



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. I NO. 31

THE HANSARD

Tuesday, 29th November 2022

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: We do not have quorum yet. I direct that the Quorum Bell be rung.

(The Quorum Bell was rung)

Leader of the Majority Party, where are your Whips?

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

We now have quorum. We can transact our business. Hon. Members, we have a Supplementary Order Paper that will guide our business this afternoon. Clerk!

COMMUNICATION FROM THE CHAIR

NOMINATION OF PERSONS FOR APPOINTMENT AS MEMBERS OF COMMISSION ON REVENUE ALLOCATION

I have a Communication and an acknowledgement. First, the Communication is on the nomination of persons for appointment as members of the Commission on Revenue Allocation.

Hon. Members, as you are aware, the term of office of the current members of the Commission on Revenue Allocation (CRA) is set to end on 31st December 2022 in accordance with the provisions of Article 250(6)(a) of the Constitution. In this regard, the appointment process ought to be concluded before the said date.

Article 215(2)(b) and (c) of the Constitution, as read together with Article 215(3), require political parties represented in the National Assembly and the Senate to nominate two and five persons respectively for appointment as members of the CRA from among persons who are not Members of Parliament.

Pursuant to the said provisions and having been notified of the impending vacancies, the Clerks of the Houses of Parliament, by advertisements published in the dailies on 15th November 2022, invited applicants from interested persons seeking to be nominated as members of the Commission and set out the qualifications for appointment in accordance with Article 215(4) of the Constitution and Section 6 of the Commission on Revenue Allocation Act, 2011.

(Several Members walked into the Chamber)

Hon. Members, take the nearest available seat.

A total of 176 applications were received being 37 and 139 applications received by the National Assembly and the Senate, respectively. At the closure of the submission period, the Clerks of the Houses of Parliament forwarded the particulars of qualified applicants to the leaders of the Majority and Minority parties in both Houses to facilitate the nomination of qualified persons for appointment.

On Friday, 25th November 2022 and Saturday, 26th November 2022, I received communication from the leadership of the Majority and Minority parties conveying the nomination of seven persons for appointment to the membership of the CRA in accordance with Article 215(2)(b) and (c) of the Constitution.

With regard to the nominees from the political parties in the National Assembly under Article 215(2)(b) of the Constitution, I have received the names of Benedict Muasya Mutiso and Wilfred Koitamet Olekina Nchoshi, having been nominated by the Majority Party and the Minority Party, respectively.

With regard to nominees under Article 215(2)(c) of the Constitution, the leadership of political parties represented in the Senate nominated Jonas Misto Vincent Kuko, Dr. Isabel Nyambura Waiyaki and Hadija Nganyi Juma. The three were nominated by the Majority Party. Also, Dr. George Jalang'o Midiwo and Hon. Fatuma Gedi Ali, CBS were nominated by the Minority Party.

Noting the close timelines and given the fact that the House is scheduled to commence the long recess on Thursday, 1st December 2022 in accordance with its Calendar, I forthwith refer the names of the seven persons so nominated to the Departmental Committee on Finance and National Planning. The Committee is expected to undertake the necessary approval hearing as contemplated under the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45 (Committal of Public Appointments to Committees). I am aware that the Committee has already called for the submission of memoranda from the public as part of the approval process. Additionally, by way of a notification, I directed the Clerk of the National Assembly to transmit the said notification to all Members, which he did.

I now direct the Committee to expeditiously undertake the approval hearings and report back to the House. In any case, the Committee should conclude the approval hearings by 6th December 2022 and table its report before the expiry of the constitutional deadline.

The House is accordingly guided. I thank you.

(Several Members walked into the Chamber)

Hon. Members, take the nearest available seat. I have another Communication to make.

VISITING DELEGATION FROM THE NATIONAL ASSEMBLY OF ZAMBIA

I wish to introduce to you a delegation of Members of staff from the Parliamentary Reforms Programme Department in the National Assembly of Zambia who are seated in the Speaker's Gallery. When I call your name, stand for acknowledgment by the House. The delegation comprises:

- | | | |
|---------------------------|---|----------------------------------|
| 1. Mr. Chalema Chabala | - | Programme Officer; |
| 2. Mr. Peter Osward Tembo | - | Constituency Office Coordinator; |
| 3. Ms. Christine Zimba | - | Constituency Office Coordinator; |

4. Mr. Labson Nyendwa - Constituency Office Coordinator;
5. Ms. Daisy Siame - Constituency Office Coordinator; and
6. Mr. Pride Mundeia - Constituency Office Coordinator.

The officers are in the country on a benchmarking visit aimed at, amongst other things, sharing knowledge and experiences with their counterparts on best practices and procedures in the management and coordination of constituencies' offices.

On my own behalf, and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagements during the course of their stay in the country.

Thank you.

Next Order.

PAPERS

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Special Audit Report of the Auditor-General on the Contracting Process for Transportation of Cargo via Standard Gauge Railway by Kenya Railways Corporation.

If you allow me, there is a question that was asked by Hon. Gichimu to the Departmental Committee on Transport and Infrastructure and the answer lies in that Report. You may, therefore, direct that it be referred to the Departmental Committee on Transport and Infrastructure. The answer lies in that Report because that Question was asked on Thursday.

Hon. Speaker: It is so directed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I will proceed.

Statement on the Financial Year 2022/2023 Additional Expenditures granted under Article 223 of the Constitution from the National Treasury and Planning.

The Kigali Amendments to the Montreal Protocol on substances that deplete the Ozone layer and Explanatory Memorandum for the Ministry of Foreign Affairs.

The Accession of the Bamako Convention on the Import into Africa and the control of the trans-boundary movement and management of the hazardous waste within Africa and the Explanatory Memorandum for the Ministry of Foreign Affairs.

The Progress Report on Submission of Nominees to the National Government Constituencies Development Fund (NG-CDF) for the National Assembly's approval.

The Tenth, Eleventh and Twelfth Batches of Nominees to 31 National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board for the following constituencies:

- 1) Balambala Constituency;
- 2) Banissa Constituency;
- 3) Butere Constituency;
- 4) Emuhaya Constituency;
- 5) Funyula Constituency;
- 6) Gatundu North Constituency;
- 7) Kabete Constituency;
- 8) Kiambaa Constituency;
- 9) Kibwezi East Constituency;
- 10) Kilifi North Constituency;

- 11) Keiyo South Constituency;
- 12) Kesess Constituency;
- 13) Kuresoi South Constituency;
- 14) Mandera West Constituency;
- 15) Masinga Constituency;
- 16) Matayos Constituency;
- 17) Mogotio Constituency;
- 18) Mt. Elgon Constituency;
- 19) Mwala Constituency;
- 20) Navakholo Constituency;
- 21) Nyando Constituency;
- 22) Sabatia Constituency;
- 23) Tindiret Constituency;
- 24) Turkana Central Constituency;
- 25) Hamisi Constituency;
- 26) Ikolomani Constituency;
- 27) Laisamis Constituency;
- 28) Mandera North Constituency;
- 29) Teso North Constituency;
- 30) Vihiga Constituency; and
- 31) Wajir North Constituency.

Re-submissions of list of nominees for 13 constituencies from the National Government Constituencies Development Fund Board:

- 1) Eldas Constituency;
- 2) Gilgil Constituency;
- 3) Githunguri Constituency;
- 4) Kajiado West Constituency;
- 5) Kapenguria Constituency;
- 6) Kieni Constituency;
- 7) Kitui South Constituency;
- 8) Mara Constituency;
- 9) Marakwet Constituency;
- 10) Ol Joro Orok Constituency;
- 11) Othaya Constituency;
- 12) Rongai Constituency; and
- 13) Ndhiwa Constituency.

Report of the Auditor-General and Financial Statements for Bandari Maritime Academy for 14 months' period ended 30th June 2020 and the certificates therein.

Reports of the Auditor-General and Financial Statements of the following constituencies for the Financial Year ended 30th June 2020 and the certificates therein:

- 1) Mavoko Constituency;
- 2) Kitui Rural Constituency;
- 3) Kitui East Constituency;
- 4) Kitui South Constituency; and
- 5) Matungulu Constituency.

Reports of the Auditor-General and Financial Statements of the following institutions for the year ended 30th June 2021 and the certificates therein;

- 1) The National Irrigation Authority;
- 2) Emsos Technical and Vocational College;
- 3) Mitungulu Technical Training College;
- 4) Tetu Technical and Vocational College;
- 5) Tourism Finance Corporation;
- 6) Tseikuru Technical Training Institute;
- 7) Wote Technical Training Institute;
- 8) Masinga Technical and Vocational College;
- 9) Mungatsi Technical and Vocational College; and
- 10) Golf Hotel Limited.

Thank you, Hon. Speaker.

Hon. Speaker: For the next speaker, I am told that the Report is not ready. We will indulge you in the next Sitting. Chairperson of Select Committee on NG-CDF.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, 29th November 2022:

Report of the Select Committee on National Government Constituencies Development Fund on list of nominees to the National Government Constituencies Development Fund for 103 constituencies:

1. Alego Usonga Constituency;
2. Balambala Constituency;
3. Banissa Constituency;
4. Buuri Constituency;
5. Butere Constituency;
6. Bomachoge Borabu Constituency;
7. Bomet East Constituency;
8. Borabu Constituency;
9. Embakasi East Constituency;
10. Emgwen Constituency;
11. Emurua Dikirr Constituency;
12. Emuhaya Constituency;
13. Fafi Constituency;
14. Funyula Constituency;
15. Gatundu North Constituency;
16. Gem Constituency;
17. Hamisi Constituency;
18. Ijara Constituency;
19. Ikolomani Constituency;
20. Juja Constituency;
21. Kabete Constituency;
22. Karachuonyo Constituency;
23. Kabondo Kasipul Constituency;
24. Kanduyi Constituency;
25. Kiambu Town Constituency;
26. Kibwezi West Constituency;

27. Kilifi South Constituency;
28. Kiminini Constituency;
29. Kinango Constituency;
30. Kiambaa Constituency
31. Kibwezi East Constituency;
32. Kilifi North Constituency;
33. Keiyo South Constituency;
34. Kesses Constituency;
35. Kuresoi South Constituency;
36. Kimilili Constituency;
37. Kisumu East Constituency;
38. Kitui West Constituency;
39. Kitutu Chache North Constituency;
40. Kitutu Chache South Constituency;
41. Kitutu Masaba Constituency;
42. Laisamis Constituency;
43. Lari Constituency;
44. Luanda Constituency;
45. Lugari Constituency;
46. Lurambi Constituency;
47. Lungalunga Constituency;
48. Machakos Town Constituency;
49. Matuga Constituency;
50. Malindi Constituency;
51. Mathare Constituency;
52. Mathira Constituency;
53. Mandera North Constituency;
54. Mandera West Constituency;
55. Masinga Constituency;
56. Matayos Constituency;
57. Mbooni Constituency;
58. Mukurweini Constituency;
59. Mogotio Constituency;
60. Mt. Elgon Constituency;
61. Mwala Constituency;
62. Mwingi Central Constituency;
63. Mwingi North Constituency;
64. Nambale Constituency;
65. Navakholo Constituency;
66. Ndia Constituency;
67. Nyando Constituency;
68. North Mugirango Constituency;
69. Ol Kalou Constituency;
70. Runyenjes Constituency;
71. Sabatia Constituency;
72. Saku Constituency;

73. Samburu East Constituency;
74. Seme Constituency;
75. Sirisia Constituency;
76. Suba North Constituency;
77. Taveta Constituency;
78. Teso North Constituency;
79. Tetu Constituency;
80. Thika Town Constituency;
81. Tigania East Constituency;
82. Tigania West Constituency;
83. Tinderet Constituency;
84. Turkana Central Constituency;
85. Turkana North Constituency;
86. Turkana West Constituency;
87. Ugenya Constituency;
88. Vihiga Constituency;
89. Wajir North Constituency;
90. Wajir West Constituency; and
91. Westlands Constituency.

Re-submitted nominees:

1. Eldas Constituency;
2. Gilgil Constituency;
3. Githunguri Constituency;
4. Kajiado West Constituency;
5. Kapenguria Constituency;
6. Kieni Constituency;
7. Kitui South Constituency;
8. Maara Constituency;
9. Marakwet West Constituency;
10. Ol Joro Orok Constituency;
11. Othaya Constituency; and
12. Rongai Constituency.

Hon. Speaker: Chairperson, Budget and Appropriations Committee. *Yuko wapi* Hon. Ndindi Nyoro? He seems not to be in. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, if you can indulge the Chairperson, Budget and Appropriations Committee, to do this in the course of the Sitting because they are still sitting in the Committee...

Hon. Speaker: Next is the Chairperson, Select Committee on Delegated Legislation.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on Delegated Legislation on its consideration of the Public Finance Management (Financial Inclusion Fund) famously known as the 'Hustler Fund' Regulation 2022, Legal Notice No.213 of 2022.

Thank you.

Hon. Speaker: Thank you. Next Order.

NOTICES OF MOTIONS

Hon. Speaker: Hon. Deputy Speaker, I believe this suffers the same fate; we will indulge you in the next Sitting.

Next, is the Chairperson, Committee on Delegated Legislation, Hon. Chepkonga.

ADOPTION OF REPORT ON PUBLIC FINANCE MANAGEMENT
(FINANCIAL INCLUSION FUND) REGULATIONS, 2022

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to give Notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Financial Inclusion) Fund famously referred to as ‘Hustler Fund’ Regulation 2022, laid on the Table of the House on Tuesday, 29th November 2022, and pursuant to the provisions of sections 24(4) of the Public Finance Management Act, 2012, approves the Public Finance Management (Financial Inclusion) Fund Regulations, 2022 published as Legal Notice No.213 of 23rd November 2022.

Thank you, Hon. Speaker.

Hon. Speaker: Next is the Chairperson, Select Committee on NG-CDF, Hon. Musa Sirma.

APPROVAL OF NOMINEES TO CONSTITUENCY COMMITTEES
OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to give Notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on the National Government Constituencies Development Fund, laid on the Table of the House and pursuant to the provisions of Section 43(4) of the NG-CDF Act, 2015 and paragraphs 5(2) and (10) of the NG-CDF Regulations, 2016 approves the list of nominees for appointment to the following 103 Constituency Committees of the National Government Constituencies Development Fund:

1. Alego Usonga Constituency;
2. Balambala Constituency;
3. Banissa Constituency;
4. Buuri Constituency;
5. Butere Constituency;
6. Bomachoge Borabu Constituency;
7. Bomet East Constituency;
8. Borabu Constituency;
9. Embakasi East Constituency;
10. Emgwen Constituency;
11. Emurua Dikirr Constituency;
12. Emuhaya Constituency;
13. Fafi Constituency;

14. Funyula Constituency;
15. Gatundu North Constituency;
16. Gem Constituency;
17. Hamisi Constituency;
18. Ijara Constituency;
19. Ikolomani Constituency;
20. Juja Constituency;
21. Kabete Constituency;
22. Karachuonyo Constituency;
23. Kabondo Kasipul Constituency;
24. Kanduyi Constituency;
25. Kiambu Town Constituency;
26. Kibwezi West Constituency;
27. Kilifi South Constituency;
28. Kiminini Constituency;
29. Kinango Constituency;
30. Kiambaa Constituency;
31. Kibwezi East Constituency;
32. Kilifi North Constituency;
33. Keiyo South Constituency;
34. Kesses Constituency;
35. Kuresoi South Constituency;
36. Kimilili Constituency;
37. Kisumu East Constituency;
38. Kitui West Constituency;
39. Kitutu Chache North Constituency;
40. Kitutu Chache South Constituency;
41. Kitutu Masaba Constituency;
42. Laisamis Constituency;
43. Lari Constituency;
44. Luanda Constituency;
45. Lugari Constituency;
46. Lurambi Constituency;
47. Lungalunga Constituency;
48. Machakos Town Constituency;
49. Matuga Constituency;
50. Malindi Constituency;
51. Mathare Constituency;
52. Mathira Constituency;
53. Mandera North Constituency;
54. Mandera West Constituency;
55. Masinga Constituency;
56. Matayos Constituency;
57. Mbooni Constituency;
58. Mukurweini Constituency;
59. Mogotio Constituency;

60. Mt. Elgon Constituency;
61. Mwala Constituency;
62. Mwingi Central Constituency;
63. Mwingi North Constituency;
64. Nambale Constituency;
65. Navakholo Constituency;
66. Ndia Constituency;
67. Nyando Constituency;
68. North Mugirango Constituency;
69. Ol Kalou Constituency;
70. Runyenjes Constituency;
71. Sabatia Constituency;
72. Saku Constituency;
73. Samburu East Constituency;
74. Seme Constituency;
75. Sirisia Constituency;
76. Suba North Constituency;
77. Taveta Constituency;
78. Teso North Constituency;
79. Tetu Constituency;
80. Thika Town Constituency;
81. Tigania East Constituency;
82. Tigania West Constituency;
83. Tinderet Constituency;
84. Turkana Central Constituency;
85. Turkana North Constituency;
86. Turkana West Constituency;
87. Ugenya Constituency;
88. Vihiga Constituency;
89. Wajir North Constituency;
90. Wajir West Constituency; and
91. Westlands Constituency

Re-submitted nominees:

92. Eldas Constituency;
93. Gilgil Constituency;
94. Githunguri Constituency;
95. Kajiado West Constituency;
96. Kapenguria Constituency;
97. Kieni Constituency;
98. Kitui South Constituency;
99. Maara Constituency;
100. Marakwet West Constituency;
101. Ol Joro Orok Constituency;
102. Othaya Constituency; and
103. Rongai Constituency.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, next.

QUESTIONS AND STATEMENTS

Hon. Speaker: Member for Garissa County, Hon. Amina Siyad. She seems not to be in; we will put it aside. Member for Saboti, Hon. Caleb Hamisi. He also seems not to be in. Member for Buuri, Hon. Rindikiri Murwithania.

ORDINARY QUESTIONS

Question No.055/2022

DROUGHT MITIGATION MEASURES IN ASAL AREAS

(Question deferred)

Hon. Speaker: Next is Question 076 by the Nominated Member, Hon. Umulkher Harun.

Question No.076/2022

MEASURES TO ADDRESS MENSTRUAL POVERTY

Hon. Umulkher Harun (Nominated, ODM): Hon. Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

- (i) Could the Cabinet Secretary state the measures the Government has put in place to ensure equal and timely distribution of sanitary pads to all school girls in the rural areas?
- (ii) What plans has the Ministry instituted to ensure efficient and sustainable ways of addressing menstrual poverty?

Hon. Speaker: Thank you, *Mheshimiwa*. Chairperson, Departmental Committee on Education, when do you bring the response?

(Hon. Julius Melly Spoke off record)

Please go on record.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. The response will be ready in two weeks.

Hon. Speaker: Thank you. Let us go back to the first Question. Member for Garissa County. The Question is deferred. Member for Saboti, Hon. Caleb Amisi. His Question is deferred. Member for Buuri. His Question is deferred.

Question No.041/2022

EFFECTS OF SIM CARD DEREGISTRATION IN ASAL AREAS

(Question deferred)

*Question No.049*STATUS OF LAND OWNERSHIP BY KWALE
INTERNATIONAL SUGAR COMPANY*(Question deferred)**Question No.052*

CRITERIA FOR CATEGORISATION OF ASAL AREAS

(Question deferred)

That is the end of the Questions. Yes, Hon. Umulkher. Give her the microphone.

Hon. Umulkher Harun (Nominated, ODM): The Chair said that he would respond in two weeks but we will be on recess. I request the response to come before we go on recess. Thank you.

Hon. Speaker: Hon. Melly, will you bring a response by Thursday? It is a very simple Question.

Hon. Julius Melly (Tinderet, UDA): The Clerk's office will forward the Question to the Ministry and then I will ask them if it is possible to respond before Thursday.

Hon. Speaker: Will you answer on Thursday? If you are unable to do so, do not raise the hopes of the Member.

(Laughter)

Hon. Julius Melly (Tinderet, UDA): I will expedite it, Hon. Speaker.

Hon. Speaker: Can we list it for Thursday?

Hon. Julius Melly (Tinderet, UDA): Yes.

Hon. Speaker: Next are Statements. Leader of the Majority Party. Incidentally, if you get the answer, there is no requirement that you must come and read it on the Floor of the House. You can communicate with the Member.

STATEMENTSPROGRESS REPORT ON SUBMISSION OF NOMINEES TO THE NATIONAL GOVERNMENT
CONSTITUENTS DEVELOPMENT COMMITTEES

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I have two Statements: one on National Government Constituencies Development Fund (NG-CDF) and a response. Let me start with NG-CDF Statement.

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(b), I rise to issue a Statement on the progress regarding the submission of nominees to the NG-CDF Committees from the NG-CDF Board for the National Assembly approval. On 15th September 2022, the NG-CDF Board issued a circular regarding the appointment of members of the NG-CDF

Committees. The deadline given by the Board for submission of the proposed nominees from the respective constituencies was 30th October 2022. As at 28th November 2022, the Board had received names of proposed members of N-GCDF committees from 283 constituencies as follows:

1. Two hundred and eighty-three constituencies have been processed and submitted to the National Assembly for approval, pursuant to Section 43(4) of the NG-CDF Act 2015 and attached as Annex 1 which is the entire list of the 283 constituencies. I will table it.

No	Name of Constituency	Status	Remarks
1.	Ainabkoi	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
2.	Ainamoi	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
3.	Aldai	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
4.	Alego Usonga	Submitted	Submitted to National Assembly for Approval on 15 th November 2022
5.	Awendo	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
6.	Bahati	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
7.	Balambala	Submitted	Submitted to National Assembly for Approval on 23 rd November 2022
8.	Banissa	Submitted	Submitted to National Assembly for Approval on 23 rd November 2022
9.	Baringo Central	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
10.	Baringo North	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
11.	Baringo South	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
12.	Belgut	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
13.	Bobasi	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
14.	Bomachoge Borabu	Submitted	Submitted to National Assembly for Approval on 14 th November 2022
15.	Bomachoge Chache	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
16.	Bomet Central	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
17.	Bomet East	Submitted	Submitted to National Assembly for Approval on 14 th November 2022

No	Name of Constituency	Status	Remarks
18.	Bonchari	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
19.	Bondo	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
20.	Borabu	Submitted	Submitted to National Assembly for Approval on 14 th November 2022
21.	Budalang'i	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
22.	Bumula	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
23.	Bura	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
24.	Bureti	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
25.	Butere	Submitted	Submitted to National Assembly for Approval on 23 rd November 2022
26.	Butula	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
27.	Buuri	Submitted	Submitted to National Assembly for Approval on 24 th November 2022
28.	Central Imenti	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
29.	Changamwe	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
30.	Chepalungu	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
31.	Cherang'any	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
32.	Chesumei	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
33.	Chuka Igamba Ng'ombe	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
34.	Dadaab	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
35.	Dagoretti North	Submitted	Submitted to National Assembly for Approval on 10 th November 2022
36.	Dagoretti South	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
37.	Eldama Ravine	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022
38.	Eldas	Submitted	Submitted to National Assembly for Approval on 3 rd November 2022

No	Name of Constituency	Status	Remarks
39.	Embakasi Central	Submitted	Submitted to National Assembly for Approval on 10th November 2022
40.	Embakasi East	Submitted	Submitted to National Assembly for Approval on 14th November 2022
41.	Embakasi North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
42.	Embakasi South	Submitted	Submitted to National Assembly for Approval on 10th November 2022
43.	Embakasi West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
44.	Emgwen	Submitted	Submitted to National Assembly for Approval on 14th November 2022
45.	Emuhaya	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
46.	Emurua Dikirr	Submitted	Submitted to National Assembly for Approval on 16th November 2022
47.	Endebess	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
48.	Fafi	Submitted	Submitted to National Assembly for Approval on November 14, 2022
49.	Funyula	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
50.	Galole	Submitted	Submitted to National Assembly for Approval on 10th November 2022
51.	Ganze	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
52.	Garsen	Submitted	Submitted to National Assembly for Approval on 10th November 2022
53.	Gatanga	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
54.	Gatundu North	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
55.	Gatundu South	Submitted	Submitted to National Assembly for Approval on 10th November 2022
56.	Gem	Submitted	Submitted to National Assembly for Approval on 14th November 2022
57.	Gichugu	Submitted	Submitted to National Assembly for Approval on 10th November 2022
58.	Gilgil	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
59.	Githunguri	Submitted	Submitted to National Assembly for Approval on November 03, 2022

No	Name of Constituency	Status	Remarks
60.	Hamisi	Submitted	Submitted to National Assembly for Approval on November 28, 2022
61.	Homabay Town	Submitted	Submitted to National Assembly for Approval on 10th November 2022
62.	Igembe Central	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
63.	Igembe North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
64.	Igembe South	Submitted	Submitted to National Assembly for Approval on 10th November 2022
65.	Ijara	Submitted	Submitted to National Assembly for Approval on 14th November 2022
66.	Ikolomani	Submitted	Submitted to National Assembly for Approval on 28th November 2022
67.	Isiolo North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
68.	Jomvu	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
69.	Juja	Submitted	Submitted to National Assembly for Approval on 17th November 2022
70.	Kabete	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
71.	Kabondo Kasipul	Submitted	Submitted to National Assembly for Approval on 16th November 2022
72.	Kabuchai	Submitted	Submitted to National Assembly for Approval on 10th November 2022
73.	Kacheliba	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
74.	Kaiti	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
75.	Kajiado Central	Submitted	Submitted to National Assembly for Approval on 10th November 2022
76.	Kajiado East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
77.	Kajiado North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
78.	Kajiado South	Submitted	Submitted to National Assembly for Approval on 10th November 2022
79.	Kajiado West	Submitted	Submitted to National Assembly for Approval on November 03, 2022
80.	Kaloleni	Submitted	Submitted to National Assembly for Approval on November 03, 2022

No	Name of Constituency	Status	Remarks
81.	Kamukunji	Submitted	Submitted to National Assembly for Approval on 10th November 2022
82.	Kanduyi	Submitted	Submitted to National Assembly for Approval on 16th November
83.	Kangema	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
84.	Kangundo	Submitted	Submitted to National Assembly for Approval on 10th November 2022
85.	Kapenguria	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
86.	Kapseret	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
87.	Karachuonyo South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
88.	Karachuonyo	Submitted	Submitted to National Assembly for Approval on 15th November 2022
89.	Kasarani	Submitted	Submitted to National Assembly for Approval on 10th November 2022
90.	Kasipul	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
91.	Kathiani	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
92.	Keiyo North	Submitted	Submitted to National Assembly for Approval on 10th November 2022
93.	Keiyo South	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
94.	Kesses	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
95.	Khwisero	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
96.	Kiambaa	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
97.	Kiambu Town	Submitted	Submitted to National Assembly for Approval on November 16, 2022
98.	Kibra	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
99.	Kibwezi East	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
100.	Kibwezi West	Submitted	Submitted to National Assembly for Approval on 16th November 2022
101.	Kieni	Submitted	Submitted to National Assembly for Approval on 23rd November 2022

No	Name of Constituency	Status	Remarks
102	Kigumo	Submitted	Submitted to National Assembly for Approval on 10th November 2022
103	Kiharu	Submitted	Submitted to National Assembly for Approval on 10th November 2022
104	Kikuyu	Submitted	Submitted to National Assembly for Approval on 10th November 2022
105	Kilgoris	Submitted	Submitted to National Assembly for Approval on November 03, 2022
106	Kilifi North	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
107	Kilifi South	Submitted	Submitted to National Assembly for Approval on 16th November 2022
108	Kilome	Submitted	Submitted to National Assembly for Approval on 10th November 2022
109	Kimilili	Submitted	Submitted to National Assembly for Approval on 14th November 2022
110	Kimini	Submitted	Submitted to National Assembly for Approval on 16th November 2022
111	Kinango	Submitted	Submitted to National Assembly for Approval on 16th November 2022
112	Kinangop	Submitted	Submitted to National Assembly for Approval on November 03, 2022
113	Kipipiri	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
114	Kipkelion East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
115	Kipkelion West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
116	Kirinyaga Central	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
117	Kisauni	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
118	Kisumu Central	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
119	Kisumu East	Submitted	Submitted to National Assembly for Approval on 14th November 2022
120	Kisumu West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
121	Kitui Central	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
122	Kitui East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022

No	Name of Constituency	Status	Remarks
123	Kitui Rural	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
124	Kitui South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
125	Kitui West	Submitted	Submitted to National Assembly for Approval on 14th November 2022
126	Kitutu Chache North	Submitted	Submitted to National Assembly for Approval on 24th November 2022
127	Kitutu Chache South	Submitted	Submitted to National Assembly for Approval on 14th November 2022
128	Kitutu Masaba	Submitted	Submitted to National Assembly for Approval on 14th November 2022
129	Konoin	Submitted	Submitted to National Assembly for Approval on 10th November 2022
130	Kuresoi North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
131	Kuresoi South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
132	Kuria East	Submitted	Submitted to National Assembly for Approval on 10th November 2022
133	Kuria West	Submitted	Submitted to National Assembly for Approval on 10th November 2022
134	Kwanza	Submitted	Submitted to National Assembly for Approval on 10th November 2022
135	Lafey	Submitted	Submitted to National Assembly for Approval on 10th November 2022
136	Lagdera	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
137	Laikipia East	Submitted	Submitted to National Assembly for Approval on 8th November 2022
138	Laikipia North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
139	Laikipia West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
140	Laisamis	Submitted	Submitted to National Assembly for Approval on November 28, 2022
141	Lamu East	Submitted	Submitted to National Assembly for Approval on 10th November 2022
142	Lamu West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
143	Lang'ata	Submitted	Submitted to National Assembly for Approval on 3rd November 2022

No	Name of Constituency	Status	Remarks
144	Lari	Submitted	Submitted to National Assembly for Approval on 14th November
145	Likoni	Submitted	Submitted to National Assembly for Approval on 10th November 2022
146	Likuyani	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
147	Limuru	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
148	Loima	Submitted	Submitted to National Assembly for Approval on 10th November 2022
149	Luanda	Submitted	Submitted to National Assembly for Approval on 14th November 2022
150	Lugari	Submitted	Submitted to National Assembly for Approval on 16th November 2022
151	Lungalunga	Submitted	Submitted to National Assembly for Approval on 15th November 2022
152	Lurambi	Submitted	Submitted to National Assembly for Approval on 14th November 2022
153	Maara	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
154	Machakos Town	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
155	Magarini	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
156	Makueni	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
157	Malava	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
158	Malindi	Submitted	Submitted to National Assembly for Approval on 14th November 2022
159	Mandera East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
160	Mandera North	Submitted	Submitted to National Assembly for Approval on 28th November 2022
161	Mandera South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
162	Mandera West	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
163	Manyatta	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
164	Maragua	Submitted	Submitted to National Assembly for Approval on 3rd November 2022

No	Name of Constituency	Status	Remarks
165	Marakwet East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
166	Marakwet West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
167	Masinga	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
168	Matayos	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
169	Mathare	Submitted	Submitted to National Assembly for Approval on 14th November 2022
170	Mathioya	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
171	Mathira	Submitted	Submitted to National Assembly for Approval on 14th November 2022
172	Matuga	Submitted	Submitted to National Assembly for Approval on 15th November 2022
173	Matungu	Submitted	Submitted to National Assembly for Approval on 10th November 2022
174	Matungulu	Submitted	Submitted to National Assembly for Approval on 10th November 2022
175	Mavoko	Submitted	Submitted to National Assembly for Approval on 10th November 2022
176	Mbooni	Submitted	Submitted to National Assembly for Approval on 14th November 2022
177	Mogotio	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
178	Moiben	Submitted	Submitted to National Assembly for Approval on 10th November 2022
179	Molo	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
180	Mosop	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
181	Moyale	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
182	Msambweni	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
183	Mt. Elgon	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
184	Muhoroni	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
185	Mukurweini	Submitted	Submitted to National Assembly for Approval on 16th November 2022

No	Name of Constituency	Status	Remarks
186	Mumias East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
187	Mumias West	Submitted	Submitted to National Assembly for Approval on 10th November 2022
188	Mvita	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
189	Mwala	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
190	Mwatate	Submitted	Submitted to National Assembly for Approval on 10th November 2022
191	Mwea	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
192	Mwingi Central	Submitted	Submitted to National Assembly for Approval on 15th November 2022
193	Mwingi North	Submitted	Submitted to National Assembly for Approval on 16th November 2022
194	Mwingi West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
195	Naivasha	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
196	Nakuru Town East	Submitted	Submitted to National Assembly for Approval on 10th November 2022
197	Nakuru Town West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
198	Nambale	Submitted	Submitted to National Assembly for Approval on 14th November 2022
199	Nandi Hills	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
200	Narok North	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
201	Narok South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
202	Narok West	Submitted	Submitted to National Assembly for Approval on 10th November 2022
203	Navakholo	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
204	Ndaragwa	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
205	Ndhiwa	Submitted	Re-submitted to National Assembly for Approval on 28th November 2022
206	Ndia	Submitted	Submitted to National Assembly for Approval on 16th November 2022

No	Name of Constituency	Status	Remarks
207	Njoro	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
208	North Horr	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
209	North Imenti	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
210	North Mugirango	Submitted	Submitted to National Assembly for Approval on 14th November 2022
211	Nyakach	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
212	Nyali	Submitted	Submitted to National Assembly for Approval on 10th November 2022
213	Nyando	Submitted	Submitted to National Assembly for Approval on 23th November 2022
214	Nyaribari Chache	Submitted	Submitted to National Assembly for Approval on 10th November 2022
215	Nyaribari Masaba	Submitted	Submitted to National Assembly for Approval on 10th November 2022
216	Nyatike	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
217	Nyeri Town	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
218	Oi Joro-Orok	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
219	Oi Kalou	Submitted	Submitted to National Assembly for Approval on 14th November 2022
220	Othaya	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
221	Pokot South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
222	Rabai	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
223	Rangwe	Submitted	Submitted to National Assembly for Approval on 10th November 2022
224	Rarieda	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
225	Rongai	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
226	Rongo	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
227	Roysambu	Submitted	Submitted to National Assembly for Approval on 3rd November 2022

No	Name of Constituency	Status	Remarks
228	Ruaraka	Submitted	Submitted to National Assembly for Approval on 10th November 2022
229	Ruiru	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
230	Runyenjes	Submitted	Submitted to National Assembly for Approval on 17th November 2022
231	Sabatia	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
232	Saboti	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
233	Saku	Submitted	Submitted to National Assembly for Approval on 14th November 2022
234	Samburu East	Submitted	Submitted to National Assembly for Approval on 10th November 2022
235	Samburu North	Submitted	Submitted to National Assembly for Approval on 10th November 2022
236	Samburu West	Submitted	Submitted to National Assembly for Approval on 10th November 2022
237	Seme	Submitted	Submitted to National Assembly for Approval on 14th November 2022
238	Shinyalu	Submitted	Submitted to National Assembly for Approval on 10th November 2022
239	Sigor	Submitted	Submitted to National Assembly for Approval on 10th November 2022
240	Sigowet/Soin	Submitted	Submitted to National Assembly for Approval on 10th November 2022
241	Sirisia	Submitted	Submitted to National Assembly for Approval on 16th November 2022
242	Sotik	Submitted	Submitted to National Assembly for Approval on 10th November 2022
243	South Imenti	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
244	South Mugirango	Submitted	Submitted to National Assembly for Approval on 10th November 2022
245	Soy	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
246	Starehe	Submitted	Submitted to National Assembly for Approval on 10th November 2022
247	Suba North	Submitted	Submitted to National Assembly for Approval on 14th November 2022
248	Suba South	Submitted	Submitted to National Assembly for Approval on 10th November 2022

No	Name of Constituency	Status	Remarks
249	Subukia	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
250	Suna East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
251	Suna West	Submitted	Submitted to National Assembly for Approval on 10th November 2022
252	Tarbaj	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
253	Taveta	Submitted	Submitted to National Assembly for Approval on 24th November 2022
254	Teso North	Submitted	Submitted to National Assembly for Approval on 28th November 2022
255	Teso South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
256	Tetu	Submitted	Submitted to National Assembly for Approval on 14th November 2022
257	Tharaka	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
258	Thika Town	Submitted	Submitted to National Assembly for Approval on 14th November 2022
259	Tiaty	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
260	Tigania East	Submitted	Submitted to National Assembly for Approval on 17th November 2022
261	Tigania West	Submitted	Submitted to National Assembly for Approval on 14th November 2022
262	Tinderet	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
263	Tongaren	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
264	Turkana Central	Submitted	Submitted to National Assembly for Approval on 23rd November 2022
265	Turkana East	Submitted	Submitted to National Assembly for Approval on 10th November 2022
266	Turkana North	Submitted	Submitted to National Assembly for Approval on 17th November 2022
267	Turkana South	Submitted	Submitted to National Assembly for Approval on 10th November 2022
268	Turkana West	Submitted	Submitted to National Assembly for Approval on 10th November 2022
269	Ugenya	Submitted	Submitted to National Assembly for Approval on 14th November 2022

No	Name of Constituency	Status	Remarks
270	Ugunja	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
271	Uriki	Submitted	Submitted to National Assembly for Approval on 10th November 2022
272	Vihiga	Submitted	Submitted to National Assembly for Approval on 28th November 2022
273	Voi	Submitted	Submitted to National Assembly for Approval on 10th November 2022
274	Wajir East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
275	Wajir North	Submitted	Submitted to National Assembly for Approval on 28th November 2022
276	Wajir South	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
277	Wajir West	Submitted	Resubmitted to National Assembly for Approval on 17th November 2022
278	Webuye East	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
279	Webuye West	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
280	West Mugirango	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
281	Westlands	Submitted	Submitted to National Assembly for Approval on 14th November 2022
282	Wundanyi	Submitted	Submitted to National Assembly for Approval on 3rd November 2022
283	Yatta	Submitted	Submitted to National Assembly for Approval on 3rd November 2022

2. Another three constituencies are in the process of being analysed for compliance before being transmitted to the National Assembly for approval. This is attached as Annex II.

Kandara Constituency, which is awaiting a by-election, is among the said three constituencies, as well as Garissa Township. The Board shall, therefore, analyse the said constituencies' re-submitted list of nominees upon the conclusion of the upcoming by-elections for the two constituencies.

No	Name of Constituency	Status	Remarks
1.	Isiolo South	Submitted	Under review, subject to provision of compliance documents.
2.	Kandara	Under review	
3.	Mbeere North	Submitted	Under review, subject to provision of compliance documents.

3. Four constituencies are yet to submit their respective lists. They appear as Annex III. Hon. Speaker, it is worth noting that the Board is coordinating with its officers to fast-track submissions of nominees for analysis for conformity with the NG-CDF Act and its regulations before presentation to the National Assembly for approval.

As I mentioned, Garissa Township is awaiting a by-election and is among the said seven constituencies. The Board shall, therefore, analyse the said constituencies' list of nominees upon conclusion of the by-elections.

No	Name of Constituency	Status	Remarks
1.	Garissa Township	Not Received	
2.	Makadara	Not Submitted	NG-CDF Board is working with its officer to fast-track submission of nominees for verification and onward transmission to the National Assembly for approval.
3.	Narok East	Not submitted	NG-CDF Board is working with its officer to fast-track the submission of nominees for verification and onward transmission to National Assembly for approval.
4.	Turbo	Not submitted	NGCDF Board is working with its officer to fast-track the submission of nominees for verification and onward transmission to the National Assembly for approval.

The details of the submission status are summarised in the tables annexed to this Statement showing their respective statuses. I want to mention that we engaged the Attorney-General on the gazettelement of all these 283 constituencies that have complied. He indicated that

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gazettement of those constituencies will commence immediately. He directed his officers to prepare the gazette notice for the gazettement of the 283 constituencies. I do not want to read the names of the Members and constituencies which committees are yet to be submitted. I urge them to fast-track that process and submit those lists. By the time others are gazetted, we will be left with the seven constituencies, with the exception of the two that are yet to have their by-elections next month.

Those constituencies that do not have by-elections and have Members who represent them should speak to their Fund Managers to hasten that process, so that upon gazettement the committees would be ready for the first disbursement of the Fund. I am sure Members are eagerly awaiting for it because of the pressure by our constituents, especially on the disbursement of bursaries. We are all suffering. The Chairperson of NG-CDF Committee and I are consulting with the National Treasury and the Office of the Attorney General to see how we can fast-track disbursement of funds, so that by the time we proceed on recess, we will have money to disburse bursaries in January. Many of our people are hopeful, suffering and waiting for disbursement of bursaries and completion of projects for those who have projects that are awaiting disbursement of funds.

For the new Members, it is imperative that they expedite the processing of projects. As the names are gazetted, this is the time to ask your respective Committees in your constituencies to submit their proposals to the national Board. For all those that have been approved by the National Assembly, there is no reason why you should not push those Committees to submit their proposals. It is against those proposals that disbursements are made. Therefore, let us not give anybody an excuse not to disburse the funds, as a result of failure to submit the proposals for approval.

Hon. Speaker, I beg to lay this Statement on the table to House.

(Hon. Kimani Ichung'wah laid the document on the Table)

(Hon. Gideon Mulyungi raised his hand)

Hon. Speaker: Hon. Mulyungi, when you want to catch the Speaker's eye, it is not in any Standing Order to raise your hand. There is a button for intervention.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker. If you look at your machine, you will find that I pressed the intervention button.

Hon. Speaker: Hon. Mulyungi, I gave you the Floor but you were not here.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Sorry. I wonder what is wrong with these machines. Being the architect and designer of this House...

Hon. Speaker: Machines do not lie. You were not here. However, go ahead.

(Laughter)

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, following what the Leader of the Majority Party has tabled in this House, is he trying to insinuate that the gazettement of the members of the mentioned NG-CDF committees is tied to the disbursement of the funds to

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the constituencies? Can he be clear? From what he has said, it looks like those members have to be gazetted before the funds are disbursed to the constituencies.

Hon. Speaker: Are you seeking clarification, asking a question, or raising a challenge?

Hon. Gideon Mulyungi (Mwingi Central, WDM): I am seeking clarification from the Leader of the Majority Party.

Hon. Speaker: Leader of the Majority Party, have you heard what the Member has asked?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, you know Hon. Mulyungi knows I am good in my language. Therefore, I do not need to insinuate anything. I made a Statement detailing how many constituencies had their lists approved, which is 283. Seven are yet to submit their lists, with the exception of Kandara and Garissa Township. I also indicated that we should not allow anyone to give an excuse. I used the word 'excuse.' So, I do not know what the Member was listening to. That was not meant to insinuate anything. I was just saying that we should not allow anybody to give an excuse.

It is equally important for Hon. Mulyungi to appreciate that it is not the Member of Parliament, but the NG-CDF committees in the constituency that manage the fund. It is important even for those who have taken the NG-CDF to court to understand that it is not the Members of this House who manage the NG-CDF, but the committees. In order for them to be able to sit, submit proposals to the Board and expedite the utilisation of the NG-CDF funds, they have to be duly gazetted. The Board uses the project proposals submitted to request for Exchequer releases. It was a way of advising, especially for the benefit of our new Members. Hon. Mulyungi does not qualify as one of them.

Hon. Speaker: Can you make your next Statement? You said you had two.

PLANNED IMPORTATION OF MAIZE

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, this is a ministerial response from Hon. Franklin Mithika Linturi, the Cabinet Secretary for Agriculture and Livestock Development regarding the planned importation of 900,000 metric tonnes. I will read it as it is. It was addressed to the Chair of the Departmental Committee on Agriculture and Livestock. I think the Cabinet Secretary thought the response should go to the Chair of the Departmental Committee, and not to the Leader of the Majority Party. The Statement was sought by the Member for Pokot South, Hon. David Pkosing.

On 25th November 2022, the Ministry received an invitation from the Clerk of the National Assembly to appear before the Departmental Committee on Agriculture and Livestock Development to respond to a Statement request by Hon. Davind Pkosing regarding the planned importation of maize by Hon. David Pkosing. I wish to respond as follows:

Hon. Speaker, as introduction, the Ministry has the mandate to ensure that there is food and proper nutrition for all citizens at all times. The Ministry monitors and analyses agriculture and food systems with regard to national food policy implementation, food availability and accessibility, and early warning signals on food production, stocks, marketing, prices, quality, importation, research and capacity at all levels to inform decision making towards realisation of national food and nutrition security.

The Government supports the progressive realisation of the right to adequate food for national food security as provided in the Constitution. This entails ensuring that quality food is

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available in sufficient quantities to satisfy the dietary needs of individuals. The Ministry ensures that the food is free from adverse substances and is accessible in ways that are sustainable. The Government has the obligation to protect individuals' cultural means to access their food in adequate amounts and quality, and proactively engage in activities intended to strengthen people's access to, and utilisation of, resources to meet their food needs.

The Ministry also acknowledges that responsible investment in sustainable agriculture and food systems is essential for enhancing food security and nutrition. In supporting the progressive realisation of the right to adequate food, our national food systems transformation pathway encompasses all aspects of food insecurity ranging from economic, social and environmental drivers, and involves all actors along the value chain, facilitating a conducive policy environment to fulfil our food and nutrition requirement sustainably while guaranteeing that opportunities for food and nutrition for future generations are not compromised.

Hon. Speaker, on the statement of the problem, despite efforts by the Ministry, our food production has remained below our consumption needs. Consequently, imports of most of our staple food comprising of maize, wheat, rice and edible oils, have correspondingly increased in tandem with our consumption demands. Kenya is not self-sufficient in maize production with an average of four to six million bags imported annually to meet the total demand for both human consumption and animal feed production. Most of the maize is imported by the private sector and relief agencies.

Currently, the national maize balance sheet projected to end in 2023 shows a surplus of about 14.8 million 90-kilogramme bags only after taking into consideration the expected long rains, the ongoing harvest and monthly consumption needs. This balance is inadequate to take us to the next significant harvest expected in August or September, 2023. With our monthly consumption of about 3.5 million bags, the surplus stocks could last about four months up to April 2023. This may seem adequate, but farmers rationally retain food stocks for household use until the next significant harvest is realised. Hence, most of the surplus stocks after January 2023 will be available mainly amongst the farming households in the North Rift Region, parts of Western Kenya and the South Rift Region.

Some short rain season harvests expected in January or February in the Western and Nyanza regions will mainly support households in those regions. Consequently, maize millers, on who the non-farming population depend, may not access adequate quantities for milling and consumption respectively. As early as February 2023, there may be inadequate quantities for milling and consumption. National food availability and accessibility is determined by stock levels after production and importation, in case of production shortfalls. This implies that the country is likely to continue experiencing further acute shortages starting early March 2023.

The national food situation may seem stable in most counties in the medium rainfall and high rainfall areas despite notable decline in production of maize, which is the common staple food of most households. However, the food security situation in North-Eastern, South-Eastern and Coastal ASAL regions remain precarious following four consecutive poor crop seasons. The available stocks may not flow effectively towards the deficit areas. Hence, some areas will continue to suffer acute food shortages. In 2022, the households in need of food aid increased from 2.8 million in March to 3.5 million in April to 4.5 million people currently.

Hon. Speaker, as for the response, the Government, in collaboration with development stakeholders, has been undertaking normal food distribution, water trucking and enhanced school

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feeding programme to the affected households in the most affected ASAL counties to avert hunger and acute malnutrition.

On the performance of the 2022 rain season, Kenya largely depends on rain-fed agriculture. The 2022 long rain season of March to May started late and was erratic in most counties. Planting was, therefore, erratic with farmers experiencing poor germination and were forced to re-plant. Of the prepared land, about 80 per cent was planted with cereals. Farmers in most ASAL counties, parts of Lower Eastern, Coast and North Eastern regions did not plant or achieve any crop harvests. Prices of farm inputs, especially fertilisers, have remained high, ranging from Ksh6,000 to Ksh6,500 per 50-kilogramme bag until the subsidy was introduced for the short rains crops to cushion farmers when this Government took office sometime this year. In order to avert this situation, the Government has planned to extend the provision of fertiliser subsidies for the long rain season.

The Ministry has also been availing pesticides and sprayers to contain the spread of armyworms, in addition to training field extension officers. Hon. Speaker, on the short rains season performance, the current season has performed poorly, characterised by delayed onset and erratic rainfall. The Eastern and Coastal regions have experienced delayed and irregular planting. Overall, the poor short rains will lower crop production, further threatening food security in the coming year, including availability of livestock feeds. The prices of most staple food stuffs remain quite high above the long-term average, and regional prices are also reportedly high. Normally, the Government allows importation of white non-GMO maize with or without Import Duty to cover for the shortfall in local production. However, the white non-GMO maize has been scarce as is mainly sourced from Mexico, the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA) regions at a premium price. These restrictions prevent the country from getting adequate flow of maize.

It is against this background that the Ministry, through a Cabinet Memo, requested the Cabinet to lift the ban and approve the importation of GMO maize grown for human consumption and in the long-term allow cultivation of GMO maize varieties. This follows the completion of safety assessment conducted by the National Biosafety Authority and variety performance evaluation carried out by the Kenya Plant Health Inspectorate Services (KEPHIS). The recent national performance trials by our competent authorities have demonstrated that some biotechnology products have economic, health and social benefits we can tap on, including drought resistance, pest resistance, disease resistance, high yielding and nutrient dense food commodities. These traits could reduce the cost of production, improve nutrition and increase farmer incomes compared to the current conventional varieties.

Hon. Speaker, on the plan of action, the Government plans to allow maize importation from the region and facilitate further inflows from outside the EAC and COMESA regions. Another Cabinet Memo has been prepared seeking approval for importation of maize duty-free in order to improve availability and accessibility in good time to evade a hunger crisis in mid-2023. The Ministry has recommended to the Cabinet to approve duty-free importation of 900,000 metric tonnes - the equivalent of 10 million 90-kilogramme bags - of white maize by registered millers, starting from 1st February 2023 to 30th April 2023, to fill the national deficit and avert an impending crisis from April 2023. Meanwhile, registered millers should continue to import wheat under the prevailing 10 per cent Import Duty remission scheme, and rice at the prevailing Import Duty rate to complement the maize supplies. Further, the Ministry will work towards committing more

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resources towards promoting intensification of production of local staple foodstuffs to reduce the deficit gap and facilitate food diversification.

Hon. Speaker, I submit.

The Statement is signed by Hon. Franklin Mithika Linturi, Cabinet Secretary, Ministry of Agriculture and Livestock Development.

Hon. Speaker: Thank you. Who was the questioner?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Pkosing.

Hon. Speaker: Hon. David.

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Speaker. I really thank you for many reasons, number one being that you directed that this is done immediately. Millions of farmers are thanking you.

On the Statement, I am sufficiently happy with the response from the Cabinet Secretary. In short, the Cabinet Secretary is saying that the threats of 72 hours given by somebody is not there anymore. So, farmers can sell their maize peacefully. The Cabinet Secretary is saying that, maybe, they will review it in February. That is precise. That is a responsible Cabinet Secretary. He is not like the other one who was issuing some threats, including one where he stated in my neighbouring county that: "If you do not sell your maize within 72 hours, you will feed that maize to your dogs." That cannot be a responsible Cabinet Secretary. Farmers all over the county are aware that they can now sell their maize peacefully until February and mid next year. This is a House of records. It is a House of the people. Therefore, that Statement is very fundamental. Kenyans now know who is in charge of agriculture. It is Hon. Linturi, not... Let me not name him.

Thank you, Hon. Speaker. I am happy with that Statement.

Hon. Speaker: Yes, Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. That is a very fair Statement from our very good friend, Hon. Linturi. He has clarified the issues that were running up and down. However, I was going to raise a different issue.

Hon. Speaker, you undertook to ensure that this House amends the Standing Orders. The Leader of the Majority Party is doing exemplary well in terms of presenting Statements from Cabinet Secretaries, but it would be better when we hear from the horses' mouths. When will the Standing Orders be amended to allow Cabinet secretaries to appear in the House, so that if we are not satisfied with an answer, we ask supplementary questions until we are totally satisfied to ensure that issues of concern to the people of Kenya are addressed satisfactorily?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chepkonga, is that matter not before the House Rules and Procedures Committee, to which you are a Member?

Hon. Samwel Chepkonga (Ainabkoi, UDA): No, I am not a Member.

Hon. Speaker: Oh, you are not a Member. The matter is before the House Rules and Procedures Committee, and the Speaker is the Chairperson of the Committee. We have given ourselves a task to complete the amendment to the Standing Orders by the time we come to the next Session, after the long recess.

(Applause)

Yes, Hon. Millie Odhiambo.

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Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker, for giving assurance as the Chairperson of the House Rules and Procedures Committee. I just want to show the concern that chairpersons of the various committees give excuses and get away with not responding to Statements adequately. In the last Parliament, we were here for five years, and we got nearly sufficient answers. So, as we wait for the House Rules and Procedures Committee to amend the Standing Orders, can committee chairpersons up their game or leave that job for others who can do it? They did not come here for a ride in the park. Let them do their work because as we speak, we are seeing farmers from the Rift Valley complaining. There is a guy who was crying. He was about to burn his produce because it could not be bought. I think many of us have seen that clip on social media. While we wait for the Standing Orders to be amended, let them not give us very long speeches when farmers are suffering. Let them deal with the matter. If necessary, let the Cabinet Secretaries meet the committees. They do not have to come and meet us in the whole House, especially when we have a monumental crisis like this one regarding maize.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Millie, committees are under very clear direction as per our Standing Orders. They can summon or invite Cabinet Secretaries at any time they want to talk to them, interrogate them and bring to this House any information they get.

Hon. Anthony Oluoch (Mathare, ODM): On a point of order.

Hon. Speaker: Member for Mathare, Hon. Oluoch. Give Hon. Oluoch the microphone. Hon. Oluoch, you cannot be traced on the screen. There is a microphone flipping near you.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. As I acknowledge the response given to Hon. Pkosing's Statement request, the House will recall that these issues arose out of a Motion for Adjournment last week, in which we discussed much larger issues than the question of maize importation. We raised issues of safety and the health implications in lifting the ban on importation of GMO foodstuffs. Subsequently, I did write a letter to your office, under Standing Order No.259(c), requesting that the House Business Committee considers forming an *ad-hoc* committee to inquire into not only the issue of importation of GMO maize, part of which has been responded to, but also the other larger questions of the health implications and environmental-related issues, issues which are cross-cutting amongst a number of committees.

Hon. Speaker, I was waiting for guidance from you on this matter.

Hon. Speaker: I, indeed, received your request, Hon. Oluoch. The guidance is on the way to you.

Hon. Anthony Oluoch (Mathare, ODM): Thank you.

Hon. Julius Sunkuli (Kilgoris, JP): On a point of order, Hon. Speaker,

Hon. Speaker: Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, I also want to join my colleagues in thanking the Leader of the Majority Party on the Statement he obtained from the Ministry of Agriculture and Livestock Development. You will remember that when we were debating this matter, I also said that the correct Cabinet Secretary to address these issues was the Cabinet Secretary for Agriculture and Livestock Development because this is not a trade issue.

Hon. Speaker, be it as it may, from the response to the Statement request, I realise that the Cabinet Secretary intends to open the importation window in February. In fact, the response relates to farmers in the North Rift Region. Those of us in the South Rift will be harvesting our maize in February. If the importation window is opened in February, the problem will be back with us. I

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would like to urge the Leader of Majority Party to advise the Cabinet Secretary that importation should be allowed after maize stocks in the South Rift Region have been exhausted, which will be, perhaps, in May. We should disabuse the notion that the only farmers who cultivate maize in this country are those from the North Rift Region and that once the problem of the North Rift farmers has been solved, the South Rift farmers can sort themselves.

Hon. Speaker: Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Speaker. Allow me to take this opportunity to thank the Leader of Majority Party for the good work he has done. He has actually demonstrated that we have a Government which can listen to the plea of the people. The ultimatums that were given as of last week threw farmers into a ring of anxiety. While at home over the weekend, there were a lot of unanswered questions from farmers as to what would happen to their produce. As Hon. Milly Odhiambo said, some farmers were expressing their frustrations. This good answer settles the anxiety of farmers and gives hope that the cereal will be offloaded to the market. However, the Government has not specified modalities to facilitate the actual mopping up of the maize crop from farmers, meaning that farmers have been left to the mercy of traders and millers, and to the forces of supply and demand. I foresee a situation where businesspeople will maximise their profits and spread thin the profits of farmers far below their expectations. What mechanism is the Government going to employ to support farmers in terms of mopping up the maize from the market? Is the Government planning to open up the National Cereals and Produce Board silos so that they offload the produce to areas of need? At the moment, the level of trade is very low. The traders can decide to go slow on purchasing of local maize and wait until February to take advantage of the cheap duty-free imports and in the long-run succeed in their businesses at the expense of farmers.

My follow up request to the Leader of Majority Party is, probably, the Cabinet Secretary should expound to Kenyans and farmers not only in the North Rift Region, but also to those in the South Rift Region that, indeed, the Government is taking a direction that is going to support them and ensure that whatever farmers have in their stores, and what they are harvesting, is going to reach the market within that given time frame.

Hon. Speaker: Leader of the Majority Leader, I hope you are noting down the issues being raised by Member. Hon. Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker for giving me this opportunity. I want to appreciate the Leader of the Majority Party for the response he obtained from the Cabinet Secretary for Agriculture and Livestock Development, Hon. Linturi. The Statement read by the Leader of the Majority Party has given a lot of hope to maize farmers in the country. For the last one week, there has been a lot of frustrations across the country because of the statements that have been made by Hon. Moses Kuria, the Cabinet Secretary for Trade, Investment and Industry. It was very frustrating to tell farmers to harvest their maize within 72 hours or their maize would not be purchased by the Government.

There has been a kind of deliberate attempt to kill production of maize in this country. In the last Parliament, and especially in the last Supplementary Budget, there was no single coin that was allocated to the Strategic Grain Reserve (SGR) for purchase of maize from farmers. We went out campaigning on the guaranteed minimum returns promise. We told farmers that we did not want to subsidise consumption, that, instead we would subsidise production. We have a very good

maize harvest right now, but we are frustrating the same farmers by telling them that we are not going to buy their maize, and we are going to import from an unknown place.

Hon. Speaker, Kenyans are dying of hunger in the North Eastern Region and in many other parts of the country. We also have a lot of donor funds which have come into the country to help the people who are starving. Why can we not use that money to mop up all the maize in the North Rift Region and ensure that farmers get money?

I applaud the position taken by the Cabinet Secretary for Agriculture and Livestock Development and ask him to continue engaging with the farmers and encourage them so that in future, we do not have any Kenyan dying of hunger.

Hon. Speaker, you mentioned the issue of amending the Standing Orders so that Cabinet Secretaries can appear before the House and answer questions from the Members. Sometimes I do not understand that part because Article 153(3) of the Constitution provides expressly that Cabinet Secretaries must appear before the House to answer questions.

Hon. Speaker: It does not say so.

Hon. Kangongo Bowen (Marakwet East, UDA): So, I seek your guidance.

Hon. Speaker: It says that they are answerable to Parliament. It does not say they must appear before the House. That is why we want to amend the Standing Orders, Hon. Bowen. Who is the Member behind Hon. Bowen?

Hon. Antony Wainaina (Kieni, UDA): I am the Member for Kieni, Hon. Speaker.

Hon. Speaker: I am sorry, I was not seeing you clearly. Member for Kieni, proceed, please.

Hon. Antony Wainaina (Kieni, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Just seek one clarification or make a comment. I can see two or three other Members who want to say something.

Hon. Antony Wainaina (Kieni, UDA): Hon. Speaker, I have not had a chance to speak in this House. So, maybe, you will allow me to use this opportunity to make my maiden speech.

Hon. Speaker: You cannot make a speech in the course of a Question.

Hon. Antony Wainaina (Kieni, UDA): I stand guided. I am learning. I have not been in the House before.

Hon. Speaker: When there is debate, I will treat your speech as maiden and give you the time. For now, you just seek your clarification.

Hon. Antony Wainaina (Kieni, UDA): This one is a comment. It is not a question. I was planning to put my thoughts on what has been said in this House, more so on food crops and maize. I come from Kieni where we have come from a very serious drought. It has been said in this House that some farmers are still holding up to 5,000 bags of maize while people in Kieni, Laikipia, Isiolo, Marsabit, Wajir and in other parts of this country are dying of hunger.

Hon. Speaker, in future, this House should not protect people who refuse to release their produce to the market for sale. In Kenya, we say: "My dress, my choice; my car, my choice; my food, my choice." However, when we are dying, we are not able to differentiate between what is GMO and what is not. If you may allow me to just quote from history, when the late Mao Tse-ung was the President of China and China was in serious hunger, the people were not used to eating frogs, dogs and other kinds of foods. Because of the hunger that was ravaging China, Mao Tse-Tung told his people, "Eat what you can see in front of you. If you do not die, eat it tomorrow." That is the wisdom we should apply in this House. Going forward, if GMO food stuffs do not kill us today, we can eat them the following day. We ask researchers in this country to not only restrict

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themselves to GMO maize. We also need GMO hay, which is the grass that our animals feed on. We have lost so many animals. So, we are not just talking about GMO maize. We should also look at GMO fodder crops that can also....

Hon. Speaker: Member for Kieni, I know this is your maiden speech, but the rule on relevance is not set aside. Your contribution is not relevant to the Statement that was read by the Leader of the Majority Party. The Statement was about importation of maize, but now you are talking about every GMO.

Hon. Antony Wainaina (Kieni, UDA): Hon. Speaker, I suggest that we be allowed to import GMO maize for consumption when the need arises. We are currently experiencing famine and drought. Therefore, we can continue eating GMO maize.

Hon. Speaker: Thank you. Let us have the Member for Kipkelion. I am sorry, there is reflection of light. I cannot see properly. Member for Kipkelion, you have one minute. We will then have Hon. Raso for one minute and then we move on to something else. Give the microphone to the Member for Kipkelion.

Hon. Hilary Kosgei (Kipkelion West, UDA): Thank you, Hon. Speaker. While I appreciate the response from the Leader of the Majority Party, I ask the Government to treat the season when this crop was planted as unique. During that time, farmers bought fertilisers at Ksh7000 per 50-kilogramme bag. Therefore, leaving them to the mercy of market forces will not cushion their costs, cover their expenses or allow them to break even. Farmers will incur a lot of losses.

The Leader of the Majority Party could even advise the Ministry to bring a Supplementary Budget to help farmers to harvest maize and store it as part of SGR. After dealing with the North Rift, they should do the same in the South Rift. After that, they should assess the nation's needs and import more maize on the basis of that information. That is my clarification.

Hon. Speaker: Thank you. Let us have Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. I thank the Leader of the Majority Party for his response. However, the more you listen to honourable Members, the more you see that we live in two different countries where one half is hungry and the other half is telling the Government not to import maize. So, what happens to those who do not have food?

Going forward, the Cabinet Secretary should guarantee the country that there is enough food. Those who have the ability to purchase food should do so. Those who require the Government to supply them with relief food should be assured that there is enough maize in the market.

The second issue is on production. The Cabinet Secretary should state that going forward, there will be enough subsidies for higher production so that farmers do not hoard maize.

Hon. Speaker: Lastly, let us have Hon. Ruku. Kamket!

Hon. Kassait Kamket (Tiaty, KANU): Yes, Sir.

Hon. Speaker: *Wewe una nini kwa mahindi?*

(Laughter)

Give Hon. Ruku the microphone.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. It is not appropriate to condemn the Cabinet Secretary for Trade, Investment and Industry because this country has

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entrepreneurs who are very busy trying to do business on behalf of farmers. If maize farming is very expensive in this country, farmers can resort to other crops which also yield income for their households. It is important for us not to arm-twist the Government when people in different parts of this country are facing famine. If there is maize and farmers are saying that it must be bought at a certain price because of fertilisers and other costs of farming yet we can get the same maize from other different parts of the world at a cheaper cost, the rules of supply and demand must apply.

Hon. Julius Rutto (Kesses, UDA): On point of order, Hon. Speaker

Hon. Speaker: Hon. Ruku, there is a point of order. What is out of order, Hon. Rutto?

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Speaker. This is a House of records. Is it in order for the Member to say that the Government is being arm-twisted? The Government is undertaking its role to ensure that it supports producers as well as consumers. He should use the right words. Nobody is arm-twisting the Government. The Government cannot be arm-twisted.

Hon. Speaker: Hon. Ruku, farmers have no capacity to arm-twist the Government.

Hon. Ruku GK (Mbeere North, DP): I stand guided, Hon. Speaker. Thank you. It is important to allow the rules of demand and supply to apply in the market. If we can get cheaper maize from other different parts of the world, it is important to do so, so that people from my constituency and other constituencies do not starve when farmers in the Rift Valley do not want to release their stocks.

Hon. Speaker: Lastly, let us have Hon. Kamket. Ferdinand, you have come too late, my friend.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Speaker. I congratulate the Leader of the Majority Party for that good Statement that came from the Cabinet Secretary for Agriculture and Livestock Development.

I note that there has been a tendency by successive administrations to romanticise crop farmers and leave out livestock farmers. There is very little mention of livestock farmers when Members speak about the SGR. It is time to include livestock and livestock products as part of the SGR so that those of us who represent livestock farmers are mainstreamed into the affairs of this country. As it is, when we hear all the good noise about maize farmers and other kinds of farmers, those of us who keep cattle hear other stories.

Hon. Speaker: You are right, Hon. Kamket, but the Statement was about importation of maize. So, the Leader of the Majority Party would be out of order to start talking about cattle in matters of maize. Leader of the Majority Party, do you have anything to say about the comments?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I have noted all the comments. As leaders, we must also bear the responsibility of socialising farmers to the realities of today's world. It may not always be feasible for farmers to produce with the expectation of selling their produce to the Government. We must produce with the expectation of releasing the product to consumers in the market and allow market forces of demand and supply to determine the prices of commodities. The Cabinet Secretary alluded to the fact that the Government should ensure that we allow farmers to produce cheaply by making cheaper inputs and extension services available not just to maize farmers, but even to livestock farmers, as Hon. Kamket said. They should access cheaper pastures as the Member said. This will allow farmers to produce cheaply and allow the forces of demand and supply to determine the price of the of produce.

Hon. Speaker, if there are any follow-up questions on this matter, the Chair of the Departmental Committee on Agriculture and Livestock will be dealing with them as an on-going

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matter. I want to encourage us, as leaders, to speak to our farmers and socialise them on diversification of food crops. We do not have to necessarily grow maize. We can grow other crops. We do not have to grow rice for the ones growing rice. We can diversify to fish or produce other things. We need to socialise our own communities in terms of what food stuffs to consume because maize being our staple food, with rice and wheat, if we all rely on that food crop, we will make the demand very high, and that is why farmers end up suffering because they are not able to meet the demand that is there or rather the supply is restricted, causing prices to run out of control.

With those remarks, I thank Members for the comments.

Hon. Speaker: Order No.5.

PAPERS

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Speaker for your indulgence.

As for the Calendar of this House, we are a bit busy on several issues affecting Kenyans, and that is why we could not make it at the appropriate time. The Budget and Appropriations Committee was meeting at that time to consider several issues.

Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on its consideration of the County Governments Additional Allocations (No.2) Senate Bill No.4 of 2022.

Hon. Speaker: Order, Hon. Members. I have a further Communication to make on the resumption of vetting of nominees for appointment as Principal Secretaries.

COMMUNICATION FROM THE CHAIR

RESUMPTION OF VETTING OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES

Hon. Members, you will recall that on 15th November 2022, the Employment and Labour Relations Court in Constitution Petition No.E186 of 2022, Dr. Magare Gikenyi versus the President of the Republic of Kenya and 55 Others; and in Constitution Petition No.E192 of 2022, Law Society of Kenya versus the National Assembly and four others, granted Ex-Parte-Conservatory Orders temporarily staying the vetting process in respect of nominees for appointment to the position of Principal Secretaries pending hearing and determination of the petitioners' application for conservatory orders.

Consequently, on 16th November 2022, *vide* Notification No.02 of 2022, I directed that the vetting process be suspended pending the outcome of the judicial process. This was informed by the appreciation of the provisions of Article 3(1) of the Constitution which places an obligation on myself and, indeed, the House, to respect and uphold the Constitution, and in particular by abiding and upholding the rule of law.

Further, I directed our Litigation Counsel to move the concerned courts to set aside the *ex-parte* orders based on various legal grounds, and more particularly on lack of jurisdiction on the part of courts to interfere with active parliamentary processes. Accordingly, the National Assembly challenged the court's power to hear and determine the case on the ground that the Petitions were

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in contravention of the constitutional principle of separation of powers as they were inviting the court to determine a matter under the exclusive jurisdiction of the National Assembly under Article 155(3)(b) of the Constitution and the Public Appointments (Parliamentary Approval) Act, 2011.

Hon. Members, in its ruling delivered today, Tuesday, 29th November 2022, the court agreed with the National Assembly's submission that the doctrine of separation of powers as provided for in the Constitution ought to be respected and upheld at all times. Further, the court observed that the National Assembly has exclusive original jurisdiction to, first, carry out the approval process before court can intervene. The court, therefore, paved the way for the resumption of the vetting process noting that the Petitions were baseless, frivolous, vexatious and premature. The court also noted that the Legislature must be allowed to carry out its constitutional mandate without undue interference by any person or other arm of Government.

At the outset, I wish to note the very progressive view taken by the court in this matter. Whereas it is the constitutional right of every person to approach the courts of law, State organs must be allowed sufficient leeway to carry out their mandate without undue interference by any person. Indeed, to a keen observer, the petitioners were moved more by a lack of proper information and legal guidance, and a push to stall a process for reasons other than national interest.

Hon. Members, as observed by the court, comity among the organs of the State dictates that one organ shall not interfere in a matter under the active consideration of another organ. Indeed, our own Standing Order 89 on matters *sub-judice*, prohibits referral or consideration of any matter before a court of law. In the same vein, the courts are expected to exercise restraint and refrain from interfering with matters that are active before Parliament, a constitutional concept that the court has today, once again, upheld in its ruling. As the National Assembly, we will endeavour to protect and uphold these constitutional principles in furtherance of the mandate bestowed on us.

Hon. Members, following this ruling by the court, I wish to guide the House, the concerned committees and the general public as follows:

- (i) That, the suspension of the vetting of persons nominated to serve as principal secretaries is hereby lifted. The committees are, therefore, expected to resume the vetting process immediately.
- (ii) That, all departmental committees are to conclude the vetting proceedings and approval hearings as soon as possible to allow for the conclusion of the process. In any case, noting that the House will be commencing the long recess on 2nd December 2022 in accordance with its Calendar, it is expected that the committees will hasten the process and report to the House by the end of the morning Sitting of Thursday, 1st December 2022 to pave way for consideration of the various approval Motions by the House.

I thank you.

Hon. David Pkosing (Pokot South, KUP): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Pkosing, I hope it is not on the Communication, or is it?

Hon. David Pkosing (Pokot South, KUP): It is not, Hon. Speaker. Of course, you know your Communication...

Hon. Speaker, I would like to seek your indulgence, and your direction on two matters fundamental to this House. One is on what was done by the Leader of Majority Party when he tabled the document. He tabled a Special Report from the Auditor-General that was requested by the Public Investments Committee (PIC) in the last Parliament. The Leader of Majority Party then

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went ahead and allocated himself powers he does not have by seeking your direction to re-direct that PIC Report to a Departmental Committee, which of course you granted. If you look at Standing Order 206, which dictates the functions and mandate of PIC, it is very clear. If you look at Standing Order 216, it gives the powers to the Departmental Committees to deal with day-to-day activities and not particularly a Report generated or emanated from the Auditor-General. That Report goes to the audit committees as this is in our Standing Orders. The only person who has power to say something else outside the Standing Order is yourself, under Standing Order 1. Nobody else, not even the Leader of the Majority Party or the Leader of Minority Party. That cannot be allowed. If it goes on, Hon. Speaker, the Leader of Majority Party and the Leader of the Minority Party will be deciding this matter today, depending on their interests or whims. They will decide that this one goes to this departmental committee or the other. I am requesting you to rescind that direction, and direct that it goes normally as it is in the Standing Orders.

Two, it has come to my notice or to that of the Speaker as well as the Chairman of the PIC on Commercial Affairs and Energy, that there are so many reports by the Auditor-General which are in this Parliament, but have not been tabled. Hon. Speaker, imagine, Financial Years 2019/2020, 2020/2021 and 2021/2022 Reports that affect all PIC and Public Accounts Committee (PAC) are already in Parliament, but have not been tabled, including Special Reports.

Hon. Speaker, I seek your indulgence in those two issues, so that it allows the PIC on Governance and Education, the PIC on Commercial Affairs and Energy, and PAC to sit down and make work plans. We cannot do it without direction. These committees consider reports from the Auditor-General. Our mandate emanates from there. Without those reports, PAC and PIC committees have no role in this Parliament. I seek your indulgence in the two issues. One, you should direct that the Auditor-General's reports be tabled. This is normally done by the Leader of Majority Party. All reports should be tabled, so that by the time we go on recess, we can have work to plan.

Hon. Speaker: Thank you, Hon. Pkosing. On the first issue, I will look at the *Hansard* and see what I directed and communicate to you tomorrow. On second issue, the Leader of the Majority Party, is there a pile of Auditor-General reports in either your office or the Clerk's office? If it is there, what are you doing about it?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, on the question of any pending audit reports, we table them as they come. If the Chair is privy to some information, he can bring it to my attention.

Hon. Speaker: Is there any pile in your office?

Hon. Kimani Ichung'wah (Kikuyu, JP): I do not have reports in my office which have not been tabled, including those we got last week, unless the Chair of PIC on Commercial Affairs and Energy has any other information.

There is something important in relation to the matter Hon. Pkosing has raised. There was a question last week by Hon. Gichimu, which I am trying to see if I can get from last week's Order Papers, which relates to the matter being addressed by that Report. I am certain that Hon. Pkosing was not in the House when that Question was asked. It relates to the matter at hand. That is why I requested Hon. Speaker to have that Report before. This is not a financial matter, but a policy issue. The PIC does not deal with any policy issues in relation to State corporations. Policy matters should be dealt with by the departmental committees. Because it was a policy issue, I requested

you to direct it before the Committee to answer the policy Question that was asked by Hon. Gichimu Githinji last week either on Wednesday or Thursday.

I wish I got the Order Paper.

Hon. Speaker: Before Hon. Wandayi comes on the Floor of the House, Hon. Pkosing, the Clerk has reported to me that every report is tabled as it comes. There are none piling in their office.

Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, on the issue you have just pronounced yourself on, I agree with Hon. Pkosing. If there is any possible lapse in tabling of audit reports, it is very easy to track it. You liaise with the Office of Auditor-General. She will inform you on which reports she has brought here, and which ones have not come to the Floor of the House. That is very easy. I am saying this as the former Chair of PAC with five years' experience. It had membership of distinguished Members such as Hon. Ndindi Nyoro and others.

On the second issue, I am a little bit perturbed. I am happy with your ruling that you will look at the *Hansard*. I want to caution that any audit report can only be dealt with by respective audit committees. Even if there was a question that was raised by any particular Member that was addressed by a particular audit report, that is not the route to follow. The relevant audit committee which is, in this case, PIC, must be the one seized of the respective audit report. That is for purposes of sanity and neatness. If we allow departmental committees and other committees to start dealing with audit reports, we shall bring chaos and confusion.

If a Question is raised by a Member in this House, it is important for the relevant committee to liaise with the respective ministry and bring an answer on the House. We cannot go around and start getting answers through audit reports which were asked by an audit committee. From what I have heard, the Special Audit Report was requested for by PIC. It only follows that report can only be tabled before PIC. I am very happy with your ruling. I am sure that is the way to go.

Hon. Speaker: Let us leave it there, Hon. Members.

An Hon. Member: On a point of information.

Hon. Speaker: Whom do you want to inform, Hon. Member? He is not even at his seat. Let us go to the next Order.

(Laughter)

Hon. Musa Sirma, do you have a Statement to make?

STATEMENT

PROPOSED BUDGET CEILINGS FOR CONSTITUENCIES IN FY 2022/2023

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to lay the proposed budget ceilings for constituencies for the 2022/2023 Financial Year.

It is a requirement that we lay the budget ceiling for constituencies, so that Members are told what to propose and up to what scale. This proposal captures the amount of money every constituency will get. It has some compliance requirement, which is 2.5 of the Budget. The amount of money is Ksh44.289 billion. Seventy-five per cent of it will be shared equally among

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constituencies. When 75 per cent is shared equally, it comes to Ksh103,088,560 million per constituency.

The second compliance is subdivision of 25 per cent based on the number of wards. The seven constituencies which have eight wards will get a total of Ksh165,705,316.23. Constituencies that have seven wards will get Ksh158,832,745. Fifty-four constituencies which have six wards will get Ksh151,960,174. One hundred and six constituencies which have five wards will get Ksh145,087,603. Seventy-nine constituencies will get Ksh138,215,033.21 each. Constituencies which have three wards each will get Ksh131,342,062. The total amount allocated is Ksh42,075,405,000 billion.

Hon. Speaker, I beg to lay the proposed budget ceilings.

Hon. Speaker: Are you laying a Statement?

Hon. Musa Sirma (Eldama Ravine, UDA): Yes.

Hon. Speaker: Okay.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you.

Hon. Samwuel Chepkonga (Ainabkoi, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Chepkonga.

Hon. Samwuel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. I would like to thank the Chair of the NG-CDF Committee. There was an amendment to Section 34 of the NG-CDF Act, which led to the ceilings that have been provided.

Hon. Speaker, that amendment is highly unconstitutional. In fact, I advise my good friend, who is also my neighbour, Hon. Sirma, to not try and implement it. The national Government does not organise its functions through wards. That is the function of the counties. If we want to go that route, then this amendment should have been taken to the Senate. I am saying this as a very senior lawyer. If they pass this, then we will meet in court.

My constituency is not protected. Constituencies which are protected are those with six wards and about 40,000 voters. Ainabkoi Constituency has 62,000 voters and they have been given more money than us. The national Government does not share its resources through wards. This amendment is inviting. One of my youth groups is participating in the joinder as an interested party to defend the unconstitutionality of the NG-CDF Act of 2015.

If they want to organise themselves and think they are very intelligent, I want to warn them. They better be very warned by this constitutional lawyer that they will not get anywhere. If they want to sink the NG-CDF Act of 2015, it will be declared unconstitutional when those of us who have an interest in it go to court. The national Government does not organise the distribution of these resources at the ward level. This is the function of counties. When you come up with an unconstitutional amendment and tell us that one constituency will get Ksh164 million, that is discriminatory and against Article 24 of the Constitution. It is a very simple thing. You do not need to have a master's degree on this, you can do Constitutional Law 101 offered in first year at the university.

I have spoken to the Chief Executive Officer (CEO) of the NG-CDF and the very good chairperson, who is my neighbour and I have told him of the landmine he is participating in. We will get into a corner where 21 constituencies will sink the entire Act. You cannot bring an amendment that you passed at the tail-end of 2nd June 2022 when everyone had gone for campaigns.

(Hon. Kamket Kassait consulted loudly)

Hon. Speaker: Hon. Kamket, you are out of order.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, just leave him alone. He thinks this is cattle rustling. You even allowed him to speak about livestock issues on a matter concerning maize.

Hon. Speaker, I would like to urge my good friend, Hon. Sirma, to take this caution and advice. I will not charge anything to relook at that amendment on Section 34 with a view to ensuring it is not inconsistent with the provisions of the Constitution. Neither are we converting ourselves to the Senate. That is why when we allocate resources, a certain amount goes to counties which organise themselves based on wards. As the National Assembly, we cannot organise ourselves based on wards. No one represents wards here. There are no members of the county assemblies (MCAs) here, but only Members of Parliament.

Hon. Speaker: You have made your point. Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I have listened keenly to Hon. Chepkonga. Whereas I agree with him to a large extent, I am a little bit worried. This is because once this House passes a law, it remains law until otherwise annulled by court or amended here. So, the question of why the law was passed in June 2022 is neither here nor there. My thinking is that he has raised a pertinent matter. If you look at it, my constituency is among those which will suffer if this thing is implemented. This is because I only have three wards as opposed to other constituencies with seven or eight wards.

Hon. Speaker: Now, if you start calling it this ‘thing’, is it based on any law? It must have some foundation on a provision of the law or regulation that has been passed by this House.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I am a little bit worried and concerned without necessarily having the specifics. My take would be that since the matter is already law as amended by this House albeit in the 12th Parliament, even if there are no attendant regulations that have been passed to give effect to that provision, would I be in order to suggest to Hon. Chepkonga to take the earliest opportunity possible to bring a proposal to amend the Act? This is because, as we speak, it is law. That is my point.

Hon. Speaker: Order! I do not want to invite debate. Hon. Sirma, listening to you make your statement, you made no reference to any provision of law. Is your Statement founded on any law?

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, the one Hon. Chepkonga has talked about was amended by this House. The current Act concerning distribution of NG-CDF is based on the ward parameter, which I have given that is 25 per cent. The first Act was based on population, poverty index and geographical area. Hon. Eseli Simiyu moved a Motion to amend the NG-CDF Act to be based on wards, allocating 75 per cent equally and 25 per cent to wards. Previously, 75 per cent was allocated equally and 25 per cent was based on poverty index and population. This is the same thing because even creation of wards is based on population.

Hon. (Dr.) Racheal Nyamai (Kitui South, JP): On a point of order, Hon. Speaker.

Hon. Speaker: I do not want to open debate on this matter. Hon. (Dr.) Racheal Nyamai.

Hon. (Dr.) Racheal Nyamai (Kitui South, JP): Thank you very much, Hon. Speaker. I also want to add my voice to this matter. It is true that Hon. Chepkonga was not in the House when

this matter was debated. It is important to respect this matter having been brought to this august House, debated and some constituencies having gained from it.

As I speak, I have 300 schools in my constituency. I know Hon. Chepkonga does not have the same number. There are constituencies in this country that have 10 schools yet we are given the same amount of money. This has brought some fairness because not much has been added to those constituencies with more than six wards, but an additional gain. When Hon. Chepkonga spoke, he addressed 'they'. I do not know why he wants to divide the Members of this House into two groups. Hon. Chepkonga, with all due respect, I advise you to bring other parameters that can be used to make this better instead of bringing a loss to those constituencies that have already gained.

Hon. Speaker, thank you very much for this opportunity.

Hon. Speaker: Hon. Ndindi, you will be the last one.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Speaker. I concur with the Member who said that Hon. Chepkonga was not here when we debated and passed this law. There is a basis. Above what we do here, separation of equity and equality is very important. Hon. Chepkonga wants to argue that the national Government does not allocate money in terms of wards which are based on some parameters. Even if we amended the law as exemplified by Hon. Sirma, we will still look at other parameters like location or sub-locations because we need some equity. Some constituencies like Mwea are homogenous. Kirinyaga County has eight wards. The neighbouring constituency has three wards. Some Members give bursaries to students to a tune of Ksh10,000 for day schools. Others can only manage a paltry Ksh2000 for day schoolers.

Whatever side we may want to pull the blanket, we need some semblance of equity. This formula is towards that direction, so that we have some level playing ground. On the basis of 75 per cent to be equal and 25 per cent on the basis of wards, the feeling of many Members would actually be that we start from zero not from 75 per cent. The ideal should be to start on a 50 to 50. Fifty per cent on equal, 50 per cent based on other parameters because we are here to also represent those other parameters.

Hon. Speaker: Clerk, next Order.

PROCEDURAL MOTION

EXTENSION OF PERIOD FOR CONSIDERATION OF PUBLIC PETITIONS ON REMOVAL OF IEBC COMMISSIONERS FROM OFFICE

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Procedural Motion on behalf of the Chairperson of the Departmental Committee on Justice and Legal Affairs, who is in the committee's sitting:

THAT, pursuant to the provisions of Standing Order 256A(1) (Extension of period prescribed), this House resolves to extend the period for consideration of the Public Petitions reported on 15th November 2022, from the persons specified hereunder seeking the removal of commissioners of the Independent Electoral and Boundaries Commission (IEBC) pursuant to the provisions of Article 251 of the Constitution and Standing Order 230 by the Departmental Committee on Justice and Legal Affairs by a further period of three days with effect from 29th November 2022:

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- (i) Petition by the Republican Party,
- (ii) Petition by Rev. Dennis Ndwiga Nthumbi,
- (iii) Petition by Mr. Geoffrey Langat, and
- (iv) Petition by Mr. Owuor Steve Gerry.

Hon. Speaker, the Committee is currently in session considering some of these petitions. The Chairman has indicated that he will not finalise this process within the 14 days' period. Therefore, he is seeking an extension of the Committee's sittings by three days to consider these petitions and conclude the matter before they bring a report to the House.

With those remarks, I beg to move and ask the Member for Molo, Hon. Kuria Kimani, to second.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Speaker. The JLAC is listening to petitions from various bodies on the removal of the four commissioners. Bearing in mind the seriousness of this particular matter, and how emotive the issue of elections has been in this country, we want to make sure that we give a fair hearing to the four commissioners.

We also want to give sufficient time for the witnesses to come and address the Committee and put all the facts on the table. The issue of elections stopping our economic development by being a cycle of closing our businesses and schools can be put to rest once and for all.

With those remarks, I second the Motion.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: I put the Question?

(Loud consultations)

Hon. Opiyo Wandayi. I have given you the Floor.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. Given your distinguished experience, I knew you would not deny me a chance to speak to this very critical matter.

In any case, putting a Question requires the requisite numbers, which we do not have. First and foremost, I have a very big issue with this Motion as crafted. I recall very vividly when you referred the four petitions to the Committee. In the ultimate paragraph of your Communication, you gave the Committee an opportunity to come back to this House and seek for extension, if the time allocated turns out to be insufficient. I want to report to you that I have had an occasion to attend one of the meetings of the very Committee. In that very meeting that I attended, what I saw was not really encouraging. A number of the persons who are being petitioned to go home, through their legal representatives, asked for ample time to prepare their defences. The Committee, through the Chairperson, vehemently opposed the requests. The Chair, vehemently, opposed the requests as if there was some hurry, as if the world was coming to an end.

You were very clear in your Communication that the Committee was at liberty to ask for extension for however long it takes. I must also go on record that, because of these and many other reasons...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Speaker.

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Hon. Opiyo Wandayi (Ugunja, ODM): I am very much in order to make my contribution, Hon. Speaker.

Hon. Speaker: What is out of order, Hon. Ichungw'ah?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I do not intend to mean that Hon. Opiyo Wandayi is not in order to be making his point, but he is treading on very dangerous grounds, in my view. He has gone to the extent of debating not the Procedural Motion before us, but matters that are before that Committee and requests that were made by particular parties before the Committee.

I want to believe that once the Committee finishes their work, they will have a report to table before the House and Hon. Opiyo Wandayi will have opportunity to raise some of those issues. We cannot now use this Procedural Motion to debate how the Committee that is currently sitting is transacting business.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I have been in this House for as long as Hon. Ichung'wah has been; some 10 good years and counting. I know what is relevant and what is not relevant under our Standing Orders.

This Procedural Motion is all about the time that has been allocated to the Committee to undertake its work. I am basically addressing the issue of time. I am not delving into the substantive matters before the Committee. I will not.

Hon. Speaker: Hon. Wandayi, I agree that you are very experienced. The Motion before us is that the Committee is saying: "Give us three days."

Hon. Opiyo Wandayi (Ugunja, ODM): Correct!

Hon. Speaker: You would either be supporting the request for three more days or opposing it on the basis of inadequacy or the opposite.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I am laying the basis for my eventual take on this request. If you give me just a few minutes, I will conclude.

Hon. Speaker: You will get there?

Hon. Opiyo Wandayi (Ugunja, ODM): Yes. This is a House of records. This is a serious House that must play by the rules. It cannot be seen to be bending the rules at every time. I wanted to go on record that even as we speak for this, among other reasons, the Members of the Committee belonging to the Minority coalition have since withdrawn from the proceedings of that Committee.

(Hon. Member consulted loudly)

That must go on record. It does not matter whether my friend, Hon.... I do not know who it is. Let me not talk about him.

Hon. Speaker, when I attended one of the meetings of this Committee, I was reminded of the sad happenings of the 1980s, when there was a special committee of the then ruling party KANU. It was the disciplinary committee of KANU, then chaired by one, the late Okiki Amayo. That committee was convened whenever there was a pre-determined objective to achieve. The current Departmental Committee on Justice and Legal Affairs in its current proceedings is reminding us of the KANU disciplinary committee.

Hon. Speaker: Order, Hon. Wandayi, limit yourself to whether we expand the time or we do not. You are now going into the merits of the conduct of a committee, which is not permissible.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, with tremendous respect, I need to be allowed to prosecute my matter, as I contribute to this very important Motion.

As I conclude, my point is that this Committee should have asked for ample time to enable the respondents adequate time to prepare themselves for their defences because the world is not ending

Hon. Speaker: Hon. Ichung'wah! Order, Hon. Wandayi.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, you are well informed to guide Hon. Opiyo Wandayi. He has gone to the extent of disparaging the proceedings before the Committee in the pretext that he is laying grounds on the question of the time sought.

Hon. Speaker: I have already ruled him out of order on that.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, let me point out, because if he is looking for opportunities to play politics, we could also do the same. But we want to restrict ourselves to the business before us on the Procedural Motion on extension of time. A person who has already offered information that they have since removed themselves from the activities of this Committee cannot be standing before this House to oppose time in a process where his coalition is not involved.

Hon. Speaker, please, ask Hon. T.J. Kajwang' to relax because he is a member of that Committee who should be seated there, but does not have the guts and the audacity to sit before the Committee.

(Hon. T.J. Kajwang' spoke off-record)

But you follow your party leader to walk out of a Committee of the House. You are an elected Member of Parliament. You articulate issues before Committees and not to follow your party leader in walking out. You can walk out in the streets, walk anywhere but not in Parliament.

(Hon. T.J. Kajwang' spoke off-record)

Hon. Speaker: Order, Hon. Members and Hon. Kajwang'.

(Hon. Opiyo Wandayi spoke off-record)

Hon. T.J., this is what we can easily take the House to when we bring on the Floor parochial politics. Order, Hon. Kajwang'! You are not only a seasoned lawyer, but a parliamentarian and you are precluded from losing your temper.

(Hon. T.J. Kajwang' spoke off-record)

Order, Hon. Kajwang'! You are precluded from losing your cool. Remain the lawyer that I know. If a lawyer loses his cool, his client will go to jail.

Hon. Members, this matter is very simple. Do we extend time or do we not? That will be determined by a vote. That is what is before the House. What is going on before the Committee, the Committee report will come to this House. As the Leader of the Minority Party, you will have privileged time under the Standing Orders to debate that report. Just limit yourselves to the issue

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of time. The Committee has come before you to say you give it three extra days. It is you to determine whether you will give them the days or not by a vote. It is as simple as that.

Let Hon. Wandayi finish first before I put the Question.

Hon. Opiyo Wandayi (Ugunja, ODM): It is good for Members to understand that, once I am given a chance to contribute to a Motion, I have to finish my contribution or otherwise time elapses before I can stop talking.

Hon. Speaker: Limit yourself to the issue of time.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, this is a House of politics; this House is premised on politics and, therefore, even as I contribute to any particular Motion - I am happy the Chairperson of the Departmental Committee on Justice and Legal Affairs has now come with Members and are now in the House. Perhaps, *the Hansard* will remind him of what I said before he came. As I oppose this Motion vehemently, we cannot allow this House or a committee of this House to transform itself into the 1980s Okiki Amayo KANU disciplinary committee. That is what I wanted to say and it must go on record.

Thank you, Hon. Speaker.

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

Hon. Speaker: There is nobody on the Floor and so, there cannot be a point of order.

(Loud consultations)

Order, Hon. Kajwang', nobody is on the Floor and so, there cannot be a point of order. There is quorum.

I will give you one minute to say what you want to say, within the context.

Hon. T.J. Kajwang' (Ruaraka, ODM): Yes, within the context. Hon. Speaker. I feel a little bad when the Leader of Majority Party, a man whom in other circumstances we are friends; *peremende* friends, says and imputes improper motive on me that I should not be sitting where I am and the people of Ruaraka have sent me to sit where I am...

Hon. Speaker: You have every right to sit where you are.

Hon. T.J. Kajwang' (Ruaraka, ODM): Can you rule him out of order that I have every right to sit in this seat because the people of Ruaraka have sent me to sit here?

Hon. Speaker: To that extent, he is out of order. Order, Hon. Members! Hon. Kajwang', each Member here has a right to sit where they are sitting, including yourself, and the Leader of the Majority Party. When you have jibes against each other, in jest, they should not derail our debate.

Hon. Members, I get the impression that we should put the Question.

(Question put and agreed to)

Next Order.

MOTIONS

ADOPTION OF SESSIONAL PAPER ON NATIONAL AUTOMOTIVE POLICY

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Hon. Speaker: Order, Hon. Members.

*(Hon. T.J. Kajwang' consulted an Hon. Member
while the Hon. Speaker was on his feet)*

Order, Hon. Kajwang', even in our courts when a judge stands, lawyers take their seats. Hon.T.J. was talking to a man who is not a lawyer and so, he is unlikely to understand that. We will now put the Question at Order No. 9.

THAT, this House adopts Sessional Paper No. 1 of 2022 on the National Automotive Policy, laid on the Table of the House on Wednesday, 25th May 2022.

*(Moved by Hon. Kimani Ichung'wah
on 23.11.2022 - Morning Sitting)*

(Debate concluded on 24.11.2022)

(Question put and agreed to)

Next Order.

RESOLUTION TO HOLD A THURSDAY MORNING SITTING

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a morning sitting on Thursday, 1st December 2022 commencing at 9.30 a.m. for purposes of considering priority business ahead of the December recess.

Hon. Speaker, Members are aware that we do not usually have morning sittings on Thursday. However, in line with our Calendar, Thursday is the last sitting day for this Session. Bearing in mind that you have just read a Communication on the lifting of the ban on vetting of Principal Secretaries, we envisage that we should be able to finish some of that priority business to approve Principal Secretaries hopefully by Thursday morning and table the reports.

Therefore, I ask Members to support this Motion to hold a morning sitting on Thursday so that we can conclude all the business before us by close of business on Thursday. There are about 51 Principal Secretaries and so, it will take a long time to approve them. About 22 committees have already finished their reports and they are ready for tabling. That process may take quite some bit of time and the afternoon session may not be enough.

With those few remarks, I ask Hon. Josses to second.

Hon. Speaker: Yes, Member for Emgwen.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Speaker. Because that issue is important to the nation, I beg to second.

Hon. Speaker: There being no interest in debating this.... Oh! Sorry, Members. I have not proposed the Question.

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(Question proposed)

I will give an opportunity to Hon. Mbadi and one other Member to contribute and then I will put the Question.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Speaker. Ordinarily, I would not have a problem with Motions like these and I would support them. However, when the Leader of the Majority Party calls for an extra sitting, he should tell us the business that will be transacted during that sitting. What I have heard from the Leader of the Majority Party is an anticipatory Motion, something that has not even been concluded by committees. How sure are we that committees will conclude vetting Principal Secretaries so that we can agree to hold a Thursday morning sitting? We have previously held special sittings. For us not to appear like a House that rubberstamps what the Executive sends to us, let us give committees time to finish their work. If the Leader of the Majority Party feels that we are pressed for time, there can be a special sitting. These Members are ready to come. In fact, we have held sittings on ungodly days such as on 24th December. In 2014, we were recalled on 18th December to hold a special sitting to approve the Security Laws (Amendment) Bill. That is not a day one can forget. It was a very bad day.

Hon. Speaker: Indeed, that is the day you assaulted me.

Hon. John Mbadi (Nominated, ODM): Yes, that is the day I saved you, Hon. Speaker, from being assaulted. I came to the Speaker's rescue when he was being assaulted.

Hon. Speaker: Oh yes! I am sorry. That is the day you saved me from being assaulted by Hon. Kiuna.

Hon. John Mbadi (Nominated, ODM): We would not have our Speaker here today. You are not informing me of anything I do not know. I know everything you are talking about.

(Laughter)

Amendments to the Political Parties Act and the Election Laws Act were done in December on ungodly days. So, we can still come back and approve Principal Secretaries. We know that this country needs to move forward. We need to have Principal Secretaries in office as the new accounting officers. What is out of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: What is out order, Hon. Kimani Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, we must be careful with the words we use. Hon. Mbadi has thrice used the term "ungodly days." I do not know what those ungodly days are, but I would just like to mention that it is precisely because of that that we want to hold a morning sitting on the godly day of Thursday. I would like to avoid the temptation of using the term "ungodly days" as you have described them. Just for the information of members of the public, no day is ungodly.

Hon. John Mbadi (Nominated, ODM): Hon. Speaker, my use of the term is very deliberate. There are many godly days beyond Thursday that you can still use. When you interfere with the work of God, you are behaving in an ungodly manner. I know you are not a very good Christian and so, I am trying to educate you. If you do anything that does not further the interests

of being a Christian, it is ungodly. So, if we come to work just a few hours before Jesus is born, we will be behaving in an ungodly manner.

Thank you, Hon. Speaker. I oppose the Motion.

Hon. Speaker: Hon. Kajwang' T.J.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, ordinarily, this kind of Motion should not receive a lot of loud opposition. However, the point we are pursuing is that this is a House of records, procedure and decorum. Disclosure is very important to Members so that we debate from a point of knowledge. No Member moving a Motion should keep certain material facts away from Members who would wish to vote in one way or another on the Motion before them.

Hon. Speaker, you are the octogenarian of this House. I am sure you are serving your sixth term and you are a veteran in these matters. You are also the octogenarian in your legal practice. I see many lawyers in the House, but you are the senior-most lawyer. I am sure that you would wish to be remembered for conducting business that conformed to the laws of the House and the Constitution.

This is a very noble matter, but it is important for the Leader of the Majority Party who has moved this Motion to disclose the kind of Motions that we will discuss instead of anticipating debate, something which goes against the Standing Orders. I listened to the Member who seconded the Motion and all he said was that because this is a very important issue, it should be supported.

This is also a learning curve. Some of the distinguished Members who have come here for the first time would wish to know some of the "ingredients" that a Member would propose.

Hon. Samwel Chepkonga (Ainabkoi, UDA): On point of order, Hon. Speaker.

Hon. T.J. Kajwang' (Ruaraka, ODM): Nowadays, I do not understand the issue of points of order. Everything is a point of order even when nothing is out of order.

Hon. Speaker: What is your point of order?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. Hon. T.J. Kajwang' is my good friend and he knows that I have a lot of respect for him. He should not get angry with me for rising on a point of order.

Is it in order for Hon. T.J. Kajwang' to have missed the meeting of the House Business Committee where we discussed some of these issues? If he was in the meeting of the House Business Committee, he would have known the urgent matters that are likely to come on Thursday morning. He would not be belabouring this point. He would have supported it. He is belabouring this point due to lack of information - I do not want to use the word "delusion".

I just want to appeal to him that we discussed these matters in the House Business Committee. Hon. T.J. Kajwang' and I were good Members of the Departmental Committee on Justice and Legal Affairs. I do not intend to mislead him in any way. We have serious business to consider on Thursday.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, I long for the days when I served in the Departmental Committee on Justice and Legal Affairs alongside my learned friend. Unfortunately, that is not what I am seeing happening. He knows very well that I am quite in order. The House Business Committee is just a committee like any other. The fact that a Member did not attend a meeting does not preclude them from making remarks.

Hon. Speaker, my point has been made. We want to vote and support this. Is it possible that the Leader of the Majority Party would be given more time to inform the House on the details

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of this information so that we can vote by conscience and information? You would wish that when you read *the Hansard*, you would preside over a House that keeps law and procedure.

Thank you.

Hon. Speaker: I see no further interest. Let me, therefore, put the Question.

(Question put and agreed to)

Next Order! The Chairperson, Committee on Delegated Legislation.

ADOPTION OF REPORT ON THE PUBLIC FINANCE
MANAGEMENT (FINANCIAL INCLUSION FUND) REGULATIONS, 2022

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Financial Inclusion Fund) Regulations, 2022, laid on the Table of the House on Tuesday, 29th November 2022, and pursuant to the provisions of Section 24 (4) of the Public Finance Management Act, 2012 approves the Public Finance Management (Financial Inclusion Fund) Regulations, 2022, published as Legal Notice No.213 of 23rd November 2022.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Temporary Speaker (Hon. (Dr.) Rachael Nyamai) took the Chair]

There is a change of Chair. Hon. Temporary Speaker, these are very important Regulations. As you may be aware, this Government made a deliberate pronouncement that it intends to support those at the bottom of the pyramid – the hustlers – the ones at the bottom-up model. The word “Hustler” has not been properly interpreted in the English Dictionary. So, what the regulations have used is inclusiveness. The objectives of these regulations are to ensure innovation, development and deployment of the pyramid financial services and products that are affordable, accessible and appropriate for the un-served and under-served persons.

This would be done through credits, savings, insurance and investment products that will promote inclusion through expanding access to credit by persons in the medium and small enterprises. It will also promote market intervention to improve supply of affordable credit to micro, small and medium-sized enterprises, including credit worthiness-based lending, risk pricing, business and financial management skills and cost of doing business.

The Committee had occasion to have a sitting with the Minister for Co-operatives and Micro, Small and Medium Enterprises Development (MSMEs) on Thursday when we participated in considering the Draft Regulations that had been forwarded to Parliament. This was a very comprehensive process in which we were taken through the process in which these regulations were developed. They were developed through public participation.

The Ministry of Finance and the Ministry of Co-operatives and Micro, Small and Medium Enterprises Development conducted public participation across the country. It brought together

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persons in the Government, MSMEs, governors, County Executive Committees (CECs) in the county governments, Government officials at national and county level, the *boda boda* users, housing, dairy, cotton and coffee farmers, handcrafts, *matatu* transporters, SACCOs, co-operatives, Kenya National Chamber of Commerce and Industry, officials from the Marketing Management Committees and County Trade staff, Community Based Organisations (CBOs), Civil Society and Faith Based Organisations. All the key stakeholders were consulted through physical meetings and submission of memorandum in compliance with the Statutory Instruments Act, 2021.

As a result of those consultations that we held in considering the draft regulations that were forwarded to the Committee, we made serious amendments to them. The amendments included the process of removal of the officials who will be appointed pursuant to this regulation.

The other amendment was on the products that they intend to rule out with regard to these regulations. They told us that the products were not included because they wanted to maintain some flexibility. We told them that according to the Statutory Instruments Act, it has to be clear and should not require a lot of elucidation. We told them that all the products must be provided for in the regulations. We are happy to note that all the comments that were made by the Committee Members at the meeting that was held on 24th November 2022 at Hilton Inn Hotel, Machakos, were all considered.

As a result of that, these regulations were published yesterday, and forwarded to the Committee on Delegated Legislation. We considered these regulations today, went through them and checked whether the amendments were made. We are satisfied that the amendments were all included in the regulations and that they comply with the Statutory Instruments Act, 2013, the Public Finance Management Act, 2015 as well as the Constitution.

The authority to make these regulations is granted pursuant to the Public Finance Management Act, 2013 that stipulates that the Minister shall make regulations to provide for good financial management of anything that exceeds Ksh10 million that is provided as a regulation.

We have heard so many things that have been said about the 'Hustler Fund'. It has been said that it is going to attract a single digit interest – and it is true! We were informed that the reason why it is a single digit is to ensure that we provide for administrative cost for the people who will be managing the funds that will be allocated to that particular Fund. We agree that if we do not provide for interest to be charged on what will be lent – it is a small amount of about 8 per cent that will be shared between all the actors who will be managing this Fund – this will not go well. There are many banks that will take part in giving out the money. The 8 per cent will be purely used to cover their cost.

Hon. Temporary Speaker, it is just purely to cover their costs of providing this service and pay employees who will be employed by the Fund. We were informed that if we do not provide so, it means that the cost will eat into the capital. Therefore, it will reduce the amount of money that has been allocated to this Fund, which is the capital. After some time, it will be depleted because of the overall cost in the Fund. The money will not be available for other Kenyans to borrow. The intention is to safeguard the funds that have been allocated to this Fund to ensure that other Kenyans who have borrowed refund the money, so that others can borrow and benefit.

The regulations are fairly straightforward. They are beneficial to our members in our constituencies. Many Kenyans look forward to borrow this money, particularly the *mama mbogas* and *boda boda* riders in Hon. Junet's Constituency, who borrow from Ksh500 to Ksh50,000. This will be the first phase. We were informed that the second phase will be rolled out in February.

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People will borrow between Ksh50,000 and Ksh250,000. The new regulations will be brought to cover that Fund. This is intended to give money to the lower stratum of the society – the Bottom-up Economic Model. These are people who buy vegetables from the market and then they sell. They borrow Ksh100 or Ksh1,000 and then, at the end of the day, they must pay back with Ksh100 as interest. That means they pay 100 per cent interest on the Ksh1,000 they have borrowed. This Fund has 8 per cent interest over a period of one year. If you divide by 365, it will be 0.001. That will be the cost. In fact, Hon. Junet is very happy because that will be the cost of running that Fund.

(Laughter)

I would like to assure you and this House that the regulations are very consistent with the substantive Act and the Constitution. On behalf of the members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210(4)(b), it is my pleasure and duty to present to the House the Committee's Report on the Consideration of the Public Finance Management (Financial Inclusion Fund) Regulations, 2022, published as Legal Notice 213 of 2022. Therefore, I move the Motion. I would like to request the Leader of the Majority Party to second, without being interfered with by Hon. Kamket, who should come and sit next to me. I can continue with the discussion from here.

Hon. Temporary Speaker, I call upon the Leader of the Majority Party to second.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to second the Motion on Consideration of the Public Finance Management (Financial Inclusion Fund) Regulations, 2022.

I take this opportunity to thank the Committee under the able leadership of Hon. Chepkonga for consideration of these regulations. We are seeking their approval to address one of the issues that has made our economy almost grind into a halt - access to credit. These regulations are not only talking about access to credit, but also inclusion of segments of our population and economy that are left out of the credit system in this country. This is the unwaged population which cannot access credit. Those are the people whom Hon. Chairperson has referred to as *mama mbogas*, *boda boda* riders, kiosk owners and all manner of entrepreneurs. They also include jobless people and those who organise themselves in *chamas* and merry-go-rounds who have no access to any manner of formal credit. The only credit they can access is *Fuliza* or *M-shwari* on their phones, and which have very exorbitant interest rates.

It is true that the regulations provide for an interest. This is important because many naysayers have spoken to this issue. Those are people who did not interrogate or engage with the Kenya Kwanza Coalition as they engaged with Kenyans across the country in almost all the 47 counties. It is only three counties that we did not physically attend economic forum meetings where we engaged with *mama mbogas* and people who are unable to access credit. We listened to harrowing stories of how people access credit from shylocks and mobile money transfer companies that offer credit at very exorbitant interest rates. People told us they access credit where they pay up to 3,000 per cent per annum in interest rates. Because of desperation, Kenyans have no choice but to access that expensive credit.

Therefore, this Fund comes to address some of those issues that Kenyans spoke to as we sought their votes. Many of the naysayers did not bother to read the Kenya-Kwanza Coalition

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Manifesto. Many of them say loudly that we promised no interest in the ‘Hustler Fund’. This Fund is the ‘Hustler Fund’. When we said that we would offer access to affordable credit, it did not mean no interest or management fee. Therefore, I want to speak to the naysayers because I know some of them are listening to me.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am here.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Some of them are in this House.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Order, Hon. Millie. Let the Leader of the Majority Party be heard in silence.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker for protecting me from Hon. Millie. I know she may not have read the Kenya Kwanza Coalition Manifesto. When I said that some of the naysayers could be seated here listening to me, maybe I was right. I want to invite them to interrogate and read our Kenya Kwanza Coalition Manifesto. They will see that we spoke to the issue of access to affordable credit. This is what is now being offered to the people of Kenya through this Fund.

Regulation 22 provides for interest rate or administrative fee that is payable by a maximum rate of 8 per cent per annum. If you borrow Ksh100,000, you only pay Ksh8000 a year. Hon. Junet, if your calculator is near you, you can calculate how much that is. When Hon. Chairperson spoke of 0.001 per cent interest per day, you doubted him. Kenyans do not pay an interest rate of 8 per cent per annum, but 10 per cent interest per day. They access credit at this rate.

We are, therefore, giving an opportunity to residents of Suna East, Suba North, Suba South, Kikuyu, Emuhaya and all Kenyans, including those in Tiaty who are very good at rearing livestock, to access credit at a very affordable rate. Many financial institutions that are not formal like the merry-go-rounds and *chamas* will get an opportunity, in a very formal way, to be included in a Fund that will allow them have access to funds that they can lend to people, including our SACCOs. This will take our economy from the bottom-up.

Therefore, as Hon. Chairperson has pointed out, these regulations have been taken through public participation. I must commend the National Treasury. For once, they went out of their way. Other than doing the normal public participation they do at Kenyatta International Convention Centre (KICC), this time round they took these regulations to many of our counties and listened to people. I must commend them for appreciating the role that the public plays in engaging with them. It was out of those engagements with the members of the public and institutions that they were able to polish these regulations and even do better than had been envisaged as they formulated these policies.

The regulations also provide for a matching concept to this Fund. That, a financial institution like a bank or even a Non-Governmental Organization can match because of some advance credit. They can get part of those funds and match but there is a rider that the interest they will charge must be lower than that being offered by the Fund. This gives an opportunity for people to access credit at cheaper rates. I am glad because a number of our development partners have expressed interest to also provide funds to supplement what the Government and other donors will give to ensure all our people are included.

Part of the reason why our economy is where it is today is because people have no access to credit. When they access it, it is very expensive and this makes no sense to their businesses and within a very short time they collapse. Let me speak to the hustler nation and tell them that the ‘Hustler Fund’ they have been waiting for is here. Upon the approval of these regulations, we

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encourage Kenyans to use this Fund because it is not just about advancing credit. It has components that include loans, pensions, retirement benefits, health insurance and also a savings element.

That, out of the amount of money you get, 95 per cent will go to your loan and, at least, 5 per cent will go to your savings. I think when His Excellency the President came to Parliament during the State Opening of this Session, in a great way, he spoke to the issue of developing a savings culture. I must commend the National Treasury since, as they formulated these regulations, they incorporated the element of saving. That is because we cannot invest unless we save. If we live in a country where people just borrow without saving, it means they will borrow perpetually. It is said in economics - for those of us who are economics students - that investments are a function of savings. A nation that is increasing its savings is moving in the right direction.

Therefore, we are moving this nation in the right direction by ensuring that people are saving for future investments and even national investments. We are also encouraging Kenyans to get access to cheap, affordable credit and save for their future in terms of retirement benefits, pension schemes and health insurance, which are some of the products that are offered by this Fund.

Therefore, this is not just a simple Fund as many naysayers would want to think that it is just for the hustlers. This Fund is for financial inclusion of all Kenyans; whether you regard yourself as a hustler or anything else. This Fund speaks to your savings, retirement, health cover benefits and access to credit. Therefore, the magic or silver lining is we need to uplift our economy from where it was left by the last regime, actualise this 'Hustler Fund' to give money to entrepreneurs who, in future, will become taxpayers and expand our tax bracket. They will do what Hon. Kibaki taught us when he said: "*Kulipa ushuru ni kujitegemea*".

Hon. Temporary Speaker, the surest way for Government to end the cycle of borrowing is to ensure all our people have access to affordable funds which they can borrow and utilise in their businesses to make profits and pay taxes. They will offer the same goods and services that we envisage to get from our Government.

Hon. Temporary Speaker, with that, I beg to second this Motion and ask Members to support the passage of these regulations. This is because they are critical for our economy and the financial inclusion of those who were excluded in the past. There are those who believe that financial inclusion should only be for those with means. It is our contention that everybody has capacity to model himself or herself into an entrepreneur, including not just *mama mbogas*, but even our house managers at home, mothers, sisters, fathers and brothers who are unemployed and form *chamas* or merry-go-rounds in our constituencies.

There are fishermen who market their fish collectively by the shores of lakes and rivers and they form simple *chamas* to lend each other money. We are telling them they now have an opportunity to be included in a formal Fund where they will access formal credit without being asked for a log book, a title deed or any manner of security. Very soon, we will be graduating many young entrepreneurs and hustlers into seasoned entrepreneurs who can access even large amounts of money from the banking sector.

Hon. Temporary Speaker, with that, I beg to second.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well. Hon. Members, I will now propose the Question.

(Question proposed)

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Hon. Members, there is a lot of interest in this and I will give the first opportunity to the Minority Whip, Hon. Junet Mohamed.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the approval of these regulations. Of course, I stand to oppose them because the more things change, the more they remain the same. In 2013, we were in this Parliament when the Jubilee regime came to power. They brought *Uwezo* Fund and we passed regulations. If you go to the *Uwezo* Fund website, it even uses the words ‘bottom-up fund’. It is a fund that is meant for bottom-up purposes. This Fund was taken to the constituencies and was interest free. Kenyans were supposed to start businesses using it. They were told to repay the principal amount without any interest on top. A sum of Kshs8 billion was appropriated and I am told less than Kshs4 million has been repaid.

Hon. Temporary Speaker, if Kenyans were unable to pay back monies that they were given to do business and could not repay because of the interest, how will they repay back loans with 8 per cent interest? Let us be honest with each other. What the Kenya Kwanza regime is doing is creating another Government *fuliza fund*. The same *fuliza* that Kenyans have suffered under. Very soon, you will see Kenyans who will receive this money in their phones, either Kshs20,000 or Kshs30,000 from the ‘Hustler Fund’, and start to change their phone numbers because of Government *fuliza*. Before it was bank *fuliza* but now, it is Government *fuliza*. Hon. Temporary Speaker, how will we allow this to happen?

Secondly, with the rate of inflation that you are seeing in this country today, almost double digit, and with the economic crisis in the world; and you are speaking here about financial inclusion, you are saying that the highest amount somebody can borrow from the ‘Hustler Fund’ is Ksh50,000 shillings, what business can you do with Ksh50,000 today? One crate of *mama mboga*’s tomatoes is almost Ksh10,000.

Hon. Temporary Speaker, give me time. They have had their say. I know they are too light skinned for criticism, but I want to tell them that this fraud called ‘hustler’ will not be allowed in Parliament. This ‘Hustler Fund’ is a hustler fraud.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Junet, I will give you a chance to finish your debate.

Hon. Junet Mohamed (Suna East, ODM): Oh! Okay!

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): I would like to give a chance to the Chair.

Hon. Junet Mohamed (Suna East, ODM): Is my time is over?

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): No, your time is not over.

Hon. Samwel Chepkonga (Ainabkoi, UDA): On point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): The Hon. Chair of Delegated Legislation. What is out of order?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I rise pursuant to Standing Order 81. In particular, the one that deals with accuracy of information. Is it in order for Hon. Junet to allege that these regulations are fraudulent, when he is aware that the regulations have been made consistent with the Public Finance Management Act and the Constitution itself? These are laws that have been passed in this House. When he claims that it is fraud to give a lot of

money... I was in my constituency over the weekend. I had gone for a funeral fundraising and I met a lady who told me her M-pesa float is Ksh 50,000 and she was making...

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Without going to the details, just tell me what is out of order, Hon. Chepkonga! Hon. Junet you may proceed with debate.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, the Chair whom I respect so much, had his time for moving his Motion on the regulations. So he is just feeling he wants to have another bite because of the issues I am raising. Unfortunately, you have just finished your time Chair.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Junet, just proceed. That was just a point of argument. Please proceed.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, the issue I am raising is financial inclusion. This Fund that is being proposed through these regulations cannot do...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Junet, I will disturb you again because I have a point of order from the Leader of the Majority. What is out of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I also rise under Standing Order 81. Hon. Junet seems irritated on interruptions, but I want to encourage him not to invite interruptions. I have just got a copy of the Committee's Report from the desk here on the regulations that we are debating, I am certain he might not have read. I would really prevail upon him to point out to the country because he is addressing the country... He is saying that this Fund is limited to a maximum of Ksh50,000, which is not factual and is not true.

Hon. Temporary Speaker, you can hear what Hon. Junet is saying. He is alluding to people and yet, we are discussing what is before the House.

There is nothing in the regulations that limits this Fund to Ksh50,000. Kenyans should be patient and Hon. Junet should also be patient enough to wait for all the products to be launched. You will be able to borrow from as little up to the maximum you are able to repay.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Leader of the Majority Party, you have made your point. I would like to say that you made reference to Standing Order No.81 and I would like to read it for our records.

"No member shall speak to any question after the same has been put by the Speaker".

So, I think, you made a mistake on the Standing Order and for that reason, Hon. Junet proceeds. I am not going to interrupt you again, Hon. Junet. I believe that you are misled by Hon. Chepkonga. Hon. Junet proceeds with the debate.

Hon. Junet Mohamed (Suna East, ODM): They are the ones who are disrupting.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Proceed with debate and you are not going to be disrupted.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, it is for a fact and it is in the public domain that, none other than the Deputy President Hon. Rigathi Gachagua said that the maximum for this Fund is Ksh50,000. He is on record. He said much of that money will go to women, not even men. The question I am asking is this: If you are to help, for example, the *boda boda* people in this country, one *boda boda* costs Ksh120,000 in the shops that sells them. You want to give a *boda boda* guy Ksh50,000 only. Where is he going to get the *boda boda* from? How are you going to remove him from the poverty that you said you will remove him from? If he is paying the Ksh50,000 you are giving him with interest and he has a loan there, then he has to look

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for another Ksh70,000 to buy the *boda boda*. He then has to also borrow Ksh70,000 from somewhere and pay it with interest. This is making lives of the hustlers even more difficult than the way they found it before elections.

Hon. Temporary Speaker, we have so many funds in this country. We have the Youth Fund, the Women Fund, the National Government Affirmative Action Fund (NGAAF), National Government Constituencies Development Fund (NG-CDF) and the *Uwezo* Fund. What is the point of creating a Fund just in the name of your campaign slogan ‘hustler’, when you know very well the Youth Fund is there to help the youth, the *Uwezo* Fund is there to help businesspeople and the Women Fund is there? Why do you not strengthen those Funds? Why can you not put more money in those Funds and make them interest free?

Hon. Temporary Speaker, as the Minority, we will not accept Kenyans to be hoodwinked. We will not accept Kenyans to be lied to. I want to tell Kenyans from the Floor of this House that, that Fund is not going to change their lives. I can guarantee you. How can you get a loan with interest of 8 per cent and you are a hustler? Will you be paying the interest or will you be paying the principal? They were told during the campaigns that they are going to put Ksh50 billion in the budget that is going to change their lives and they are going to be given it for free. It is on record. That is the money that the hustlers were expecting. That is the money that the hustlers were waiting for until things changed.

This is a classic example of how politicians lie to Kenyans. They tell you all manner of things. The only money that I was sure that Kenyans would not be lied to is the Ksh6,000 *Baba* promised to every Kenyan. That one I was sure because it is affordable. Every family will have received their Ksh6,000, but this one of telling you that we are going to give you money to do business to change your life, to make things better for you, then you turn around and you say, no, it is a loan, you must pay back with an interest of 8 per cent... There are co-operative societies that are lending money at 8 per cent or even lower in this country today. Why should I go to the ‘Hustler Fund’? Then they said there are penalties. If you default in paying this loan, there are penalties. There are punishments. Your things will be sold, your *sufurias* will be collected from your house, your mattresses will be auctioned and your beds will be auctioned. Do you want to put Kenyans in that kind of situation? That is what a loan means. If you default a loan, that means everything you own will be auctioned. It is a fact.

Hon. Temporary Speaker, why do they want to auction Kenyans? Why do you not give Kenyans even a loan or a fund that has an interest of 1 per cent, if they are serious about helping Kenyans? Why can you not make the interest 1 per cent if you want to change the lives of Kenyans? Why 8 per cent? In the first place, Kenyans were expecting free money. They were expecting monies that they can be given so that they can improve their lives. Now, we have decided to say it is money that is supposed to be repaid with interest. Why can you not reduce the interest to 1 per cent if you are serious about helping Kenyans?

Hon. Temporary Speaker, this is one of the things that is going to finish Kenya Kwanza before 2027. This is one of the biggest frauds that are happening in our country. This is hustler fraud now. This is not a ‘Hustler Fund’; the name is hustler fraud.

With those few remarks, I oppose the regulations. Kenyans must be told the truth before they vote for you. This is the biggest con-game that has ever happened after the elections.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, we proceed. I will have one person from the left and one from the right. Now, we have a chance for Hon. Ruku, Member for Mbeere North.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. It is important to notify you that I am a member of the Delegated Registration Committee of this House. These regulations were brought to our committee by the relevant government department or the Ministry and we discussed and interrogated them in a very serious manner. If there is something which has been designed to take care of the bottom of the pyramid, it is this Fund. *Uwezo* Fund, the Youth Enterprise Fund, and other funds that were targeted by the Government were formed in a very elitist manner. It is only these regulations that are considerate and feasibility studies were done...

Hon. Emmanuel Wangwe (Navakholo, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Emmanuel Wangwe, Member for Navakholo?

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. I rise under Standing Order 83 just to find out if the Member is in order to refer to a committee called Committee on Delegated Registration which, when I check in the Standing Orders, I have not been able to find it. Am I in order to ask him to inform me if it exists in this House, Hon. Temporary Speaker?

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): I take note of that point of order. Hon. Members, we give some leeway to the new Members of Parliament. I believe that the Hon. Member meant the Committee on Delegated Legislation. You may proceed Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Thank you Hon. Temporary Speaker for your defence. I was saying that the only fund which is not elitist is this one we are trying to table before this House to be considered. Why am I saying this Hon. Temporary Speaker? The feasibility studies which were conducted before the proposed regulations outline clearly that over 5 million Kenyans every single day seek between Ksh500 and Ksh50,000. What Hon. Junet is talked about are people from our villages and different constituencies who want to get loans of more than Ksh50,000. But those are not within the category of the bottom of the pyramid. This category, which is about 5 million Kenyans, has found themselves in very shaky and very inter-twined situations. They have found themselves dealing with shylocks and other loans which they are unable to repay. This Fund has come to save and take care of the people whose problem is getting Ksh500, Ksh1,000, Ksh2,000 and up to Ksh50,000. The management of the Fund, if you look at the regulations, is well detailed. We will have a CEO who will run the Fund on a day-to-day basis with a board of management or a board of trustees, who will be taking care of the management of the Fund. It is well stated in the regulations how those members of the board will be nominated and how they are supposed to manage that Fund. Therefore, as a Committee, we state and assure Kenyans that their money will not be lost because there is even an aspect of saving. For every shilling you borrow and save, the Government of Kenya will add you two more shillings. That is to say that it will come to a point when you will not need to borrow more money for you to conduct your business, and this is stated in the regulations. Hon. Wangwe needs to go through the regulations slowly.

I support these regulations for the 'Hustlers Fund' to be...

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Temporary Speaker.

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The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I rise on a point of order to ask if the Member is in order to insinuate that for every shilling you borrow from 'Hustlers Fund' on an interest of 8 per cent that the Government will contribute to your savings Ksh2, when the Government itself is lending you at 8 per cent? They are not giving you free money. Why can they not then give you free money if they are able to give you Ksh2 for you to save?

Hon. Temporary Speaker, these are the kind of lies we do not want to be allowed in this country.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): You have made your point but, I would like to ask Hon. Ruku if that is truthful. I have given a point of order to Hon. Junet and he has raised an issue about truthfulness within the regulations. Hon. Ruku, would you like to withdraw or it is in the regulations?

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, if you borrow Ksh500, there is a percentage which you will save. Out of that percentage, you will save and the Government will add Ksh2 if you have saved Ksh1. That is factual.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Proceed with your debate.

Hon. Ruku GK (Mbeere North, DP): What I am saying is that we do not have any other fund in the Republic of Kenya which has such elements as envisaged in these regulations. These regulations are here so that we can have a fund which will take care of the people at the bottom of the pyramid or which will take care of hustlers in a manner that has not been done in the past. That is why we are confident that the Kenya Kwanza Manifesto, in coming up with these regulations, is for the interest of the very poor in our constituencies across this country.

Hon. Temporary Speaker, I support these regulations.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well Member for Mbeere North. The next opportunity, Hon. Members, goes to the Member for Mwingi Central, Hon. Gideon Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. I rise to oppose vehemently these regulations on the following basis: Number one, when the Kenya Kwanza brigade was moving around traversing the country during the campaign period, they promised Kenyans many things, amongst them the 'Hustlers Fund'. They promised that most of these things will be delivered within the first 100 days. On the 'Hustlers Fund', even if you took television clips during the campaign trail, it was to be interest-free.

Hon. Temporary Speaker, you know the Kenya Kwanza Alliance got used to moving around and dishing out money to hustlers and the expectations after elections was that the same money that was being dished out during the campaign period would continue to be dished out, and even much more from Government. But the hustlers have now turned around and have changed their mind and have discovered that what they were promised is not practical. They are now putting interest on the money that they promised to give hustlers for free. There are many other things, apart from the 'Hustlers Fund', which they promised. They promised food security, but we know people out there are dying of hunger. In my constituency, I have lost four people due to hunger. The only food that I received in my constituency was 450 kilogrammes of rice for a population of over 500 persons, which is a drop in the ocean. Therefore, Kenyans are being taken for a ride by the Kenya Kwanza Government through these regulations that have been tabled.

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As the Leader of the Minority Party clearly said, there are so many funds out there which have been devolved by previous administrations. The former President Uhuru Kenyatta introduced the *Uwezo* Fund which was interest-free. Even though someone from the other side said that the Fund has collapsed, it is still there to date. The former President Kibaki introduced the Constituencies Development Fund (CDF). All those funds are there.

The Jubilee Administration also introduced the National Government Affirmative Action Fund (NG-AAF), which is free money. County Women Representatives use that money to buy items for women and youth. They do not pay it back. They buy umbrellas and *boda bodas* for free. Therefore, we are being taken for a ride because the Kenya Kwanza Government has now come back to reality. They have seen the reality of Kenya's economy and have discovered that what they promised is completely impractical. Therefore, they are introducing these regulations with interest so that they can collect money from the hustlers.

In my view, they should continue giving out money like they did during the campaigns. Give *mama mbogas* and *boda bodas* money which should not be refundable. How do *mama mbogas* refund money? They display their wares beside the roads. They do not even have shops or bank accounts.

(Laughter)

How will they pay back that money? They live from hand-to-mouth. They use whatever they collect daily to buy food for their children and use the balance to pay school fees. They then come to us to give them funds through NG-CDF. They should continue doing that instead of wasting time tabling regulations and putting people at risk.

When you come up with a law in Parliament, it is like you are giving notice that you will arrest those people. These regulations will become law. Therefore, we will be passing a message to hustlers that they will go to jail if they receive this money and are unable to pay it back. We are warning them in advance not to take that money.

(Laughter)

I expect the Kenya Kwanza Government to reduce taxation. If you care about hustlers, reduce tax rates from 16 per cent to 10 per cent. Remove taxes on motorcycles.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mulyungi, there is a point of order from Hon. Miruka Alfah, Member for Bomachoge Constituency.

Hon. Alfah Miruka (Bomachoge Chache, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Miruka?

Hon. Alfah Miruka (Bomachoge Chache, UDA): Hon. Temporary Speaker, is the Member in order to mislead Kenyans that if they borrow from the 'Hustlers Fund', they will be jailed?

Secondly, is the Member in order to mislead Kenyans that *mama mbogas* in the village should have a bank account to access the 'Hustlers Fund'? That is not the case. To access the 'Hustlers Fund', you need a telephone number and an identification number. That is my point of order.

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The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): His debate was very humorous, but Hon. Mulyungi is in order to debate the Motion the way he feels like because he must have read the Motion. Hon. Members, let us be patient. Let us give each side of the divide enough time to debate. However, if you have a point of order, I will give you an opportunity to prosecute it. In terms of the point of order that has just been raised, the Member is in order. You may proceed.

Hon. Junet, who do you want to inform? Hon. Mulyungi, do you want to be informed by Hon. Junet?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes, Hon. Temporary Speaker.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I would like to inform Hon. Mulyungi, a former Permanent Secretary, architect and a very learned man who has served this country in very high capacities that the law is very clear. If this House passes a law, it is enforced and applied. That means that if you borrow a loan and you default on payment, you will be jailed. That is all. I would like to tell hustlers that if they default on paying this ‘Hustler Fund’ loan, they will be jailed. Period!

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, for the purpose of making progress, I will ask Hon. Mulyungi to proceed with the Motion. Your time is almost up but, please, proceed.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. Just add me one more minute. I would like to inform my colleague, Hon. Miruka, who is my friend, that where I come from, *mama mbogas* do not have smartphones. It will be very difficult for them to use phones to apply for that loan.

Finally, I expect the Kenya Kwanza Government to lower the cost of fuel, lower taxation and give out *boda bodas* for free. That is what I expect. Build kiosks for *mama mbogas* for free so that they can be seen to be supporting them.

With those few remarks, I oppose the regulations.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Let us have the Member for Molo Constituency, Hon. Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. At the outset, I support the Public Finance Management Regulations of 2022. Because I love numbers, I would like to inform some of my colleagues who are opposing these regulations of a few numbers that would be critical to them.

The interest rate on the ‘Hustler Fund’ is at 8 per cent per annum. One of the honourable Members referred to this as Government “*Fuliza*”. For the record, I will try to compare those two funds so that when we tell the Member that he is out of order next time, he will know that he is factually out of order. For you to just access a *Fuliza* loan, there is a facilitation fee of 7.5 per cent. What we are offering has no facilitation fee at all, just an interest rate of 8 per cent per annum.

The honourable Member who has just contributed has talked about hustlers who do not have smartphones. Let me inform him that this product is accessible through a regular cellular phone, those called USSD. In the same way that you check your airtime balance from Safaricom through *144#, hustlers who do not have smartphones will still be able to access those funds through USSD.

I would like to inform this House that, as per the Kenya National Bureau of Statistics Report of October 2022, our rate of inflation is at 9.6 per cent. When the rate of inflation is at 9.6

per cent and hustlers are accessing funds at 8 per cent per annum, only lie to stupid people that we are stealing from them. This is the cheapest and most accessible fund in the market.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Junet, what is out of order?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, is it in order for Hon. Kuria, who is a distinguished Certified Public Accountant (CPA), to say that because the inflation rate today is at 9.6 per cent and the ‘Hustler Fund’ will be at 8 per cent, it is cheap? Who told him that the inflation rate will remain at 9.6 per cent? The inflation rate could come down to 1 per cent, my brother. That is when the cost of living will come down and life will be cheap. Do not make it look good. At 9.6 per cent, it is almost a double digit. Let him not mislead the country that the inflation rate is at 9.6 per cent.

Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Junet, you have made your point. I was also listening; Hon. Kimani you said: “Lying to stupid people.” That is unparliamentary. I would like you to withdraw, then you can proceed with the Motion.

Hon. Kimani Kuria (Molo, UDA): Thank you, Hon. Temporary Speaker. I withdraw the word ‘Stupid.’ I will, however, not withdraw the fact that our inflation rate is at 9.6 per cent; 8 per cent interest is reasonable. Hon. Mbadi and Hon. Junet, you had your chance to contribute and we gave you time. Let me speak to the hustlers.

The other most popular digital loan products available in the market in this country are the Tala and Branch. The interest rate for Tala is between 84 and 152 per cent per annum. The rate of interest for Branch is between 156-348 per cent per annum. Because we care about access to credit of the person at the bottom of the pyramid, who does not have access to SACCO borrowing like some of us and has no security or collateral to take to the bank for loans, we are giving them a solution. This solution will take you away from the yokes of Tala, Branch, M-shwari and all these other funds that continue to jeopardize the life, safety, and health of these hustlers.

Another example is that of *boda boda* people now getting loans to buy motorcycles. These sellers have been shrewd in how they advance these loans. They ask the people to pick a *boda boda* from them and they expect them to pay Ksh300 per day. They will then urge them to pay and pay but when they are left with only one or two installments, they will come and take the motorcycles. We are telling hustlers that they have a chance to own that motorcycle without having to risk to pay the entire principal amount for many months only for the motorcycle to be taken away when they have only one or two installments left.

The credit ratings that have been used by the banks in this country is that if you default your loan once or twice, then you get to lose.

(Hon. Jessica Mbalu rose on a point of order)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Jessica Mbalu, what is out of order?

Hon. Jessica Mbalu (Kibwezi East, WDM): Hon. Temporary Speaker, I get confused when Members debate and say this is a Hustlers Fund. I have not seen anywhere written ‘Hustlers Fund.’ Let us stick to the Motion – it is Financial Inclusion Fund not unless there is a different Order Paper.

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The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): This Fund is commonly referred to as “The Hustlers Fund”. Hon. Members, Hon. Jessica has raised a valid matter. Please refer to the Motion as stated. However, when Hon. Members are debating, they are allowed to use the language that resonates with their electorates. I urge you to refer to the Order Paper as it is.

Hon. Kimani, you may proceed. You still have some time left. I will give you a minute more because of the interruptions.

Hon. Kimani Kuria (Molo, UDA): Thank you, Hon. Temporary Speaker. We call it the Financial Inclusion Fund but for the sake of my debating, I would like to refer to it in a way that my people understand –the ‘Hustlers Fund’.

Before I was interrupted, I was talking of *boda boda*. I said that we have businessmen who are now operating as financial institutions. For them to escape the procedures laid by this House in terms of regulations guiding opening of financial institutions, they lend directly to these motorcycles – *boda boda* riders. They wait until you have one or two instalments to pay and then they come and take away those motorcycles. I have numerous cases. These are the people I want to save by the start of this Fund. A lot has been said about how much is enough. People have said Ksh50,000 and Ksh100,000 are nothing. The people who elected me twice to this Parliament are the great people of Molo. Many of them access a loan of Ksh10,000 to go and buy potatoes in Kapsita and Mariashoni and then sell them in Molo Town at a profit. That is how they earn their income.

What happens? They have no place to get these loan facilities. They rely on shylocks who are usually present at the entrance of Molo market. They give you Ksh10,000 to buy potatoes and then you come and sell them. People repay Ksh10,000 with Ksh1000 more. That is 10 per cent interest per day. These are hardworking people of Molo who want to earn their sweat. They want to have the dignity of work. They do not want somebody to follow them and wait when they are selling their wares to ask them to pay KSh10,000 at 10 per cent interest. Most Members in this honourable House have access to cheap credit. They access bank overdrafts in our banks because you have pay slips. They have SACCO savings because they save there. They also access loans at the banks because they have securities to take there.

We should stop our political differences and support this Motion. We should not just oppose it. How about if we enrich it? When we roll out this Fund, it will not only be accessible and useful to people in Kenya Kwanza Coalition but also to all members of this Republic of Kenya as per these regulations.

I urge this honourable House to enrich this Motion. Instead of just opposing it, bring an amendment. If you convince us that the amendment will make this Fund more accessible, convenient and cheap to the people of the Republic of Kenya, we will be happy to support you. I will be the first one to support you.

We are legislators. We can bring an amendment to an Act of Parliament. Let the Fund be accessible to Kenyans. If you have something good to add, improve this debate but not just oppose for the sake of doing it.

Lastly, I would like to urge Kenyans to have the culture of saving and honouring our debt obligations. In the regulations, this Fund has a way of credit scoring. The more you are able to pay or honour your loan obligation, the higher the amounts for borrowing. If you save more money, the Government matches those savings, so that at least this country can also improve its savings.

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I support this Motion on Consideration of the Public Finance Management (Financial Inclusion Fund) Regulations, 2022. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. John Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Temporary Speaker. I am aware that Kenyans are complaining about lack of access to credit facilities by micro, small and medium enterprises. Actually, that is the category of people we are targeting with financial inclusion. It is also true that as...

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

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Millie Odhiambo?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Speaker. I do not wish to interrupt my neighbour but people know I rarely come to this House very early. Today I was here early and I am concerned because I cannot see you noticing me yet I am also a ranking Member. I know Hon. Mbadi and we are political agemates. I am not complaining about him but I am just concerned even if you were to put gender issues into account. The reason why I am saying this is because sometimes I understand that technology maybe problematic. I might be seated here waiting for my turn but technology is the problem. I just want your assurance.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Millie Odhiambo, I noticed you raising your hand and requested someone to assist you. This is because we could not see your name on the screen. You will get a chance Hon. Millie.

You may proceed, Hon. Mbadi.

Hon. John Mbadi (Nominated, ODM): Actually, Hon. Millie is a ranking Member. Although, according to the Standing Orders even if we are agemates, in this House I am ranking Member No.1 after Hon. Duale left. So, I am still perfectly in order to go ahead of Hon. Millie.

I said that access to credit facilities has been a challenge to MSMEs in this country. This cannot give Government a blank cheque to turn itself into shylock. With these regulations we are making the Government of Kenya a shylock. The same shylock the Member for Molo was against is what the Government of Kenya is going to do to our people. I want to persuade Hon. Members that we must reject these regulations so that they are done afresh. Why do I say so? In moving this Motion, the Mover Hon. Chepkonga tried to persuade us that 8 per cent is meant for administrative costs. Hon. Temporary Speaker, that is not correct. I want to read the same Regulation No.25; it says that administrative costs of the Fund shall be met through appropriations to the State Department responsible for matters relating to MSMEs. What that says in simple terms is that this House will be appropriating money which will be used to administer this Fund.

The question we want to ask is why these poor Kenyans are being charged 8 per cent per annum. Let no one cheat Kenyans this is a small percentage. It is high and, in some jurisdictions, this is unheard of. It is only in Kenya where accessibility to credit is difficult, where we have overborrowed money and banks are charging obscene interest rates so we think 8 per cent interest is a low interest rate. If you borrow Kshs50,000 you will pay Kshs4000. If you divide you will find that every day you will be paying Kshs11 as interest only. This is not a small amount. For the mortgage loan a Member of Parliament pays 3 per cent per annum as interest rate. Public servants pay 3 per cent as interest rate on mortgage yet, you are telling Kenyans that *mama mboga* out there whom you have christened as hustlers should pay 8 per cent per annum. This is obscene interest

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rate that should not be allowed to pass in this House. Where is the report of the actuaries who tabulated and calculated to find 8 per cent as the desirable interest rate?

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Order, Hon. Mbadi! There is a point of order from the Chairperson, Hon. Chepkonga. What is out of order, Hon. Chepkonga?

Hon. Samwel Chepkonga (Ainabkoi, UDA): I rise pursuant to Standing Order No. 81. Is it in order for Hon. Mbadi to compare the Parliamentary Service Commission (PSC) Mortgage Scheme where the people who manage it are employees of PSC? They are not paid from the interest charged to Hon. Mbadi's mortgage which is advanced to him. In fact, it is Government that pays them salaries for sitting in the PSC Mortgage Committee. I was not being paid out of the mortgage when I was a member there. So, the comparison of three per cent is misleading.

(An Hon. Member spoke off record)

I am not debating. Hon. Mbadi is out of order to claim that the interest is too high when he as an accountant knows that the Central Bank has fixed the base at 8.75 per cent. So, that one of 'Hustler Fund' is lower than the commercial percentage rate fixed by the Central Bank of Kenya by 0.75 per cent.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): There are two matters that you raised, one was on comparison. Hon. Mbadi, the two are not comparable. I would like to say that regarding the second point that you tried to make, you are debating the Motion and I will not allow you. For that matter, I ask Hon. Mbadi to proceed with the debate.

Hon. John Mbadi (Nominated, ODM): Hon. Temporary Speaker, kindly guide Hon. Chepkonga. He keeps quoting the wrong Standing Order. Standing Order 81 does not talk about what you have always been talking about. Kindly read it.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Hon. Members, since this is a House of record, I would like to read Standing Order 81.

Hon. John Mbadi (Nominated, ODM): Hon. Temporary Speaker, you will save my minute.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): I will save your minute; I assure you. Hon. Chepkonga, Standing Order 81 has nothing to do with the matter you raised; it is Standing Order 83 that talks to the matter. The moment you confuse the two numbers it means you have erred. For that reason, I give a chance to Hon. Mbadi to finalise his debate.

Hon. John Mbadi (Nominated, ODM): Hon. Temporary Speaker, I would want the Chair to listen to this; the administrative cost of this Fund is not going to be met from the 8 per cent unless you have a different set of regulations. It is clear that the administrative cost of the Fund shall be met through appropriations of the state department responsible for matters relating to micro, small and medium enterprises. It has nothing to do with the 8 per cent. You have been misleading the House. What is the 8 per cent for? I still want to insist that this 8 per cent is too high. You cannot compare the base lending rates with what we should charge the poor Kenyans out there. The reason why the base lending rate is where it is today is because of the overborrowing by the Government. What the Kenya Kwanza Government should do, and I thought that is what you promised us on rallies, is to maintain fiscal discipline to help manage the monetary policy of

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the country, to lower the base lending rate even to 3 or 4 per cent as it is in other jurisdictions and then you can charge our hustlers about 4 per cent.

Hon. Temporary Speaker, there is nobody who has ever started a business with a loan and succeeded. Loans are used to enhance and expand businesses and make them more viable. Starting a business with a loan is suicidal. The Government should have thought of giving the hustlers (and I want to use this word very strongly because you used it during campaigns) grants to start their businesses. We support the establishment of the Fund, but not to extort and fleece our people hence making them poorer in the name of giving them the capacity. Let me warn the Hon. Members here, the moment you allow the Fund to be operationalised, the electorate will borrow it and come to you when the Government comes for their assets. We have seen it with the Women's Fund. People will be auctioned. It will become 9.5 per cent if you default. What kind of a government can operate like this? I thought we had serious economists advising this Government. Hon. Temporary Speaker, I am persuaded that the economists advising the President and the Cabinet should be fired as early as yesterday. They are misleading this country. In fact, they should be fired because they are misleading this House. You cannot make that kind of money in the kind of economy we are in. We are still struggling to come out of the COVID-19 Pandemic period. Which business can even give you a 5 per cent profit? You want to charge our people 8 per cent.

Hon. Ruku GK (Mbeere North, DP): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): I see Hon. Ruku has a point of information. But before I would like to ask Hon. Ruku, who do you want to inform? He has a point of information. That is why I am asking Hon. Ruku, who do you want to inform? You said you have a point of information. Who do you want to inform, Hon. Ruku?

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, there is nobody who is

....

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Who do you want to inform, Hon. Ruku?

Hon. Ruku GK (Mbeere North, DP): The people of Kenya because they are being deceived by Hon. Mbadi. He is misinforming the people.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Ruku, unfortunately, you are out of order. You cannot inform Kenyans when another Hon. Member is in the middle of a debate. I know you are still learning the ropes, but you cannot do that.

(Loud consultations)

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, it is not fair for Hon. Mbadi to I want to be truthful because as you keep on saying, this is a House of records. Loans pricing and distribution....

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Ruku?

Hon. Ruku GK (Mbeere North, DP): I am rising on a point of order. What is the name of this book?

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Do you want to ask Hon. Chepkonga which point of order it is? You cannot ask.

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Hon. Ruku GK (Mbeere North, DP): Standing Order 106 on irrelevance. The point which Hon. Mbadi is trying to make is totally irrelevant as far as the Financial Inclusion Fund is concerned. To that extent, he is misleading this House. I am aware of Standing Order 106 on irrelevance and repetition. I am aware of the Standing Ordre even if I am a new Member of this House. Whatever Hon. Mbadi is informing this House is completely irrelevant as far as the ‘Hustler Fund’ has been conceived and established under these regulations. That is what I want to address.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Ruku, you have actually done very well in terms of truthfulness. Standing Order 106 is about relevance but Hon. Mbadi was relevant to the Motion. So that we can make progress, Hon. Members, I would like to allow Hon. Mbadi to proceed.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I really appreciate what Hon. Ruku has said. But Standing Order 106 talks about irrelevance to the debate.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Unfortunately, Hon. Junet, you cannot raise a point of order on another point of order. So, you are out of order. Hon. Mbadi, proceed.

Hon. John Mbadi (Nominated, ODM): Hon. Temporary Speaker, I do not really know what was irrelevant in what I was saying. I was really struggling to hear what the Member for Mbeere North was saying, but I failed to understand what he was saying. Anyway, I have said that this Fund is going to be very costly to our people.

Two, what has really disturbed me is that you are telling Kenyans that when they borrow money, 5 per cent of what is borrowed is automatically saved somewhere, where they do not know. You are not even telling us where this money will be saved, but that is not the point. I have never heard of any scenario where I go to the bank to borrow money to do business and I am told that I have to leave behind five per cent of what I am borrowing to be saved on my behalf. I am borrowing to do business for heaven’s sake. You cannot be forced to save money you have borrowed. I do not know anyone in this House who is a good financial manager who borrows money then saves it. You cannot borrow money and save it. The interest rate on money markets, which are one of the safest ways of borrowing in this country, is less than 9 per cent at the moment. You borrow money which you will pay back at an interest rate of 8 per cent and someone will save it for you in a Government institution. Most of these Government institutions are run down and will not even give you a 5 per cent interest rate yet, you are paying an 8 per cent interest rate on that loan.

Please allow Kenyans to use the money they have borrowed to do business. You can encourage them to invest or save the profits arising out of the businesses they are engaging in. But you cannot force any Kenyan to borrow Ksh50,000 and out of it, Ksh2,500 is automatically deducted. That is why we say that this Government is becoming a shylock. This Government is turning into the *Fuliza* money-lending platform. It is Tala and M-Shwari in disguise. In fact, this Fund has borrowed all the bad manners of these institutions that we are talking about. If you borrow money from the *Fuliza* money-lending platform, there is an automatic amount deducted. If you borrow from M-Shwari, it is the same. If you borrow from the Kenya Kwanza Government, a percentage is automatically deducted. This is a “*Fuliza*” Government. Whether you like it or not, this is a “*Fuliza*” Government under a different name. Kenyans did not expect this. Kenyans were promised....

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The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Order, Hon. Mbadi. There is a point of order by Hon. Miruka Alfah.

Hon. Alfah Miruka (Bomachoge Chache, UDA): Thank you, Hon. Temporary Speaker. I think I

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): What is out of order, Hon. Miruka?

Hon. Alfah Miruka (Bomachoge Chache, UDA): Hon. Temporary Speaker, is the Member in order to say that the ‘Hustlers Fund’ is equivalent to *Fuliza*? *Fuliza* automatically deducts the interest payable while there is no interest to be deducted on the ‘Hustlers Fund’. The 8 per cent interest rate is applied per annum and it is part of the regulations that we are currently debating. I am not sure whether the regulations have the 8 per cent interest rate. We are discussing the Fund Regulations to enable the common *mwananchi* to freely access funds that can sustain him or her. Is the Member in order to equate the ‘Hustlers Fund’ to the *Fuliza* money-lending platform?

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mbadi, would you like to explain to the House the matter that has been raised?

Hon. John Mbadi (Nominated, ODM): Yes, I will educate him, Hon. Temporary Speaker.

(Laughter)

Hon. Temporary Speaker, I have not borrowed from *Fuliza*, but from what I hear, 7.5 per cent is automatically deducted. In this Financial Inclusion Fund, if you borrow money, five per cent is deducted. Those are similar characteristics. The only difference is that one deducts 7.5 per cent interest and the other five per cent. The Financial Inclusion Fund charges an 8 per cent interest rate while the percentage is higher for *Fuliza*, but you are still charged. You also receive *Fuliza* funds via the phone. So, what is the difference between this Fund and *Fuliza*? Nothing. I said before the Leader of the Majority Party walked in that the moment your people borrow this money, they will fail to pay and they will come to you to help them pay.

Hon. Temporary Speaker, I urge this House....

Hon. Kimani Ichung’wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): He only has half a minute left, but there is a point of order from the Leader of the Majority Party. What is out of order, Hon. Ichung’wah?

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, Hon. John Mbadi has mentioned me and the people of Kikuyu who are very dear to me. Besides that, I was in the office listening to the contribution by Hon. John Mbadi, which is laden with a lot of misleading information. I just walked back because part of what Hon. John Mbadi contends is that the people of Kikuyu will be unable to pay because they are being forced to pay back. They are, however, not being forced to save. Hon. Temporary Speaker, Hon. Mbadi is a seasoned accountant and a very experienced one like myself, only that I qualified as an accountant before him.

(Hon. John Mbadi spoke off record)

(Laughter)

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Order, Hon. Mbadi.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I qualified as an accountant when I was a student at the University of Nairobi in 1996. Hon. John Mbadi was then a junior accountant at the students' welfare placed next to Hall 9. As a junior officer, he was not qualified. He qualified later.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Hon. Ichung'wah, you can now go to what is important.

Hon. Kimani Ichung'wah (Kikuyu, UDA): More importantly, Hon. John Mbadi as an accountant knows that you will not walk to a bank today without any banking history and be afforded the opportunity to access credit. It is that that informs...

(Hon. Millie Odhiambo-Mabona spoke off record)

Hon. Temporary Speaker, if you can protect me from the shouting by the Hon. Millie Odhiambo. She should get accustomed to listening when serious legislators like myself and Hon. John Mbadi are engaging on serious issues. That is when she may have the temperament to just listen.

In the banking sector, you borrow based on your credit history. It is what this Fund is seeking to achieve because when the bank asks you for your six months' bank statements to be able to evaluate whether you can borrow money from them or not, it is because you have built some history. It is that, that the Fund seeks to do by ensuring that people also are saving within the Fund. I heard Hon. John Mbadi say that you are saving in amorphous Government institutions. If you are a member of a SACCO, your savings go into your SACCO. The savings that you manage is your money. You are not saving for the money to be used by the Government. Tomorrow you will not need to borrow; you just need to access your savings once you have repaid your loan. Therefore, I just wanted to correct the misinformation because Hon. John Mbadi as an accountant – as accountants we deal with facts and figures – knows his facts but he wants to play politics. It is good to play politics but it is also unfair to misinform the people of Kenya and allude to the fact that people are being forced to do this and that people will be unable to pay. I just want to inform him that the people of Kikuyu are yearning for this Fund; and they will pay the loans they will manage to access.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Hon. Ichung'wah, you have made your point. However, you are indicating that Hon. Mbadi...

(Hon. Kimani Ichung'wah spoke off record)

Hon. Mbadi has a minute left.

I am finding it very difficult Hon. Junet to allow your point of order on top of another point of order.

(Laughter)

I will follow the rules of this House. I cannot allow a point of order on top of another.

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(Hon. Junet Mohamed spoke off record)

You have a point of information?

Hon. Junet Mohamed (Suna East, ODM): Yes.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Who do you want to inform? You have a minute to do so.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Temporary Speaker. I want to inform Hon. Mbadi that what the Leader of the Majority Party is doing on the Floor of the House is very wrong. You stand on a point of order then you start debating. We are under the Standing Orders. We are not under the orders of Hon. Ichung'wah in this House. This is the fourth time he is doing it. This is the third time he is doing it in my presence by rising on a point of order then starts debating.

Hon. Temporary Speaker, the Leader of the Majority Party is not above the Standing Orders. He must operate within the Standing Orders. He knows very well that the people of Kikuyu Constituency have been conned through the 'Hustler Fund'.

Thank you very much.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mbadi, you have a minute to finish your debate.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Temporary Speaker.

As I conclude, you know that the Leader of the Majority Party is even misleading this House that I am his junior. You know in professions, you become a junior to someone depending on when you are registered. If we brought our registrations, the time we were registered, even his registration number shows he is my junior with very many years. I did CPAs in a record of two years as he struggled for three to four years.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mbadi, please say what is relevant to the subject matter.

Hon. John Mbadi (Nominated, ODM): To be honest, let us reject these regulations. Regulation 21 gives the financial intermediaries powers. They may match the funds or not. We should be clear that if you are accessing this Fund as a financial intermediary, you must match the funds. We should say that they shall match the funds but not may match the funds. The use of the word "may" gives leeway to these intermediaries to access this Fund and do business with it without matching. This Committee did a shoddy job. We must return these regulations. We need these funds. We must have this Fund. However, the regulations must be rejected by this House and re-done by the Government.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Naomi Waqo, Member for Marsabit.

Hon. Junet Mohamed (Suna East, ODM): She has stepped out.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, I really wanted a voice of a female Member of Parliament. I realised that we had not heard any voice from a female Member of Parliament. I cannot see any Hon. Members who want to contribute on this side. So, I will give a chance to Hon. Julius Rutto, Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this Motion.

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(Several Members spoke off record)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members who are shouting Hon. Mishra are out of order.

(Laughter)

Hon. Julius Rutto (Kesses, UDA): Thank you for protecting me, Hon. Temporary Speaker. For record purposes, I am Hon. Julius Rutto CPA. I am junior to them. I rise to support this Motion on Consideration of the Public Finance Management (Financial Inclusion Fund) Regulations, 2022. Financial Inclusion Fund is also known as the ‘Hustler Fund’.

This has come into force or action because of the situation that Kenyans are going through. We are privileged to be in a country where people are hardworking. They desire to make their livelihoods. We are cognisant of the economic challenges we face at the moment. If you go down there where our SMEs are, the behaviour of borrowing exists. There is also a behaviour that is established. Some lenders sit at the market in the morning to lend money to *mama mbogas* and then they are paid in the evening at an interest rate of 10 per cent per day. Eight per cent interest is bringing an issue here. I agree with all of us that for a Fund to be sustainable, it requires repayment together with a cost factor in it. This cushions the users or administrator from utilising the capital aspect, so that in the long run, we do not deplete the Fund. It should grow with time. I am sure this House will appropriate funds to this Fund.

Thank you very much. As much as we desire to keep appropriating funds to this particular Fund, it will reach a time when there will be other goals or priorities that will need to be looked at. For the purpose of this Fund to grow and be stable, we have to ensure that the borrowers of these funds bring it back, including accrued interest. At the end of the day, these funds are borrowed to grow or advance the business and increase the profit. The borrowing practice of SMEs is not annual but on daily basis or largely weekly basis. If you appropriate 8 per cent profit, it will come down to a small percentage that is incomparable to the 10 per cent they pay daily.

I encourage Hon. Members to look at this particular Fund beyond our political persuasion. Let us look at it because it will affect all Kenyans called the hustlers, sufferers or bottom. They are all over in the 47 counties in Kenya. Let us support them by ensuring that Government leads in recognising the challenges they go through, the needs that are required and the spirited fight that they demonstrate. They are willing to create employment to support themselves. This is because the market cannot absorb the current rate of Kenyans who are ready to be employed. So, this House should approve these regulations because there is nothing that can stop... When we realise there are some challenges nothing will stop this House from relooking and solving them. For now, let us approve these regulations and ensure this Fund starts operating. Let us support the *mama mbogas* and young men because when you meet them, they ask for support of their daily payment for their motorcycle or *boda boda*. This is because they take loans which they pay on a daily basis, some to a tune of Ksh400. By ensuring we approve this Fund...

Hon. Julius Melly (Tinderet, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): I have a point of order by Hon. Julius Melly, Member for Tinderet. What is out of order?

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Hon Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 95 noting the mood of the House, ventilation and debate. I wish that the Mover be called upon to reply.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): That the Mover be called to reply? Well, I assent to this but after the Member for Kesses has finalised. I will give Hon. Millie Odhiambo a chance and then we can call upon the Mover to reply. Is that the mood of the House?

Hon. Members: Yes.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Member for Kesses, please finish your debate.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. Let me finalise my submission. Indeed, let us rise to the occasion. This is a calling to Kenyans who are suffering and living below a dollar per day and that is how the word ‘inclusivity’ came in. Let us accommodate and give them an opportunity in their daily toils to realise their energies the same way we are earning our livelihoods.

Thank you very much, Hon. Temporary Speaker. I stand to support these regulations which ought to be passed by this House.

The Temporary Speaker: Very well, Member for Kesses. Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Speaker. First of all, let me thank the Parliament of Kenya for sending Members for sports. May they be sent every three months because it is very exciting and we do not want to wait for long. We were few and it was very exciting. So, may Parliament form the habit of sending more Members for sports every three months.

Hon. Temporary Speaker, having said that I am among the naysayer who Hon. Kimani Ichung’wah was referring to unapologetically, I do not support the Financial Inclusion Fund Regulations as crafted. We do know for sure if we need to include majority of Kenyans. I do not like using the word ‘hustler’ because it is really abused. Most of my life I have worked on the issue of inclusion. So, I think this Fund will be used to abuse that category of persons.

The reason I want to reiterate what other Members have said is because this is *Fuliza* in another word. It will end up harming majority of the women and youth in this country. For example, if you are given Kshs500 an amount is automatically removed plus the 8 per cent interest. What the hell will you remain with? This money is not even enough to purchase the phone through which you receive this money. Even if it is a *mlika mwizi* you cannot even buy it with this money. So, if you ask me this is a cash cow some people are trying to use to steal money from Kenyans.

Hon. Temporary Speaker, I do not understand why what we had started in the last Parliament could not have continued. This was consolidating all Government Funds including the Uwezo Fund and reforming them, so that they serve Kenyans better. I want to agree with Hon. Mbadi that we need a grant for this category of persons who we all have in our constituencies. People who have very small amounts of money make a difference. The Member for Molo was talking of Ksh10,000. I come from a constituency where Ksh1,000 or Ksh2,000 will make a difference. Although it will not make a difference when you are giving with the right hand and taking away with the left hand because this is what this Fund is doing. During the campaigns I heard Hon. Ichung’wah telling people that it would be interest-free. Today, I am hearing him changing and saying that it will be charged 8 per cent interest.

I would also want to indicate that there is also a constitutional issue. You cannot force Kenyans to save; people save voluntarily. I spoke to one of the Members informally. I do not want to mention who that Member is because he is a supporter of this Fund. He said, Kenyans can only save voluntarily. How do you force people to save? That is unconstitutional. You cannot force people to save. If you want to give people money, give them without forcing them to save.

When you take little money here and there from people, where will they get the energy and resources to chase their Ksh150 that has been saved. The money they will use in terms of the credit is too much money.

In conclusion I want to quote one of the Members that I saw online who raised an issue of cohesiveness in terms of government policy. I also want to quote somebody called Sankei Saitoti who today said that there is something with this Kenya Kwanza Government. A ban is imposed by the Ministry of Interior, lifted by Public Service Ministry; the Trade Cabinet Secretary is talking of maize while the Cabinet Secretary for Agriculture is silent; the Sports Cabinet Secretary is commissioning exams while Kenya Sevens are fundraising. Clowns all over.

I think before we get here where we are trying to come up with regulations and all, can this Government first have cohesion in terms of its own policy and the duties of Cabinet Secretaries? You cannot have people popping up like popcorns. Cabinet Secretary in charge of Labour is talking about sports, very soon you will be hearing another Cabinet Secretary that is not in charge of this Fund talking to us about it and saying their own things. I want to tell Hon. Ichung'wah that I am glad to learn that Hon. Mbadi is his senior and I am also a senior to your Member of Parliament who is moving these regulations in law because I am seeing the Certified Public Accountants (CPAs) are proud today telling us they are accountants. I am also a lawyer and I am senior to your lawyer.

Thank you and with those few remarks I oppose.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Members, Hon. Melly, the Member for Tinderet rose on a point of order under Standing Order 95 asking for the Mover to be called upon to reply. Hon. Members, I would like to establish whether that is the mood of the House.

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

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Chepkonga

Hon. Samwel Chepkonga (Ainabkio, UDA): Thank you very much. I would like to thank Members. I would like to donate six minutes of my time to three people.

(Hon. Members consulted loudly)

It is allowed.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Hon. Chepkonga, with all due respect the House has made a decision that you, the Mover, be called upon to reply. So, the only opportunity you have is to reply. If the debate had gone to the end, then you would have had 10 minutes to debate.

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Order, Hon. Members!

Hon. Samwel Chepkonga (Ainabkoi, UDA): I will speak on behalf of Hon. Kamket, Hon. Melly and Hon. Mwashako who were willing to contribute to this Motion in a very positive way.

I would like to thank all the Members that have contributed in one way or the other including those who are opposed to it. The contribution was intended to enrich these regulations. In fact, it is not opposition. What I took from Hon. Mbadi was critique of the regulations which we have taken positively. We will consider them, those we think are good will be anchored in the regulations and we will prepare a corrigendum. The committee listens and I would like to assure this House that this committee is up to the task. We met two Cabinet Secretaries who were represented by Principal Secretary Muia. Cabinet Secretary Chelugui was also in attendance. I would like to assure you, Hon. Temporary Speaker, that we did justice to these regulations. We had very eminent people there. We had Hon. Mbui, Hon. Tindi Mwale and Hon. Okello, who are former Members of this Committee when Hon. Kamket was the Chairperson. So, we had valuable experience from those Members who were carried over from the previous Parliament. They offered us valuable assistance in coming up with these regulations.

I would like to assure Members that the intention of these regulations is to build creditworthiness of borrowers. We want to get to a situation where people borrow without giving any collateral but based on one's honesty in repaying the loans extended to them. These monies that are going to this Fund are out of our taxes. Hon. Mbadi spoke very eloquently. He talked of giving money to hustlers. You must weigh this together with fiscal discipline which ensures that the Government uses the monies that it collects in a manner that gives return on investment and promotes good economic policies. These regulations are intended to achieve this.

Hon. Temporary Speaker, I would like to thank every Member that has contributed to this Motion. We will take their contributions into account. I plead with the Members to pass these regulations so that the hustlers in all the constituencies that are represented here benefit.

With those many remarks, I beg to reply.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well-spoken Hon. Chepkonga. Putting of the Question on this Motion will be done in the next Sitting.

(Putting of the Question deferred)

Next Order.

BILL

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (No. 2) BILL (SENATE BILL No.4 OF 2022)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Chairperson, Budget and Appropriations Committee.

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Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the County Governments Additional Allocations (No. 2) Bill (Senate Bill No.4 of 2022) be read a Second Time.

Hon. Temporary Speaker, the County Governments Additional Allocations (No. 2) Bill (Senate Bill No.4 of 2022) provides the legal basis for the transfer of additional allocation from the National Government's share of revenue as per the Division of Revenue Act, as well as the external loans and grants from development partners to the county governments, especially for the Financial Year 2022/2023. The Bill is in line with Article 190 of the Constitution that provides that Parliament may legislate for additional support to county governments and consistent with Article 202 (c) of the Constitution which provides for the transfer of additional allocations from the national Government share of revenue to the devolved units, the 47 counties.

As you may remember, the annual Division of Revenue Bill was originally used to allocate additional funds to county governments. However, the High Court Ruling No. 252 of 2016 supposes that the Division of Revenue Act should not be used to distribute conditional and non-conditional grants and funds to counties since it violates the institutional and functional integrity of both levels of government.

Hon. Temporary Speaker, it is also important to remember that the County Government Additional Allocation Act of 2022 was previously passed by this House on 29th April 2022 and it outlined the process for allocating additional funds for the Financial Year 2021/2022. On the other hand, the Bill which will be regarded as having entered into force on 1st July 2022 provides for the raise of additional funds or allocations with regard to Financial Year 2022/2023.

The Bill proposes that county governments' allocations will be transferred to the respective county revenue funds in accordance with a payment schedule published in a Gazette notice by the Cabinet Secretary for National Treasury and Economic Planning. The additional allocations are usually included in the Budget Estimates of the national Government and submitted to Parliament for approval. However, this is subject to the national Government and the respective county governments entering into inter-governmental agreements. In case of a loan or grant by a development partner, the Cabinet Secretary for National Treasury and Economic Planning has a responsibility towards the development partner, having agreed in writing that the funds shall be transferred to county governments.

I do not want to belabour much because I am sure Members have perused our Report. I only want to go to specific areas that Members should note so that even as we give input on the suggestions that we have come up with as a Committee, we can be well-aligned in terms of information. I will touch on a few issues that are contained in the Report and also the Bill from the Senate for ease of internalisation of Members and also in terms of debate.

First, as a Committee, we observed that many of the conditional and non-conditional grants from several development partners have only been used in two counties as areas that need to be assisted due to being ravaged by drought. Those are Marsabit and Turkana. We noted that going forward as a Committee, we may need to be a bit more realistic by incorporating many counties that need assistance, especially those in Arid and Semi-arid Lands (ASALs), other areas hit by drought, as well as those that have a high probability of going through such a menace.

Secondly, we noted in our Report that the Bill from the Senate is subject to Government measures to reduce the fiscal deficit to around 5.8 per cent. Therefore, some of the conditional

grants from the Government were also subject to standardisation as we try to save around Ksh300 billion that was initially earmarked for domestic borrowing.

We noted that there are some counties that have been earmarked to be assisted through a conditional grant by the Government with regard to building headquarters. This was affecting five counties that did not inherit headquarters from previous regimes. Majority of the counties inherited headquarters in the premises that were previously used by District Commissioners. However, five counties did not get any headquarters. Of the five, only four have been considered for funding through the Bill from the Senate. Going forward, we may need to standardise that. Tharaka Nithi County was the county that was left out and it has done very well in terms of construction of their headquarters. We need to support them because their headquarters are currently about 90 per cent complete. We need to support them so that they get value for money with regard to construction of their headquarters.

Lastly, there is a very murky area that I also urge Members to check on very keenly on the leased medical equipment. We did not amend anything in the Bill from the Senate. Going forward, we may need to do a lot of public participation around the leasing of those medical equipment, to get the views of the users and the governors so that we spend money which is to a tune of over Ksh5 billion per year on issues that are not murky and sheltered by any darkness or clouds.

Lastly, we have noted that there are some grants especially from our development partners that need our counties to upgrade their towns into municipalities so that they are able to gain from these grants. We have given recommendations and I am sure Members will interact with that Report so that even as we move the debate forward, it will be informed based on the issues that I have raised.

I beg to move and request Hon. Danson Mwashako to second.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mwashako.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, and my Chairperson.

First, I want to second the Bill. Indeed, this is an important Bill that is long overdue. It is important that we fast-track it because we are in the middle of the financial year and until now, we do not have a framework to disburse resources that have already been appropriated. This is the money that we initially use for the Division of Revenue Bill but now, we have an opportunity to interrogate these numbers as grants and additional allocations to counties for services that either would be done by the national Government or county government. We have an opportunity to look at the value of these finances because we know the challenges that our counties have – they have many challenges.

I do not want to take much time but I want to mention the leasing of medical equipment project which is going to be implemented under this framework. The conceptualisation of the project was extremely noble. However, there are many challenges in its implementation. Now that we have an opportunity through this Bill, going forward, we are going to address all the issues that have bedeviled this programme.

With these remarks, I second.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well, Member for Wundanyi.

(Question proposed)

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Hon. Junet Mohamed.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I stand to support the Bill.

It is a noble course to send money to the counties especially at this time when they are being ravaged by drought and other things. It is also extremely painful to find that these monies will go to the counties and still be “eaten” by the people who are working in the counties. If this money does not go straight to the affected people suffering from hunger and those who are being ravaged by drought, the curse of God will befall the responsible persons in these counties. It will be immoral for them to end up using this money in a corrupt manner.

Lastly, the first thing I expected from the Kenya Kwanza Government was the cancellation of the Managed Equipment Services (MES). I am wondering why it has taken too long. Hon. Ichung’wah should tell us. I thought that that was the first Executive Order; and that the matter was illegal, immoral and unacceptable. I am wondering why it still exists in our books. That thing should be cancelled once and for all and be taken back to the counties to buy their equipment.

Health is a devolved function; you cannot buy equipment for them here in Afya House. The MES in itself is a mess and must be cancelled. Tell Hon. Ichung’wah I have sent you to the President. I want him to cancel it.

(Hon. Samwel Chepkonga rose on a point of order)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Order, Hon. Junet. What is out of order, Hon. Chepkonga?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker.

I rise pursuant to Standing Order 95. Hon. Junet has spoken very well except on the last point which he was talking about MES; the paper is not yet here. I think it is coming next week. Looking at the mood of the House, including that of Hon. Junet who has spoken very well that the money should be released fairly quickly, would I be in order if I request you to call upon the Mover to reply?

Thank you

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): I will give a minute to the Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker.

I rise to support this particular Bill. Members will appreciate that these additional funds are going to the counties. We all have concerns as to how and where these monies will be applied.

Two, out of this money, the conditional grants coming from the Government of Kenya is about Ksh5 billion, almost Ksh5.3 billion and another Ksh17 billion coming from our donor partners. It is very important that we pass this Bill for us to access the donor money that is mostly in the field of water and healthcare.

I want to associate myself with the sentiments of Hon. Junet in terms of the mess that is in the MES. I am rather surprised that indeed freedom has come. Hon. Junet is speaking about the end of MES mess today. He was its chief advocate in the last regime. I encourage governors who have theatres and dialysis units that are still dysfunctional and yet money is still being paid from the Government coffers to have some sense of responsibility to Kenyans. The money is being paid

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to entrepreneurs whom we know. They captured the Ministry of Health in the last regime. They were well aligned with those who were in power. I encourage our governors to ensure that we get value for every coin they pay under MES.

With those remarks, I support this Bill. I urge Members to support it to allow county governments to access most of the donor money and part of what they have been unable to access from the Government of Kenya, in terms of conditional grants. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, Hon. Chepkonga rose on a point of order under Standing Order 95 asking that the Mover be called upon to reply. I would like to establish whether this is the mood of the House.

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

I call upon the Chair to reply.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I thank all Members for their valuable contributions to this particular Bill. I associate myself with all the sentiments, especially on MES. It was messy. We need to relook at it and the beneficiaries who take advantage of Kenyans and our health sector. Going forward, even as we allocate money for the next financial year, we will interrogate that matter more deeply. I thank all the Committee Members and Members of Parliament for their very precise comments.

I beg to reply.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, the Question on this Motion will be put in the next Sitting.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, the time now being 7.00 p.m., this House stands adjourned until tomorrow Wednesday, 30th November 2022, at 9.30 a.m.

The House rose at 7.00 p.m.

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