

**PARLIAMENT OF KENYA**  
**THE NATIONAL ASSEMBLY**

**THE HANSARD**

**Tuesday, 8<sup>th</sup> February 2022**

The House met at 2.30 p.m.

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

**PRAYERS**

**QUORUM**

**Hon. Speaker:** Members, it is clear that we do not have quorum. Can you ring the Quorum Bell for the first 10 minutes in the first instance?

*(The Quorum Bell was rung)*

Order! We have quorum now. We can commence business.

**PETITION**

**ENACTMENT OF LEGISLATION TO REGULATE PROFESSIONALS IN ENVIRONMENTAL SECTOR**

**Hon. Speaker:** Hon. Members, as you are aware, Standing Order No. 225(2)(b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation. In this regard, I wish to report to the House that I have received a Petition from Ms. Linda Munyao acting in her capacity as the Chairperson of the Environment Institute of Kenya and on behalf of other office bearers of the institute.

Hon. Members, the petitioner avers that the Environment Institute of Kenya is a legally registered professional association of all environmental experts in Kenya engaged in advocacy and building capacity in environmental management and sustainable development. The core objectives of the institute include maintaining, promoting and improving standards in the conduct of environmental impact assessment, audit, strategic environmental assessment, social impact assessment and other related mechanisms in the management environment. The petitioner observes that the absence of a distinct legislation to regulate professionals in the field of environment and existing gaps in the Environmental Management and Coordination Authority (EMCA) Act have created a loophole for uncoordinated approach in environmental management. To cure this lacuna, the petitioner is proposing that the National Assembly enacts a legislation to provide for the establishment of the Environment Institute of Kenya, whose function shall include registration and

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training of professionals and regulation of the environment profession generally. The petitioner also has annexed a Draft Environment Institute of Kenya Bill in compliance with Article 119 of the Constitution and for reference by the House when considering their Petition.

Hon. Members, having determined that the prayer sought by the petitioner is well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this Petition be committed to the Departmental Committee on Environment and Natural Resources. The Committee is required to consider the Petition and report its findings to the House and to the petitioner in accordance with Standing Order 227(2). I thank you.

Hon. Members, I wish to know whether all the Members who have placed interventions wish to make comments with regard to this Petition because I found others who had placed their interventions even as I walked into the Chamber. Member for Kamukunji, yours was early bird. Is it? Very well. Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I really do support the petitioner because the environment is very important. This House can enact laws to make sure that we have a State corporation that deals with the environment because the impact of climate change is really affecting all of us. We have just survived a drought that has killed most of our animals. So, I support the petitioner and would like the Departmental Committee on Environment and Natural Resources to speed up so that we form that particular State corporation as requested by the petitioner so that we make sure that there is professionalism in dealing with our environment.

Hon. Speaker, I normally wear green to represent the environment. I am an environmentalist. Recently, I was on a very beautiful suit but I found that I became too handsome. I did not know that I am that handsome. I have changed back so that at least I do not become hot cake. I support the Petition.

**Hon. Speaker:** Hon. Sankok, who told you that you are hot cake? Next is the Member for Mwea Constituency.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I also wish to support this particular Petition more so because environmental impact assessment has become a requirement in virtually every project that we have in this country. This is a profession that is now attracting many young men and women who are now becoming professional environmentalists. Therefore, it is only fair that we have a regulatory association that will look at the conduct and ethics of these professionals who are upcoming. As my brother, Hon. Sankok, did say, he is a promoter of environment through his green attire but I am not sure whether I have heard about his being handsome. I have only heard people say that he is troublesome.

Thank you, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** Member for Wajir South.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you very much, Hon. Speaker. I support this Petition. I find that it is the right time that Kenyans have joined the rest of the world in advocating for issues to do with the environment. It is very important that we realise that the professionals and the future generation need to be considered at this particular time when climate change and environmental issues are becoming one of the biggest challenges. Therefore, I support this particular Petition and say that we need to enact laws that govern this country in terms of institutions that can propel this country's environmental issues to the next level.

Thank you very much. I support this Petition.

**Hon. Speaker:** Member for Kisumu West.

**Hon. Olago Aluoch** (Kisumu West, ODM): Thank you, Hon. Speaker. I support my colleagues on their comments on the Petition but what I wanted to ask you, Hon. Speaker, is if you could issue further directions on mode of dressing. I see across the Floor Hon. Tuwei in a manner of dressing that exposes his shoulders downwards. I do not know if that is proper dressing for the House.

**Hon. Speaker:** I actually note that Hon. Olago Aluoch is the one who appeared dressed in the opposite direction. He appeared to have seen the speck in his brother's eye and forgot the log in his. I think Hon. Olago Aluoch wanted to draw attention to the House that he is not properly dressed himself. Hon. Tuwei, can you be upstanding. What! It is short sleeves. Hon. Tuwei, you are here in short sleeves. Please, go and change. Next is the Member for Gilgil on the comments.

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Thank you, Hon. Speaker. I also rise to support the petitioner. Just last week, you remember we had an issue on environmental impact assessment done by KenGen. I raised an issue on Eburu area in my constituency. This streamlining and making it as professional as possible will enable it join other professions like the lawyers, the Institution of Engineers of Kenya (IEK) and the Law Society of Kenya (LSK) in terms of conduct, terms of references and even code of ethics. I support that the Departmental Committee on Environment and Natural Resources also looks at streamlining this area that is very critical. Now we have the road from Rironi being done by the French. The impact assessment is being done right now and yet it is not up to standards. I think it would be better if we have an institute where we can make references. If people have questions, they can ask and this will go a long way in making this grey area to be dealt with. I support the Petition.

**Hon. Speaker:** Finally is the Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Speaker, I thank you for the opportunity to also contribute to this Petition, which I support. Environmental issues with the current climate change are tremendously affecting us. Do we need other institutions to be put up when we have the National Environmental Management Authority (NEMA)? Why not strengthen NEMA to ensure they do their work properly for the benefit of the country? What NEMA is doing is very dissatisfying. There are a lot of problems. In my constituency, there is a lot of mining, rock and stone cutting. A lot happens after people have excavated, but NEMA does nothing about it yet they know the dangers. People die in pits when it rains. I think they need to come strong and protect this country from investors whose interest is to make profit, without taking care of the environment after finishing with their extractions.

So, I support this Petition but with the rider that we need to strengthen NEMA to do their work properly. I thank you, Hon. Speaker.

**Hon. Speaker:** Very well. It is not right to appear like you have made up your mind much later, because I am guided by the intervention button. Hon. Chachu, before I give you the chance because I know you are very passionate about matters environment, let me recognise pupils from Royal Brains School from Kiambu County made up of classes six, seven and eight, who are in the Speaker's Gallery. They are all welcome to observe the proceedings.

Proceed, Hon. Chachu Ganya.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Speaker. I rise to support this Petition. We need such an institution on matters environment. We have many environmental institutions in this country like NEMA, the Kenya Wildlife Service (KWS) and the Water Resources Management Authority (WARMA). Most of these institutions are poorly staffed and

resourced. So, I do not see the value of creating new ones when what we already have with robust policies and laws, are not able to do what they are created to do. While I support this Petition, I really wish we use what we already have. I think they have robust policies and legislation managing them. We just need to fund them and enable them to do their work.

I thank you, Hon. Speaker.

**Hon. Speaker:** Well, of course, the Petition will be referred to your Committee, Hon. Chachu. You will be looking at the allegations about the existing lacuna in the Environmental Management and Coordination Authority Act, so that you can see whether there is need to address the concerns of the petitioners and whatever you can recommend to the House. As it were, they have even attached a proposed draft Bill. I believe with your experience and passion, the Petition is going to the right place; in your team.

Finally, on this one, Hon. Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I support the spirit and context of the Petition, not necessarily the conclusion. I think the conclusion is what the Committee must examine. While it is a good a thing to have more bodies regulate the environment, it is also true that some of the bodies we have had including NEMA, have tended to focus more on development rather than the environment generally. They have tended to focus on who is doing development, the licences to be given to them rather than on essential issues of environment including the ten per cent tree cover. What are we doing to encourage people, even along the lake as I am now doing in my constituency, to for example, grow bamboo? What are we doing to ensure that there is essential tree cover? They tend to only focus on when people want to do development, because obviously that is where the money is. They have over concentrated on urban areas and not so much in the rural areas. We must also caution that some things are not necessarily as a result of a lacuna of legislation. We must caution ourselves that not every human problem is solved by legislation. There are some problems that are solved by policy. The Committee will, therefore, examine and ask themselves whether we do not have sufficient legislation or whether the problem is non-implementation of that legislation. Overall, I support a re-examination of the operation of the EMCA Act with a view to achieving a better tree cover and conserving the environment.

Thank you, Hon. Speaker.

**Hon. Speaker:** Now we are through. Even if you are the grandfather of the House who has suddenly found that he has something to say about the environment...

Hon. Jimmy Angwenyi.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Speaker, for giving me a chance to contribute on this very important matter. I come from Kisii and Nyamira counties, which are areas that are worst hit by environmental degradation in the country. Our drinking water is now spreading diseases because of the environment, and NEMA has not done anything substantial to address that issue in my area. If they addressed the issue, perhaps some of us would be transferred from Gusiiland to Laikipia, Kajiado and in other expansive areas of land where we could settle and reduce degradation of environment in Kisii.

I support this Bill and hope the House will support it.

**Hon. Speaker:** It is not yet a Bill.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): I support the Petition. I am sorry, Hon. Speaker.

**Hon. Speaker:** The Petition is referred to the Committee on Environment and Natural Resources.

Next Order.

**PAPERS LAID**

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Legal Notice No.268 relating to the Nairobi International Financial Centre, General Regulations 2021 and the Explanatory Memorandum from the National Treasury.

The Agricultural Policy Paper No. 2 of 2021 on Food, Health, Wealth and Security from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

The Annual Report and Financial Statements of the Office of the Controller of Budget for the Financial Year 2019/2020

The Annual Report and Financial Statements of the National Police Service Commission for the year 2020/2021.

Reports of the Auditor-General and Financial Statements of the National Government Constituencies Development Funds (NG-CDF) in respect of the following constituencies for the year ended 30<sup>th</sup> June 2020 and the certificates therein:

1. Gem
2. Muhoroni
3. Makueni
4. Kacheliba
5. Mosop
6. Mbooni
7. Kamukunji
8. Kitui West
9. Ikolomani
10. Tongaren
11. North Horr
12. Banisa
13. Sirisia
14. Mumias West
15. Khwisero
16. Sabatia
17. Butula
18. Kanduyi
19. Likuyani
20. Kilgoris
21. Bumula
22. Aldai
23. Kitui South
24. Kibwezi West
25. Matungulu
26. Mwingi North
27. Tharaka
28. Butere
29. Gatundu North
30. Turkana East

31. Pokot South
32. Turkana West
33. Mt. Elgon
34. Central Imenti and
35. Kitui Rural.

Reports of the Auditor-General and Financial Statements of the National Government Constituencies Development Fund in respect of the following constituencies for the year ended 30<sup>th</sup> June, 2019 and the certificates therein:

1. Webuye West
2. Kathiani
3. Kiharu
4. Tarbaj
5. Subukia
6. Molo
7. Samburu West
8. Dagoretti South
9. Galole
10. Kapseret
11. Keiyo North
12. Embakasi West
13. Starehe
14. North Imenti
15. Voi
16. Mwingi Central
17. Kaiti
18. Matungulu
19. Turkana South
20. Kanduyi
21. Awendo
22. South Imenti
23. Bomet Central
24. Samburu East
25. Makueni
26. Kajiado East
27. Mbooni
28. Lurambi
29. Embakasi East
30. Ndhiwa
31. Kitui West
32. Kitui South
33. Kuresoi North
34. Machakos Town
35. Masinga
36. Kwanza
37. Mandera West
38. Mwala and

## 39. Ijara

Report of the Auditor-General and Financial Statements of the National Government Constituencies Development Fund in respect of the following constituencies for the year ending 30<sup>th</sup> June 2018 and the certificates therein:

1. Mbooni
2. Mavoko
3. Kilome
4. Yatta
5. Kaiti
6. Kathiani
7. Machakos Town
8. Makeni; and,
9. Masinga.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order, Leader of the Majority Party.

### NOTICE OF MOTION

#### PRESERVATION OF THE HISTORY OF THE PARLIAMENT OF KENYA

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that the history of any institution is key to evaluating its development; further aware that documenting history provides a knowledge bank for future generations; noting that the history of the Parliament of Kenya is largely unrecorded, scattered and piecemeal; further noting that most comparable jurisdictions have elaborate records of their history, which are periodically updated to capture new developments; cognisant of the fact that the Parliament of Kenya marks its 114<sup>th</sup> Anniversary this year having been established as the Legislative Council (LEGCO) in August, 1907; further cognisant that the Legislature has been transforming in the last century both in mandate and composition, starting as a fused unicameral legislature to a bicameral one at Independence, to a unicameral legislature before again reverting to a bicameral Parliament after the promulgation of the Constitution of Kenya 2010; recognising the many works of arts, including statues, frescoes, murals and pictures connected with the history of the Parliament of Kenya, including the contributions of great men and women, families, architects and politicians throughout the 114 years of the history of the institution, and its transformation and growth throughout the period; now therefore, in order to ensure the preservation of the history of the institution for future generations, this House resolves:

1. THAT, at an appropriate stage, the House appoints a committee comprising of not more than nine (9) Members to oversee the preservation of these histories for posterity, with special focus on the National Assembly;
2. THAT, the copyrights of the *History of Parliament of Kenya* projects be reserved for the benefit of Parliament and the people of Kenya; and,

3. THAT, the Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualise this resolution.

Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Next Order.

### ORDINARY QUESTIONS

**Hon. Speaker:** Starting with the first segment, Questions. The first Question is by the Member for Kibra, Hon. Benard Okoth.

*Question No.001/2022*

#### STATUS OF CANCER TREATMENT EQUIPMENT AT KENYATTA NATIONAL HOSPITAL

**Hon. Benard Okoth** (Kibra, ODM): Hon. Speaker, I rise to ask Question No.001/2022 to the Cabinet Secretary for Health:

- (i) Could the Cabinet Secretary provide a status report on key medical equipment for treatment of cancer and kidney ailments available at the Kenyatta National Referral Hospital in particular radiotherapy and dialysis equipment?
- (ii) What measures has the Ministry taken to cushion cancer patients from suffering occasioned by perennial breakdown of cancer treatment equipment?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Health. The next Question is by the Member for Marsabit County, Hon. (Ms.) Safia Sheikh.

*Question No.010/2022*

#### ACCESS TO EDUCATION BY CHILDREN IN MARSABIT COUNTY

**Hon. (Ms.) Safia Sheikh** (Marsabit CWR, JP): Hon. Speaker, I rise to ask Question No.010/2022 in today's Order Paper directed to the Cabinet Secretary for Education:

- (i) What special consideration is the Ministry taking to ensure construction of more boarding schools for children from pastoralist communities living in Marsabit County?
- (ii) What plans has the Ministry put in place to guarantee equal access to education for children whose parents practise a nomadic lifestyle?
- (iii) What steps is the Ministry taking to reduce the rate of illiteracy and stigma faced by girls due to cultural biases which infringe on their right to education?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Education and Research. Next Question is by the Member for Kisumu West, Hon. Olago Aluoch.



*Question No.013/2022*

## NON-PAYMENT OF TERMINAL DUES EAPTC RETIREES

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, I rise to ask Question No.013/2022 directed to the Cabinet Secretary for East African Community and Regional Development:

- (i) Could the Cabinet Secretary provide the status report on payment of terminal dues to all former employees of the defunct East African Posts and Telecommunications Corporation (EAPTC), who were not compensated following the winding up of the corporation in the late 1970s?
- (ii) When will the Ministry pay terminal dues to former employees of the defunct corporation, including one Dunlex David Oguso PF.23872/1972, Josiah Rombo Siwa PF.15106/1961, Alex Charles Ochola PF.25373/1961, Edward Maurice Olang' PF.23408/1974, and several others from Kisumu West despite several promises by the Ministry?
- (iii) What specific plans has the Cabinet Secretary instituted to fulfil the obligations of the Ministry with respect to settling the longstanding dues owed to former staff of the said corporation?

Thank you, Hon. Speaker.

**Hon. Speaker:** Although issues raised here may touch on labour, I am wondering, which committee oversees the Ministry of East African Community and Regional Cooperation?

**Hon. Members:** It is the Departmental Committee on Defence and Foreign Relations.

**Hon. Speaker:** Hon. Olago Aluoch, the proposal here is that the Question be replied to before the Departmental Committee on Labour and Social Welfare, but that could not be the right committee. Hon. Olago Aluoch?

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, I will stand by your directions on this. If you direct another Committee to deal with it, I will be comfortable. My first reaction was that it will be this Ministry that would react. They are the ones I have been dealing with.

**Hon. Speaker:** But the Ministry is overseen by the Departmental Committee on Defence and Foreign Relations. Is that so, Hon. Rasso?

**Hon. Ali Rasso** (Saku, JP): Thank you, Hon. Speaker. Although the matter is about labour and still that Ministry is the one charged with employment and paying of terminal dues, the matter should be addressed to the Departmental Committee on Defence and Foreign Relations.

**Hon. Speaker:** You are the Committee that oversees it.

**Hon. Ali Rasso** (Saku, JP): Indeed.

**Hon. Speaker:** In fairness, the Ministry of Labour will still need to... Actually, if the Departmental Committee on Labour and Social Welfare were to invite the Cabinet Secretary responsible for Labour and Social Protection, they may still need to go and seek information from the Ministry of East African Community and Regional Cooperation. So, we refer this Question to the Departmental Committee on Defence and Foreign Relations, where it will be replied to.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, I stand guided. Thank you.

**Hon. Speaker:** The next Question is by the Member for West Mugirango, Hon. Kemosi Mogaka. Do you have a card? Hon. Mogaka, you are in an unusual corner. I normally see you around here.

*Question No.014/2022*

## DELAYED DISBURSEMENT OF ROAD MAINTENANCE LEVY FUND

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Hon. Speaker, today, I am on the Government side. I am part of the Government these days.

Hon. Speaker, I rise to ask Question No.014/2022 directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain why funds for the maintenance of rural roads under the Roads Maintenance Levy Fund for the Financial Year 2021/2022 are yet to be disbursed?
- (ii) Could the Cabinet Secretary state when the funds will be disbursed given that there are just over four months left to the end of the current financial year?
- (iii) Could the Cabinet Secretary explain whether the Ekerenyo-Obwari-Misambi Road under construction will extend to connect with Obwari-Gekendo-Nyamaiya Road?

Thank you, Hon. Speaker.

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

The next Question is by the Member for Baringo Central, Hon. Joshua Kandie.

*Question No. 017/2022*STALLED CONSTRUCTION OF KENYA MEDICAL TRAINING  
COLLEGE IN KABARNET TOWN

**Hon. Joshua Kandie** (Baringo Central, MCCP): Thank you, Hon. Speaker. I rise to ask Question No.017/2022 to the Cabinet Secretary for Transport, Infrastructure, and Housing and Urban Development:

- (i) What measures is the Ministry taking to ensure that funds are allocated towards the completion of the Kenya Medical Training College (KMTC) in Kabarnet Town, which commenced on 31<sup>st</sup> May 1991 and is currently about 32 per cent incomplete, considering that the contract period has been extended on three occasions with the last revised completion date being 22<sup>nd</sup> August 2016?
- (ii) What measures is the Ministry putting in place to ensure that the said project is completed and further provide the expected completion dates?

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by Nominated Member, Hon. Godfrey Osotsi, who has written to me requesting deferment. The request has been acceded to and the Question has been deferred to a later date.

*Question No.028/2022*

## STATUS OF CANE TESTING UNITS PROJECT

*(Question deferred)*

The second segment of Order No.7 is Request for Statements and Statement Responses. We start with the first part, which are the Requests. The first Request is by the Member for Molo, Hon. Kimani Kuria.

**REQUESTS FOR STATEMENTS**

## MEASURES TO CURB HIGH COST OF FERTILISER IN THE COUNTRY

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the current high cost of fertiliser in the country.

Hon. Speaker, facts from the current Kenya National Bureau of Statistics indicate that 70 per cent of Kenyans depend on agriculture to eke out a living, support their households and for subsistence. Further, agriculture is one of the biggest drivers of economies of growing rural towns like Turi, Mariashoni, Molo and Elburgon in Molo Constituency in terms of employment. Most of these are small-scale farmers whose farming prospects are largely affected by a variety of external factors beyond their reach, including the cost of fertilisers. It is worth noting that a high percentage of the farmers avoid using non-organic fertiliser as the prices are prohibitive and those that can afford them end up with shrunk profit margins.

In addition, fertiliser cost is way favourable and cheaper in our neighbouring countries than in Kenya. As a result, Kenyan farm produce ends up being extremely imbalanced and uncompetitive in the market. Our traders in turn find it economically sound to import their goods of trade from our neighbours to leverage on higher profit margins.

It is a fact that the cost of importing phosphate from the east, which is commonly used to manufacture phosphate fertiliser and which is extensively used by our farmers during the planting season, is comparatively high and the import trade is monopolistic in nature. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the following:

1. Could the Chairperson explain the discrepancy in the price of fertiliser in Kenya as compared to the price of the same commodity in our neighbouring countries?
2. What measures has the Government put in place to subsidise duty on imported phosphate?
3. What elaborate plans has the Ministry put in place to provide low-cost fertiliser to farmers especially as we approach the planting season and provide a lasting solution to the high cost of fertiliser?

Thank you, Hon. Speaker.

**Hon. Speaker:** Where is the Chairperson of the Departmental Committee on Agriculture and Livestock, Hon. Adan Haji?

*(Hon. Silas Tiren walked into the Chamber)*

Hon. Tiren, the House sits from 2.30 p.m. I can see you are just trotting in. How soon will you respond to that request?

**Hon. Silas Tiren** (Moiben, JP): Thank you, Hon. Speaker. I did not hear the Question, but we will respond to it as soon as possible.

**Hon. Speaker:** Well, the Member seems happy. You should respond as soon as possible. The next request is by the Member for Dagoretti South, Hon. John Kiarie.

#### DETAILS OF BAN ON SCRAP METAL TRADE

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Speaker. I rise to request for a Statement regarding the ban on scrap metal trade in Kenya.

Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives regarding the recent ban on scrap metal trade.

Hon. Speaker, as you would recall, in January, 2022, the Government issued a moratorium on the export, buying and selling of any scrap metals. The ban has disenfranchised traders in this sector, including genuine businesses such as the local recyclers who not only create employment, but also conserve the environment, particularly those undertaking solid waste disposal and management.

This country has in place a law that governs the scrap metal industry. The Scrap Metal Act of 2015 provides for, among many other aspects, the regulation of dealings in scrap metal, establishment of a Scrap Metal Council, framework for the licensing of scrap metal deals and record management. So, it is tragic and disheartening to see the Government imposing a ban instead of enforcing and regulating the scrap metal trade through existing statutes.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives on the following:

- (i) Could the Ministry provide a list of all the licensed exporters of scrap metal in Kenya, providing the names of the directors of the said companies?
- (ii) What plans are in place to review all licences issued to scrap metal dealers and exporters?
- (iii) Are there any plans to nullify all permits exempted by the Cabinet Secretary?
- (iv) What measures are in place to lift the ban, especially for the local recyclers to ensure business continuity and proper solid waste management?

I thank you. I signed this request for Statement on 3<sup>rd</sup> February, 2022. I appreciate the opportunity to ask this Question.

**Hon. Speaker:** Where is the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives?

**An Hon. Member:** The Vice-Chair is here.

**Hon. Speaker:** Let us then have the Vice-Chairperson, Hon. Ruth Mwaniki.

**Hon. Wangari Mwaniki** (Kigumo, JP): Thank you, Hon. Speaker. We have taken note of the Question by Hon. Kiarie on the issue of scrap metal trade. We are aware that a moratorium was issued by His Excellency the President. The Ministry of Industrialisation, Trade and Enterprise Development is in the process of making rules or what we can call a regulatory framework to ensure that vandalism is checked or that there is traceability of scrap metals that are traded by the small traders. It is to make sure the metals are acquired in a proper way. So, I request that I be given two weeks within which we will be able to give an in-depth Statement on this matter.

Thank you, Hon. Speaker.

**Hon. Speaker:** But, Hon. Kiarie raised a fundamental issue that this House passed a law in 2015, which law provides for the mechanisms of how to regulate and register people who trade in scrap metal. I am acutely aware of the various provisions in the Constitution. I have not come across one where it is possible to impose a moratorium on the implementation of an Act of Parliament, save through legal court judicial processes.

Maybe you could tell the Ministry to come up with the regulations. They cannot also come up with regulations, being subsidiary legislation, without also involving the House and the public. I think Hon. Kiarie is actually jolting the Ministry into action. One, they must remember that even if they are working on regulations, they must involve stakeholders. Two, they must be ready to involve this House. It is not good for them to go that route of moratoriums. It is stray to the Constitution or the constitutional order of this country.

*(Applause)*

It is not possible. So, I think the Ministry is the one which is at fault. They should move with speed. Hon. Kiarie, I think the Vice-Chair says they will be addressing that issue. Are you satisfied?

**Hon. John Kiarie** (Dagoretti North, JP): Hon. Speaker, the Vice-Chair is suggesting that they will be getting back to us in two weeks. However, it is important for Madam Vice-Chair to note that time is of essence because some of the metals that are traded in this trade include what we call electronic waste. As we speak, the City of Nairobi is choking under electronic waste. When scrap metal dealers are in operation, they sweep up the electronic waste and take it for reprocessing. So, the hazard is out there facing the residents of cities like Nairobi. So, I believe the Ministry knows that a law exists which was put in place in 2015. I know that the Ministry can respond much faster. With your permission, I would advise that you recommend or request the Committee to get back to us in seven working days. It would be appreciated if they would move with speed.

**Hon. Speaker:** The Vice-Chair seems to be also quite aware about what is happening. Vice-Chair, maybe you think you can respond in seven days?

**Hon. (Ms.) Wangari Mwaniki** (Kigumo, JP): Hon. Speaker, we have just interacted with the Ministry. As you know, we are going through the budget-making process; the Supplementary Budget, and then the Annual Budget. So, there is quite a lot that is in our hands, but I can assure Hon. Kiarie that we will speed it up the most we can. But given the workload that the Committee has, I am requesting for two weeks. The Ministry is fully seized of this matter. I already met them this morning. We just finished a meeting with them and I have already told them to start working on this. They have assured me that the regulatory mechanism or the guidelines to help operationalise what concerns the Member are already in place, and they will be sharing them with the sector tomorrow, so that there is an interface before they bring them to the House. I will be much obliged if you give us two weeks in view of the budgetary process.

**Hon. Speaker:** Hon. Kiarie accedes to your request. Two weeks, it is.

**Hon. Clement Kigano** (Kangema, JP): If I do recall, the operation of the Scrap Metal Act falls directly under the Office of the President. The licensing is under the Deputy Inspector-General (DIG) of the Police. The minister under that Act means the Minister in the Office of the President. I do not know whether we are right to go to the Ministry of Industrialisation, Trade and Enterprise Development, when the operation of the Act falls under the auspices of the Office of the President. It is directly under the police.

**Hon. Speaker:** You must have been pleasantly surprised to hear that the Vice-Chair already discussed the matter with the Ministry of Industrialisation, Trade and Enterprise Development, which they oversee. You must have been pleasantly surprised.

**Hon. Clement Kigano** (Kangema, JP): I would be very surprised if the oversight interfaces with that Ministry when they say the definition of a minister under the Scrap Metal Act means the Minister in the Office of the President.

**Hon. Speaker:** Well, they will deal with it. In any event, whoever is a minister is a minister. He can be overseen if called before any Committee. Any Committee is at liberty to invite. Even those in the Office of the President are not beyond the authority and jurisdiction of the House or any Committee of the House. So, it is okay. I think Hon. Kiarie directed the request to that Ministry because of the aspect of trade. I think the Vice-Chair has been quite magnanimous in giving information that she already discussed the matter with the Ministry of Industrialisation, Trade and Enterprise Development, which they oversee. Let them just deal with it. If there is anything to be got from the other minister - they were called ministers or CSs or something like that - they can always provide the information or seek it. I am sure those in the Office of the President are not the proverbial mountains that Prophet Muhammad had to visit. When mountains do not go to Prophet Muhammad, then Prophet Muhammad goes to the mountain. If the Ministry of Industrialisation, Trade and Enterprise Development cannot go to the Office of the President, or people in the Office of the President cannot go to the Ministry of Industrialisation, Trade and Enterprise Development, then the Ministry of Industrialisation, Trade and Enterprise Development can walk to the Office of the President or vice versa.

**Hon. David ole Sankok** (Nominated, JP): On a point of order.

**Hon. Speaker:** There is nothing out of order, Hon. Sankok. Certainly, the Vice-Chair has been quite magnanimous on that. She has acted like somebody who already expected this Question. What is your point of order?

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Speaker. From your directive, it seems the moratorium was illegal because it has not come through this House. Does it mean that the traders will continue trading in scrap metal and we ignore such roadside moratoriums until that time when they come to this House and the regulations have been ratified by this House? You have said that the House must be involved and you have said that the laws must be made. The Statement from Hon. Kiarie says that there is a law that exists and we have not amended or repealed it. Then the moratorium is illegal and it does not work.

*(Applause)*

I ask the scrap metal dealers to continue with their scrap metal business. It was an illegal moratorium. Thank you, Hon. Speaker. I just want your guidance.

**Hon. Speaker:** Hon. Members, you know Kenyans are intelligent people, and they know how to enforce their legal rights. They will know how to enforce those rights. But, of course, among other avenues through which they can apply pressure is through the Legislature. I am sure the people concerned are also quite alert or alive to the fact that they can seek redress elsewhere. If, for instance, there is anybody who is choking, like Hon. Kiarie talked about the city choking, they should find ways of enforcing anti-dumping regulations.

Hon. Angwenyi.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Hon. Speaker, my question is whether the directive was given by the roadside or from the Office of the President. This abuse of the President must stop. We should not abuse our President.

**Hon. Speaker:** Hon. Angwenyi, I suspect that I may not know the location. Suffice it to say, the matter has been captured well. I admire the fact that the Vice-Chair was apparently well seized of it.

**An Hon. Member:** On a point of order, Hon. Speaker.

**Hon. Speaker:** I will not allow frivolous points of order. You cannot engage me in that kind of altercation.

*(Hon. Raphael Wanjala Spoke off-record.)*

How is it that Hon. Wanjala knew that it was him? Hon. Sankok and Hon. Wamuchomba were also rising on points of order. So, you are not the only one. If you are bitter about something, please go and have lunch.

*(Laughter)*

Go and have lunch and come back when you are okay. Hon. Wanjala, I am told that sometimes it is fashionable to engage the Chair yet the fact of the matter is that the people being addressed are not in the Chamber. So, certainly, you will not draw me into it.

*(Hon. Raphael Wanjala Spoke off-record)*

Do not worry. He is going to relax. I have known him to be a gentle person. Let us not go into that issue. The Vice-Chair and Hon. Kiarie have agreed on how the Statement Request is going to be handled and the matter is over.

We will now move to the next Statement, which is a response by the Chairman of the Select Committee on National Government Constituencies Development Fund, Hon. Wamunyinyi. Is Hon. Cornelly Serem in the House?

**An Hon. Member:** Yes.

**Hon. Speaker:** Okay, I have seen your card.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Speaker. I rise to give a Statement on the status of the receipt and disbursement of NG-CDF as of 7<sup>th</sup> February, 2022. This follows a request by Members who sought to know why the National Treasury has not released funds to the constituencies for bursaries and projects that have not been completed. I will go straight to the prevailing status and skip the preliminaries.

On Fund allocation and receipt to-date for Financial Year 2021/2022, the NG-CDF was allocated a total of Kshs41,714,800,000. Subsequent to the allocation, the Board determined the financial ceiling for each constituency in consultation with the National Assembly Select Committee, in line with provisions of Sections 6 and 34 of the enabling Act. This paved way for the NG-CDF Committees to embark on preparation of project proposals for this Financial Year. The Board has since deliberated on all the 290 project proposals from the constituencies.

Hon. Speaker, Section 39 (2) provides that disbursement of funds to the Constituency Fund Account shall be effected at the beginning of the first quarter of each financial year with an initial amount equivalent to twenty-five per centum of the annual allocation for the constituency and

thereafter the Constituency Fund Account shall be replenished in three equal instalments at the beginning of the second, third and fourth quarters of the financial year.

Pursuant to this section, this being the third quarter of the financial year, the expected receipts to date amount to Kshs31,286,000,000 out of which Kshs22,428,000,000 has been received leaving a balance of Ksh8,857,000,000 which has not been received to date. Because of the alleged reported non-performance of the economy, we had agreed with the Cabinet Secretary that he would release funds in equal instalments of Kshs2 billion per week from the last Financial Year. Going by this undertaking, the Cabinet Secretary released up to 24<sup>th</sup> November, 2021 a total of Kshs20 billion. With regard to the current Financial Year, on 12<sup>th</sup> January, he released Kshs2 billion, making it a total of Ksh22,428,700,000.

We had some pending receipts amounting to Kshs4.9 billion from Financial Years 2011/2012, 2013/2014 and 2014/2015 that have not been released. The NG-CDF Committee set up a sub-committee that established that the funds have not been received. A Report was tabled in this House and debated. This House adopted that Report with a resolution that the Treasury should be compelled to release the funds to the NG-CDF Committees. It was agreed that these funds would be included in the Supplementary Budget that we expect to be brought to the House any time. I am, however, informed these funds are not part of what is going to be tabled in the House. I am not sure whether that is the position or not since I have not seen the Supplementary Estimates. If that is the correct position, it means that we are going to continue doing without the pending receipts amounting to Kshs4.9 billion. Details of these releases and pending receipts are in a Report that I will table. Members can access it from the Table Office or Room Eight as it is popularly known.

Section 7 (2) of the NG-CDF Act 2015, as amended in 2016, provides that all funds allocated to a constituency shall be cumulative and shall be carried forward from one financial year to the next, including funds returned into the accounts in accordance with Section 6 (3) or funds which are not utilised for whatever reasons.

Section 40 of the Act further provides that the Board shall ensure that the list of projects forwarded to it by each constituency is, upon approval, funded in accordance with the Act.

Coming back to this financial year, out of the Kshs22.428 billion that was received, the Board has disbursed Kshs19,209,800,000 to the constituencies while Kshs1.2 billion has been disbursed to the Board for its activities. The amount was disbursed to various constituencies and the secretariat as follows:

- (i) About 274 constituencies have received between 47 per cent and 57 per cent of funds allocated, amounting to Ksh18,409,800,000;
- (ii) Sixteen constituencies have received 36 per cent of funds allocated, amounting to Kshs800 million; and,
- (iii) Kshs1.2 billion has been disbursed to the Board.

The Board is in the process of disbursing Kshs2 billion which was received on 12<sup>th</sup> January 2022 and held in its Central Bank account. We had hoped that more funds would be received so that a larger amount can be released to the constituencies. Since no more funds have been received from the National Treasury, we have asked the Board to release the Kshs2 billion, which would amount to about Kshs5 million per constituency.

The National Treasury has not complied with the law in terms of release of funds to constituencies. As of now, we ought to have received at least three-thirds of the total allocation, which would amount to about Kshs100 million per constituency. As at now, each constituency on average has received Kshs66 million. The balance is between Kshs45 million and Kshs50 million.



I have engaged the leadership. You are aware, Hon. Speaker, and your office has been very helpful in the past. I still trust that you will put in a word to help Members receive these funds because projects that were initiated need to be completed. The constituencies need to be funded so that they can do what they normally do to support needy children through bursaries. Together with the Leader of the Majority Party and the Whip of the Majority Party, we need to push to ensure that the National Treasury releases the funds.

There is nothing more I can say. That is the status. I thank you very much.

**Hon. Speaker:** Hon. Serem.

**Hon. Cornelly Serem** (Aldai, JP): Thank you, Hon. Speaker. I am so disappointed with the response from the Chair. The Cabinet Secretary has consistently violated the law in releasing funds. If you are the Cabinet Secretary for the National Treasury and you are supposed to release funds every quarter, and we have received less funds for this quarter against the law, what happens? Two, how many times do we have to raise this issue in this House? Do we have to protest so that we are given funds? We are talking about engaging the leadership of this House. I am sure the Cabinet Secretary is watching us. He does not have to watch us. He is supposed to comply with the law and release the funds to our constituencies.

In the last financial year, I rose in this House and said that without releasing the arrears there would be no Budget. I make the same statement today. If by the time the Leader of the Majority Party will be tabling the Supplementary Budget we have no NG-CDF money in our accounts, the Supplementary Budget will be shot down. We do not have to raise more issues that touch on the Government. If the Government is not willing to finance our children, we will shoot down any Motion sponsored by it until we have the funds in our constituency accounts. How many times do we have to raise issues that touch on our children? From reliable sources, the arrears have not been captured in the Supplementary Budget. The Kshs4.9 billion debt to our constituencies has not been included in the Supplementary Budget. I have enough information. I do not have to come here again and make threats about shooting down the Supplementary Budget when the Leader of the Majority Party is seated here. We require these funds unconditionally for our children. The Members who are here, whether they belong to the Government or the Opposition, require this money like yesterday.

Since I am sure that the Cabinet Secretary is watching me, we want the funds as quickly as possible. Our children need the funds. Contractors that have been engaged to work on projects in our constituencies should be paid unconditionally. I do not have to raise the same issue here, Hon. Chairman. If you have to engage the Cabinet Secretary, do so. If you have to engage the Chairman, do so. If you have to engage the Speaker, do so. Otherwise, the Supplementary Budget tabled before this House will go down.

Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Is that a notice of intention to retreat? Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I take this opportunity to sincerely thank the Chair of the Committee for bringing us to speed on the matter of disbursement of NG-CDF funds. If there is any Fund that is so dear to the people of Kenya, it is NG-CDF. If there is any fund that has made tremendous changes on the people of Kenya, it is NG-CDF, especially in the education and security sectors.

I am mostly perturbed by the allegation that arrears of 2021 have not been captured in the Supplementary Budget. Projects relating to that period had already been approved. Various Project Management Committee (PMC) accounts had already been opened. Many PMCs had actually started procurement processes for those particular projects. We could not start those projects without funds. There are so many stalled projects in various constituencies. A lot of school fees for children has not been paid. This House, through the Budget and Appropriations Committee, must move with speed, before they table the Report on the Supplementary Budget, to perform some miracle. They must find ways and means of getting the money so that we dispense with the matter. By refusing to release funds for this financial year, the Cabinet Secretary is simply taking Members of Parliament to the guillotine. You cannot stand before the electorate and tell them that you have been unable to conclude the projects that you promised them. You told them that you were coming to Nairobi and on Monday next week, you will be there and the contractor will be on site. They will still believe that the money has been “eaten” as it typically happens in the Ministries. The Ministry needs to come out very clearly and release the money so that we part ways on good terms and not go away having started wars with the National Treasury over a very straightforward matter that is enshrined in the law.

A breach of the law is a breach of the law irrespective of which political divide you are on. Where the Cabinet Secretary has broken the law, this House has the means to put in place measures to cite him or her for breach of the law. We will do that through other means if we cannot raise numbers to start the impeachment process. This is a matter of “life and death” for those of us who intend to come back to this House in the next Parliament. Where I am threatened with theft, I will have to save my skin.

**Hon. Speaker:** Let us have the Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I also thank the Chairperson of the NG-CDF Committee. He has done a good job in getting to the truth of the matter and presenting it to the House as it is. It looks like he is frustrated and that is why he is seeking the indulgence of your office and that of the Leader of the Majority Party.

We are talking about two things. First, with regard to the arrears from the last financial year, it is very unfortunate because the last time this matter was discussed here it was confirmed that those funds would be included in the Supplementary Budget that is just about to be presented to the House. Anything that is not included in the Supplementary Budget cannot be taken to the constituents. Our offices have already communicated to the various beneficiaries that this money will be in the Supplementary Budget. Therefore, I join other Members in saying that this money must be availed.

I also note that many of our children in day and boarding secondary schools are already out of school. They have been sent home because we have not disbursed the bursaries. It is high time that the Cabinet Secretary for the National Treasury took note of the fact that these funds are not for Members of Parliament. They benefit our people out there. They are not taking us seriously yet we are talking about children who are at home. I do not think there is anything more important than ensuring that those funds...

**Hon. Speaker:** Hon. Members, because I can see many of you have raised interventions, I have determined that each of you will be given a chance but your comments will be limited to two minutes. This is a serious matter. Do not bother raising your hands. Intervention means that...

*(Hon. Raphael Wanjala raised his hand)*

Hon. Wanjala, I think there is something wrong with you this afternoon. Do not bother raising your hands. I know that the next person on the intervention list is the Member for Emurua Dikirr because I can see it here. If you have pressed the intervention button, it will pop up automatically. There is even no need of rising in your place.

Let us have the Member for Emurua Dikirr.

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Speaker for also allowing me an opportunity to contribute to this particular matter. I was once a Member of the NG-CDF Committee of this House. We would go round the country and assess the status of NG-CDF projects. There was a very serious issue which I noted during one of our visits. There were many stalled projects, especially in constituencies where there was change of guard in terms of the Member of Parliament. In most cases, when there is change of guard, the new Members initiate new projects which are, of course, in their agenda. Therefore, as a Committee, we proposed that during an electioneering year the NG-CDF allocation should be 100 per cent before we go for elections so that the sitting Members can complete their projects. This would also ensure that where there is change of guard, no debt is left behind and projects do not stall.

Hon. Speaker, I wish the Chairman could work on attaining the full implementation of this resolution so that we get 100 per cent of our money before we go for elections.

Thank you.

**Hon. Speaker:** Next is the Member for Bomachoge Borabu.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Speaker. I rise to contribute to the Report presented to this House by Hon. Wamunyinyi. I want to thank him because he has given us a very good brief.

Hon. Speaker, we are in this House because we contribute substantially to the development of this nation. The case we are discussing of the Kshs4 billion that has not been disbursed over the past many years is one we cannot negotiate. We would like the National Treasury to make this a priority. Going to our previous agreement of disbursing Kshs2 billion every week is like we did not make a deal that held any waters.

We are talking of money that is going to help our children who are out there waiting to be added more money to continue with their education. This morning, I received copies of lists of students who need some support. I have already shared the same in some social media networks. It will be a big shame for me to go back and tell them that the National Treasury did not give us money.

Hon. Speaker, this is an urgent matter. Thank you.

**Hon. Speaker:** Member for Igembe Central.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker for giving me an opportunity to add my voice to this emotive issue. I personally do not agree or appreciate the Report brought by the Chairman but I thank him for having brought it. More so, I can see that he is also frustrated because of what is happening.

Hon. Speaker, I want to tell the National Treasury or whoever is supposed to disburse this money that, I am not ashamed to say that they are deliberately sitting on this money so as to frustrate the sitting Members of Parliament. They are seated comfortably in their offices while we face the bulk of the problems out there.

As we speak, we have hundreds of children who are not in school because they are waiting for this money. Their parents and guardians are looking at us hoping that we will deliver. They do not know where the problem is. It is high time the National Treasury and the Central Bank of Kenya (CBK) released this money so that students can go back to school as the NG-CDF

Committee completes the stalled projects. We will not pass anything brought to this House by the Government until they also listen to the predicament of our people.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kitui South.

**Hon. (Ms.) Rachel Nyamai** (Kitui South, JP): Thank you, Hon. Speaker for giving me this opportunity. First of all, I would like to thank the Chair because he has made a presentation on a matter that was raised by Hon. Serem. He was honest with this House that we have arrears which must be released. Also, the Kshs4.9 billion for the current Financial Year has to be in the Supplementary Budget, so that we can complete the projects that we had promised our constituents.

Hon. Speaker, we oversee Ministries and other State agencies. We see their funds being disbursed within the correct timelines. The biggest question is why the same is not happening in respect of the NG-CDF patronized by Members of Parliament, who represent 290 constituencies in this country. As can be seen, it is only the NG-CDF which has projects and programmes that have benefitted people across the country in an equitable manner.

Hon. Speaker, NG-CDF is the only Government Fund which has projects and programmes that have benefitted people and that can be seen all over the country in an equitable manner. We cannot be kind to other people and not to those who sent us to this House. I would like to urge the Chair to keep moving and ensure that the funds are disbursed within the set timelines so that we do not have white elephant projects within our constituencies.

Thank you Hon. Speaker.

**Hon. Speaker:** Member for Kitutu Chache North.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Speaker. First, I want to thank *mteja*. Oh, sorry. I want to thank *Mzee* Wamunyinyi for giving us a very detailed discussion. The Supplementary Budget is within the purview of the Departmental Committee on Finance and Planning and the Budget and Appropriations Committee. Why can we not tell the two Committees not to bring us any Budget recommendations if the Kshs4.9 billion is not in the Supplementary Budget? The best thing to do, which we have previously done, is to remove some from the National Treasury and reallocate it to the NG-CDF. The National Treasury will then have to look for ways of funding their own Ministry. That is just being tactful. We should not be crying here that we are not going to approve the Supplementary Budget. Why can we not just change it? That is why it comes to our Departmental Committees.

These people are not taking us seriously. We have never increased the allocation of the NG-CDF in the same way we have increased the allocation of the county government devolved fund. For example, if we had increased the allocation to 5 per cent, at least 3 per cent would have been disbursed by now.

Thank you, Hon. Speaker.

**Hon Speaker:** Hon. Angwenyi, you are a financial guru and a ranking Member of the Departmental Committee on Finance and National Planning. They say, “*Kazi kwako.*”

Next is the Member for Laikipia North.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Speaker. I also wish to add my voice to this emotive matter. The National Treasury should be sensitive to what Members are going through. Laikipia North and most parts of northern Kenya have been ravaged by a serious drought. Parents do not even have food to give to their children at home. Right now, all the secondary schools have sent their students home because most of them depend on the NG-CDF for bursaries. I want to tell the Leader of the Majority Party, the House leadership and Members

that when it comes to the issue of NG-CDF, we do not have the Opposition or the Government. I am a staunch supporter of the Government of the day but I am not a sycophant. Therefore, if any business is brought to the House, we should not be given ropes to hang ourselves and we gladly take ourselves there to hang ourselves simply because we support the Government. They should do what they must do to make sure that we have that money.

Hon. Speaker, secondly, looking at the arrears for the last financial year, having in mind that we had already committed that money and conducted public participation, and this being an electioneering year, our opponents are busy moving round telling the public that we have eaten the money that the National Treasury is gladly sitting on in Nairobi. So, I want to urge my colleagues to ensure that we do whatever it takes to get that disbursement. Let us not be cry-babies because we are mandated to conduct this business here.

Thank you, Hon. Speaker.

**Hon. Speaker:** Do not eat it. Spend it. Member for Eldama Ravine

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Speaker. The matter of the NG-CDF is very important, especially in this year. I will not be in this House in the next Parliament and I want to make sure that all the projects in Eldama Ravine are completed before we transit to the next Parliament.

Hon. Speaker, we know that you have political aspirations. I also aspire to be the Governor of Baringo. I wish the Chair could take this matter seriously. I understand his position. I beg him to once in a while forget that he is a party leader of the Democratic Action Party of Kenya (DAP-Kenya) so that he focuses on this matter of NG-CDF without his judgement being clouded. Things started going wrong in this House in terms of the NG-CDF when Hon. Wanjala started pretending that he is in Government. That is why we are not getting these funds promptly. When it comes to matters of the NG-CDF, let us for once forget our affiliations and focus so that these funds can be disbursed promptly.

**Hon. Speaker:** I am ignoring points of order because I told you that comments are only limited to two minutes. If you interrupt a Member who is only speaking for two minutes, surely that Member will not have said anything worth being captured.

**An Hon. Member:** ... (*Spoke off-record*)

**Hon. Speaker:** There is nothing out of order about that. In fact, nothing prevents Hon. Wanjala from being a member of the governing party. If he chooses to be a member of the governing party, so be it! There is nothing out of order. He is in the Chamber. Hon. Wanjala, the only issue is that I do not see your card.

**An Hon. Member:** ... (*Spoke off-record*)

**Hon. Speaker:** I am trying to see where it is but I cannot see your card. Let us hear from Hon. Rasso.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Speaker. I wish to add my voice on the Report that has been tabled by the Chairman, Hon. Wamunyinyi.

You are on record telling this House that it has the power of the purse. This is the budget-making House. Every amount of money spent in Kenya passes through this House. We should not be a House that laments. The Supplementary Budget shall be coming to this House. We are the ones to determine what amount we need to allocate to the NG-CDF kitty from that Supplementary Budget.

Articles 95 (1) and (2) of the Constitution are about the representation of constituencies and discussing matters of concern to our people. As my honourable colleagues have said, the NG-CDF is about the people of this country. It is not about money. The only issue that can take priority

before the NG-CDF is the security of the State. Any other thing should fall in the third tier. For that reason, we should not blame Hon. Wamunyinyi. We should blame ourselves for not making decisions on the Floor of the House.

**Hon. Speaker:** Very well. Hon. Members, the Supplementary Estimates were tabled last week. You remember that in the first week, the House decided to go a bit mad. During that madness, the Supplementary Estimates were prepared and tabled last week.

I agree with Hon. Rasso. Why are you lamenting? Hon. Angwenyi made some proposals. Just crosscheck with the Parliamentary Budget Office. Sit down with them, together with the Departmental Committee on Finance and National Planning or any other Committee, and sort out these matters. Hon. Rasso has captured it very well in terms of Article 95 (2).

Hon. Wanjala, you are contributing as well as intervening. I think Hon. Serem has done some great tutorage. Let us give a chance to Hon. Wanjala. He has been here for a long time...

**Hon Raphael Wanjala** (Budalang'i, ODM): Thank you, Hon. Speaker. A few of us who started the NG-CDF are in this House. They include Hon. Jimmy Angwenyi, Hon. Wamunyinyi and me. If I am not wrong, Hon. Jimmy Angwenyi was sacked as an Assistant Minister by the late President Moi one day at lunch time when he brought up the issue of NG-CDF. So, we are not begging because NG-CDF is established by an Act of Parliament. If Johnny-come-lately starts frustrating us using NG-CDF, as a House we need to teach him that we have teeth to bite and we can bite at any time. We are not going to beg. We want to tell the Cabinet Secretary that we were elected to this House to make laws and everybody working in the Government must abide by these laws. If he does not do what we are saying, next week you will see a Motion of vote-of-no-confidence in the Cabinet Secretary on your desk. Some people have lost their jobs because of this NG-CDF issue. When the Government delays in giving Members of Parliament this money, it causes variations in project contracts. Again, when there are variations, we wait...

**Hon. Speaker:** Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. Nominated Members do not have NG-CDF but I have referred several needy children, especially those with disabilities, to my colleagues in different constituencies and they have been assisted.

Hon. Speaker, there are also contractors who need to be paid because already contracts have been drawn and they need their money. It is funny that we are committing money to Kenya Airways (KQ), which is almost a personal business considering the number of airplanes owned by one person in the KQ fleet, and this is shameful. So, I want to assure Members that on behalf of Nominated Members of Parliament, we are with you. We support you in the effort being made to get your NG-CDF funds. I am speaking authoritatively on behalf of Nominated Members of Parliament, including Hon. Shamalla, because they listen to me. We can bring this House to a standstill by requesting the Leader of the Majority Party not to table any more Motions from the Government side until Members get their money.

Hon. Speaker, as you have rightly said, it is us who allocate monies to Government Ministries and Agencies. We have teeth to bite. We should start by biting the way we did when you said we developed some madness. We are not mad. We are just biting as a lesson to those who think they can remote-control this House from State House or some other quarters. We must bite the National Treasury and ensure that no Government business passes through this House until the NG-CDF money is in our accounts.

Thank you.

**Hon Speaker:** Hon. Sankok, could it be recorded that in the process of biting you lost one tooth?

(Laughter)

Hon Kiarie, Member of Dagoretti

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Speaker. There is an old adage which goes that “justice delayed is justice denied”. There is a lot of justice that has been denied to very many Kenyans. One of the best things that this country has ever bequeathed itself with is the devolved funds. One of the best performing devolved funds is the NG-CDF.

As it has been said, we have no business reading from the Book of Lamentations. Actually, in what we call “Literature”, we are Hammurabi the Lawgiver. This House has the power of budget-making, and hiring and firing Cabinet Secretaries. I believe if the Members of this House acted in one accord, we can ensure that these monies are availed in time, so that they can be applied to the business of educating our children, paying contractors and many other pending bills.

Finally, and most importantly, it is shameful that someone can be seated in an office and punish an entire country for political expediency. I believe this House is equal to the task in terms of doing what is required of us to get the NG-CDF money. I want to tell Hon. Sankok that this money does not belong to Members of Parliament because we are mere patrons as our work is to oversee. We are lobbying for the money so that it is available and our business will come much later when we will be doing an oversight. I believe that this House has no business reading from the Book of Lamentations. We must do what needs to be done.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Member for Mosop.

**Hon. Vincent Tuwei** (Mosop, JP): Hon. Speaker, this is the best thing that has ever happened to us because it is testing our unity as Members of Parliament on our role of oversight on the Executive on matters to do with devolution and development for our people. If you go round the country, you will find that the most successful projects that have ever been executed have been through the NG-CDF. The processes are very simple and the people get value for money. It is disheartening to note that the National Treasury does not appreciate this. The audit report from the Auditor-General is positive and there is value for money. Kenyans are developing their schools, especially now that we have the new Competency Based Curriculum (CBC) that the Ministry of Education is rolling out. They should have been the first in disbursing this money in order to meet the target that the country is aiming at.

Lastly, I want to implore on the Chairman of the NG-CDF Board to note that we have graders in our constituencies that were bought between 2013 and 2015 but due to changes to the NG-CDF Act, those graders are no longer valuable and viable to us. As the Board, it is high time they decided on what to do with them. For instance, in my constituency in Mosop, there is a grader which was bought and it is in serviceable condition but the law prohibits us from using it. I want to ask the Board to decide on what we should do with the graders.

**Hon. Speaker:** Very well. From the intervention button, I can only see the Chairman. I want him to respond. As you do so, it is important to note that these comments are positive. However, what you presented is to lay bare what the situation is but you may wish to wrap it up.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you very much, Hon. Speaker. I also want to thank Members for their comments. On arrears, I want to stress the fact that this House passed a resolution. The Committee on Implementation had invited the Cabinet Secretary for the National Treasury and Planning and urged him to take the House resolution seriously and ensure that the pending arrears are captured in the Supplementary Budget. So, it is just a matter of

arrogance on the part of the Cabinet Secretary. In fact, the committee we set up comprised of the National Treasury, State Department for Planning, the NG-CDF and the House. It was chaired by Hon. Oyula, who is a former Treasury Financial Secretary. It was merely to establish whether or not money was released by the National Treasury. It was confirmed that the money never left the National Treasury. Therefore, the Cabinet Secretary should just release those funds for the development of our constituencies.

Secondly, I would like to stress the fact that the Cabinet Secretary undertook before the Committee and the House to release the funds on a weekly basis. The last time he released some funds was in November until January when he released for just one week. He has not done anything and therefore he reneged from his own undertaking. It is clear that he has failed to comply with the law. He has contravened the law and appropriate action needs to be taken. We will be seeking advice from the House legal team on what action to recommend to the House.

**Hon. Moses Lessonet** (Eldama Ravine, JP): ... (*Spoke off-record*)

**Hon. Speaker:** Order, Hon. Lessonet!

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you for your protection, Hon. Speaker. What Hon. Lessonet said amounts to loose talk. In Eldama Ravine, he was heckled because of that kind of loose talk. I do not wish to respond to that kind of behaviour by a Member like Hon. Lessonet.

With those few remarks, I thank you and Members very much for their comments.

**Hon. Speaker:** Finally, let us have the fiery Member for Gatanga, who came a bit late.

**Hon. Joseph Nduati** (Gatanga, JP): Thank you very much, Hon. Speaker. No, I am not ready to sing. It is KJ who is interfering. He is telling me to sing. Hon. Speaker, you also know very well that music is our cash crop. This is not the proper place to sing. However, in your campaigns, we will assist you and I will give you a discount.

I support the Chairman. The Cabinet Secretary has really messed with us because from the reports we are getting, the collections have been doing very well. In fact, the National Treasury has exceeded what it was supposed to collect. We cannot understand why the money is not available. The NG-CDF is a very important Fund because it is the only one which is at least doing something in our rural areas.

The projects are planned quite early. If you know that you are going to construct a classroom or a laboratory, you plan quite early and the costs are fixed. Unless the money comes on time, it will be very difficult to implement some of the projects because there is nothing to cater for cost variations. There are some projects which we have implemented and we do not know how we will pay for interest accrued due to delayed payments. It is very critical that money is disbursed in time.

**Hon. Speaker:** Hon. Serem, why would you want to speak after the Chairman?

**Hon. Cornelly Serem** (Aldai, JP): Thank you, Hon. Speaker. I give credit to our Chairman for the wonderful presentation this afternoon. The Hon. Member for Gatanga has made a very critical statement.

**Hon. Speaker:** I can attest that most of you do not know each other's names. He is Hon. Nduati Ngugi.

**Hon. Cornelly Serem** (Aldai, JP): I do. He was a Member of the Departmental Committee on Trade, Industry and Cooperatives when I was the Vice-Chairman.

If indeed this Government has exceeded the target in terms of revenue collection, then we have enough funds in our accounts. We are getting the 2.5 per cent of the national collection. The



Government has collected more revenue than it required for the last financial quarter. They should give us the funds unconditionally. Otherwise, we should have this discussion more often.

Secondly, what is wrong with the current Cabinet Secretary such that we have to discuss the issue of Exchequer releases, which was not there before? I was in the last Parliament. We did not have these shenanigans where we asked the Cabinet Secretary to release funds or where the Cabinet Secretary said that we were not meeting tax collection targets. The Cabinet Secretary must understand that he is breaking the law. If that is not the case, the next time I will be here, I will table a Motion to impeach him. What do we do if he is breaking the law? The only alternative is for him to go home. I understand that he is supposed to be resigning so that he contests for a seat elsewhere. He must give us the money before he goes home.

**Hon. Speaker:** Take that home.

Next Order!

### SPECIAL MOTION

#### APPROVAL OF NOMINEE FOR APPOINTMENT AS MEMBER OF SALARIES AND REMUNERATION COMMISSION

**Hon. Speaker:** Let us have the Chair of the Departmental Committee on Finance and National Planning. I am informed that it is the Vice-Chair, Hon. Waihenya Ndirangu, who will be moving the Motion.

**Hon. Isaac Ndirangu** (Roysambu, JP): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the vetting of the nominee for appointment as a member of the Salaries and Remuneration Commission representing the National Police Service Commission, laid on the Table of the House on Thursday, 3<sup>rd</sup> February 2022 and pursuant to the provisions of Article 250 (2) (b) of the Constitution, Section 7 of the Salaries and Remuneration Commission Act 2010 and Sections 3 and 8 of the Public Appointment (Parliamentary Approval) Act, 2011, this House approves the appointment of Ms. Elizabeth Wangui Muchiri as a member of the Salaries and Remunerations Commission to represent the National Police Service Commission in accordance with provisions of Article 230 (2) (b) (v) of the Constitution.

Hon. Speaker, in moving this Special Motion, I would like to brief Members on the requirements of being a Member of the Salaries and Remuneration Commission (SRC), which is a creation of our Constitution in Article 230, which states as follows:

“(1) There is established the Salaries and Remuneration Commission.

(2) The Salaries and Remuneration Commission consists of the following persons appointed by the President –

(a) chairperson;

(b) one person each nominated by the following bodies from among persons who are not members or employees of those bodies –

(i) the Parliamentary Service Commission;

(ii) the Public Service Commission;

(iii) the Judicial Service Commission;

(iv) the Teachers Service Commission;

- (v) the National Police Service Commission;
- (vi) the Defence Council; and
- (vii) the Senate, on behalf of the county government;
- (c) one person each nominated by –
  - (i) an umbrella body representing trade unions;
  - (ii) an umbrella body representing employers; and,
  - (iii) a joint forum of professional bodies as provided by legislation;
- (d) One person each nominated by –
  - (i) the Cabinet Secretary responsible for finance; and,
  - (ii) the Attorney-General; and,
  - (e) one person who has experience in the management of human resources in the public service nominated by the Cabinet Secretary responsible for public service.”

Hon. Speaker, this Motion is discussing Article 230 (2) (b) (v) of the Constitution on the requirement of a nominee from the National Police Service Commission (NPSC). I would like to inform Members that the SRC as established has had a deficit of a nominee from the NPSC.

Section 7 (10) of the SRC Act, 2010 outlines the procedure for nomination of Members of the SRC and states that the President shall submit the names of nominees to the National Assembly while Section 7 (11) provides for vetting of the nominees by the National Assembly within 21 days.

Through a letter dated 31<sup>st</sup> December, His Excellency the President notified the National Assembly of the nomination of one Ms. Elizabeth Wangui Muchiri for approval for appointment as a Member of SRC representing the NPSC.

Hon. Speaker, a Communication made on Thursday, 21<sup>st</sup> December 2021 conveyed to the House a Message from His Excellency the President and subsequently referred the nominee's curriculum vitae from the Selection Panel on her recruitment, to the Departmental Committee on Finance and National Planning for approval hearing. While referring the matter to the Committee, you directed that the Committee should undertake the vetting within 28 days pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act. You further directed that since the House was on long recess, the counting of the 28 days would begin on 25<sup>th</sup> January 2022 upon commencement of the Sixth Session.

Therefore, the Committee was expected to table its Report on or before Tuesday 22<sup>nd</sup> February 2022, which we have already done and it is subject of this debate. Therefore, in compliance with Article 118(b) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Clerk of the National Assembly placed an advertisement in the print media on 17<sup>th</sup> January 2022 informing the public of the nomination, date, time and place of the approval hearing. He also invited the public to submit memoranda by way of written statements on oath or affidavit on the suitability of the nominee in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The memoranda were to be received on or before 24<sup>th</sup> January 2022.

Hon. Speaker, I wish to inform the House that at the close of the submission deadline, the Committee had not received any memoranda for or against the nominee's suitability. Following those directions, the nominee appeared before the Committee on Thursday 27<sup>th</sup> January 2022 for vetting. The Committee examined her suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act 33 of 2011. In addition to that, the Committee examined her academic credentials, relevant experience, knowledge of sector issues and leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominee and

any other constitutional or statutory requirements relating to the office in question and suitability of the nominee for the appointment proposed, having regard to whether the nominee's abilities, experience and qualities met the needs of the Salaries and Remuneration Commission.

Hon. Speaker, I wish to submit that the nominee has work experience of over 24 years, having worked both in the private and public sector. She is currently serving as a Senior Director of Communication in the Ministry of Interior and Coordination of National Government. Her experience in the Ministry of Interior and Coordination of National Government would be invaluable to the National Police Service which she will be representing at the SRC. She is aware of and familiar with the welfare issues faced and suffered by the police officers in the country. This will enable her to be a good champion of the National Police Service in the SRC. Further, her experience in communication will play a big role in improving SRC's communication strategy and in turn improve the commission's relationship with its stakeholders.

Hon. Speaker, upon consideration of the nominee's performance during the approval hearing and her work experience, our Committee recommends to the National Assembly to approve the nomination of Ms. Elizabeth Wangui Muchiri as a member of the Salaries and Remuneration Commission to represent the National Police Service Commission in accordance with the provisions of Article 230(2)(b)(v) of the Constitution.

Our Committee registers its appreciation of your office, that of the Clerk and the Committee secretariat for the logistical support extended during the vetting process. In addition, the Committee thanks the nominee representing the Commission for the co-operation during the vetting process.

Finally, the Committee also appreciates the co-operation of the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties for providing references and background checks relating to the suitability of the nominee. The reports that we have received from these institutions are positive and clearance certificates have been issued in her favour.

I also acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete its work.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to Article 124(4)(b) of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and provisions of Standing Orders Nos. 45(4) and 199(6), it is now my pleasant duty to invite Members to discuss, debate, support and endorse the Report of the Committee and pave the way for the nominee to be appointed as a member of the SRC representing the NPSC.

I, therefore, beg to move and request my colleague, the Member for Molo, Hon Kuria Kimani to second.

**Hon. Speaker:** Let us have Hon. Kuria Kimani.

**Hon. Kuria Kimani (Molo, JP):** Thank you very much, Hon. Speaker. I rise to second this Motion of the appointment of Ms. Elizabeth Wangui Muchiri as a member of the SRC representing the NPSC.

The qualification to be a member of the SRC is contained in Section 5 of the Salaries and Remuneration Act of 2011. One of the requirements for one to be a member of the Commission is to hold a bachelor's degree from a recognised university. When the Departmental Committee on Finance and National Planning was interviewing this candidate, we asked ourselves whether she held a bachelor's degree from a recognised university in Kenya. We found that she not only has a

Bachelor of Communication Degree from Daystar University, but also holds a Postgraduate Diploma in Business Administration from the University of Pretoria.

As contained in Section 2(b) of the SRC Act, another requirement is whether the person has knowledge and at least 10 years' experience in the fields of finance, administration, public management, economics, human resource or labour law. We were able to establish that Ms. Elizabeth started her career in 1997 as a reporter at KTN where she worked from 1997 to 1999. She rose to the position of Senior Reporter of the same Nation Media Group (NMG) from 1999 to 2003. Again, she got promoted to become the Corporate Affairs Manager of NMG a position she held between 2003 and 2004. She was later appointed as a Chief Executive Officer (CEO) of Nairobi Central Business District Association (NCBDA) from 2006 to 2008. After this she became the Deputy Director for Africa Media Hub in the United States of America (USA) Embassy in Pretoria, South Africa a position she held between 2009 and 2011. Between 2011 and 2013 she was a Senior Africa Communications Manager at One Campaign in South Africa. Between 2014 and 2016 she was Senior Director of Education for Cabinet Affairs and between 2016 and 2017 she was a Senior Director of Communications in the President's Delivery Unit.

Hon. Speaker, we can authoritatively say that Ms. Muchiri has exceeded the required 10 years and has accumulated 20 years of experience in the fields listed as per the SRC. Another question we asked ourselves as a Committee is whether she met the requirements of Chapter 6 of the Constitution? We were able to establish that she had been cleared by the Kenya Revenue Authority, Office of Registrar of Political Parties, the Director of Criminal Investigations, Ethics and Anti-Corruption Commission and Higher Education Loans Board.

Hon. Speaker, one of the requirements for one to be a Member of this Commission is that you should not just have a career but a distinguished career. We were able to establish that this great lady of this country did not just pursue her responsibility at the various positions she held but she merited in those areas to warrant some of the awards as merited below:

She has received the award of Head of State Commendation (HSC), the Seal of the President of the United States Government in the White House by President Barack Obama, an award from the United States Government by Franklin Wade, high merit award given to her by the United States Government and a high-performance award by NMG during the time she served there.

As a new Member of the Commission representing the NPSC we were keen to ask her what her role will be on the issues of mental health among police officers. As you know, almost every week we have situations where police officers are either committing suicide, killing innocent people, or even their spouses and children. Therefore, the issue of mental health has to be looked into with serious consideration. As a Committee we tasked her to find out whether she knew of those challenges and what her views were on how to manage this. She convinced us that one of the solutions is to hire mental health experts within the NPSC. This is because the issue of suicide and violence is a mental illness issue. That is why it is very unfortunate when you hear respectable men and women of this society make a joke or political gimmick about issues of suicide and mental health.

Ms. Muchiri was able to establish that she is going to help with the pushing of the hiring of professionals in these particular fields. She also convinced us that one of the reasons the police officers had issues of mental health is housing conditions. This is because the people in Government who live in the worst housing conditions are police officers. If you go to some camps and police stations you will find police officers sharing a room yet some of them are married and

others have children. It is really a shame that in the year 2022 police officers live in such conditions.

As I contribute to this, my clarion call to Members of Parliament is to dedicate part of the National Government Constituency Development Fund (NG-CDF) money towards building decent houses and police stations for our officers. I am proud to say that in Molo Constituency we have established around five new police posts, including Migaa, Kapsita, Nyakiambi and Muchorwe. We have also renovated our Elburgon and Molo police stations. This is to ensure that our police officers have a habitable place to live and work in. For as long as they are living in deplorable situations, even the respect that Members of Parliament have for the law enforcement officers will hardly be there. That is probably one of the reasons why when they are in the normal duty of enforcing the law and they find a citizen who has done wrong, the first thing the citizen thinks as a solution is to bribe them. This is because they imagine that these people... Of course, they do not just imagine because they know for a fact that these people are poorly housed, poorly paid and therefore giving them a token would really influence the decision that they make and look the other way even if a person has committed a crime.

Hon. Speaker, we also tasked her to ensure that our police officers are properly remunerated. One of the professions in this country that is poorly paid is the police. Last year, we saw a circular that was denying graduate police officers some payment. Along other cadres of Government, an academic qualification warrants an increase in salary where a degree holder should not necessarily be paid the same as a Kenya Certificate of Secondary Education certificate holder. A recent move by the National Police Service Commission ought to recognise graduate officers. This has really demoralised police officers. One of my friends keeps joking about them being D- (Minus) material, but these people offer exceptional services to the country. They should be properly housed and remunerated.

We also tasked Ms. Muchiri to find where the problem is because the SRC does not just deal in matters of National Police Service Commission but the entire Public Service Commission. For a very long time, there has been a general view that the SRC only looks into salaries of Members of Parliament. When people hear about the SRC, they just think about Members of Parliament and their salaries. We tasked her to look at the mandate of the SRC and clean its image so that issues such as wage sustainability, which is one of the mandates of the Commission, is seen as what they do and not just witch-hunt, especially to some professions like the Members of Parliament.

We also tasked her to ensure that the recruitment of police officers is fair. I think one of the jobs that Kenyans apply and perceive that for them to be employed they must give a bribe is that of police officers. Hon. Speaker, we know that she is up to the task.

As I conclude, when I saw Ms. Muchiri present herself to us, she did not do so as a woman. She presented herself to us as a professional, that is, someone with experience, educated and up to the task. This calls for all of us to believe that we can have women and young people of calibre and qualification in positions of influence without necessarily electing them or appointing them just because they are women or young people.

Hon. Speaker, with that, I support this Motion.

**Hon. Speaker:** Do you support or second?

**Hon. Kuria Kimani** (Molo, JP): Hon. Speaker, with those remarks, I second.

*(Question proposed)*

**Hon. Speaker:** Hon. Shamalla.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Thank you, Hon. Speaker. I rise to support this Motion. One aspect that stands out is the issue of the mental health of our police officers. I agree with the Hon. Member that if we approve the appointment of this particular member of the SRC, she will ensure that our police officers, in fact, all security officers of this country, get mental health assistance. I agree that they work and live under extremely difficult conditions. However, I disagree with the fact that *wananchi* give them bribes because they know that they are underpaid. Value systems are important lines and foundations for all people, whether they are poor or rich. We also know of extremely rich people who have billions of dollars who still ask for bribes. I reiterate that it is important that we look into the mental health issues and assign specialists in order to deal with our security officers who, together with the citizens of this country, are our first line of defence.

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

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

With those few remarks Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report and recommendations of the Departmental Committee on Finance and National Planning. I also want to commend them because it is one of the committees that give us very articulate reports. You can follow the logic of the decisions that they arrive at from the top page to the last one. I want to commend them and tell them to keep up that good work.

When you look at this Report, there is very little to debate. They have given us the justification and history of when and how Ms. Elizabeth Wangui applied for the position and how she fits in. I am happy because it justifies what I know about the specific candidate. I have known her from her time at the Nation Newspaper, Nairobi Central Business District Association and also in her current assignment which is communication. Having interacted with her, I have no doubts of her commitment to communicate the right messages. That was one of the things that came out during her interview. She believes that SRC is not quite well understood in terms of what it does. She hopes to use her expertise in communication to help them to be understood in a better way. Most importantly, she will also represent the police officers and articulate their issues well, so that people can understand what they go through and why they need consideration. She will also use her private sector experience to manage the wage bill.

As we dispense our constitutional mandate, we are called upon to basically look at the procedure that was followed to arrive at the proposed nominee. We now know that everything went well. The Committee has proved that to us. Are there any statutory requirements for the position? We have been given a whole justification as to how the candidate fits the academic qualifications and the work experience.

The third question that we were called upon to answer is whether the person is suitably qualified for nomination to the SRC. The answer is in the affirmative again. We are aware that the various interviews were conducted. I want to record the thanks of the House for all the people who participated in those panels which came up with the names that were eventually passed on to the President. He then passed them on to Parliament. People participated through public participation

and guided the Committee on what to do. All these people are part of adding up or enriching the process of getting these candidates to be vetted. The most important point, which I keep on repeating, is that you cannot win a lottery unless you buy a ticket. When these jobs are advertised, there are several people who fear being taken through the rigmarole of vetting.

When a candidate, especially somebody who is at the prime of her career offers herself for public scrutiny and is prepared to answer all manner of questions, including stating how she fits to occupy a certain position, it talks of a lot of courage on their part. I know that so many people want to go through this process but they ask whether there is another quick route where they could be appointed without being taken through parliamentary scrutiny. Its whole essence is not necessarily to get who is better but it is to bring out some of those latent issues that people are not able to bring out unless they are faced with the real scrutiny by a parliamentary committee. Through that process, it can be determined whether a person has the confidence to face fellow commissioners and articulate issues on behalf of Kenyans. In this case, we are talking about salaries and wages not only for the police officers, but also for other public officers in the entire country. I want to congratulate her for being bold, confident and assertive. She offered herself for that scrutiny. I want to encourage more people, especially ladies, to come out and claim their spaces as we move forward.

This is a straightforward matter. I hope that the House will support the Committee and His Excellency the President in making that decision. I wish the candidate, Ms. Wangui Muchiri, the very best in her new endeavour. I am sure that the House will do the necessary. I want to remind her that just as she was confident to apply for the position, when she takes it up, she should do it for Kenyans. She was nominated by the National Police Service Commission. However, when she gets to the SRC, she should look widely at the work they do in terms of how they carry out their mandate. She should not necessarily be stuck thinking of police matters. She should look at everything within that corporate body to help Kenyans bring down the wage bill and ensure that people are motivated and well remunerated. She should also help ensure that the productivity of the country is matched with the costs that we incur in keeping people in positions they occupy.

With those few remarks, Hon. Temporary Deputy Speaker, once again, I thank the Departmental Committee on Finance and National Planning for the good work that it has done. I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Oundo Ojiambo, Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Report of the Committee and acknowledge its recommendations to appoint Ms. Wangui Elizabeth Muchiri for approval by the National Assembly. It is important that a few obvious and glaring issues are raised in this House for record purposes. Kenyans need to appreciate the process that everybody goes through.

First of all, the SRC was established to bring sanity in the welfare packages and remuneration of public servants and all those who draw salaries from public funds. While the intention was to rein in the ballooning wage bill, the Commission has in the past few years been used as a tool to fight some sections of public servants in this country. Of course, the soft target has always been members of the legislature. Nevertheless, we have come to accept and surrendered to their whims.

Hon. Temporary Deputy Speaker, the law requires the National Police Service to be represented in the SRC. Therefore, the process of appointing a member to sit in the Commission is clearly set out in the Constitution, the Act and the relevant laws and Standing Orders of the

National Assembly. Going through the Report, the number of Kenyans who applied for that one position was staggering. There were 80 applicants. The shortlisting committee shortlisted seven persons, that is, Wangui Elizabeth Muchiri, Dr. Julius Ochieng Olayo, James Ikumbu Ngului, Patrick ole Nkuraiya, Dr. John Wakhungu Masinde, Maina Njoroge and Dr. Billow Khalid. I need to bring to the attention of the Committee and probably the nation at large that the interviewing panel comprised the chairman, commissioners of the NPS, the commission secretary and a representative of the Principal Secretary in the Ministry of Interior and Coordination of National Government. If you go through the curriculum vitae of the appointee, it clearly says she is currently a senior director of communication at the Ministry of Interior and Co-ordination of National Government.

The long and short of what I am trying to say is that this was a very clear case of setting your judgement. This was a clear case of setting your own exam, doing it and marking yourself. If you look at the composition of the panel, you realise it was their own panel! It would, indeed, even be easy to conclude - as many Kenyans have always said - that even before most of these jobs are advertised, the eventual appointee is already known. It is just a hopeless process to sanitise because the eventual appointee is already known. It is practically impossible to tell me that the selection committee and the appointment and interview committee would have reached at any other conclusion looking at the position the lady holds in the ministry and looking at the people that were appointed to undertake the interviews.

Secondly, looking at the report it is clear that during the interview there came up three fundamental issues affecting the NPS and the servicemen and servicewomen who serve this country diligently, day and night. Number one is mental health. I would have imagined the NPS should have gone for somebody who has got the expertise in mental health issues and not communication. The problem facing the NPS is not communication. For the NPS, it is mental health, poor housing and uncompetitive salaries. Looking for somebody with a communication background reinforces the view that this was an advertisement in futility. The owner or the final recipient was already known.

Hon. Temporary Deputy Speaker, as I conclude, the servicemen and servicewomen who serve us in this country day and night protecting our lives, property, the integrity and the social fabric of this society are undergoing a lot of trouble. The number of suicides, murders and the crimes committed by the police officers are alarming. It is a matter that the country must have a discourse on. It is a matter that the relevant committee must surely sit down and have a very sober discussion about. In the rural areas, through NG-CDF, we have established police stations and police lines, but in the recent past there has been a regulation that government funds cannot be used to build police houses. The thing is that in many rural and far flung areas, there are no rental houses. So, if you make that regulation, where do you want these police officers to stay? That is how they end up staying in those tin huts with very low personal privacy. Stress levels rise and that is why you hear of endless murders and suicides. You post a policeman in far flung areas, he leaves a family with a young wife for two to three months. As my aunt normally tells me, a woman is not a stone. You will come and dump her there for three to four months. You will have gone, but she has got feelings. That is why if you interrogate many of these killings deeply, they are about love affairs gone wrong. I know everybody appreciates that the revenues are low and the budgets are tight but the kind of money we keep losing through corruption and the lords of corruption that are outside there campaigning as if they are saints... Everybody knows they are lords of corruption. If we can plug the holes where money is lost, we can improve the welfare of police officers. You are sending police officers to chase after thieves and thugs and they have no



vehicles. Many of the vehicles that were procured through dubious means have broken down. They are not serviceable. Now they are being killed. They are unable to maintain law and order and now we are blaming them for underperforming.

We are going through an election campaign, which is very emotive and crimes are going to be committed. Unless we continue to improve the welfare of the officers, we are going to suffer continually. That is why the SRC should surely look at the issues of the police officers and all those in the security apparatus in a more humane manner regardless of whether or not we break the international ceiling on salaries and welfare. You can never have a prosperous nation unless the security is guaranteed.

As I conclude, Kenya is one country. Every Kenyan, wherever he is, must be given an equal opportunity of landing a government job. This practice of actually having an appointee before you go through the hopeless process of appointment and even going to the committees for approval is discouraging serious and competent Kenyans from applying for these jobs. Since the majority have their way, I will support with those reservations that I have listed in my presentation. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. David ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to also inject my voice in this very important Motion. Elizabeth Wangui Muchiri is an extremely qualified and beautiful lady. I am pleased to hear her response especially on the issue of addressing the mental health of the police officers. If she manages to get this job, she must go there and make sure that the issue of mental health is addressed from a multisectoral approach. The remuneration of our police officers is pathetic. Where they live in is even worse. You can imagine three families of police officers who are married and who are in their active ages living in a tiny *mabati* house where the walls dividing them is only curtains. You can imagine a police officer who has left his wife inside that tiny *mabati* house in the company of three other active young police officers who have six packs. The love triangle happening there can send any sane man into Mathari Mental Hospital. No wonder, the statistics show that ten per cent of our police officers suffer from mental illnesses. It is therefore important that if she secures this job that should be the first point of address.

I also want to remind her that we have concentrated so much on taking the statistics of junior police officers. The statistics are actually scary. We are told that ten per cent of armed police officers are suffering from mental illness. You know what they are capable of doing in our streets when they are armed. It is too scary. It is scarier than approaching a bush that has a lion. In every group of ten police officers, one is capable of shooting us because of mental illness! We have given them guns with ammunition. It is scary. So, let her approach this issue from that perspective. She needs to help ensure that they are well remunerated and that their housing is up to standard.

I heard something to do with affordable housing. We should start with housing police officers. They are paid peanuts. You can imagine somebody you have paid peanuts... We keep saying that we lose Kshs2billion a day to corruption yet we send the same officers to go and collect the proceeds of corruption. What will happen? They will be bribed. They are being bribed because the Government has refused to pay them well.

We have concentrated so much on junior police officers. The fish starts rotting from the head. We also need to know the mental status of the senior people in the leadership of the Ministry of Interior and Coordination of National Government, starting from the Cabinet Secretary, Principal Secretary, Inspector-General and all those directors. I have some little information that Dr. Matiang'i was sacked from lecturing in a certain university by Prof. Magoha. They never gave

us a reason why he was sacked. We do not know. So we also need to know the mental status of such people who are heading such Ministries because it is too risky for us.

Hon. Temporary Deputy Speaker, I am getting tired of the appointments passing through this House because there is no representation of persons with disabilities (PWD). Prof. Oundo has said that sometimes it is pre-determined and that all the other channels are just a conduit for rubberstamping.

Article 54 (2) of our Constitution is expressive in terms of appointive and nominative positions. There must be five per cent representation of PWD. For the past three years, we have not vetted a PWD in this House. That means, ever since some of us were kicked out of the mainstream Government; since we became opposition inside Government, we have seen a trend where it has been difficult to see any PWD passing through the vetting process. I respect Hon. Ndirangu together with the Chair of the Departmental Committee on Finance and Planning. Hon. Ndirangu is a ranking Member of this House. If you must know, Hon. Ndirangu is the MP for Royal Suburb. Some of you call it Roysambu but it is called Royal Suburb. He is a respected person. Nonetheless we need to have PWD being given positions as demanded by our Constitution in Article 54 (2), as required by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which Kenya ratified in 2008 and as required by Persons with Disability Act of Parliament of 2003, Session Paper No. 14.

I cannot keep quiet because the last time I saw a PWD being vetted in this House was when we had judges being vetted. They included Hon. Laibuta and others like the visually impaired judge of the Court of Appeal. Otherwise, the trend in the last three years has been no PWD is being given any Government position.

I request the appointing authority not to punish PWD simply because Hon. Sankok is on a different political persuasion. That is the trend now. They are punishing PWD because of me. Let them come to me directly rather than punishing persons with disability. I have seen and I have been told that there were qualified PWD who applied for these jobs.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Sankok. What is it Hon. Wangwe?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I really wish to inform the Member about what he has said concerning PWD. I would like to seek ...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You want to give Hon. Sankok some information?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Yes, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): He has to consent first.

**Hon. David ole Sankok** (Nominated, JP): He is my leader and I respect him. Let him inform me in 30 seconds.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Sankok is my very good friend. In fact, today during a sitting of a certain Committee he led us in prayer. I told him that his prayers will be heard in heaven. He has just alluded to the position that he has never vetted any PWD in the House. I want to assure him that in the next one week, there is a position that will be presented in the House and one of the candidates for it is a person with disability.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wangwe, why are you anticipating that business? Do not anticipate business. Anyway, he has heard. Hon. Sankok, you have a minute.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. Let me thank my leader Hon. Wangwe for that information. I really pray that it will come to pass. If it does, Hon. Emmanuel Wangwe, you will be blessed by God who created PWD in his own image and likeness. The qualification of Elizabeth notwithstanding, whether she is the most qualified or not is not my concern. Whether she worked on top of cars or under the trees or at the Presidential Delivery Unit is not my concern. My concern is the issue of PWD also being given their rightful position as demanded by our Constitution. Whether she met the Chapter Six of the Constitution... I heard Hon. Ndirangu Wahinya speaking to that. Whether she is under the influence of witchcraft or alcohol, that is not my concern. My concern is that we must have PWD also being given their rightful share of Government appointments.

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Odhiambo Akoth.

**Hon. (Ms.) Odhiambo- Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to thank the Committee and at the outset say that one of the reasons I will support this nominee is she is a woman. I am saying so because I heard the Mover of the Motion saying that we should not just be appointing people because either they are women or youth. I want to indicate that constitutionally, that is a reason to actually appoint a person because she is a woman or youth or a PWD. Our Constitution is clear under Article 27. That, the State shall take every action including affirmative action measures to lift the standards and ensure equalisation for groups or persons who have been marginalised in the past. Such groups include, women, youth, persons with disabilities and persons in other areas that have been geographically and economically marginalised.

Personally, I have no apologies supporting her because she is a woman. I am also glad that she will represent the National Police Service. We know that our police service is one of the areas that supports us very significantly. The police ensures that we have our security, but this is one sector that is usually not treated very kindly. As we speak, I wish I could read a message that was sent to me two days ago by a random police officer indicating to me what the Government has done.

There is a case that was taken to court that was affecting graduate police officers. They had been awarded an increment and because the ones who graduated were not getting the same amount of money, the matter was taken to court and subsequent to that, the salaries of the ones who had been given before was deducted. So, he was calculating and giving me the cost of how much he buys cabbages, at Ksh250, how much he buys *Ajabu Unga*, how much his fare is and showing that now he has to leave his house because he will be evicted because he cannot pay rent. That is what is linked to the mental health we are talking about. If we are not able to take care of our police service and they are the ones who take care of us, how do we expect them to take care of themselves? Sometimes we think that they are very complex issues affecting the police, but sometimes they are very basic issues of bread and butter.

I would like to encourage her that as soon as she takes up office, that is the first thing she needs to look at because it is not just about MPs. We have other people in this country that are suffering including the police. For the graduate police who are not getting their dues, who are earning negative salaries because of the effect of the court ruling, I urge the SRC to redress the issue because it is not fair. You do not actually seek to correct an unfairness by being fair with a category or group of persons.

I also want to encourage the Government to take very seriously an issue that is emerging which appears to be extrajudicial killings. I will not say authoritatively because I do not know yet

but when we find bodies floating in rivers and we discover that some of them are actually police officers, that is really scary because if the ones who protect us are getting killed and are swept downstream in rivers, how safe are we? I encourage that we look at the cause of the killings that even involve police officers.

Finally, as the Leader of the Majority Party indicated, this is a very straight forward matter, I wish Hon. Sankok were here because he alluded or made disparaging remarks against Hon. (Dr.) Matiang'i. We should not use the podium or the Floor of the House to cast aspersions on persons who are not in a position to defend themselves. Hon. (Dr.) Matiang'i is not mental. You may disagree with him, but he is not mental. He is doing his duty as per the Constitution. If you do not agree with him, raise the matter in a constitutional way by bringing a Motion here so as it can be discussed. He would have given him notice so that he can respond to the Motion and other people can also respond to defend or speak about it. You do not just raise issues aimlessly because you will be the one appearing mental, if you raise issues about people when they are not able to defend themselves.

I support and encourage Hon. Sankok, that if he looks at the Constitution, persons with disability are 5 per cent and it is progressive realisation. Hon. Temporary Deputy Speaker, if you remember, when the first Constitution came, we as women, opposed it because there were no numbers. I have been in this country long enough to know that when we do not have numbers, we will not realise what we are looking for. We left the numbers, the principle at two-thirds and only put at the 47 counties. Up to now we have not been able to get the balance of the two-thirds. I hope that once Hon. Raila Amolo Odinga comes in as the fifth president, we will be able to adjust and make sure we get our two-thirds gender rule.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wangwe Emmanuel.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report and Motion of the Departmental Committee on Finance and National Planning, considering the approval of one Elizabeth Wangui Muchiri as a commissioner in the SRC.

This is one very critical Commission that is very important in the lives of police officers and in the lives of Kenyans. One, Wangui Muchiri is being appointed specifically to represent the National Police Service Commission. I thank the selection Committee for doing this wonderful assignment, because she is a lady and what a man can do, a lady can do better. She will join the Commission with a wealth of understanding of the administrative authority she has and she has also served in the Office of the President. She has the academic qualifications and overall she is a lady.

What affects our police officers is a position to do with the social wellbeing, not necessarily the salary alone. How are they handled in their social environment? We changed from the police force to the police service and made them officers who relate with the public, not necessarily by force, but by understanding through our Constitution. Therefore, the import of this is that they should interact with the general public at a humanly range rather than as a force. Therefore, this one Madam Muchiri will take the views of the police officers to the Salaries and Remuneration Commission.

What I seek from Madam Muchiri is her to represent the police, and also work for the general public servants in the SRC. Let it not be that she will be there only for the police officers, but the public in general. Let the decisions made not just be in line with police officers alone, but let them resonate well with the general public service in its entirety.

We have seen appointments of representing authorities like Parliament which is represented in the SRC, but this time as Madam Muchiri is appointed to SRC on behalf of police officers and she will to work with others. Let it be a unifying position that she will apply her wealth of experience from the administrative arm where she has been. Together with other human resource officers that are in the Commission, they should come up with a mix of rules and regulations that will support unified salaries of public servants.

When we look at Madam Muchiri and the general position of the police service, what she mentioned in terms of counselling, and speaking as a Member of the Budget and Appropriations Committee, the National Security Committee sought some funding to support police officers in terms of mental ill health. What is happening is not an absolute position of ill health like admission in hospital. It requires some counselling and an explanation to the police officers on what is happening to them. Why are we seeing cases of an officer shooting themselves, their seniors and neighbours? These are challenging situations which simply call for counselling. The establishment of counselling should be through a corporate body. A commission which sets the rules on the social wellbeing of our officers will be a good thing. One thing we want her to emphasis on is how they will work on it through the SRC as a Commission.

With that, Hon. Temporary Deputy Speaker, I beg to support this Report and wish that my colleagues also join me in supporting it and voting for it.

Thank you and I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kipyegon Ng'eno. That Member has taken his leave. Next, we have Hon. Nduati.

**Hon. Joseph Nduati** (Gatanga, JP): I am sorry, Hon. Temporary Deputy Speaker. I want to contribute to the next item.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, we shall go to the left side, Hon. Makali.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to support this important Motion. I want to start by thanking the Committee for the good work they have done. If you listened to the Mover, you will realise that this lady has what it takes to do her work. She has the academic qualifications and the necessary experience. Now that she has been nominated to represent the National Police Service NPS, it is important that she carries that brief.

I know that SRC is a national Commission. The Commissioners are appointed to represent specific groupings. This one has been nominated to represent the police. I agree with my colleagues that, even as she discusses national issues more so relating to salaries and remuneration, it is important that she focuses on the police. Why am I saying this? This House has in the past approved Commissioners, under the pretext that they are going to represent Parliamentarians. I am sorry to say, from my own assessment, I do not think that the Commissioners we have appointed to go and represent us in that Commission have actually done a good job. After landing in that Commission, they started taking care of their own salaries other than the interest of Members of Parliament.

From what the Members have said, I want to give specific examples. When you look at our police service and the policemen and women who are currently serving, you will be surprised to find that there is discrimination on the kind of insurance public servants get and what our police officers have. Compared to other public servants, police officers have a lower quality insurance, in terms of service provided. One will ask themselves, between yourself, myself, Principal Secretary and a police officer, who is more exposed in terms of risk? You will realise that a

policeman is more exposed as opposed to a PS or an administrative officer, unlike an accountant who is always in the office. However, to make things worse, their insurance is a third of what the other people are getting. If this Commissioner is appointed and joins the SRC, her in-tray is full.

Members have just discussed the issue of psychosocial support. Our police officers have serious mental challenges, basically, because of the environment that they are working in. It is important that, even as this Commissioner joins the SRC, she should know that she has a lot of work. She has to go an extra mile to make sure that she champions the interest of the police officers. Her other work is providing the working tools for police officers.

Hon. Temporary Deputy Speaker, I know that you are aspiring to be a Governor and you must have covered your area very well. You must know this very well, in your own county, there are areas where when an ordinary citizen wants a service from a police station, they are told to fuel the vehicles for them to receive the services. Nothing can be worse than that. We have given police officers a job to do without providing them with the tools of trade. As we think about this Commissioner, we need to make sure that our policemen are properly remunerated, insured and provided with the required tools to do their work.

The National Police Service Commission oversees these important officers. The NPSC is supposed to take care of police officers in terms of their right salary and all that. However, there are some structural challenges in the way they operate. I wish that the NPSC is given all the mandate to do their work. There is a bit of confusion between them, the Ministry of Interior and Coordination of National Government and the Inspector General (IG). That confusion should be sorted out so that at the end of the day, these police officers who are doing a very important job for this country, are properly taken care of.

I therefore support this appointment. I also wish that we could have this Commissioner appointed as soon as possible, so that she takes her position and starts championing the interest of the police officers in this country.

With these remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Waweru Kiarie.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I stand to support the Report of the Committee as presented by Hon. Waihenya Ndirangu in the appointment of this gracious lady Ms. Elizabeth Wangui Muchiri. We are not supporting the appointment of Ms. Wangui Muchiri because she is a young Kenya or because she is a lady. We are supporting her nomination because she is capable and she will be up to the task.

Hon. Temporary Deputy Speaker, this nominee is personally known to me. I met her, way back, after the proliferation of the airwaves when the FM stations were formed and new television stations emerged. At that time, she was serving in the African Broadcasting Division which preceded NTV. The allegations that are being made by people like Hon. (Dr.) Oundo are because Ms. Wangui suffers the tragedy like that of some of us who have had public jobs. Back then, she was a presenter and an anchor. To the mind of Kenyans, some still think that all she has done for this country is presenting news and anchoring.

However, as I said, this lady is well known to me. She is an asset to this country. She is well educated. Even after she left our screens to her own private practice, she was able to further her education. She has a career in the security sector. As we speak today, she is one of the most celebrated security experts in this country – a fact that might not be known to many who still view her as a broadcaster.

Some of the attributes I know of this lady is that she is a patriot. She loves her country. But, this country has also invested in her in the positions she has taken up previously. This

investment cannot go to waste. This is an investment that she will use as she serves in the Commission as a commissioner.

This lady is extremely committed to duty. She is passionate whenever she is attending to her duties. I would like to say that as she goes into the Commission, she has a lot of work to do. She goes into the Commission to serve the country, not representing the police only. Her core job will have to do with the police. As a commissioner, she will have to influence and persuade the Commission to look at the plight of the police.

Hon. Temporary Deputy Speaker, you have served for five years as a Member of Parliament. You understand that security falls under the national Government. So, I know you know how the police are living in your constituency. You know under what conditions the police are working. You know how their remuneration is looking. This is one of the things for which we need patriotic Kenyans to attend to by being at the SRC. I know Wangui Muchiri is up to the task.

There is the business of modernising the police force. If you look at some of the things that are happening in the police, it is because they are informed by a leadership that studied in the precolonial era. That precolonial training of our police sustains to date. This is one of the issues that a commissioner sitting at the SRC will have to look at so that we are able to modernise the police force.

It has been said here that while the SRC is supposed to superintend and oversee the salaries of public servants, it has been unfortunate that the SRC has found a punching bag in the Parliament of Kenya. My plea to this very gracious lady, as she takes up her position as a Commissioner, is that she should not join the bandwagon of those who sit at the Commission and target this House as a punching bag. I know Wangui Muchiri is bigger than that. The people who serve in this House are public servants, serving under very difficult conditions. So, when the issues of public servants by the name of parliamentarians arise at the SRC, I pray that we shall have a champion in the name of Wangui Muchiri.

The SRC needs to clean its house. It needs to clean its house internally and also publicly. I said earlier, Ms. Wangui Muchiri is a celebrated media personality. Her know-how in communication will come in handy in putting up the best image of the Commission to the world.

I would not want to put more than that in support of this appointment. It is because I think that the sooner she gets appointed the better, so that she can go and serve this country in this higher office. Therefore, I pray that this House sees the merit in the service of this lady who has served her country very patriotically. This lady is very well qualified, going by her academic records and by the experience she has picked up in service. I pray that the House shall agree with the Committee and confirm the appointment of this nominee by the name of Elizabeth Wangui Muchiri.

Thank you very much, Hon. Temporary Deputy Speaker. I take this early opportunity to wish you very well in your campaigns to become the next Governor of Laikipia County. Laikipia County needs a Kenyan and a patriot of the know-how, the experience, the commitment and the passion that you have. I pray that the people of Laikipia see the qualities we see in you when you are leading this House and give you the opportunity to serve in that executive position so that you can transform that amazing county to be what it was meant to be—a beautiful seat of God.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Waweru, you know I was not sure what to do in that conclusion. I was in that situation where I am not sure whether it is what the Standing Orders consider outside. But, thank you very much.

On top here we have Hon. Mwangi Mburu. Hon. Koimburi, what is out of order? Is it that you are registering to speak? Now, you cannot register to speak through intervention.

**Hon. Jonah Mwangi** (Lari, JP): Thank you, Hon. Temporary Deputy Speaker. I know what he wanted to do. I am grateful because he wanted to call on something like Standing Order No. 95. But, I am sorry I have had that chance to contribute because of this great lady, Ms. Wangui Muchiri. She is a lady we have seen on our screens. She is a lady who is qualified. During the interview, we saw that this lady scored a whopping 85 per cent while the second person had only 72 per cent. It is also kudos to the women of Kenya and our young daughters who are always aspiring to hold great positions in this country.

I appreciate the work of the Committee. I appreciate the work of Waihenya and his Committee. I am also very grateful that this lady has shown great concern in the security industry. She will be a big pillar in the SRC when we are talking about issues of the police. The police have been having young men and women committing suicide and all sorts of things because they have no one who is fighting for them and their rights. They need to live in good conditions. They need to be remunerated well. They need to be motivated well. I am sure Wangui Muchiri, being an expert in communication and an expert in business management, will fill that gap of being the fighter for the police and the fighter for our young men and women in uniform.

Therefore, I am in full support of the Committee's Report. I am in full support of our President for appointing Elizabeth Wangui Muchiri. I am even proud that I will be able to meet this icon of young girls one of these fine days. She has grown up in her career; working in the NTV very well, going to the Republic of South Africa, working in the USA embassy, working in the Office of the President and becoming a director of communication. She is a woman that has grown her career in a short time. Within her age of 46 years, she has grown her career to the peak. Now, becoming a member of the SRC will be a great thing too.

I am in support of her nomination and the Committee's work. I hope that we will continue having more and more of our daughters holding these positions, and more and more of our police having a better life in their environment. That way we will have less and less of them committing suicide and shooting each other. It is because they will feel represented well in the SRC.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Buyu Akinyi, you have the microphone.

*(Hon. (Ms.) Eve Obara spoke off-record)*

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Hon. Temporary Deputy Speaker, kindly tell Hon. Eve Obara that Rozaah remains Rozaah and is very different from Eve. You said Buyu. So, it is Buyu's time.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes. The last time I checked Buyu Akinyi was you.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Yes, Hon. Temporary Deputy Speaker. It is still me. The times have not changed from last time and now. I am still the same person.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Okay. Proceed.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker.

On a light note I would like to also let you know that I acknowledge that you are going to run for the position of the Governor of Laikipia. After this I will give you a bit of tips on how to win that seat.



(Laughter)

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Well. We must get Hon. Wangwe to be present, or....

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): I will get Hon. Junet. Thank you. I want to support the recommendation by the Departmental Committee on Finance and National Planning on the appointment of Elizabeth.

First of all, her appointment to the SRC actually drives us closer to meeting the requirements of Article 27 of the Constitution. She is not just a professional and a qualified person. She is also a woman. We know how Parliament is bedevilled. We did not succeed when we tried to enact the two-thirds gender rule. We have an opportunity, through the Committee, of moving Parliament closer to meeting that requirement. I also sit in the Departmental Committee on Defence and Foreign Relations and I have come face to face with the plight of police. They are people who work hard, but are not properly remunerated according to the work that they do and they live in poor conditions. Ms. Elizabeth Muchiri's role in the Salaries and Remuneration Commission will be a national role. I am happy that she will be representing the police. She will bring to the fore the plight of police officers who need the focus of the country. We have experienced a lot of insecurity situations in this country. Many Kenyans have lost lives not because the policemen are weak, but because sometimes they are not properly equipped and motivated to do their job. When Ms. Muchiri sits in that Commission, I know these are the issues she will bring to the fore and discuss them alongside the plight of other Kenyans in other spheres.

For that reason, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Rono Kipkogei.

**Hon. Daniel Rono** (Keiyo South, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to weigh in on the appointment of Ms. Elizabeth Wangui Muchiri as a member of the Salaries and Remuneration Commission to represent the National Police Service Commission. It should not be forgotten that I am also supporting you to be the Governor of Laikipia. I wish you all the best. We have heard so much about this lady, Ms. Muchiri. We know her capabilities that have come out well. We have faith that she will ably represent the police force in the SRC. All I want her to do – as my colleagues, hon. Kiarie and hon. Makali Mulu have rightly said – is to represent the police force in SRC. She should also be part and parcel of strengthening the SRC. One time, the SRC almost ruined its name by demonising our salaries as Members of Parliament. When all is said and done, everything has been straightened.

Madam Muchiri will add her wealth of experience to the SRC. She should know that policemen live in deplorable conditions and their salary is low. The work they do is to take care of all of us in the country. Therefore, it is important that their welfare, housing, allowance, salary and health insurance are looked at.

As hon. Kiare rightly said, we are not supporting Ms. Muchiri because she is a lady, we are supporting her because of her experience and rich curriculum vitae. She is bringing in her wealth of experience to the SRC. We shall see the fruits in the near future. I thank the Departmental Committee on Finance and National Planning and the people who have supported the appointment of madam Muchiri.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Obara Eve, it is your turn to have the floor.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I stand to support the Report of the Committee and support the appointment of Ms. Wangui Muchiri as a Commissioner in the Salaries and Remuneration Commission. A lot has been said about her and I want to add my voice in supporting her, given that she has the requisite qualifications and wealth of experience. She is coming in at a time when the SRC is on the spot. It requires the injection of new blood to it. We are all aware – it is in the public domain – of the terms and conditions the police force has been wanting. We are talking about the SRC at a time that the police service is having many challenges.

We have had numerous cases of homicide, suicide and many other unwarranted killings within the service that mainly emanate from issues of the state of the mind. As much as many people are saying that they are not supporting Muchiri because she is a woman with experience, I am happy that it is a woman who has been picked for this position. As women, we have a different perspective in the way we look at social issues that affect our people. There can be no better person than a woman who can add value to this Commission by virtue of one, being a woman and the way they are natured; two, her experience and three, she is young and, therefore, she will connect with the issues that young people are facing today.

Once again, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mbogo Menza. He seems to have taken an early leave. Hon. Ng'eno.

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the appointment of a commissioner to the SRC. The SRC is a fundamental Commission in our nation. It looks into the issue of our salaries by doing proper analyses of how State officers, civil servants and anyone else employed by the Government earns their pay. I have no problem with this lady; she is young, learned and smart. She is also a media personality. I believe she is up to the task that is a head of her. When you look at the national Police Service Commission, just like any other commission in this country, it has not been given the opportunity to run its affairs.

When, for example, you look at the Judicial Service Commission, its Chair is a judge. Many other commissions have their Chairs as insiders of their respective professions. We should also give the National Police Service Commission and the Teachers Service Commission the opportunity to have Chairs from their professions. These will be people who understand the plight and situations their people face.

For appointment of a member of the Salaries and Remuneration Commission to represent the National Police Service Commission, I was expecting somebody who has served as a police officer and who has gone through the myriad issues that the police go through, so that they can defend and champion for the police. Now we have a nominee who does not even understand what a police officer faces when he is sent to the north-eastern part of Kenya or to borders. They do not understand how the police sleep or how they spend the little money they get. There are so many issues that police officers normally face. I was expecting that we would pick somebody who understands the plight of police officers. When a representation from the Parliamentary Service Commission is made, we normally sit and say let us get somebody who has been a Member of Parliament. That is a person who understands the plight of Members of Parliament. Next time, let us look for somebody who understands the profession and background of the people he is going to represent at the Commission so that he can articulate their issues.

We will approve this lady, of course. But next time when we are filling commission vacancies, we should read the Constitution in terms of regional and gender balance. There are

communities in this country that have never been represented anywhere, like the Ajuran, Dorobo, Ogiek and Ilchamus. These are people who may not be represented until Jesus comes back. I believe they will be represented in heaven. We should make it a responsibility of this House to represent those people. There are those of us who are fully in Government. When you go to any department of the Government, you find us. If she were from my region, I would have contested her nomination. We occupy so many spaces. Why can we not give the opportunity to other people who have never occupied any position in Government? Such people are not even represented by members of county assemblies. They are not even represented in the villages. Next time let us put such people in serious and lucrative positions where they can make decisions. I am not contesting the nomination of this lady, but next time bring us people who represent regional balance. We should focus on equity and equality in the country.

I wish this lady the best. She should look at the amount of salaries people should get. She should not go there with a political mind. She should look at the prime issues that people face and not political considerations. As a House, we would not wish to fight with the SRC or other commissions. We want them to do their work. If this lady is approved, she should focus especially on those people who earn little but do a lot in this country. Police officers work day and night to ensure our security is okay. They secure our borders alongside officers of the Kenya Defence Forces (KDF). These are people who do dirty jobs that ordinary people cannot do and yet when you look at their salaries you wonder. That is why they indulge in bad behaviour. They drink. They kill themselves. They steal. They lend their guns to robbers. It is because they cannot meet the needs of their families. These are people who should earn good money.

Give them loans so that they can run their families. They are like everybody. Why should a Member of Parliament earn a million shillings to technically appear in Parliament while a police officer in uniform 24 hours earns between Ksh5,000 and Ksh20,000? A police officer works for 24 hours. There are Members of this House who I do not know yet we are parting ways in the next two months. They rarely appear in this House. They are going home with over Ksh50 million in form of salary. I want this lady to look at that. Every Member of this House has a police officer behind him or her and yet they do not look at the salaries police officers earn. I wish we can discuss equality of salaries in this House. There are people who deserve to earn not less than Ksh50,000. A police officer should earn not less than Ksh50,000 like the rest of Kenyans. These are people who carry the load of everybody. I call upon this lady to champion for our police officers.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ng'eno, are you sure a Member of Parliament does very little work? That is what you have said. I am sure a Member of Parliament works 24 hours as well. Even when they are not in the Chamber, they are working in the constituency.

Let us have Hon. Abdi.

**Hon. Abdi Shurie** (Balambala, JP): Thank you, Hon. Temporary Deputy Speaker. I also want to agree with the Report of the Committee. That said, I think the issue of equity in distribution of these positions is very important. I was whispering to my colleague about the clan I hail from—the Ajuran—who have never seen these positions. It is important that these positions are fairly distributed. We have heard a lot about Muchiris when approving nominees. It is also important that we hear other Kenyans, especially from vulnerable communities like the Ajuran, so that they equally feel proud to be Kenyans. They deserve these positions.

It is my hope that this lady has excellent contextual understanding of this country, especially on security issues. Police officers live in deplorable conditions. Some of them,

especially in border areas are exposed to direct heat of sand dunes as well as to rains. It is important that this nominee has good contextual understanding of this country. Lives of police officers are at risk in border areas.

A member of the Departmental Committee on Administration and National Security just admitted that at times they are obliged to provide fuel to police officers when meeting them. That is how much they are exposed to risks. They are expected to fight terror groups like the *Al Shabaab*. It is my hope that this lady has good contextual understanding of what happens in northern Kenya. I would be very happy if we got a person from northern Kenya to represent the police at the SRC. The threats our security officers are exposed to at the border are unbelievable. I hope she is up to the task. I hope she will make visits to these parts of the country to understand what is happening so that the Commission can make informed decisions cognisant of the difficult situation and risks that police officers are exposed to. Based on that, they can be motivated. As a Member has just mentioned, police officers are one of the lowest paid people. I understand that some of them who have degrees and master's degrees are yet to be recognised. These are the nitty-gritties which are related to the difficult circumstances that police officers are exposed to. These are issues that this lady should be cognisant of now. When she represents them in the Commission, they should make an informed decision that will improve their lives.

It is my hope that she does not belong to the class of people who live in Nairobi and other big places who are not conversant with the difficulties these people are exposed to. I hope that she will not agree with any decision that is made by the Commission. I want to reiterate that police officers in Kenya are exposed to a lot of difficulties and risks, and are extremely underpaid. It is high time that SRC looks into this.

I do not agree with the Member who said that Members of Parliament are in comfort zones. We are not there. The difference is that we are not exposed to the risks that the police officers are exposed to. We are not saying that they should be paid the amount of money we are paid. The Salaries and Remuneration Commission is under obligation to give unique consideration to police officers. We challenge this lady that the next Report which will come from SRC will specifically see the unique and difficult circumstances that police officers are exposed to and they will address them. We wish her all the best. We wish that she will visit the most difficult parts in this country which is northern Kenya, in particular the border areas. She will understand the security challenges. When she represents police officers in these meeting, she will bring all those issues out.

Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I will be very brief because I will speak in the next Motion. I wish to support the Motion on Consideration of Nominee for Appointment to the Office of a Member of the Salaries and Remuneration Commission.

I do not know this lady. However, I have listened to the Members who have spoken who know her. She has the right qualifications. As women, we laud this move by the Government to appoint women. We want more women to be appointed by the Government. She has the requirements that are needed. I have listened to Hon. J. K who knows her and her character is quite admirable. We hope that she will meet our expectations. However, we really urge the Government to do regional balancing when appointing people. We are suffocated with the same kind of names every time appointments are made. I do not remember vetting or even discussing any appointment from Turkana County or other pastoralists' regions for the last four years. The last person we vetted

was the Cabinet Secretary, Hon. Munyes, and that was it. We go to school. We need to do something about regional balance.

I want to talk about the police officers. They remind me of the incidents that happened in Turkana, Samburu and Pokot where we had several attacks last week. We lost people and property. There is highway banditry between Kainuk and Lodwar. We rely on our police officers to take charge.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Muchangi Njiru.

**Hon. Eric Njiru** (Runyenjes, JP): Thank you, Temporary Deputy Speaker, for the opportunity to support the appointment of Elizabeth Wangui Muchiri. I have taken time to go through her curriculum vitae and I can confirm that this is a very well educated lady and an experienced person. She is exposed to issues of governance having worked in the Office of the President in the US Embassy and other places. Wangui Muchiri is a relatively young Kenyan. I believe she has what it takes to serve in the Commission and give the best contribution in that Commission.

I have in my office worked with women and I have even given them managerial positions. I have seen them execute their mandate very well and I have come to believe that what men can do also women can do. I want to agree with the rest of the Members of Parliament here who believe that Wangui Muchiri will do a good job. Also her being a nominee representing the NPS, I believe she will go there and sort the welfare of the police because these officers are very demotivated sometimes. I can remember just recently when we were told that those police officers who undertook higher qualifications, that is, those who went ahead, took loans and acquired degrees will not be promoted. For sure they have not been promoted. This is a demotivation to them because even those that had been promoted earlier on had their monies recovered and they are being told to return the money that had been paid before. This is pure demotivation and I believe these are some of the reasons why some of our police officers are killing themselves and killing others. I want to support the appointment of Wangui Muchiri.

Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Temporary Deputy Speaker. I want to add my voice in supporting the Motion and the Report by the Committee for the appointment of Elizabeth Wangui Muchiri. From the Report by the Committee, she is a lady of integrity. She has what it takes. She has all the qualifications which behoves the holder of such an office. More importantly, this is the right time to have a representative of the police service in the Commission. We are all aware what our police service is going through especially when it comes to the issue of their salaries and their benefits *vis-à-vis* what other civil servants enjoy. We are aware that even in terms of their insurance, it is far much below compared to what other civil servants are getting. I believe Elizabeth will be represent the NPS effectively so that their benefits and remuneration is brought at par with the rest of the civil servants and also those psychological issues. We also know what is facing the police service. We should not delay even for a single minute in supporting the police service to have their representative in the Commission who will be able to articulate their issues. We also know towards election time how much we require the police service to be at its best. I think Wangui should be able to come into the Commission and articulate those issues. There is no integrity issue that has been raised against her.

Having satisfied the requirement of Chapter Six of the Constitution, as a parliament, we should support this Report and the recommendation of the Committee for the appointment of this lady to this Commission.

With those few remarks, I support and thank you for giving me a chance to contribute.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): There being no other Member willing to contribute to this particular Motion, we shall have the Mover replying.

*(Hon. Nimrod Mbai spoke off record)*

Order, Hon. Mbai. You must register your interest to speak. The interest is recorded here. I must see your name on the screen, if I do not, I cannot tell whether you want to speak. Can you contribute within one minute? Let us have Hon. Mbai as the last person contributing to this.

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker for the opportunity to speak to this Motion. First of all, I rise to support the Motion and the appointment of Ms. Wangui because she earned it through merit not because she is a lady or any other factor. She scored in the matrix which had been set for the interview and verification that she went through.

On the same breadth I would want to say something which I think should be considered by the Committee and this House. I do not know why the police should be represented by a civilian when we are discussing their salaries. We cannot explain why we have a civilian seated in a room where the salaries of the police are being discussed. The civilian will not understand the police. Imagine if we had a commission in charge of media and a police officer was nominated to represent it. Kenya would burn. The media would be all over. Imagine we are forcing a media personality to represent the police. I know it is not Ms. Wangui's mistake, but those who come up with such a matrix. I remember when we were coming up with the Police Service Commission, there were two slots left for retired police officers. If police affairs were to be discussed in the Salaries and Remuneration Commission, we would need a different matrix to have a police officer in this Commission to look after the matters of the police. You cannot subject somebody who has been in high officers to somebody who has been in Kacheliba. A police officer coming for interview from Kacheliba and another one coming for an interview from the US Embassy, of course one will score 80 and another one will score 20. So the matrix has to be different. The exam cannot be the same. This will ensure that the police can get an opportunity to speak for themselves.

Further, I would urge Ms. Wangui, if appointed, to serve with knowledge of the people she is serving. The police are going through a lot of challenges, but it is possible to help them get out of these challenges. I have an experience and background with the police service. In 2008 when the former President Kibaki came to power, I was a police corporal. I was earning about Ksh7,000. After His Excellency President Kibaki took power, he tripled our salaries. I remember I earned a salary of Ksh21,000 in the subsequent month. How could my salary move from Ksh7,000 to Ksh21,000? There was no magic. This was a human being. Kibaki is a human being and he tripled the salaries of the police. So, we expect the same to be done. This Commission seems not to understand what the police are going through. I hope this lady will use her communication skills and her experience from elsewhere to make sure the police is taken care of.

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ndirangu Waihenya.

**Hon. Isaac Ndirangu** (Roysambu, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to thank all the Members who have given their kind words and support for the nominee citing her background and why they support her.

I wish to disagree with the Member for Funyula, Hon. Wilberforce Oundo who suggested that somebody might have pushed or helped Ms. Wangui Muchiri to come up this far. I want to assure him that it is a matter of meritocracy. She is qualified, she has merit, she is a patriotic Kenyan, she is an international worker and is up to the task and she is a trailblazer. If we go to the results, how she performed in the interview, she performed at 85 per cent. The nearest contender only managed 72 marks. I assure Members that somebody who has merited an award from the US Government because of high performance, the Seal of the President of the United States Government and White House issued by President Barack Obama is not a joke. Ms. Muchiri was tasked with publicity and crusading for the visit of President Obama in Kenya and in Africa. That was a very big success. She has also received other local and international awards and she deserves it. As a Committee, we were satisfied. Like all the other organisations that supported her and recommended her, we were satisfied that she is up to the task.

I therefore recommend, together with this House, that this House does recommend her for appointment as the nominee for the National Police Service Commission in the Salaries and Remuneration Commission.

With those few words, Hon. Temporary Deputy Speaker, I beg to reply. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Thank you, Hon. Chair. We shall pend putting the Question on that particular Motion. That is concluded.

*(Putting of the Question deferred)*

Next Order.

## **BILL**

### *Second Reading*

#### THE HEALTH LAWS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the Health Laws (Amendment) Bill (National Assembly Bill No.2 of 2021) be now read a Second Time.

It becomes very clear from the numbering of this law, the second Bill that we published last year but because of lots of consultations and to and fro, we managed to pass all the laws of 2021 but this one. The good news is that all that consultation was not in vain because it allowed the various stakeholders to come together and understand the rationale behind the laws and come to consensus in terms of what needs to be done going forward. I am sure a bit of that will be explained by the Committee.

Hon. Speaker guided that they have an extended public participation period and bring an addendum of the Report. This law affects 17 health related statutes. This is mainly to enact the provisions on wide ranging matters related to health policy to improve on efficiency, service delivery and the realisation of Universal Health Coverage (UHC).

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Speaking of UHC, I am glad to note that yesterday, His Excellency the President, while in Mombasa, launched the UHC programme. I believe that we are now on the way towards making sure that no Kenyan will have to sell their property because of the indemnity after getting sick. This House provided the enabling legislation and I want to thank Members of this House for passing the National Health Insurance Fund (NHIF) Bill, which is the anchor law that will help achieve the UHC dream.

The import of this Bill is, looking at all the various bodies that have a mandate in different health sectors, be it the Kenya Medical Practitioners and Dentists Board, the Pharmacy and Poisons Board or the physiotherapy board, all these boards have different enabling legislation, especially in terms of the governance structures. What became clear is that there was no uniformity in terms of how people are appointed to the governing structures of all these bodies in line with the *Mwongozo* Code, best practices and some of the lessons learnt from the implementation of the Health Laws (Amendment) Act, 2019. If you remember, this was one of the laws that were challenged by the Senate and had been temporarily declared unconstitutional but, the Court of Appeal vacated that order and went deeper into analysing it. It said that the Act was declared unconstitutional for the wrong reasons.

As far as the Court of Appeal was concerned, that law did not involve the counties which requires the Senate's approval. However, policy issues, in terms of the governance structures on that 2019 Act, the Court of Appeal declared that the only bit they were uncomfortable with was the reference to the Kenya Medical Supplies Authority (KEMSA). They were okay with all the other things. Therefore, even as we look at this law, we need to negotiate with the Senate that all these laws, apart from one or two, do not need to go to the Senate because they are national policy issues, which is the mandate of the national Government and the National Assembly.

As I said, this law has perhaps received the most extensive public participation. I have participated on a number of those issues trying to reconcile the various positions. I know that by the time we come to the Third Reading and bringing the various amendments that will harmonise the issues raised by Members, we will have a good law for this country.

By and large, we are looking at amending the manner in which the various boards are constituted and also harmonising some of those with the current Constitution. Since they were done before the 2010 Constitution, they now need to be updated. For example, the Pharmacy and Poisons Act, Cap. 244 will be amended on the clause on appointment of the board members to the Pharmacy and Poisons Board, not only to ensure compliance with the *Mwongozo* Code of governance for State corporations but also because of the need to eliminate some conditions for appointment to the board. These conflicts of interest within the membership of the board have even led to members of the same boards taking one another to court and stifling the operations of those boards. There are some members in there who decide that they must frustrate other members from operating just because they happen to be in a board. These are the kinds of things we want to eliminate so that anyone who gets into a decision-making situation does not use that privileged position to, instead of serving the organisation, frustrate all the others who are supposed to be serving under it. I think this goes across all the organisations. It is not just because people are notorious but that, if you see notoriety in one, it could spread into the others. The best thing is to get the best practice, learn from it and protect everyone else.

There is also an issue that is unique to these bodies within the health sector. You will find that membership is conditional and in favour of members of that profession. For you to be appointed a chairperson of the Pharmacy and Poisons Board, you must be a registered pharmacist. We know the work of the chair does not require that technical expertise. We understand that you



will, as the CEO, understand the technical groups. It goes further. You will find that people are resistant, they do not allow legal practitioners and finance people to join boards yet these people would benefit from those skills, including understanding who becomes the corporation secretary. We know the law is very clear that a corporation secretary needs to be a certified public secretary. But because of how these laws are drafted, they cannot get that benefit. This amendment is seeking to open up that space so that, for example, we say that a corporation secretary must be a person who is qualified to be a certified public secretary. It needs to accord with the law in other institutions. That person enriches the board in its decisions, by providing that expertise. Every board will basically be looking at enriching each another with different expertise so that boards can perform on behalf of the membership.

I do not want to get into what is so straightforward. The 17 pieces of legislation are all listed within the memorandum of this Bill. It may look big but, once you understand one, you can get all. We have the Pharmacy and Poisons Act, the Mental Health Act, the Medical Practitioners and Dentists Act, the Nurses Act, the Kenya Medical Training Colleges Act, and the National Hospital Insurance Fund Act. Part of this will be overtaken by events because we have already passed the National Hospital Insurance Fund Act. So, we will be removing some of these things when we get to the Committee of the whole House. The others being affected are the Laboratory Technicians and Technologists Act, the Tobacco Control Act, the Nutritionists and Dieticians Act, the Cancer Prevention and Control Act, the Public Health Officers Act, and the Kenya Medical Supplies Authority Act in terms of the appointment of the chairperson of its board and the corporation secretary. Again, these are policy issues. There is nothing to do with the counties.

Other laws being affected are the Counsellors and Psychologists Act, the Physiotherapists Act, the Health Records and Information Managers Act, the Clinical Officers (Training, Registration and Licensing) Act, and the Health Act of 2017. Basically, all this is about the appointment of their governance bodies. So, the long and short of it is that, once we approve this, these bodies will have to streamline their governance structures to be better prepared for the implementation of the Universal Health Coverage, which we need to make sure that our mothers, fathers, brothers, sisters and children improve the quality of their lives by accessing better health care. I can go on and on but it will not add any value beyond what I have said. I, therefore, beg to move and request Hon. Joyce Emanikor on behalf of the Departmental Committee on Health to second. I thank her for having spared her entire afternoon to be here waiting to second. I know her Chair is involved in some preparatory activities of the Universal Health Coverage. There is a training workshop going on in Mombasa where the Committee is expected to contribute. The Vice-Chair has been involved in looking at the Supplementary Budget.

Thank you, hon. Emanikor, for taking it for the Committee.

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

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion. I will do that briefly because the Leader of the Majority Party has done a good job. He has gone into details of the 17 Acts that this law is amending. We have spent a whole year working on this because it was extensive. We did wide consultations and got memoranda from 35 stakeholders. We had many organisations represented including the Council of Governors, the Ministry of Health, the Nurses Union, the Kenya Medical Social Workers Association, the Health Care Federation and many others. They were over 22. In total, 35 stakeholders participated. We have taken exactly one year since we began working on this Bill.

Among the key things that the stakeholders agreed to in terms of the formation of boards and councils...(*technical hitch*). They recognised professionalism and respective expertise. For

instance, they said that the chairperson must be a member of the specific professional regulatory body and must have a minimum of 10 years' experience in the specific profession. Also, that the Attorney-General and the Principal Secretary for Treasury to be removed from the boards/councils, and should be replaced with the sector-specific professionals. So, professionalism is one thing that we recognised and the stakeholders recommended it. I would like to urge hon. Members to support the Bill with the amendments as proposed by the Committee, as they are intended to achieve improved service delivery to the public and increase efficiency of operations by the respective boards and councils.

I beg to second. Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Gogo Achieng'.

**Hon. (Dr.) Lilian Gogo** (Rangwe, ODM): Thank you so much, Hon. Temporary Deputy Speaker. I rise to support this Bill. As has been well articulated by the Leader of the Majority Party, this Bill seeks to amend several health-related statutes to improve efficiency and service delivery and the realisation of Universal Health Coverage. As has already been indicated, the main goal of UHC is to provide healthcare for all. His Excellency the President unveiled a bit of the programme the other day. The simple reason that makes me support this Bill is that in the recent past, one of the students at the public school where my child goes to fell critically ill and I was impressed to gather from the chief principal of the school that the only thing she needed to do was to write an introductory letter for the child to access healthcare in a public institution. This particular girl was taken to Kenyatta University Hospital. She was suffering from cancer. She was able to get high quality healthcare from highly qualified medical professionals. She needed platelets. Personally, I had to go and donate platelets. What amazed me was the equipment that separated the parts of blood. If this was to be done in a private hospital, one session would cost Ksh39,000, which cannot be easily obtained by an ordinary Kenyan. Given the UHC programme, there is a machine at the blood bank that does this for Kenyans for free. So, anything that touches on UHC is something that I would rise to support with all my strength because it touches on ordinary Kenyans.

Article 43 of the Constitution says that the State should provide the highest standard of health to its citizens. All citizens are supposed to be provided with emergency healthcare. On that basis, any Bill that paves way for implementation of UHC needs to be supported. That is precisely what I stand to do. This Bill addresses the governance aspects of institutions that have a role to play in discharging the government's responsibility in health-related matters. As we realise, health services are devolved, but there are aspects that are still left with the national Government. One of the basic human rights is the right to health. When we amend laws so that our communities can get better healthcare, this is something that we need to support as legislators.

This Bill seeks to amend various Acts, including No. 14 of 2014, No. 18 of 2007, No. 15 of 2016 and No. 20 of 2017. We also have one amendment that touches the Clinical Officers (Training, Registration and Licensing) Act No. 20 of 2017. We are concerned with how the boards are constituted under the said conditional and administrative elements of these medical institutions. If this is anchored in law, then it gives these particular institutions authenticity in discharging their responsibility.

As it has already been indicated, the Bill also proposes an insertion of Section 5 (a) in the Pharmacy and Poisons Act. It provides that the board shall recruit persons who are qualified competitively. If we emphasise on persons who are qualified, it removes elements of nepotism and discrimination in recruitment of persons in various governance positions of our various boards that is against our Constitution. That is a good part of this particular Bill.

The Bill seeks to amend the Medical Practitioners and Dentists Act in respect of its composition and recruitment. Persons who will be appointed to the council will be elected through conventional board resourcing procedures. This puts some strength on the various boards. When they use the right procedure to recruit persons to work here, it is a good thing that this Bill is bringing in.

The Bill also analyses how governance will be enhanced, especially on health-related matters and the related institutions. It is important that the *Mwongozo* Code lays a benchmark that requires State corporations to comply with its governance guidelines. We find that there are particular guidelines that are given out but they are not followed often. This particular Bill gives the boards strength, so that where necessary or needed, the weight of the board is put in emphasising that their guidelines that have been laid down are followed.

There is also a noble intention by this Bill to streamline the governance framework for health-related institutions, so that there is perfection in their operations to deliver Universal Health Coverage. If governance is anchored in law the way it is brought out by this Bill, then it makes the operations of this particular system smooth, efficient and effective and in a way that serves Kenyans in a better way. Anything that touches on what Hon. Uhuru Muigai Kenyatta is doing needs to be supported. This particular UHC has been rolled out in other nations and it has worked. We need to support it by amending various Bills or laws that touch on healthcare.

With those very many remarks, Hon. Temporary Deputy Speaker, I support the Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Hassan, you withdrew your interest to speak to this Bill.

*(Hon. (Ms.) Zuleikha Hassan spoke off record  
and walked in the Chamber)*

Why are you moving? Can you speak later?

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Yes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Ok. Let us have Hon. Odhiambo Akoth.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Health Laws (Amendment) Bill, 2021. As the Mover has indicated, this Bill seeks to amend several health laws, including the Pharmacy and Poisons Act and the Mental Health Act, amongst others. It also does a clean-up of some of which are really simple amendments like changing the word “minister” to “Cabinet Secretary” in conformity with the Constitution. I just have very brief comments. One of the things that I have seen runs through is that it seeks to enhance and harmonise governance structures in relation to the Government’s *Mwongozo* policy. I want to indicate one of the positive things. I will not go to each and every one of them but, for example, look at the amendment in relation to the Pharmacy and Poisons Act. One of the amendment seeks to ensure that part of the people who are appointed would be four persons not being public officers of whom three must be from the pharmacy profession appointed by the

Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to accounting, pharmacy, business management, public health, economics, law or any other relevant field.

Hon. Temporary Deputy Speaker, one of the positive things I will pick is the conformity with the Constitution on gender, the issue of disability that I think we spoke about on the earlier motion and the issue of regional balance but above that, it also seeks to enhance the issue of expertise. I think this responds to one of the issues that we were discussing in the earlier Motion on the appointment of a member to the SRC. Despite the fact that we know there are very many qualified women, they are not just appointed because they are qualified but because it is a constitutional requirement. There are some issues that I have a little bit of concern with. For instance, Clause 3(2) says that the board shall be selected through conventional board resourcing procedures. What is conventional board resourcing procedures? I think this is a very lazy way of drafting. If you want, just indicate what those conventional processes are. You can say it is open and competitive. That is clearer because if it is open, we know that you are not using a closed method and if it is competitive we know that you are actually going to get people to apply and that there will be interviews. However, when you say conventional, that may be subject to misuse.

Another thing that is of concern to me is something that I have said over and over again but there is no harm repeating because I see it is a practice that is done in each of our laws. Clause 3(2)(b) says one of the grounds for which a person can stop being a member is when the person has been absent from three consecutive meetings of the board without permission of the chairperson. This can be subject to misuse. It should be without notification of the board because what if I am sick and the chair of the board refuses to give me permission? Therefore, that means that I can be removed just simply because the board does not agree with me.

The other issue that I also picked up is in relation to the National Hospital Insurance Fund (NHIF). Other than establishing the board...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Odhiambo Akoth. It is 7.00 p.m. You will still have your four minutes when this business comes up again.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 9<sup>th</sup> February 2022 at 9.30 a.m.

The House rose at 7.00 p.m.