the work of the National Cereals and Produce Board, then we turn to the SFR agency. So, this needs to be explained further.

Hon. Deputy Speaker: Okay. Thank you very much. That marks the end of those Members seeking clarifications on the first Statement. On the second one, I will only give opportunity to the Member who asked for the Statement, Hon. Kago, and that will probably be it.

Hon. Gabriel Kago (Githunguri, JP): Thank you very much, Hon. Deputy Speaker. I was not convinced by the reply from the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries. It is high time the two levels of Government took the issues of farmers in this country seriously.

In my Statement request, I indicated that in Githunguri Constituency, the Foot and Mouth Disease outbreak was first reported in early September 2019; last year. But in his reply, he stated that the Ministry and the county government came to know about the disease in February this year. We need to take the issues of farmers seriously. So far, in Githunguri Constituency, we have lost over 1,500 animals from Foot and Mouth Disease, translating to a loss of over 80,000 litres of milk per day by Githunguri Dairy Farmers. It is from this background that I requested the Government, through the Cabinet Secretary, to consider compensating livestock loss in Githunguri Constituency to help farmers recover the animals they had lost.

Currently, we have a problem of the Lumpy Skin Disease (LSD) that is bringing a lot of loss to farmers. I want to catch your attention, Hon. Deputy Speaker.

Hon. Deputy Speaker: You have my entire attention.

Hon. Gabriel Kago (Githunguri, JP): We need the Cabinet Secretary to take seriously the losses that the farmers are suffering in Githunguri and in the larger Kiambu County. The Government should compensate the loss that the farmers have incurred.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Tiren, looking at the first Statement, there seems to be a lot of issues. You are free to respond to them yourself. You are also free to call back the Cabinet Secretary, so that he can directly respond to some of these things. But that is entirely up to you.

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Deputy Speaker. I think we will pass it over to the Cabinet Secretary so that he can give us more information. From what was stated here, although some of the questions that Members have raised were answered here, and because you are asking about the reasons, we will still get back to the Cabinet Secretary and see if he can appear before the Committee and shed some light on the same.

Hon. Deputy Speaker: Hon. Tiren, when the Cabinet Secretary comes to your Committee, we request you to kindly inform the Members who seem to have had very pertinent issues so that they can raise them. So, whenever you do that, kindly inform them. I am sure you have noted them.

Hon. Silas Tiren (Moiben, JP): We will do that, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. We now proceed to the next Order. What is your point of order, Hon. Gikaria?

Hon. David Gakiria (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I beg to seek your indulgence on a few things. It is now almost one year since I brought a few amendments to various legislations and they have gone through the respective stages. Two have gone through the Budget and Appropriations Committee and they gave their nod, but I have not seen any progress up to date yet time is not on our side. One of them is on the National Construction Authority Act. We have given youths opportunity to work, but they are impeded by some of the provisions in the National Construction Authority Act. I had, therefore, sought an amendment to have them exempted, and the amendment was approved, but to date...

The other bit was on loitering and moving without purpose, which has landed my people into so many problems. I intended to change the Penal Code by amending some of those old colonial laws they were using to arrest people for loitering. The Constitution is very clear on matters of movement. It is a little bit sad that I have to keep on addressing some of these things. I beg to get some direction from your end.

Thank you, Hon. Deputy Speaker.

(The Deputy Speaker consulted with the Clerks-at-the-Table)

Hon. Deputy Speaker: Hon. Gikaria, I am informed that some of your concerns are being looked into, particularly in terms of harmonisation, so that committees look at which has money implications and which do not. They will of course go through the normal process and sometimes it is not very quick, but your sentiments have been noted and some of them will be expedited.

BILLS

First Readings

THE HEALTH (AMENDMENT) BILL

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL

(Orders for First Readings read - Read the First Time and

referred to the relevant Departmental Committees

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL

Clause 3

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson, Hon. Sabina Chege. Hon. Nyikal, I have been notified that you will move the amendment on behalf of Hon. Sabina Chege.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended in the proposed new paragraph (ba) by deleting the word “treatment” and substituting therefor the word “management”.

The import of this amendment is that treatment is actually narrow and limits what is done to the patient. Management is holistic. It covers the medical treatment given, the drugs given, the surgery done, how one lives, what food one eats and advice given thereafter, which is what we need and what we should look at in handling cancer. We feel that the amendment enriches the Bill.

Thank you, Temporary Deputy Chairlady.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is interest from Members. Let me start with the Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. In fact, as Hon. Nyikal has put it, treatment focuses on the patient, but management is the entire value chain, with early diagnosis, policy framework and other aspects. So, it is supposed to be used in the bigger picture. In fact, in today’s practice, there is a total paradigm shift. There is a shift from treatment to management.

I support the amendment. Thank you, Hon Temporary Deputy Chairlady.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I agree with the amendment by the Departmental Committee on Health as explained by Hon. Nyikal. It makes the Bill better. Thank you.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairlady. I support the proposed amendment by Hon. Nyikal. Hon. Nyikal is a medical officer and having been a Director of Medical Services, he understands it well. Management is holistic whilst treatment is very specific. Management covers prevention and other interventions that will make sure a patient who is suffering from cancer is not affected either financially or physically. It also covers hospice.

Thank you very much, Hon. Temporary Deputy Chairlady.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment by the Chair.

There is no known treatment for cancer but “management” is the applicable word. Patients who recover from cancer are as a result of early detection following management. I support.

Thank you, Hon. Temporary Deputy Chairlady.

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

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

(Clause 3 as amended agreed to)

Clause 4

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Again, we have a proposed amendment by Hon. Nyikal on behalf of Hon. Sabina Chege. It has a further amendment that is part of the amendment. I need to notify Members that it has been approved by the Hon. Speaker, but it is not in the Order Paper. So, he will move it together and highlight the other parts of the amendment that are not in the Order Paper.

Hon. (Dr.) James Nyikal (Seme ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 4 of the Bill be amended in the proposed new subsection (3) by deleting the words “of medical oncologist” and substituting therefor the word “oncology”.

Clause 4 left as it is, the words, “medical oncologist” in line 3, is a cadre of staff. The whole sub-clause actually lists several medical cadres like medical oncologist, pediatric oncologist: the person who treats children, radiation oncologist - the person who treats with x-rays and other radiations and nurses. Basically, it is talking about medical staff or human resource. If it is replaced with the word medical oncologist which, in itself, is a subject, then it is not appropriate. So, the proposed further amendment will be:

Delete all the words after the word, “of”

(An Hon. Member spoke off record)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The amendment on the Order Paper has been moved as it is, but as I had stated, he has a further amendment which has been approved and that is what he is highlighting.

Hon. (Dr.) James Nyikal (Seme, ODM) Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 4 be further amended by deleting in (a) the word, “public” in line 3.

The import of the amendment is that if we use the term, “public health” then we can have situations where we have a ministry of public health and medical services. It will not be clear. So, in (a), if we use the word, “health” and delete the word, “public”, it will be more appropriate. We do not have the (a) and basically we are deleting the word, “public” and leaving the word, “health”.

In (b), instead of listing all the cadres that are involved in treatment and management of cancer, we remove all those and replace them with the words, “training of human resource oncology services”.

The value of that, Hon. Temporary Deputy Chairlady, is that there are some cadres that may appear later which are not now in practice. If we leave it as it is, we will have to move amendments later. But if we say “human resource oncology services”, it covers everybody. It also removes the need to list all the various people that are involved in the treatment and management of cancer.

That is the import of the two amendments, (a) and (b)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we have listened to the import of the proposed amendments on Clause 4 by the Hon. Nyikal, who has moved it on behalf of the Chairperson.

(Question of the amendment proposed)

Let me hear comments from Hon. Makali, the Member for Kitui Central.

Hon. Makali Mulu (Kitui Central, WDM-K) Thank you, Hon. Temporary Deputy Chairlady. I have listened to the Mover, Hon. (Dr.) Nyikal. What he has said makes a lot of sense. The message is that it wants to be more inclusive. It is good when we have everybody on board other than leaving some out.

I support the amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Member for Nandi, Hon. Tum Chebet, do you want to contribute to this one?

Hon. (Ms) Tecla Tum (Nandi CWR, JP): No, I want to comment on public service; not this one.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairlady. I rise to support this amendment because the Public Health Bill was a bit specific, and now if we just leave it as health alone, it can be for medical and also for public health. So, it accommodates both in advance.

On the human resource for oncology services, there is a lot of intelligence on this because cancer will have more expertise coming down the line. We have not yet even defined others, so, leaving it open makes a lot of sense.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Let us hear from Hon. Anthony. At least, today, I can notice you without a card but with a face mask.

Hon. Anthony Kiai (Mukurweini, JP): Thank you. It is just that the card has refused to work.

Hon. Temporary Deputy Chairlady, I simply want to acknowledge and appreciate the contributions from Hon. (Dr.) Nyikal. However, I also want to add that it is not just enough to train people and have them prepared for the cancer management. When we cannot come up with a system of rewarding the workers, all that we are doing and the legislation we are putting in place will count to nothing. This is because we have had cases of very qualified Kenyans who have moved to other countries in the world to go and practice medicine there yet, again, here in Kenya, we cannot retain the human resource that we have.

We have cases of Cuban doctors who have come to help us manage the health cases in Kenya, and it may be true what the newspapers said that they are being paid almost four times what our local doctors are being paid. So, as we inculcate the culture of training and ensuring that the health workers are being recognised and equipped for the cancer management, we also...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Anthony, please restrict yourself to the amendment because we did a debate in the Second Reading.

Hon. Anthony Kiai (Mukurweini, JP): It is true, Hon. Temporary Deputy Chairlady, but it is within that because we are speaking about human resource management – the training and the rewarding. This is because you cannot be rewarded for what you have not done. What cannot be measured cannot be rewarded. I support, but we need to manage the human resource and the reward process better than what we are doing.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Member. Let us hear the last comment from the Member for Homa Bay, Hon. Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. Again, I want to thank the Committee for that very useful addition. We were at risk of excluding some cadres and, therefore, with this, even emerging cadres will now fit rather than trying to exhaust the list within the Bill. So, I agree and support the amendment.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Wanga, I know this is your Bill.

(Question of the amendment proposed)

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

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

(Clause 4 as amended agreed to)

(Title agreed to)

(Clause 2 agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Members, we have come to the conclusion of the Committee of the Whole House on the Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No.65 of 2019). Therefore, I call upon the Mover of the Bill to move the reporting. Proceed, Hon. Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No. 65 of 2019), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

CANCER PREVENTION AND CONTROL (AMENDMENT) BILL

Hon. Deputy Speaker: Okay. Let us have the reporting by the Chairperson.

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Hon. Deputy Speaker, I beg to report that the Committee of the Whole House has considered the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No.65 of 2019), and its approval thereof with amendments.

Hon. Deputy Speaker: Very well. So, let us have the Mover of the Bill to move the agreement with the Report.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I request Hon. (Dr.) Nyikal to second the Motion for agreement with the Report of the Committee of the Whole House.

Hon. (Dr.) James Nyikal (Seme, ODM) seconded.

(Question proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Hon. Members, we will move to the Third Reading. Let the Mover move the Third Reading of the Bill.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Deputy Speaker, I beg to move that the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No. 65 of 2019), be now read a Third Time. I, again, request Hon. (Dr.) Nyikal to second.

Hon. Deputy Speaker: Now, that is the place where you need a Seconder. I do not think we needed a Seconder in the first one, but let us proceed.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Speaker, I arise to second the Third Reading. This is an extremely important Bill that we are passing. The treatment and management of cancer is something that needs a lot of guidance in this country. It is a calamity that has increased tremendously, while we have not put in place the policies and structures for its management. If this Bill is passed, it will go a long way in improving the treatment and management of cancer.

Therefore, I second.

(Question proposed)

Hon. Deputy Speaker: Hon. Wamalwa, do you want to say something on this or you are waiting for another one? Just a minute, Hon. Members. There is something that I want to clarify.

*(The Deputy Speaker (Hon. Moses Cheboi)
consulted with the Clerk-at-the-Table)*

Hon. Members, as you could see, I was consulting to confirm that we have the requisite numbers. The difficulty nowadays is that we have also to confirm the numbers that are in other holding areas. I have confirmed that we have the requisite quorum in the House for purposes of making this decision.

(Question put and agreed to)

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

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

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

BILL

Second Reading

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL

(Hon. Benjamin Mwangi on 2.5.2019)

(Resumption of Debate interrupted on 1.10.2020 – Morning Sitting)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members! This is a resumption of debate on the Public Service Commission (Amendment) Bill, (National Assembly Bill No.27 of 2019). We had a balance of 43 minutes. The last Member who was speaking to this was Hon. Akinyi Obara, who has three minutes. We give the Member priority in speaking, but now that she is not there, her time of three minutes have been forfeited. So, I move to the next Member. Hon. Martin Owino, do you want to speak to this?

(Hon. Martin Owino gestured in the negative)

Hon. ole Sankok David, nominated Member, as a matter of procedure, we do not contribute to a Bill twice. That is the procedure outlined in our Standing Orders. The Members who had contributed were many. So, I would mention the Members who are on the request list. Hon. Wanga, had you contributed to this?

(Hon. (Ms.) Gladys Wanga gestured in the affirmative)

Let the Members who had contributed please press the Intervention button. Yes, Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill and to congratulate my friend the sponsor of this Bill for the good work that he has done, but I have some concerns.

The critical objective of this Bill is, one, once one attains the mandatory age of 60 years, one should not seek an extension. Secondly, this mandatory age has been in the regulations. What the Hon. Member is doing is that he wants to bring it into a statute. We support the youth. About 80 per cent of unemployed people in this country are the youth. We support them because they have the qualifications. They have all what it takes and they should be given the jobs. My concern is that the moment you remove this 60-year requirement from the regulations to put it in a statutory Bill to an Act of Parliament, it again makes it very difficult. Sometimes back, when we were young, we knew people used to retire at 55 years. Later on, it was extended to 60 years which was through a regulation. This is what is happening, but the Hon. Member wants to put it in an Act of Parliament which will make it very difficult. If another president comes or if a youthful president takes power, or you become a president for that matter and you declare that people should retire at 55 years, you must go and, again, amend that Act, which is very difficult.

I would have wished that it remains at the regulatory level because it is not changing anything. The retirement age is still going to remain 60 years. There is no change at all. If the House is convinced that it should be in the Bill or an Act for that matter, later on, when Hon. Chris Wamalwa becomes the president, and I want to say the youth should get jobs, I will have to amend. In this House, you will agree with me Hon. Temporary Deputy Speaker, it is very difficult to amend an Act. To go through the pre-publication period, then through the scrutiny, and going through public participation will take another whole year before you can amend that.

We need to also understand why people seek extension. It might be a medical issue or somebody has gone on study leave. It is not normally that one seeks an extension. There must be a reason. Normally, when you act, you do so because there is a reason. I am assuming somebody has gone for a study leave. When you have taken more than a year and here you have put a timeframe of six months, it becomes very difficult. So, I am requesting the Member that, as we move to the Committee of the whole House, let us amend this for purposes of having a win-win

situation. You might be the president tomorrow and you are a youth and want the youth to get jobs. How will you do it? You can do it through an Executive Order. Once you have put it in the law, it is going to be very difficult. So, as we move to the Committee of the whole House, let us look at the Bill and come up with amendments that will be a win-win in both situations.

I support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me have Hon. Rasso Ali, the Member of Saku.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support this Bill, but just like my colleague, Hon. Wamalwa, I have a problem with this way of making laws. I think our laws should be implementable; they should be for posterity. But they should not create administrative encumbrances. The administrators should have the flexibility in terms of running the institutions.

There are two areas in the Bill that my honourable colleague has proposed. I congratulate him for his Bill. First of all, it is talking about the payment for higher ranks. Secondly, is about retirement age. For those who have worked in the Government - and many of us have - some of these things are administrative. That is why, other than the statutes that run organisations in form of Acts, those organisations will have regulations. It is easy to amend regulations to keep up with the times, but really not the Act because it becomes the fundamental and basis of law that governs that institution. For that reason, if we really want to build this country for posterity, and if we must allow the senior management in this country to run institutions with confidence, I think we should not legislate in vain.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Good comments. Let us now have the Member of Kangundo, Hon. Muli Fabian.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to articulate on this Bill.

In the school of thought I come from, I differ from Hon. Wamalwa by saying that we should give room to administration. Administration shall be; not should be. We need to have laws where things have to be done progressively. While making laws, we are giving room for people to violate our laws like you see in the Kenyan system now where people are working in acting capacity. There are people who have been working as CEOs or directors in acting capacity for more than even a year. Why do we put somebody working in the Government where the principles of governance are clear on acting capacity for more than a year? I support this Bill by saying that the time for an acting capacity should not be more than six months.

Also, in a growing generation like Kenya, we have too many youths coming up. You cannot be telling us you are extending work for somebody up to 80 years because he has a special tool while we have universities training students on the same degrees. We should not have that room of saying that somebody should be requesting that his time to continue working be extended every time while others are outside there crying for the job.

This Bill also gives a clear national guideline and also guides the county governments' employment where they have to give returns of the number of workers working there. We have cases of ghost workers in the county governments for whom no annual returns are provided. The human resource charter in county governments is not streamlined.

Hon. Temporary Deputy Speaker, I support and note that it is a good Bill that should be implemented. We need to see results in terms of governance so that our country can grow.

The Temporary Deputy Speaker (Hon. (Ms.), Jessica Mbalu): The Member for Teso North, Hon. Kaunya Oku, you have the Floor.

Hon. Oku Kaunya (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Bill. I am a Member of the Departmental Committee on Administration and National Security, where the Bill was committed. We discussed and looked at the merits and demerits of this Bill. I rise to support for...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, as the Member contributes, please, have your masks on. We should observe the guidelines as we always have during this COVID-19 pandemic. Continue.

Hon. Oku Kaunya (Teso North, ANC): Fortunately, I have my mask on.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are okay. I was referring to those other Members but they are now in order.

Hon. Oku Kaunya (Teso North, ANC): The Bill is meant to cure two gaps. One of the gaps it is curing is discretionary extension of service or contract. In the Act, there was a provision of extending beyond 60 years where, among other conditions, a public officer possesses rare knowledge, skills and competencies. This provision had been abused. We looked at a number of organisations in the Public Service where extensions were given indefinitely, for example the Kenya Police Air Wing. We were wondering whether those rare skills cannot be developed. It is important that the Public Service and other appointing authorities organise succession programmes and plans early enough to ensure that those positions are filled.

Hon. Temporary Deputy Speaker, the other gap we were filling was on the youth. Hon. Benjamin Gathiru, the Member who brought the Bill, being a youth, was there to represent the youth. When we extend one's service beyond 60 years, we tend to clog the Service because the Public Service depends on the motivation that you can rise to the next position. We want to cure that area so that our youths can get opportunities to rise to higher levels.

I support the Bill because of those strengths and gaps it is going to fill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us hear Hon. Member for Nandi County, Hon. (Dr.) Tum.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Speaker, I rise to support the Bill because it prescribes the retirement age at 60 years. We know that experienced people in the Public Service possess rare knowledge, but we must also take care of the youth we have sent to school. The Public Service and other appointing authorities have enough time to engage those who are qualified. Those who attain 60 years should give room to the many youths to take up those positions.

Hon. Temporary Deputy Speaker, people should just act for six months. In the past, people would act in positions for over one year and this kills the morale of employees in an organisation. There is need to engage them and if they are not qualified for those positions, the organisation should engage those who are qualified. The turnover rate in organisations increases when employees have low morale because they are not promoted.

I support this Bill for the sake of the youth. Those who are 60 years should go home and enjoy their achievement so that our youth, who are crying in the streets, can be engaged.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Halima Yusuf, you have the Floor.

Hon. (Ms.) Halima Mucheke (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill. I want to take this opportunity to appreciate Hon. Benjamin Mwangi for the timely amendment. It is paramount to note that in order to give room to the youth

of this country, those who attain the retirement age of 60, go home. By the time one attains 60 years, one would have worked for 35 years because people would normally be hired at 25 years, right after graduating from university. For those 35 years, you would have been married, constructed a home and saved enough for retirement. It is important to give room to others because there are no special skills that cannot be found anywhere else. People have gone to school and we have too many unemployed graduates. Once you are 60 years and you have those special skills, you should transit and train others to take up that assignment. This nation is not short of skills. We have many unemployed graduates.

With those remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. The Member for Mwea, Hon. Wachira Kabinga, you have the Floor.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this Bill. I want to congratulate Hon. Gathiru, who presented the Bill to our Committee, and we went through it thoroughly.

I support the Bill because we must have a future for our generations. At a time when jobs are scarce, we must respect the retirement age. As we do so, I want to urge the Government to mentor the youth because there are those who are working in various Government departments, but they are not mentored and when they are supposed to take up those positions, they lack the necessary skills. In most foreign countries, retiring officers are given a stipend after retirement to act as mentors to youths in various departments. This has built the human capacity in those countries. It is, therefore, important that our retiring officers are not just thrown out. They are people who have built skills over time and are experienced. We need to have a fund to engage those people so that, by the time they are aged, we get as much as we can from them, so that we do not have shortage of human resource in this country. It is a small stipend that will go to them, encourage them and help them to live better lives as opposed to when we tell them to go home with all the knowledge that they have acquired.

For the youth in this country, the advice from some of us is this: While you are working, take interest in engaging the elderly employees in your departments so that they are encouraged to impart on you some of the skills that they have acquired over time. You will find that while they are working, our youth are not interested in engaging their aged workmates. They assume in one way or the other that they know everything, whereas it is a fact that acquired knowledge and skills are not collected from nowhere. I, therefore, encourage them, as we advocate for them to get more jobs and have people retiring to go home, to take interest in engaging the elderly as much as they can. The elderly will feel encouraged to engage and impart on them the necessary skills.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are saying the youth run fast, but the aged know the way. Thank you for supporting the youth. Let us have the Member for Kitui West, Hon. Edith Nyenze.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Bill. I support the Bill. The Bill is important because it intends 60 years to be the age for retirement. It encourages employment. There rampant unemployment among the youth. If our county does not take that seriously, it will be a time bomb in waiting. We have many graduates with good skills who have not been absorbed in white collar jobs. This Bill will ensure that, at the age of 60 years, people will give way for the youth to take over their jobs as they retire. When people retire at 60 years, they are still energetic

and knowledgeable. They have skills that they have acquired with time. Letting them retire is good as it gives way to the youth.

However, it will also be wasting knowledge and Government resources because they were well trained. It will be good to come up with something for the people who retire, especially those with special skills, to ensure that they do not just retire with all their knowledge. If they are not kept busy after being busy all through their working lives, they are likely to die early because they will feel that they are not required in the society. It is important that before they retire, they have pre-retirement training so that they know what they will do when they retire. Some of them start businesses which fail after a short time. However, if they are given a chance, even if it is not for pay to give advice and guidance, they will feel relevant and in doing so, they will live for more days. So, it is important to have people retiring at 60 years taken through pre-retirement training. If possible, the Government can identify firms where they can be absorbed and even if they are not paid, they will remain relevant.

Thank you, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, I am sure that some of the things we are debating here during the Second Reading, you can still approach the Committee to see how they can be incorporated in the Bill before the Committee of the whole House stage. Hon. Member for Kwanza, Hon. Wanyonyi Kevin, the Floor is yours.

Hon. Ferdinand Wanyonyi (Kwanza, Ford-K): Thank you, Hon. Temporary Deputy Speaker. As I support this Bill, let us have the retirement age as a regulation rather than having it in law. It is in unique circumstances that you will find an opportunity for the youth. I recently read a magazine – I do not know if I am wrong – that said that today, over 17 million Kenyans are jobless. I am aware that those who are jobless have got certificates, diplomas, degrees, master's degrees and doctoral degrees (PhDs) because the opportunities are not there. Therefore, in as much as we want to have this retirement age, instead of having it in law, I would rather we have it in regulations. As a law, it will be mandatory. If, for example, an important organisation finds itself in a circumstance where its succession plan is not mature enough, it will struggle to take up tasks. So, as much as we want workers to be 60 years and below, let us have it as a regulation rather a law. If you have it in law, it must be done.

I am also alive to the fact that it is possible at the time of one's retirement there is no one in the organisation who is below 60 years who is able to take over the mantle. So, in as much as I agree with this Bill, in the regulations, we should have a succession plan in place. That is important. We have had cases of people holding key positions and they are not ready to let them go. When employees approach 60 years old, there should be a succession plan. There must be regular exposure and training of employees below them so that the succession is not muddled up.

I have been a CEO in three parastatals in this country. Before I left for politics, I made sure that there were regular trainings and exposure of the people that were working under me. I am proud that when I left, there were more than four people who were capable of taking up my position without favouritism. The moment we have such a provision because it is the law, and we say that anyone who is 60 years old should retire, we run the risk of running this country in a very bad way. I want to agree that this will give us an opportunity. But how many companies have this kind of practice? Very few of them, and yet we are talking about 17 million Kenyans out there looking for jobs. As much as we hurry to pass this Bill, it is just one position. Maybe, among other companies, there are not very many old people. I support this Bill, but at the Committee of the whole House, we will be able to amend it so that we are talking about regulations, and not to put the provisions in law.

I support.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): The next is Hon. Tong'i. Hon. Tong'i, you are a long-serving Member of the House. We do not raise hands in the Chamber. I am aware that you do not have your card, but next time, you can approach the Clerks-at-the-Table to let us have the right communication.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker. I appreciate your wisdom. At the onset, I want to support this Bill by my good friend Hon. Benjamin. It is a forward-looking Bill which is meant to cure the challenges we are having as a country. It is good to take care of young people. But as we do that, we should not forget the old. That is because old is gold. All of us at some point will get old. The youth of today will be old tomorrow. So, we should not have the law only addressing a few specific cases we have in mind for a short period.

It is true that we have a huge number of unemployed youth who have gone to college and are qualified to work and serve this country. But it is not enough to get a degree or a certificate from a college and then say you are qualified to run an institution. You also need to develop hands-on skills. These hands-on skills can only be acquired by getting experience - by learning on the job. To do that, the Government has started the incubation programme.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Tong'i, there is a point of order by Hon. Sankok. What is out of order?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, Hon. Tong'i is misleading this House. We are not saying that graduate youth will come and take up the positions. He is misleading this House because the Bill creates positions for the youth. They can enter at graduate level, just at the bottom of the pyramid, while those at the top will succeed those who retire.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): That is a point of information. You are debating.

Hon. David ole Sankok (Nominated, JP): He is actually misleading the House by saying that graduates should not take up CEO positions. The Bill does not say that.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): This is a House of debate. Hon. Tong'i, I know you cannot fight Hon. Sankok.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker. You know my good friend likes publicity. This is one such opportunity he wanted to rise so that the youth and the community he represents can notice him. I have not said that the youth should not be CEOs. Actually, I am on record on that. The other day, I saw a posting on our page saying Rwanda has given an opportunity to a young person of 19 years to sit in the Cabinet. If that is true, it is something that all of us need to emulate as a country and learn from best practices. That is one such best practice. But as we do that, we also have a country to run, where you need people who have experience to manage the core departments of this country. It is a wake-up call to the Public Service.

There is a huge gap between the youth and the people who are above 50 years. The people who are above 50 years are almost 50 per cent of the working population in Government. If that is true, then there is a huge discrepancy. I do not know if it is by design. Now, the National Treasury has even said that the Government is freezing employment for three years. We need to condemn that. If 50 per cent of the employed population in Government are 50 years and above and we freeze employment, where are we going to get people to take over from all of us? Like Okonkwo would say, if all of us can clean the front yards of our houses, the entire world would be a very

clean world to live in. We need to do our bit as a Government and as lawmakers to ensure that the youth get involved at a good age so that they can take over from all of us when we are old and not able to serve this country. We have one indivisible country called Kenya, and all of us must work to ensure that we get good people to drive the development agenda.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Let me add you one minute because of the interruption by Member 001.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker. You are always considerate. In our next life, you will be my president. We need to empower ladies. The Bible is very clear that if you cannot be trusted with small things, you cannot be trusted with bigger things. You have been trusted with this and you have been fair in your judgement. Right now, you have been fair to me and to the country.

As I wind up, I want to emphasise the point that it is important we make the law. But as we make the law, it is not right to say that somebody should not act for more than six months. There are many reasons why one would act for more than six months. There are cases of sickness. You may be involved in an accident or you may suffer from normal ailment and you are in hospital for more than six months. Are you then going to lose your opportunity just because the law says that after six months, somebody must take over? That would be unfair. It is against human rights. We need to have exceptions. That is why I am persuaded that this is more of a management strategy than having the provision in law. If you get a president and a parliament which will not be supportive, it will be very complicated to change the provision. I support, but I would wish we engage a lot more especially on the acting aspect. People act for different reasons. We all could be potential beneficiaries of that acting clause.

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. I support and thank my friend for bringing this Bill to the House.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): The last Member to speak to this will be Hon. Gedi. Then the Mover will reply.

Hon. (Ms.) Fatuma Gedi (Wajir, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I am a member of the Committee that the sponsor of the Bill appeared before. This is a very important Bill. As a young Member of this Parliament, I am very happy to contribute to it. This Bill will cure discrimination between the youth and the elderly. Everybody has the opportunity to serve. We want the youth to also be given space to perform. We have many youths with skills.

This Bill has come at the right time. It has come when this country is being divided into two classes. I am surprised the people pushing the narrative that the youth are being sidelined are not here to contribute to this Bill, apart from Member 001. It is very important for us to support this Bill so that moving forward, we do not have succession crises. We want people to retire as others take over their positions. We want to have youth who can bring fresh blood and fresh energy to the workforce.

Hon. Temporary Deputy Speaker, I am very grateful because this Bill has come at the right time when this country needs to empower the youth. The opportunity that we have today as legislators, is to support this Bill so that the politicians who are dividing this country along classes do not have a place.

I urge Hon. Members who are here to support the Bill. Youths of this country need empowerment and space. The space is here, but not giving out *mkokotenis*.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I call upon the Mover to reply given that the time allocated to the debate is due.

Hon. Benjamin Mwangi (Embakasi Central, JP): Thank you, Hon. Temporary Deputy Speaker.

First, I wish to donate two minutes to Hon. Ndindi Nyoro who is also a youth to say something or contribute.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro, are you a youth? This is procedural. It is quite in order. The debate has been completed maturely. Hon. Nyoro, kindly have two minutes.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support Hon. Gathiru on this Bill which is very robust. As a youth, even as we talk about retirement age...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Are you a youth in age, in feeling, or?

Hon. Ndindi Nyoro (Kiharu, JP): I am a youth by definition given out by the United Nations (UN). You can even see that my face is glowing like a youth.

I support this Bill even as we talk about retirement age. One, even before we grab the opportunities that are there, this country is lagging behind in terms of creating opportunities for the youth. That is why we have so many youths left behind, who can be misused by some people in this House like we saw in Murang'a, Hon. Sabina Chege hiring youth from slums in Kenya.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Ndindi Nyoro. You know the procedure of mentioning a Member of Parliament. You must bring a substantive Motion. We cannot substantiate that.

Hon. Ndindi Nyoro (Kiharu, JP): Alright. I am well guided. I was just trying to say that we need to create... Kindly consider that I have been interrupted. I can see that my time is almost up. I am trying to put my point across that we actually need to focus more on creating opportunities and not just capping the available ones. One of the ways that the Jubilee Government was trying to capture and create many opportunities for the youths of this country was through the housing programme, which was to employ thousands of youth as we execute the housing project. However, the Kshs2.5 million jobs that were to be created ...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is up. When you are not relevant, this is what you suffer from.

(Applause)

Hon. Members, it is always good to be relevant to the debate that you are doing. Let us not bring our outside *manenos*.

Hon. Benjamin Mwangi, you have three minutes to reply.

Hon. Benjamin Mwangi (Embakasi Central, JP): Thank you, Hon. Temporary Deputy Speaker.

In replying, I would like to thank each and every Member who has contributed and supported this Bill, for their kind words. I would also like to support the Departmental Committee on Administration and Natural Security, who played a very key role in drafting this Bill, conducting public participation, and collecting views from various stakeholders.

From the debate, it is very clear that there is need for clarity. The Bill is not changing anything to do with retirement age. It is moving the retirement age from being part of regulation

to being part of an Act of Parliament. In terms of enforcement, it would give it more power and help firm up the process of implementation through the Public Service Commission.

I totally agree with fellow Members led by Hon. Koinange, the Chairperson, Departmental Committee on Administration and National Security that there is need to distinguish further on what grounds someone is holding the acting role and what happens after six months' period, allowed by the Bill. I concur with the Committee's Report that certain instances such as medical and education leave should be allowable by this Bill.

With a lot of humility, I would also wish to remind the Leader of the Majority Party that putting a number to age limit for retirement is not against the Constitution, as indeed, the current Public Service Regulation provides for the same.

Two, the Bill has no intention of putting age limit to elective positions as they intend to have a statutory age limit for civil servants and not State officers.

Finally, the Bill also intends to stop the misuse of acting appointments by the Public Service Commission because even as a country, we cannot have a President who is acting for more than 90 days.

As I conclude, I would like to use this opportunity to give hope to our youth that this House will continue making legislations that will ensure that many years spent in school gaining knowledge and skills will result in meaningful employment. At the same time, let us give hope to junior officers whose goal and aspiration in public service are to be promoted to the highest office possible. By introducing succession planning, they will make their dream more realisable.

With those many remarks, I beg to reply.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Benjamin Mwangi.

Hon. Members, I confirm that the House is not properly constituted to enable me put the Question to the Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019). I, therefore, order that the Question to the same be put in the next Sitting as would be allocated and put in the Order Paper.

(Putting of the Question deferred)

Next Order!

Second Reading

THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Mover, Hon. Kimani Ichung'wah. Kindly, give him the microphone.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the National Disaster Management Authority Bill, 2019 be read a Second Time.

Hon. Temporary Deputy Speaker and Members, this Bill principally seeks to create a coordinated or a centralised way in which as a country we can deal with and manage disasters in the country. As you are aware, we have had several disasters ranging from flooding to fires in our urban centers and parts of our rural areas, including areas like Tsavo, as we have seen in the recent past a lot of pasture going into waste for both wildlife and domestic animals, to disasters like the terrorist attacks we have had in this country.

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What instigated the thinking behind this Bill was Garissa terrorist attack which happened about two to three years ago. In consultations with a few friends of mine in the medical profession, I realised that we had an uncoordinated manner on how we manage disasters in this country. At that time, we lost about 144 students of Garissa University. Their bodies had to be transported from Garissa to Nairobi. Relatives were going to identify the bodies at Chiromo Mortuary. Those who survived the terrorist attack had to be brought to Nyayo Stadium. I had engagement with a medical doctor who was involved in the process and who was a senior medical officer at the Ministry of Health. He told me that one of the things that they were not able to do was the process of identifying those who had died and those who had survived the terrorist attack.

Hon Temporary Deputy Speaker, unfortunately for those who died, their bodies were transported to Nairobi four days after their death. The temperatures at Garissa that time were close to 40 degrees Celsius and bodies started decomposing as soon as they were stored in some small mortuary in Garissa District Hospital then.

I remember one person narrating a story of a mother who sold her two goats to get transport to travel to Nairobi. She had no accommodation anywhere in Nairobi and had to walk from Chiromo where she used to go to try and identify the bodies that were being brought there, some completely decomposed and one could not tell who was who. She walked all the way to and from the Nyayo Stadium either looking for a survivor in Nyayo Stadium or a body as the bodies arrived.

A medical doctor told me that, if only we had a coordinated way of dealing with such disasters, the right thing would have been to fingerprint the bodies on the first day, take photographs including the clothes they were wearing on that fateful day and the process of identifying bodies would have been quicker even by notifying relatives. Therefore, I realised that there is a huge gap in how we manage disasters. Looking at whether we have any standard policy document on how to manage disasters, you would realise that the Fourth Schedule of our Constitution gives this responsibility to both levels of Government because disasters will happen anywhere. It is imperative that we have a centralised and coordinated manner of managing disasters. That was the thinking that informed this Bill.

This Bill seeks to establish a National Disaster Management Authority that will coordinate disaster preparedness, coordinate the formulation of a national policy and standards on how to deal with disasters in the country. The Bill recognises that this is a responsibility that is bestowed by the Constitution on both levels of Government. So it seeks to establish a mechanism through which we can coordinate the management and coordination of disasters in the country between the two levels of government and even open offices for disaster management and coordination across the country in our different counties.

If you look at the functions of authority in Clause 5 of the Bill, we seek to have the authority in liaison with the county governments perform some of the following functions: To coordinate and control the response to and management of disasters. Also, to build capacity at both levels of government in crisis response and disaster resilience.

For instance, if there was capacity built in Garissa at the time, we would have had medical officers who could fingerprint bodies for those who had lost their lives and send them to the National Registration Bureau. That way we would have known exactly whose bodies they were and notify the family well ahead of time. They would not have punished parents who had already lost their young ones to have to travel from far parts of the country to Nairobi, not knowing whether their children were alive or not.

I remember that lady narrating the story to the doctors saying she sold her two goats. All she raised was fare to get to Nairobi. She did not have money to be accommodated in Nairobi. The

Government had no means of coordinating where those relatives would come to identify bodies and where survivors would be accommodated in Nairobi.

You can imagine if we had a management authority such as this that would coordinate such disaster, to know that Hon. Ichung'wah is affected in Garissa, he has to travel from Kikuyu or Pokot to Nairobi and know where he has to be accommodated as he arrives in Nairobi. How were they going to identify the bodies and how were they going to give psychotherapy to the survivors such as the young children? Many of you might have read of the stories about children that were transferred to Moi University in Eldoret and the problems they had because there was no meaningful counselling that was offered to them. Therefore, we seek to establish a system where even things such as counselling will be done.

Look at the case of what happens when there is an air crash, such as the recent one of the Ethiopian Airline. At least, because airlines have resources, they can have therapy and counselling sessions for relatives and those affected. On the contrary, for disasters such as floods and terrorist attacks such as this, there is no way that is coordinated at the level of Government, unless there are volunteers. Therefore, we seek to build capacity at both levels of Government be it at the county or national level.

The Bill also seeks to serve as a command centre for all communication and information. In times of disasters, communication is key. It is used to pass information, be it of those who have lost lives or those affected in a manner. In environmental disasters, information is disseminated from one command centre. So, the authority will serve as one command centre for communication and information relating to response operations.

It will coordinate disaster management efforts between various Government agencies to ensure there is seamless response to disasters. Remember the case of terrorist attack at Westgate. There was uncoordinated response with the military coming into place and the police. We even had cases where the security forces were firing at each other not knowing who the enemy was. If we have an authority that is coordinating a response to any disaster, be it terrorism or floods, we will know at what time we bring in the National Youth Service (NYS), the military or medical officers. Those are some of the things that we seek to do.

It will also seek to establish and operate an effective and efficient national early warning disaster monitoring information system. As I said, environmental disasters issues such as floods in River Nyando and other areas should have an early warning and monitoring system. We do not have to wait until a disaster happens for us to run there to rescue people.

Hon. Temporary Deputy Speaker, because of time, I seek to ask Members to support this Bill. It will help us both at the national and county levels of government. We recognise that it is a Bill that will affect counties and so I take this opportunity to also appeal.

I know there was a similar Bill that would have been published in the Senate sponsored by Sen. Sakaja and Sen. Mutula Kilonzo. I would wish to request them that when this Bill gets to the Senate, they take it up and if there is anything they feel they can add, it will be in order to liaise with us then we can have the amendments here as we have the Third Reading.

With those remarks, I beg to move and request the Member for Kiharu, Hon. Ndindi Nyoro, to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second the National Disaster Management Authority Bill, 2019 as it is well articulated by my brother and colleague, Hon. Ichung'wah.

In the recent past, we have witnessed many disasters in our country. As it was well articulated, it is just prudent for us to look for a cohesive way of responding to these disasters. As you know, something only qualifies to be a disaster if it is not planned. We must come up with a way of coordinating resources to help the victims and situations that get us in a way of emergencies because all disasters are emergencies by nature.

In my constituency of Kiharu, just like many other Members in this House, we have witnessed various disasters. Every single season, we have had landslides which are disasters that affect people, especially those on the topographies that are steep. It has been very disappointing because the only thing we have seen coming from the Government, especially citing the last landslide we had, was nothing more but packets of rice.

There is a case I have been following of a disaster that happened in 2018, of a landslide in a ward called Murarandia in Kiharu, where people lost their land. The landslide affected the land to a point where there was no place to build their houses. The only things that were availed to those victims were food items and a few non-food items like mattresses.

Those people were victims of an emergency, their land, coffee and tea plantations were destroyed and they had nowhere to build a home for their children. We need to get serious because there is no way a citizen of Kenya will only be a property of Government when they try committing suicide. But when they are undergoing problems, these are their personal problems and the Government leaves them to deal with them.

We need to come up with a coordinated manner in which to help people during tragedies and even during the aftermaths. The victims I am trying to describe some of them up to date are hosted by their neighbours. We need to coordinate and help these victims, so that they can restore the dignity they had before the disaster.

Even as we deal with natural tragedies like the disasters of landslides and fire, we have to avoid manmade disasters. We have seen during the coronavirus pandemic some disasters generated by our Government. We saw women in Kariobangi being thrown out of their houses by police officers and their houses being demolished. Even as we deal with the natural ones, we need to have some dignity as a Government and afford the people we lead comfort, especially in such a time like during the coronavirus pandemic.

I can see my time is almost up. I want to add that we need to put more resources for disaster management in our country so that we can holistically handle the issues the victims go through during and after the disasters. We need to categorise them so that we know how to respond to each. The way we respond to fire is not the same way we respond to a terrorist attack or landslide. Therefore, we need to mainstream and always be prepared. Not to run helter-skelter when the disaster happens.

With those many remarks, I second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members with the Bill having been moved and seconded, I will propose the Question.

(Question proposed)

I give the first chance to the Member for Funyula, Hon. Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this Bill. I must thank my colleague who has moved it because it is timely and probably as we often say, long overdue.

Disaster is a peril that happens either unknowingly or can be predicted. This country has had its share of disasters that, indeed, from ordinary review and analysis, indicates they have been badly handled or coordinated. The only disaster in our history that seems to have been well coordinated was the terrorist attack on the Dusit hotel sometime last year. The rest of disasters have been badly handled.

For example, the perennial flooding in Budalangi and part of my constituency Funyula, Nyando and perennial landslides in Mt. Kenya region. These are a testimony of a country that fails to predict and see what will happen in the near future.

In many developed countries for example, the United States of America (USA), they have a very clear disaster warning system which this country has failed to embrace. In many cases, both the national and county governments fail to invest in local radios that are able to predict or warn of impending disasters.

For example, the Bulala FM station in Budalangi that provides warning signs about the impending flooding is not adequately funded. We do hope that the formation of the Disaster Management Authority will accord this kind of local mechanism opportunity to provide enough linkage or enough adverse warnings to avoid human loss and that of property.

We must laud the Kenya Red Cross Society of Kenya for the wonderful job it has always done whenever there is a disaster. We must also laud the Disaster Management Unit that His Excellency the President presided over and which is hosted in the Office of the President and the National Emergence Response plan that were inaugurated in 2014 to create some semblance of order and organisation in the management of disasters in this country.

The Bill provides a number of functions for the authority. My main point of concern is those functions are assigned to the county governments. Under the Fourth Schedule, Part 2, function No. 12 is about fire and disaster management. We are eight years into devolution, and I can say without an iota of doubt, using Busia County as a reference, we have no disaster management framework. We have no functioning firefighting system. I truly wonder what magic the authority will use to ensure that the county governments have adequate mechanisms, adequate infrastructure and adequate funding to provide sufficient capacity to manage disasters in this country.

The same Fourth Schedule in Part 1, among the functions assigned to the National Government are disaster management. We do hope the Government will make proposals to provide adequate funding to ensure that the functions listed under Clause 5 of the Bill are adequately and comprehensively executed by the authority.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Ugenya, Hon. David Ouma Ochieng'. I saw him get to the consultation room though his card is on. The Member for Nambale, Hon. Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to add my voice to this proposed National Disaster Management Authority Bill.

First and foremost, I think, it is one of the most important Bills that have come before the House. Many times we are terribly unprepared.

I come from Busia, and when there is a fire in Busia Town, a fire truck, just a small one comes from Tororo in Uganda. By the time it gets to town, the fire has gutted down everything. So there will be people with shovels and little water who will try to put out the fire. That is just one extreme case.

We have recurrent problems like we have with flooding where hundreds of people are displaced and livelihoods completely affected. Being displaced is not just finding a blanket and

sleeping somewhere. Displacement means that total livelihood has changed. You do not know where your children are, the family is dispersed and social systems are broken. There are a lot of issues. What happened in West Pokot, Elgeyo Marakwet and adjoining areas recently, from what we saw in the media was extremely serious. We leave it to volunteer societies like the Red Cross.

The Red Cross is sometimes assisted by the Government, but it is largely on its own, using its resources. That is okay, but it cannot be that as a sovereign nation, that becomes entirely the face of what will happen in the country. Every life must matter. Otherwise, there is no need, as a sovereign nation, to claim your citizenship status, if in case of need the sovereign state does not worry about you. There could be limitation of budget, but let us have systems in place to enable us evaluate whether the systems are adequate in respect of different disasters that might occur. Establishing this Authority with clear responsibility lines will be extremely useful.

Hon. Temporary Deputy Speaker, just two days ago or last week, we were discussing about having emergency numbers established. Disaster management is a whole eco-system of its own that can bring in not only the telecommunications component and other institutional components, but a different hierarchy of decision-making so that when you have a disaster, somebody takes over, and the rest of the institutions are then commanded and guided under that arrangement. It cannot be something that is volunteered on the side. It must be, for example, that the county government, the national representative at the county level, the county chiefs and governors go into an emergency mode. Resources must be diverted from normal programmes and be dedicated to that particular area. If resources are not kept somewhere where they can be used, we should have an authority to reorganise the resources that are already there to deal with the disaster. It is extremely important.

As we know, in most cases disasters hurt the weakest most because they do not have alternatives. The well-to-do might move to higher grounds, the city, or move away from where the disaster occurs. Those who are unable to move become vulnerable maybe due to age, disease, level of income and so on. Therefore, by definition, there is the category we need to support. We can expand the Bill's scope somewhat as we move forward.

With those few remarks, I strongly support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. The Member for Kiambaa, Hon. Paul Koinange, you have the Floor.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker.

The main objective of the National Disaster Management Authority Bill...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Paul Koinange, being the Chairperson, you can utilise your ten minutes.

Hon. Paul Koinange (Kiambaa, JP): Okay. Thank you, Hon. Temporary Deputy Speaker.

The main objective of the National Disaster Management Authority Bill is to establish a centralised system of responding to and managing disasters in the country. It is important to note that response to disasters in Kenya has been uncoordinated and has resulted in production of more harm in the society. I thank such groups like Red Cross and the United States Government Accountability Office (GAO) that have filled the gap even without an organised Disaster Management Authority. This Bill, therefore, addresses the issue by establishing the National Disaster Management Authority, which will liaise with the county governments and national Government and other agencies in regard to response to disasters in the country.

Hon. Temporary Deputy Speaker, the National Disaster Management Authority Bill 2019 was read the First Time on 3rd April 2019 and subsequently committed to my Committee, pursuant

to Standing Order No.127 (1), for review. The Committee considered the Bill in its sitting held on Friday, 16th August 2019 and adapted its Report on Tuesday, 22nd October 2019.

In accordance with Article 118 of the Constitution and Standing Order No.127, the Committee sought views from the public by way of written memoranda. The Committee also received views from the Council of Governors and the Disaster Mitigation Professionals Association (DMPA).

The Committee noted the following:

- (1) The Bill seeks to establish an Act of Parliament to provide for establishment of a National Disaster Management Authority.
- (2) Disaster management is a shared function assigned in the Fourth Schedule of the Constitution to both levels of government. Paragraph 24 of Part I of the Schedule assigns the function to the national Government whereas paragraph 12 of Part II assigns the same function to the county government.
- (3) The Bill does not provide for a clear framework on the exact functions of counties. It ought to be exhaustive enough to assign roles to the counties. It should provide a wider legal framework on how disaster management should be done and well-coordinated and well-equipped.
- (4) The Bill does not provide for what magnitude of disasters can be resolved by the counties.
- (5) The Bill does not provide for who should be the immediate respondent to a disaster save the disasters occasioned by terrorism.

The Committee has proposed amendments to the Bill to take into consideration the observations.

I thank Hon. Ichung'wah for this very noble Bill. Therefore, I ask all Hon. Members to read the Report of the Committee.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. I also thank Hon. Koinange, the Chairperson of the Departmental Committee on Administration and National Security where the Bill falls. I have looked at the Bill in detail. I see you consulted more with the Mover and owner of the Bill, Hon. Ichung'wah.

Let us have the Member for Siaya, Hon. Oduor Ombaka.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity. This Bill is very timely because we have had many disasters in the country starting with the bomb blast, fires from fuel tankers and fires in schools. We have had lake disasters where canoes capsize. There are too many disasters. If we do not have an authority like this, we will never be able to manage them because more will come. We have not finished with them. We do not know when they will come. We need to be prepared. We need an authority such as this one to help us in the management of disasters.

We have seen how disasters have been managed in this country. It has not been very nice. The timing has been poor. A disaster is an emergency. We need to rush. You cannot waste time. We are always caught unawares whereby we take too long to help the victims. Therefore, the services we render are too little too late. The victims suffer a lot more.

I expect this Authority to do a lot. First of all, once it is established, it needs to be devolved so that every county can have a board that manages disasters at the county level. We may even go further down to the constituencies because disasters happen there as well. We need to have money all the time. We need to devolve it so that we have authorities going right up to the grassroots. Funds need to be put in place so that we do not have situations where we try to rush to the scene

of a disaster yet the vehicles do not have petrol. You will see that we are never prepared and funds are never there. We take too long to respond and the victims suffer. Some die along the way, when their lives can be saved. I really want to support this Bill because there is a lot that can be done. When there is a disaster, we can save lives.

Another point that is important to consider is the training of those who manage disasters. People are not well-trained. When they approach a disaster scene, they are scared and want to back out. They run away simply because they are not well-trained and armed. They also do not have the right clothing or what can protect them as well.

Lastly, victims also need to be cared for in terms of psychological trauma and health. Everybody needs to be aware that a disaster can befall us any time. When I was a student in a boarding school, we were trained on disaster management. We were young girls, but we were taught about disaster management. So, even at school level, we need to start thinking about training on disaster management. Therefore, the National Disaster Management Authority should do much more. It should put in place a lot more that will address disaster in this country. Otherwise, I thank the Member who came up with this Bill.

I support this Bill from the bottom of my heart. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me have nominated Member No. 001, Hon. ole Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to inject my voice in this very important Bill. When a disaster strikes, those who suffer most are persons with disabilities.

Let me start by thanking Hon. Kimani Ichung'wah for coming up with a very progressive idea. This is one of the Members of Parliament we really need in this House because their Bills will solve a lot of issues. It is shameful that 60 years after independence, we cannot respond to minor disasters like car accidents, and drought and floods that can be predicted by the weathermen, let alone those very major disasters that we cannot predict like terrorist attacks.

I will not dwell so much on what we need to address in the National Disaster Management Authority Bill. I will dwell so much on the issue that affects persons with disabilities. Whenever there is a disaster, the persons with disabilities are most affected in two ways. One, our numbers increase. Those who are maimed and affected by the accidents and disasters become persons with disabilities. They start competing with us for the little resources that the Government allocates to us. As persons with disabilities, we, pray on daily basis, so that we do not have disasters, so that our numbers cannot increase.

We are also affected in the second way by the fact that most of those who respond to disasters have not internalised the needs of persons with disabilities. Our laws set disaster response measures which do not consider them. When there is fire, a siren goes on. There are those who cannot hear that siren. We do not factor them in. When there is a fire, we are told that we should not use the lift but the staircase. We do not factor those on wheelchairs like Hon. Dennitah Ghati and Hon. Tim Wanyonyi who cannot use the staircase. In the aeroplane, we are told that whenever there is any disaster, there is a lighting system to show you the exit route. We do not factor those who are blind who cannot see the exit route that is illuminated by lighting.

Hon. Temporary Deputy Speaker, we rarely consider persons with disabilities (PWDs) when we are coming up with disaster management laws. Today, Hon. Kimani Ichung'wah has come up with this Bill. We should sit down and include the views of PWDs so that when we go to public participations, they also participate. This is because there is nothing about us without us. When we are on the table, we will bring issues that will add value to this Bill and save PWDs.

Lastly, on the issue of training, we cannot just respond to disasters without proper trained personnel, who will respond in a manner that will not cause more disaster. We have seen people responding to fire disasters and they end up getting burnt. We need a proper training mechanism from primary schools, secondary schools and going forward, so that we can respond to disaster in a more coordinated manner. It is shameful that even individuals like Akothee are the ones responding to disasters like floods and drought and not the Government that is given the mandate by the people of Kenya.

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

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Let us have the Member for Kwanza who is next on my request list.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I want to take this opportunity to thank Hon. Ichung'wah for bringing this Bill. To me, this is one of the most important Bills that I have seen in this august House. It is very well thought. It is something that nobody else has thought of. I want to thank the Member for having come up with it because it is one of the best Bills that we have.

First and foremost, there is no coordination at all in this country. When we are faced with a disaster, all manner of busy bodies come around. Look at what is happening in Tsavo National Park when there is fire. I was watching television and got embarrassed because people were just running around with branches trying to put out the fire.

Hon. Temporary Deputy Speaker, I am among the few Kenyans who experienced the tsunami in the East. I was on duty in Malaysia and I had a very bad experience. Before that, there was a warning. Even the wild animals; the baboons and elephants heard that early warning and they moved to higher ground. We had an alert a day to the incident. In fact, I was supposed to travel back to Kenya when it happened. I do not want to get to the story of what happened but the early warnings are important. We want to have a disaster authority that will monitor, even if it means using the animals. They are very good at it, even chicken make certain noises that can warn you that something abnormal is about to happen. That is what happened in Malaysia.

It is important to have a central disaster management authority. As we establish it, we should be able to get early warnings and specific emergency numbers. We have 999 of the police, but there is none for disasters. If a disaster happens in Nairobi, it would be different but elsewhere in Kenya, it would be very disastrous.

Hon. Temporary Deputy Speaker, I want to give an example. Recently, we had landslides in West Pokot. I was around there and managed to visit the area and people died. Some people were found miles away because they were swept by the floods. There was nothing they could do because people were not trained.

Therefore, as we debate this important Bill that has been brought by a man I respect very much, Hon. Ichung'wah, let us have people trained and exposed and have regular drills. Today in this House if anything happens, we will see people hitting each other, running up and down and will not know what to do because we have not been drilled. I have been here for the last eight years and I have never heard from the authorities here saying what we should do if anything happens here, as Members of Parliament. Nothing of the sort has been done yet we are the lawmakers for the country.

Therefore, when it comes to the Committee of the whole House, let us give ourselves the whole day and put in as much as we can in terms of experiences and what we shall conceive outside

the box to have the Bill passed. The establishment of the National Disaster Management Authority should have been done like yesterday and not today or tomorrow.

I thank Hon. Ichung'wah for coming up with the Bill. I support it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the Hon. Member for Lamu.

Hon. Ruweida Obo (Lamu CWR, JP): Asante sana, Mhe. Spika wa Muda kwa kunipatia nafasi hii nichangie Mswada wa Mamlaka ya Kitaifa wa Usimamizi wa Majanga.

Nimefurahia sana Mswada huu ambao utasaidia Kenya nzima. Unalenga mambo mengi kama moto, na mafuriko, hata kule kwetu kwenye bahari. Ningependa kiwango fulani cha mgao kutoka Serikali kuu kiwekwe hapo kama asilimia 10 au 20. Itasaidia Kenya pakubwa na tutasonga mbele kimaendeleo.

Kwa hakika, kuna majanga ambayo hutokea baada ya muda na bado hatujitayarishi wala kusoma. Kwa mfano, mafuriko. Tunajua miezi fulani huwa na mafuriko lakini huwa hatujitayarishi. Kuna sehemu za Lamu tunajua miezi fulani bahari inakua chafu sana na majanga hutokea hata tsunami. Maji hupanda hadi kwa nyumba za watu. Tunajua linajiregelea lakini huwa hatujitayarishi. Mswada huu utatoa suluhisho kwa majanga kama hayo.

Cha kusikitisha ni kwamba ikiwa kuna kampuni kubwa au mradi mkubwa katika sehemu, kwa mfano, Lamu Port South Sudan Ethiopia Transport corridor (LAPSSET), katika mambo ya bahari inafaa yajitolee kabla kuanza mradi, waweke kitengo cha kusimamia majanga ambacho kitakuwa kikasaidia majanga yakitokea. Lakini hakuna hata moja, ingawa ni rahisi kwao kufanya kitu kama hicho. Watu wanakufa wakati huo, wanapata shida ama wanakataa kwenda kwa bahari lakini kama kungekua na njia ya kuwasaidia, wangukuwa wanaendelea na maisha yao ya kawaida. Watu wanaenda baharini wanapotea na majanga ya kila aina yanatokea lakini kampuni kubwa kama hizo hazitusaidii. Mswada huu utasaidia sana.

Mafuriko na majanga mengine pia yako kwa Kaunti ya Lamu. Hata janga la ugaidi lipo. Watu wanahamishwa makwao haswa Wadi ya Basubwa lakini inajirejerea. Tunashukuru Mwenyezi Mungu iko vizuri wakati huu.

Ukienda upande wa Bara, katika Wadi ya Wito, huwa na mafuriko kila mwaka. Siku zote sisi huteta na KenGen. Lakini tunashukuru Mwenyezi Mungu siku hizi wanaingilia vizuri.

Ukame pia upo. Haya majanga yako mengi na yanajirejerea na huwa kama aibu. Ni kitu ambacho kinarejelea na tunajua hatuchukui hatua yoyote. Kwa hivyo, Mswada huu utasaidia pakubwa na tunaunga mkono sana, angalau watu wetu wapate kusaidika.

Asante sana, Bi Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): *Asante sana kwa Kiswahili sanifu.* Let me have the Member for Matungulu, Hon. Mule Mutinda.

Hon. Stephen Mule (Matungulu, WDM – K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. First and foremost, I want to thank my brother and friend, Hon. Ichung'wah, for bringing this noble Bill, the National Disaster Management Authority Bill, to this House. As you know, in this country, the disaster managers are Members of Parliament (MPs). The moment a disaster happens the first point of call are MPs. It is high time we delinked ourselves from being the disaster managers in this country and gave it an authority which can take care of Kenyans.

It is important...

(Hon. Stephen Mule removed his face mask)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Mule, even as you are doing a very good work on your contribution, and I can hear the Members appreciating, please put on your face mask.

Hon. Stephen Mule (Matungulu, WDM – K): Hon. Temporary Deputy Speaker, with your indulgence, you will allow me not to wear the face mask because I am just alone here.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): No! That is the directive.

Hon. Stephen Mule (Matungulu, WDM – K): Thank you, Hon. Temporary Deputy Speaker. When I go through this Bill, I can assure Hon. Ichung’wah...

(Hon. Jared Okelo spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I can hear the Member for Nyando speaking about disaster in his place and he is saying you are alone. I am also alone here and I am wearing a face mask. Carry on.

Hon. Stephen Mule (Matungulu, WDM – K): Thank you, Hon. Temporary Deputy Speaker. I know the COVID-19 disaster is much more serious than what we are talking about. What I want to assure Hon. Ichung’wah is that we are going to enrich this Bill during the time we are going for the Third Reading and make sure that all the areas are captured. It is saddening that we are aware that every rainy season we have to relocate people, especially, in the lower part of Matungulu Constituency where we border the Athi River, that is, Kyeleni Ward. People are relocated to higher grounds, and at the end of the day, the only people who normally come to assist us are the Red Cross and sometimes the police. So, through this Bill...

(Hon. (Dr.) Wilberforce Oundo removed his face mask)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Funyula, you have just heard me tell Members to wear their face masks. Please, let us put on our face masks to protect other Members. Carry on Hon. Mule.

Hon. Stephen Mule (Matungulu, WDM – K): Thank you, Hon. Temporary Deputy Speaker. I am saying that, in the lower part of Matungulu Constituency, we know very well that during the rainy seasons, it floods. The only people who come to rescue my people are either the police or the Red Cross. It is high time that we had this authority to make sure that we, as leaders, have a point of call. We should delink ourselves from becoming the point of call for any disaster.

This is a very important authority. If you look at the developed countries, for example, Germany, United States of America (USA), United Kingdom (UK), *et cetera*, you will find that they know how to manage their disaster issues. It is a wake-up call for this country to make sure that we work for the people and do the best for this country to ensure that what Hon. Sankok has said that he does not want an increase in the number of persons with disabilities (PWDs) as a result of people being maimed during disasters come to pass. This will ensure that the kitty for the PWDs is not exhausted.

This is a very important Bill and I wish to urge the leadership of this House to make sure that we fast-track it so that it can go to the Senate. I also want to urge our Senators to keep their differences aside and pass this Bill as quickly as possible so that it can be assented to by the

President for us to come up with a clear framework on how the authority will operate at the national and county levels. We can even go down to the constituency level.

As I said, Members of this House have become disaster managers at any given time. We want to do things differently. This is an era where we must do things differently and appreciate the work of all the agencies. However, they must be put in an orderly manner so that this country can move forward.

I support and I want to sit with Hon. Ichung'wah. I have looked at the areas where we need to do some amendments. We will bring amendments which are very noble and make sure that we move with speed and ask the Senate that this Bill should not stay in their House even for a day. If they meet once a week, they need to provide an extra day to meet for this Bill.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well said. It is true that Members of Parliament have become disaster managers. Let me appreciate the interest by the Members for Ruiru, Funyula, Nyando and Ndaragwa. They wanted to contribute to this debate. In the interest of time, and this being a House of procedure, this Bill has a balance of one-hour-and-thirty-eight minutes of Second Reading debate time. You can get ready for this.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The time being 1.01 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.01 p.m.