



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 94

THE HANSARD

Wednesday, 18th October 2023

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct that the Quorum Bell be rung for a further 10 minutes.

(The Quorum Bell was rung)

We may now proceed. Serjeant-at-Arms, you may stop the Quorum Bell.

For the convenience of the House, Hon. Members, I seek your indulgence to re-arrange business on the Order Paper. We shall go directly to Order No.7 and then to Order No.12. Later on, we shall go back to the other Orders.

MOTION

URGENT ACTION TO ADDRESS SURGE IN
ROAD ACCIDENTS IN THE COUNTRY

THAT, aware that the National Transport and Safety Authority Act 2012 provides for establishment of the National Transport and Safety Authority (NTSA); further aware that the Authority, in line with Section 4 of the Act, plays a critical role in ensuring the provision of safe, reliable and efficient road transport services; concerned that there has been an alarming surge in road accidents in the recent past resulting in loss of life, injuries and damage to properties; further concerned that the Authority has not effectively and fully performed its functions of regulating safe and reliable transport service, especially in dealing with public service vehicles; noting that poor maintenance of motor vehicles and a lack of proper regulation are leading contributors to the marked increase in road accidents; deeply concerned that school-going children are increasingly becoming victims of those road accidents; recognising that it is the responsibility of the Authority to ensure adherence to road traffic rules, and to establish systems and procedures for, and oversee the training, testing and licensing of drivers; now therefore, this House resolves that the Government, through the Ministry of Roads and Transport, undertakes a comprehensive overhaul of the transportation sector to provide for proper regulation of the sector and ensure strict operationalisation of the traffic regulations to provide a safer and more reliable transport sector.

(Moved by Hon. Naomi Waqo on 11.10.2023 – Morning Sitting)

(Resumption of debate interrupted on 11.10.2023 – Morning Sitting)

Hon. Deputy Speaker: Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you very much, Hon. Deputy Speaker.

I begin the conclusion of my debate by saying that we know very well that many lives have been lost as a result of accidents. Many families are affected and they live with trauma. Many children have lost their parents and breadwinners. Accidents and carelessness on our roads have reduced them to nothing. The best thing we can do is to make sure we put proper measures in place to prevent these accidents. Prevention is better than cure. For us to prevent accidents, we need to see how to lower or eliminate accidents on our roads. We may increase the enforcement of existing systems by combating corruption. Corruption plays a big role since our traffic police officers on the roads receive bribes and do not talk about challenges on our roads. Sometimes public vehicles are overloaded and nobody pays attention. We shall reduce these accidents if we put proper measures in place, apply regulatory changes, and use technology to gather the intelligence required. If a driver is not qualified or does not have the necessary documents, they should not work as a driver. Many people have lost lives because of that. Proper implementation of the Ministry's directive of 19th April 2023 on measures to reduce road accidents should be undertaken. We will reduce accidents drastically if we put measures in place and take necessary action.

As I said, legislation must be put in place. The Cabinet Secretary himself assured us sometimes back that things will not be the same. Even after the assurance, lots of lives have been lost. Many people involved in accidents have lost their lives. Others are in hospitals while others have been destabilised and become disabled for the rest of their lives. It is better for us as a country to make sure we put preventive measures in place.

Hon. Deputy Speaker, it is very touching when school-going children lose their lives while on school trips. Some parents cannot even comprehend how that happens. Losing a child in whom you have invested a lot and had many hopes is bad. Maybe it is the only child. That is why, when it comes to school-going children, we should put timelines for school-going children to operate within. Otherwise, we will continue mourning and not solve this problem.

Again, Members of Parliament have also lost lives in accidents. Members of county assemblies (MCAs) and other prominent people have also lost their lives. Sometimes these accidents are because of carelessness. I remember we lost one of our colleagues in a road accident. He was crossing the road while going for prayers. Unfortunately, he was knocked down by a bodaboda. That cost his life.

Yes, it is true that bodaboda riders build themselves and the country economically. They transform lives. However, too many people have lost their lives because of bodaboda accidents. We need to make sure that our bodaboda riders are trained well and have relevant certificates and licenses. They should also have all the gear. When accidents happen, they save their lives. That is why we need to be serious about this issue and legislate on this matter. If you compare the accidents that happened last year, you will find that we have lost more people this year. Towards the end of the year, I am sure it might change. It is better for us to put proper measures in place, especially as we approach the end-of-year festive season. As you know, Kenyans truly enjoy the Christmas season and holidays. That is the time again when many accidents happen. As a House, it is better for us to legislate on this matter and make sure that Kenyans lives are protected at every stage. People should also take care of themselves.

Sometimes when we talk about northern Kenya and the place I come from, which is Marsabit County, people think we do not have good roads. However, we appreciate the effort of the late President Mwai Kibaki. He made sure that we have good roads in northern Kenya, especially leading to Marsabit and Moyale towns. We have lost many families on the Isiolo–Moyale Road. The road is good and smooth. People drive at high speeds on this road. People have lost families and their lives. Young visionary people who are leaders going for

conferences in different places have lost their lives on this road. What is it that we need to do to control the loss of lives on the roads in this country? There is a lot of traffic there, but the number of people we have lost is very high. The number of people who died in accidents is more than the lives COVID-19 took.

Hon. Deputy Speaker, this is something that we need to pay attention to in order to protect the lives of our children on roads, the lives of people like us, and every Kenyan. It is by putting proper measures in place and controlling everything that Kenyans will not continue losing their lives.

Thank you, Hon. Deputy Speaker. I request Hon. (Dr) Gogo to second.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Deputy Speaker. I rise to second this very important Motion by Hon. Waqo on action to address the recent surge in road accidents in the country. The scourge of road carnage is not new to this House because it has been previously discussed and it is a matter of national concern. It is very important that as a nation and a House we look at this matter seriously and put measures in place as has been well articulated by the Mover of the Motion. This matter needs attention, specifically now that we are moving into the festive season where Kenyans will have to travel back and forth. Our schools are closing in a week's time and it is really important that, as a nation, we address and take seriously matters road safety in order to keep Kenyans safe.

With that, I second.

Hon. Deputy Speaker: Hon. Members, we can now go back to Order No.4 on the Order Paper on Petitions. I call upon the Member for Loima Constituency, Hon. Protas Akujah. I know you are here.

PETITION

COMPROMISED SAFETY STANDARDS OF PLANES OPERATED BY SKYWARD EXPRESS PLC

Hon. Protas Akujah (Loima, UDA): Thank you, Hon. Deputy Speaker. I rise to present Public Petition No.48 of 2023 regarding compromised safety standards of planes operated by Skyward Express PLC.

I, the undersigned, on behalf of concerned citizens in the Republic of Kenya, draw the attention of the House to the following:

THAT, Skyward Express PLC is based at Wilson Airport, Nairobi and among other services, offers scheduled local flights to various destinations within the country from Wilson Airport, Nairobi to Kitale, Kakamega, Mombasa, Lamu, Eldoret, Diani, Lodwar and Malindi.

THAT, in the recent past, the planes' minimum flight safety standards have been a concern as experienced through isolated incidents such as mishaps in landing gear, uneasy sounds from the engines and parts of planes during mid-flight and smoke emanating from the wings.

THAT, further to the concerns regarding safety standards of the planes, Skyward Express PLC charges exorbitant ticket prices that are higher than any other airline plying similar routes in the country.

THAT, safety standards of the planes operated by the airline are allegedly compromised and pose a danger to the lives of citizens of Kenya.

THAT, efforts made to have the Kenya Civil Aviation Authority address the matter have not been fruitful.

THAT, the issues in respect of which this Petition is raised are not pending before any court of law or any constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Makes an inquiry into all matters raised in this Petition with a view to ensure that:
 - (a) The Kenya Civil Aviation Authority undertakes an urgent safety inspection on all aircrafts operating under the Skyward Express Airline PLC.
 - (b) Mandatory and regular maintenance of aircrafts is certified by the Authority.
2. Make any other recommendation or action it deems fit to address the plight of the petitioners.

And your Petitioners will forever pray.

Thank you, Hon Deputy Speaker.

Hon. Deputy Speaker: Hon Members who want to contribute or comment on this particular Petition, kindly press the intervention button. I can see the Member for Mwingi West, Hon. Charles Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon Deputy Speaker, for giving me this opportunity to ventilate on this Petition presented by the Member for Loima Constituency. Where there is smoke, there is fire. I have used Skyward Express PLC many times before and I have observed a lot of the concerns raised by the Member. Recently, we flew with them and I realised that the airline does not even allocate seats. Passengers sit randomly, which is not in line with the guidelines of the Kenya Civil Aviation Authority.

Secondly, sometimes the aircrafts quickly land in an airport and immediately take off to another destination without any inspection. The security of our people is paramount and I pray that this House, through the relevant departmental committee, looks at the issue not only about Skyward Express PLC, but all the other major airlines in our country. I pray and support the Petition.

Hon. Deputy Speaker: The Member for Endebess, Hon. (Dr) Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. The issues which have been raised by Hon. Akujah are very weighty as far as aircraft safety is concerned. Although I have been using Skyward Express PLC from Wilson to Kakamega and Kitale, it has not had these challenges. Unfortunately, when you hear that the one going to Lodwar is emitting smoke from its wings, then it is very scary. I would not want the plane to Lodwar to be re-routed to Kakamega and Kitale. Safety measures should also be put in place for our people going to Lodwar. As the Committee retreats to look into this Petition, it needs to establish that all aircrafts meet the standards required for safety measures as per the International Air Transport Association (IATA) Convention.

It is very important that all aircraft flying in our airspace meet the safety standards. I remember there was a time when we had a flight from Kitale to Wilson, which unfortunately crashed and killed some people. That is a very serious thing which has been noted by Hon. Akujah and the earlier it is acted upon the better.

With those few remarks, I support.

Hon. Deputy Speaker: The Member for Turkana West, Hon. Epuyo Nanok.

Hon. Daniel Nanok (Turkana West, UDA): Thank you, Hon. Deputy Speaker, for the opportunity to weigh in on this Petition. I am a regular user of Skyward Express PLC aircrafts. It is the only airline that operates the route from Nairobi to Lodwar and it has enhanced and improved our movement. However, the question of safety of those flights is a serious concern as observed in the Petition. I happened to be in one of those flights one time and the plane started making some weird noise mid-flight. You know how scary that can be. You are at

18,000 feet above the ground and you do not know what the noise is all about or when it will end. That was very scary.

That was not the only incident. The question of smoking wings is not a one-off thing. It has happened twice in my presence. Therefore, that Petition is timely. There is need to inquire about the safety of the flights to Lodwar. At least, that is the route we know.

I support this Petition. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Member for Garissa Township Constituency, Hon. Dekow.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

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

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker.

While I appreciate the fact that it is very important to have safety and security of air transport users in the country, the Petition before us... I am also a regular user of Skyward Express to the Coast region and to northern Kenya. Skyward Express operates in many routes. From the conversation we are hearing, it is Lodwar alone that has a problem. Again, the same aircraft that goes to our region, the northern Kenya, Mombasa and the Coast, is the same one that goes to Lodwar because there is no particular number plate for an aircraft going to Lodwar.

There are several issues raised here. One is the issue of cost. It is not factual that they are charging exorbitant prices. It is not true. From my experience of the airlines that I have used, Kenya Airways is the most expensive airline in the country. There are too many other airlines that charge more than this one. This is a budget airline. The issue of safety that was raised here, according to me, is just business rivalry. It is just hearsay. There is no truth in that. An aircraft whose wings are emitting smoke should have already crashed. By the time you see smoke on the wings of an aircraft, that aircraft is already... And there is no history from...

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. (Dr) Pukose, Member for Endebess Constituency?

Hon. (Dr) Robert Pukose (Endebess, UDA): With all due respect to Hon. Dekow, Member for Garissa Township Constituency, I think the Petition that the Member has raised is to be looked at by the Committee. It is not directed to him to respond to the Petition. He can only make comments whether to support or to urge the Committee on what it can further look into. I want you, Hon. Temporary Speaker, to declare that the Member is completely out of order. He cannot respond on behalf of the airline unless he declares his interest as to whether he is a shareholder or something else. He is a Member for Garissa Township Constituency and, therefore, he cannot respond on behalf of Skywards.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes. Hon. Dekow, you are completely out of order. First of all, this matter will be discussed by the Committee as has been moved by the Petitioner. I would like to ask you to focus on making comments, but do not go into debate. And if you have any interest on this, you need to declare it before you make your comments.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker. I declare that I have absolutely no interests in this company or this issue. Just as he is concerned, is the same way I am also concerned. We do not want to tarnish the name of businesses in the House. To use the opportunities and privileges we have in the House to

tarnish... Some of the things he has raised, as said by my colleague here, I will not go into the details of it...

The Temporary Speaker (Hon. (Dr). Rachael Nyamai): Hon. Dekow Mohamed, Member for Garissa Township Constituency, you are still going into making negative comments about this Petition. I now rule that you are out order. If you want to make comments, you can make general comments, but do not discuss the Petition at this moment.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you. I will also ask the Committee to look into the issues raised by the Petitioner seriously.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. I hope you will also have time to attend. Hon. Boss, Member for Uasin Gishu.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to comment on the Petition by the Hon. Member.

In as much as I support the interrogation by this House of any matters in the country that affect members of the public, it is also important that this House concentrates on the places where the problem lies. If there is a question as to the safety of Skyward Express, or any other airline in this country, then the first place of call should be the Civil Aviation Act. This is the primary legislation that is the backbone of Kenya's aviation legal framework. It empowers the Kenya Civil Aviation Authority to issue licenses and permits for aircraft operations in Kenya. It also deals with regulation, maintenance and inspection procedures, and enforces compliance with those safety standards.

I think it would be myopic if the Committee, when this matter comes before it, just focus on one particular airline because the things that have been pointed out about Skywards in the Petition can be said about Kenya Airways and many other airlines. We should, therefore, be asking ourselves: Is our regulatory and licensing framework...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, give her two more minutes.

Hon. Gladys Boss (Uasin Gishu County, UDA): In fact, I understand what the Member for Garissa Township Constituency was trying to say. He was saying, 'Let us not pick out one aircraft, but let us go to the source of the problem.' The questions are: Who is licensing? What is the aviation licensing policy? What are the rules on aviation? The buck should stop at the Kenya Civil Aviation Authority. They are the ones who should be the first people to be summoned...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Uasin Gishu County. Hon. Pauline Lenguris, Members for Samburu Constituency.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you, Hon. Temporary Speaker for giving me the chance to stand up and support the Motion.

I support the Petition because we understand that the safety of Kenyans who use either roads or air is more important than any other thing like business or anything that is done in this country. I support this Petition because we put crucial importance to the safety of Kenyans, especially the ones who use the air transport more frequently.

Hon. Temporary Speaker, I once travelled with Skywards to Turkana and I want to confirm here that I was also very scared because of the noise and smoke that was coming from the plane. I was really terrified all the way until we landed. Everyone gets concerned when they hear such kind of noise when airborne. This is, therefore, something important that needs to be looked at by both the Ministry of Roads, Transport and Public Works and the Departmental Committee on Transport and Infrastructure. Let us not wait for something bad to happen to Kenyans in this county, especially those who use the airline more frequently. We are lucky that in Samburu we do not have any airline, but we are praying that we get one so that we can easily travel like other Kenyans.

I support the Petition and it is important to look at regulations and standards in all the airlines so that Kenyans are not put into problems when they choose to use any kind of transport that will help them reach their families. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): From my left is Hon. Charles Nguna. You had already made your comments, right?

(Hon. Charles Nguna nodded in agreement)

Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Petition. I also support what the Deputy Speaker has said. However, remember that these are people's businesses. Skyward Express has been expanding its operations to Homa Bay and Migori. We need to ensure that they meet safety standards.

Yesterday, we talked about safety and regulations in terms of aircraft management when ratifying the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations. We should start with our own domestic laws and regulations on how we deal with domestic flights, which we use quite often when flying to the western and eastern regions.

The Committee should invite all stakeholders to explain more about safety. Do you remember that Fly540 aircraft, which was flying from Eldoret to Nairobi, ended up in the Aberdares? I do not think we ever followed up to understand how the pilot ended up in the Aberdares. I know the weather was bad. We should look into it to see how we can make flying safer for every Kenyan.

I support the Petition. I hope the Committee will do a good job in terms of meeting all airlines and ensuring the safety of Kenyans. As Parliament, we should ensure that we set good standards and regulations that govern airline safety.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Joseph Emathe, Member for Turkana Central.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. We are discussing a very important matter that is integral to our safety as Kenyans.

Secondly, the airline that we are discussing should be a sample of other airlines to help us understand if the aircrafts that we use are in good condition. This is because sometimes the noise that emanates from those aircrafts is a nuisance and is frightening.

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

[The Deputy Speaker (Hon. Gladys Boss) resumed the Chair]

Sometimes you do not understand the behaviour of the aircraft during bad weather conditions. Sometimes the turbulence is terrifying and frightening. All in all, the regulator should give us maintenance records and information on the period of time that the aircraft have been in use since they were purchased. I understand that some aircraft are imported into the country after they have been in use elsewhere.

The Petitioner is saying that we need to be careful because we could experience an accident anytime soon, God forbid. If it happens, it is on record today that the Petitioner has communicated to airlines to be careful about the aircrafts they purchase and how they maintain them.

On the other hand, the monopoly in the airline sector affects ticket fees levied on passengers, which are on the higher side. The regulator should consider how to regulate ticket fees so that airline users are also cushioned.

I support the Petition. I submit.

Hon. Deputy Speaker: Hon. Members, before we proceed, allow me to recognise the presence of students from Braeburn International School Kisumu from Kisumu Central Constituency, Kisumu County. They are seated in the Public Gallery.

(Applause)

On my own behalf and that of the entire House, I wish to welcome the students of Braeburn International School Kisumu to the National Assembly. That is my son's sister school.

Member for Lamu East.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante, Mhe. Naibu Spika. Ningependa kuchangia ombi hili. Usalama wa ndege na abiria wake ni muhimu. Hakuna mtu anayetaka ukosefu wa usalama. Ndege na maisha ya binadamu ni ghali. Kwa hivyo, kila mtu anayeitumia ndege na hata wale wasioitumia wanataka usalama wa ndege na abiria wake uangaliwe.

The Kenya Civil Aviation Authority (KCAA) hutoa Certificate of Airworthiness kwa mashirika ya ndege. *Certificate* hiyo hutolewa upya baada ya muda fulani. Kwa hivyo, kama kuna matatizo ya ndege, inamaanisha kuwa tatizo liko na KCAA wala siyo shirika la ndege. Hii ni kwa sababu KCAA wako na *inspectors* ambao lazima wafanye *inspection* na kuenda angani na ndege hiyo kabla wapeane *license*.

Ninataka kushauri kuwa tuweke wataalamu katika hiyo *Public Petitions Committee* watakaosaidia kuchunguza hiyo *Petition* kwa sababu kuna masuala ya kiufundi ambayo mtaalamu anaweza kuyafahamu. Kwa mfano, kama kuna *combustion* katika ndege, lazima itoe moshi. Ikiwa hakuna moshi, inamaanisha kuwa hakuna *combustion*. Pia, kuna tofauti kati ya *turbine engine, turboprop* na aina nyinginezo. Unaweza kuwa umezoea zile ndege za Kenya Airways ambazo hazitoi moshi na ukatarajia kuwa ukitumia zile *turboprop*, hazitatoa moshi pia. Lazima jambo hilo liangaliwe vizuri.

Tukizungumzia usalama, *incident* inaweza kutokea kwa sababu ndege ni *machine*. Kama *incident* moja ya sauti imetokea kwa sababu ndege ni machine, ushauri wangu ni kuwa Kamati iangalie ndege zote za Kenya, hususan *general aviation*, kwa sababu hata ndege ya Kenya Airways ishawahi pata shida ikielekea Mombasa na Wabunge walikuwa mle ndani. Mbona hatusemi kuwa Kenya Airways ilikuwa na shida? Hii inaonekana ni kama tuna *target one airline*. Kwa hivyo, usalama wa ndege zote za Kenya uangaliwe vizuri.

Tunapongea kuhusu bei, hujalazimishwa kupanda ndege. Masuala ya bei ni tofauti na usalama. Je, shida ni bei au usalama? Ukiongeza maneno ya bei hapo, inaleta shida. *I will declare my interest. I am from the aviation industry.*

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

Hon. Deputy Speaker: What is your point of order, Hon. Chepkonga?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Deputy Speaker. The Temporary Speaker had already ruled that we will only make general comments on this matter. However, the Member who is contributing is defending the airline. She has declared her interest in the matter by saying that she has some information about airlines. If she has any information, let her go to the Committee. However, the Petition was approved by the Speaker. It is well-suited for this House. The Chairperson of the Public Petitions Committee was here and we hope he will do justice to the Petition. The Member spoke very well. She pointed out that KCAA is charged with the responsibility of ensuring the airworthiness of planes.

Hon. Deputy Speaker, you spoke very well. In fact, you pointed out that the KCAA is charged with the responsibility of ensuring air worthiness of planes. That should have been the first point of call but since it is in the House, the House can call KCAA so that it can look at

all these issues. It will be unfair to contribute in a manner that looks like you are opposing the Petition.

Hon. Deputy Speaker: Hon. Chepkonga, you have made it clear but this is not similar to the case of the earlier ruling by the Speaker who was on the seat. I think Hon. (Capt.) Ruweida is simply carrying on the conversation that the inspection is normally done by the KCAA. I think she is on that trajectory.

Hon. Ruweida, I will allow you to complete.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante, Bi. Spika. Ningeomba Bunge litilie mkazo upande wa *air safety*, na liwe *general*. Lisilenge tu kampuni moja lakini kampuni zote kwa sababu sisi tunazitumia zote. *It will not be fair* kuangalia tu kampuni moja.

Ahsante.

Hon. Deputy Speaker: Thank you, Hon. Members for your contribution on the Petition. We can now proceed to the next Order. I only allowed Capt. Ruweida because she is from the industry.

NOTICE OF MOTION

Hon. Deputy Speaker: The notice of Motion is again by Hon. (Capt.) Ruweida, Member for Lamu East.

You may proceed with your notice of Motion.

ESTABLISHMENT OF PRIORITY BOARDING PROTOCOL FOR KDF PERSONNEL

Hon. Ruweida Mohamed (Lamu East, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 239 provides for the National Security Organs, including the Kenya Defence Forces; further aware that, the Kenya Defence and Kenya Special Forces play an indispensable role in promoting and safeguarding national security in accordance with the Constitution; recognizing that, members of the Forces face life-threatening risks as they carry out their duties to protect our citizens, particularly in high-risk and volatile areas; noting that there is currently no token of appreciation for the remarkable dedication, service and sacrifices made by the Kenya Defence and Special Forces; acknowledging that it is important to accord special privileges and honours to our military and veteran personnel, akin to the practice observed in other countries including being allowed to access services like banking hall and boarding of flights ahead of the general public; further acknowledging that, this practice would not only instill a sense of pride among the Kenya Defence and Kenya Special Forces personnel, but also enhance their morale and motivation, thereby boosting their performance and commitment to our national security; cognizant of the fact that, there exists no national policy or framework to facilitate the implementation of such a practice; now, therefore, this House urges that the National Government, through the Ministry of Roads and Transport, encourages local airlines to establish a priority boarding protocol for the Kenya Defence and Kenya Special Forces personnel which grants them the privilege to board local aircrafts before the general public. Thank you, *Bi. Spika*.

Hon. Deputy Speaker: Next Order.

MOTIONS

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EXPANSION OF DRUG AND SUBSTANCE ABUSE
REHABILITATION CENTRES

THAT, aware that according to the National Protocol for Treatment of Substance Use Disorders in Kenya by the Ministry of Health, drug abuse has been increasing in Kenya, especially among the youth with statistics indicating that more than half of drug users are aged between 10 and 19 years; further aware that, research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December, 2022 placed Western region as the leading region in alcohol and substance abuse at 23.8%, followed by the Coast region at 13.9 % and the Central region at 11.9%; recognizing that the high level of drug abuse in the Western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments especially in Bungoma and Busia counties with statistics indicating two out of every five establishments in Bungoma operate illegally; further recognising that, a majority of the consumers of illegal substances are school-going children who end up dropping out of school; cognizant of the fact that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to, among other things, facilitate the dissemination of information on alcoholic drinks, and promote rehabilitation programmes in the country; this House urges the Government to institute intensive programmes for the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and to increase the number of rehabilitation centres across the counties.

(Moved by Hon. John Makali on 4.10.2023 – Morning Sitting)

(Debate concluded on 11.10.2023 – Morning Sitting)

(Putting of the Question deferred)

Hon. Deputy Speaker: We move to the next Order.

REGULATION OF SUGAR INDUSTRY TO DISCOURAGE
BRANDING OF SUGAR BY NON-MILLERS

THAT, aware that the importation and exportation of sugar is regulated by various laws including the Crops Act and the Agriculture and Food Authority Act, 2013; further aware that the Agriculture and Food Authority is charged with the responsibility of regulating the importation and exportation of sugar in the country in accordance with the law; noting that the importation of sugar is also negotiated within the regional trade blocs' frameworks and agreements to enable the country to meet the demand for sugar; further noting that individuals or entities are allowed to import sugar provided they obtain the necessary permits and meet the required standards; concerned that despite these regulations, there have been instances of illegal importation of low quality sugar or adulterated sugar; further concerned that unscrupulous traders have been found to rebrand the sugar which does not meet the standards of the Kenya Bureau of Standards (KEBS) specifications; deeply concerned that this poses significant health risks to consumers as well as undermining the efforts to regulate and strengthen the sugar

industry to protect local millers; acknowledging that the country has the potential to produce enough sugar to meet its domestic demand as the sector has been a key driver of economic growth; further acknowledging that there is need for concerted efforts by stakeholders to discourage the branding of sugar by non-millers and promote the development of the local sugar industry; now, therefore, this House resolves that the Government, through the Ministry of Trade, Investments and Industry, ensures strict operationalisation of the regulatory frameworks governing sugar importation into the country.

(Moved by Hon. Peter Salasya on 11.10.2023 – Morning Sitting)

(Debate concluded on 11.10.2023 – Morning Sitting)

Hon. Deputy Speaker: Hon. Members, we also defer putting of the Question on this Motion for obvious reason.
Next Order.

(Putting of the Question deferred)

BILLS

First Readings

THE GOLD PROCESSING BILL
(National Assembly Bill No.46 of 2023)

THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.50 of 2023)

*(The Bills were read a First Time and
referred to relevant Committees)*

Hon. Deputy Speaker: Next Order.

MOTION

URGENT ACTION TO ADDRESS THE RECENT SURGE
IN ROAD ACCIDENTS IN THE COUNTRY

THAT, aware that, the National Transport and Safety Authority Act 2012, provides for the establishment of the National Transport and Safety Authority (NTSA); further aware that, the Authority in line with section 4 of this Act plays a critical role in ensuring the provision of safe, reliable and efficient road transport services; concerned that, there has been an alarming surge in road accidents in the recent past resulting in loss of life, injuries and damage to properties; further concerned that, the Authority has not effectively and fully performed its functions of regulating safe and reliable transport service especially in dealing with public service vehicles; noting that, poor maintenance of motor vehicles and a lack of proper regulation are leading contributors to the marked increase in road

accidents; deeply concerned that, school-going children are increasingly becoming victims of these road accidents; recognizing that, it is the responsibility of the Authority to ensure adherence to the road traffic rules, and to establish systems and procedures for, and oversee the training, testing and licensing of drivers; now therefore, this House resolves that the government through the Ministry of Roads & Transport undertakes a comprehensive overhaul of the transportation sector to provide for proper regulation of the sector and ensure strict operationalisation of the Traffic regulations to provide a safer and more reliable transport sector.

*(Moved by Hon. Naomi Waqo on
11.10.2023 – Morning Sitting)*

*(Resumption of debate interrupted
on 11.10.2023 – Morning Sitting)*

(Question proposed)

Hon. Deputy Speaker: For those who want to contribute to this particular debate, kindly press the intervention button. However, I will start with Hon. Joseph Majimbo Kalasinga, Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD): Thank you very much, Hon. Deputy Speaker. This is a Motion of concern, and it is coming at the right time. This is the time when Christmas is approaching and will now be coupled with El Nino. Too many vehicles will be on the roads which will be slippery all over the country. We have to be concerned and address this Motion with a lot of keenness.

Looking at the state of the roads in the country, we also want to know how they are going to be maintained. As I speak, tomorrow, we are burying a young man who was swept away by water while crossing a bridge. The concern of this Motion is well settled at this time. We are also not forgetting the traffic controllers on our roads.

Hon. Deputy Speaker, we do not understand why some police officers go to the road to collect money. Sometimes the traffic police officers do not check the speed limit but only stop drivers.

We must make strict laws that will ensure vehicles are checked when they were last serviced because some are never serviced. Drivers never change the oil and brakes of their vehicles which is key. There will be too many vehicles on the roads as we approach December. So, we must be concerned about this. We should also look at how Public Service Vehicles (PSVs) like matatus transport people. When there are many passengers, a driver tends to go for more than five trips from Nairobi to Bungoma on the same day without sleeping because of lack of time.

We must have very strict laws in place on how many trips a driver can make, adequate time to sleep, rest and sanitise so as to operate well. If we do not make laws, we will blame ourselves. Our road maintenance has issues. Do authorities like Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA) have enough budget for the *El Nino* rains? The Member has brought this Motion at the right time. As legislators who represent the people on the ground, we must ensure that this Motion sails through and brings sense to our roads, so we save the lives of our people.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Patrick Munene. Hon. Dorothy Ikiara, Nominated Member from Meru.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Deputy Speaker. I want to add my voice to this Motion on action to address the recent surge in road accidents in the country. First, I want to share the pain of many families who are crying for losing their loved ones through rampant road accidents that happen day in, day out. According to the NTSA, it is evident that between January and March of this year, we have lost 974 lives, majority of them being motorcycle riders. It is important to note that a surge in road accidents is not something that just happens in a day. It progressively happens and the concerned departments do not seem to take charge. This is the reason why accidents keep recurring.

It is important that the Ministry of Roads and Transport takes a data-driven decision which they will use to benchmark safety measures on our roads. I am saying this because places with rampant accidents are well known in this country. I am speaking in reference to a road in Meru, the Tharaka-Nithi Bridge, where we have lost many lives. Every time there is an accident at the bridge, we see the entire Ministry of Roads and Transport officers spending many days there looking for possible measures to put in place to arrest the situation.

After spending many days researching and giving recommendations on how to avert future accidents in that area, they come back to Nairobi, throw the file and wait for another accident to happen so that they can go back. I want to state clearly, that if the Ministry of Roads and Transport is serious, we could see deliberate action being taken on roads with rampant accidents.

We have another road in Subuiga area in Meru where accidents occur every day. After every two days, we lose lives. This area is a black spot. The Ministry of Roads and Transport officers always go there when there is a serious accident. When we lost children from Loreto Girls School in an accident, the entire Nairobi office camped there. They gave recommendations on what should be done. I am sorry to say they are waiting for another accident to occur so that they can take the office from Nairobi and camp in Meru, give recommendations and come back to Nairobi.

I want to also speak about motorcycle riders. It is very painful because they are being killed day in, day out. They are on their own. Unless, the Ministry of Roads and Transport does something, we will continue losing very many young productive people between the ages of 18 and 35. I want to appreciate that motorcycles are an economic activity for our young people. Unless, something is done, we will continue losing riders. I want to propose that the Ministry of Roads and Transport should erect shoulders for riders...

Hon. Deputy Speaker: Just give her a minute please.

Hon. Dorothy Muthoni (Nominated, UDA): I am proposing that we come up with a very clear policy which the Ministry of Roads and Transport will use to erect shoulders just like footpaths for riders to use in all the newly reconstructed roads. If we fail to do this, we will be sitting on a time bomb and continue losing productive people in the ages of 18 and 35.

Thank you, Hon. Deputy Speaker and Naomi Waqo for bringing this very important Motion.

Hon. Deputy Speaker: Hon. Catherine Omanyo, Member for Busia County.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Deputy Speaker. I support this Motion fully. We have lost too many lives...

(Technical hitch)

There was a technical hitch. Road accidents happen because of human behaviour in Kenya where most drivers ignore the recommended speed. I remember the late Hon. Michuki brought speed limit commands which reduced accidents in Kenya. Due to arrogance and pride, most drivers think that by owning a vehicle, they are more important than pedestrians and ignore giving them priority while driving.

Hon. Deputy Speaker, you can arrive at your destination on time. However, the pedestrians have to work twice as hard to get wherever they are going on time. Many people drive under the influence of alcohol. Because they can corrupt their way on the corridors of justice, they cause accidents and bribe their way out and repeat the same mistake. We have very many careless drivers who were taught how to drive in a compound. They know where the brakes and accelerators are. Then, they bought driving licences. They are out there driving and risking everybody's lives, including theirs.

We also have minimal accidents on asphalt or gravel roads because everybody, whether drunk or sober, knows this is not a proper road. That means we choose to cause accidents sometimes. If we can be keen on asphalt roads than on tarmac roads, it means we choose to cause accidents sometimes. We are approaching Christmas and many other holidays towards the end of the year. This is the time we record very many accidents.

The NTSA officers should reduce their level of corruption. Traffic police officers are all over the roads stopping vehicles, receiving money and allowing reckless drivers on the road. If we become very strict that anybody who is caught in an offence or in conflict with the traffic law faces it, then we will reduce accidents. We have many bodaboda riders, bicycle riders and pedestrians in small towns who are just killed like chicken but they do not get justice. It is high time we stood firm. If somebody in authority, like a Member of Parliament or governor, causes an accident, he should make sure that he takes up the matter. He should go through the process and pain to make sure that the insurance companies also pay these people quickly. We have too many people living with disabilities because they got an accident and the insurance company took 10 years to respond. That makes it more difficult and causes a lot of mental health issues.

With those remarks, I support Hon. Naomi Waqo for thinking right and bringing this Motion to the House.

Hon. Deputy Speaker: Hon. Patrick Munene.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Thank you, Hon. Deputy Speaker. I stand to support this important Motion. I come from Tharaka-Nithi County.

Hon. Deputy Speaker: One moment, Hon. Member. Hon. Rachael Nyamai, kindly switch off your microphone.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Hon. Deputy Speaker, I come from Tharaka-Nithi County. When the issue of accidents is mentioned in this country, it is very emotional there. This is because we have lost thousands of Kenyans at Nithi Bridge for many years. I am sure that we lose around 200 to 300 people at Nithi Bridge every year. When there is an accident at Nithi Bridge, we are always sure we will receive a senior Government official either from the National Police Service (NPS) or the ministry. Anytime they come, they give very many promises on what they think should be done and what they will do, yet the Bridge always remains like that.

We had an accident there last year towards election time. We lost over 40 people in one accident. All Government officials came. Very many promises were given but up to today, nothing has happened in that place. We must lose two to 10 people almost every week at Nithi Bridge. It is a known story in this country that has remained like that.

Hon. Deputy Speaker, I always wonder how much it can cost to have speed cameras on our roads. How much will it cost to have a speed camera at Nithi Bridge? Every time we have an accident at Nithi Bridge, the traffic police officers come. When they take that vehicle to court, they say it has faulty brakes, worn out wheels or a drunk driver. This is the case and yet it came all the way from Nairobi through too many roadblocks. Finally, when it causes an accident, the report is very clear that the brakes were faulty and the tires were worn out. You wonder whether the police officers did not notice worn out tires or a drunk driver in all those

roadblocks that the vehicle passed through. We are losing too many Kenyans carelessly on our roads.

I was in Mombasa recently. I had a discussion with some tourists. They told me that people from their country—I will not mention the name of the country—are now scared of coming to Kenya because they lose their people on our roads. It is a bigger picture even losing tourism because of our careless or reckless driving on our roads. The issue of accidents in this country is a matter that the Government needs to take seriously. I do not think it will take too much to regulate our driving. I use Thika Road. When people hear there are either speed cameras or police along the way, they behave well. Time has come for this country to invest heavily in road safety.

We also need to control and regulate our driving schools because we have some funny driving schools in this country. We know it is easy to get a driving licence even without going to any driving school. You get a driving licence within a day in Kenya yet you have not gone to a driving school. Life is sacred. We have lost too many people. As a country, we need to take the issue of accidents seriously.

Hon. Deputy Speaker, I support the Motion, and I ask that the Nithi Bridge be an urgent issue for this Government.

Thank you.

Hon. Deputy Speaker: Thank you. Member for Karachuonyo, Hon. Andrew Okuome.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute.

When we talk about road safety, and in particular road accidents, we have to realise that we are talking about human beings' lives. People lose their lives on the roads. They leave behind orphans and widows. Therefore, this Motion is extremely important because it touches on human life.

It is a human being who drives a vehicle. If both the driver and the vehicle are in good condition, we will probably minimise or eliminate fatal accidents. I am aware of the saying that somebody causes accidents. It is either a bad vehicle or a driver who causes an accident. However, these are things which can be prevented. If a vehicle is in good condition, we are safe to a large extent. Why is the vehicle not in a good condition? Certainly, the police officers on the road see the vehicles and approve them to be in good condition yet they are faulty. The vehicle goes and kills people along the way. This is something that should be looked at very keenly, so that the vehicle is taken care of properly. This is something that can be done.

I will now turn to the driver. Is he roadworthy? Is he the kind of person who can drive a vehicle with people inside it? Perhaps he is drunk yet he passes through all the roadblocks along the way. If he is arrested on the way, an accident will be avoided.

Hon. Deputy Speaker, the NTSA should do their work. They should carry out proper exercise they are supposed to do, so that we avoid these deaths. If we do not act, we will be constantly mourning our dead – something which can be avoided. This is a very important issue and, therefore, I support Hon. Waqo for bringing this Motion to the House.

I support the Motion.

Hon. Deputy Speaker: Thank you. Hon. Njoki also known as Double N.

Hon. Pamela Njeru (Embu County, UDA): Thank you, Hon. Deputy Speaker. I wish to take this opportunity to support the Motion brought by Hon. Naomi Waqo regarding the issue of accidents on our roads. We know that accidents do not happen, they are caused. When we go down our history, we can locate some of the main causes of accidents on our roads. One of them is speeding. Initially, we had the issue of having regulations on what is the speed limit of our public vehicles. We also have issues related to drug abuse. We know that alcohol is one of the most abused drugs. Some drivers drive vehicles under the influence of alcohol. We also

know that sometimes we are tempted as drivers to use our mobile phones while we drive. We sometimes lose focus on the roads while we are driving.

It is high time the NTSA came to the rescue of this country so that we do not continue to lose lives on our roads. We know that school-going children, our mothers and fathers, who use our roads every day, are some of the victims of road accidents. It is, therefore, high time that the NTSA ensured that all public roads are in good condition. How often are motor vehicles serviced to ensure that they are roadworthy? If motor vehicles are not regularly checked, it means that we will continue to have accidents on our roads.

Hon. Deputy Speaker, allow me to indicate that we are approaching the Christmas festive season. That is when all vehicles, both private and public service vehicles, are found on our roads. That is when a lot of accidents happen on our roads. The Ministry of Transport and Roads, through the NTSA, should ensure that all the vehicles that are on the roads have been inspected to verify their maintenance status. Some vehicles are not serviced for a long time. We never know when our vehicles were last serviced. When I talk about our vehicles, I am also talking about boda boda. Motorcycle owners also need to know that their bodabodas should be checked and serviced well before they put them on the road. How roadworthy are our roads? How is our road infrastructure? Are the roads well maintained? That is the question we need to ask ourselves. Even as we blame the drivers, we need to look into the condition of our roads and ensure that they are well maintained.

As I support this Motion, I call upon the police officers who will be monitoring traffic during the Christmas period to be alert. They should enforce speed limits of motor vehicles, especially in Embu and Meru counties where we have *muguka* and *miraa*. Those vehicles move at very high speeds but they are never ever stopped by traffic police officers. We do not know whether they are above the law or they have special arrangements with the police on the roads. They have caused numerous accidents on our roads both in Meru and Embu.

This Motion has come at the right time, and the Ministry of Transport and Roads should take charge.

Hon. Deputy Speaker: Hon. Janet Sitienei.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: You may proceed, Hon Janet Sitienei.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Deputy Speaker. I want to add my voice to this Motion and thank Hon. Waqo for bringing it. I support it because we have had very many accidents on our roads. I want to ask that the NTSA to up their game, especially on road vehicle inspections. The Kenya National Highways Authority (KeNHA) should also check the roads to ensure that they are safe to drive on. There are black spot areas where KeNHA needs to erect some speed control bumps. The NTSA should be particularly concerned about motorcycle riders. This is because about 80 per cent of road accidents in this country are caused by the motorbike riders. We request the NTSA to take charge and ensure that vehicles and motorcycles are inspected. The NTSA should also ensure that drivers and riders comply with the traffic law and are licensed to be on the road. A majority of motorcycle riders have not been trained. They just learn how to ride on their own and get onto the road. That is why many of the accidents that occur on our roads are caused by motorbike riders. Therefore, it is imperative that NTSA officers ensure that all road users are compliant with the traffic law.

There is another thing that contributes to lack of seriousness amongst police officers manning our roads. You will find a vehicle that is not roadworthy being cleared to use our roads by the police due to corruption. We also want to ask traffic police officers to stop that habit so that our road users and riders can be safe. As we approach the festive season, we would like Traffic Police and NTSA to post officers at particular spots on the roads to ensure that motorcycle riders and drivers comply with the traffic law so that we reduce the number of accidents. It is paramount that we have safety on our roads.

With those remarks, I beg to support.

Hon. Deputy Speaker: Hon. Members, we are approaching the end of time for this debate. I will give chance to Hon. Jayne Kihara. Hon. Jayne Kihara, you have been here. Your card has been there. I had requested that you press the intervention button so that I can know you are particularly seeking to speak on this Motion.

You may proceed Hon. Kihara.

Hon. Jayne Kihara (Naivasha, UDA): Unless it is the machine because it has been on.

Hon. Deputy Speaker: Hon. Members, there is something that the Clerk told me. We are having a challenge with the log-in system.

(Several Members spoke off the record)

Hon. Jayne Kihara (Naivasha, UDA): Thank you very much, Hon. Deputy Speaker. I have been sitting here. My intervention button has also been on. So, something must have gone wrong.

Hon. Deputy Speaker, very many things cause accidents in this country. As citizens and drivers, we must all do our part. Blame games will not help us solve the problem of accidents on our roads. There are very many things, like road conditions, to blame. The shoulders of some of our highways are completely worn out. We also have a problem of drunk driving, especially by the youth of this country. They go out, partying and drinking themselves out yet they do not have designated drivers. They hop into their car and – with the police taking bribes these days – drive off only for them to cause serious accidents. We are losing young people due to drunk driving.

We also need our drivers and ourselves to get medical check-ups. Sometimes our drivers do not even know that they have a problem with their eyesight. Most accidents happen due to human error. As they say, accidents are caused. They do not just happen. Very few drivers know their road signage chart. I wonder what is taught in driving schools these days. You see drivers overtaking on climbing lanes and flashing lights at you when on the right side because they are overtaking on the wrong side.

We also have a problem with automated cars. We need to go back to manual cars where you engage your mind as you change gears. Nowadays drivers just step on the gas pedal and move at very high speed. We should all play our part. We have been very casual in the way we operate roads and the police are reluctant to do their work. Deaths have occurred and people have been crippled. We keep on talking about the NTSA and the Ministry of Transport and Infrastructure while, as drivers, we do not do our part. Our drivers are impatient. For instance, you will see cars forming even eight lanes during this festive season. I do not know where Kenyans always run to. They become impatient and block all roads. So, nobody moves. Then you find yourself in one spot for an hour because of the impatience of drivers. Drivers just move and nobody gives others way.

We have travelled this world a lot. We have seen countries that are able to control motorbikes so that they move in such a systematic manner. You do not see the kind of crafty driving or riding where one crosses from anywhere. Sometimes motorbike riders are hit due to their carelessness. The most important thing is for the Ministry of Transport and Infrastructure to control motorbikes by giving them lanes. Motorbike riders must know that they are as responsible as car drivers so that we all take our roles seriously. We cannot keep blaming each person while we, as a nation or drivers, do not take our responsibilities seriously.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. I now call upon the Mover to reply.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I beg to reply on behalf of Hon. Waqo.

I thank all the Members who have contributed to this Motion. For all the issues raised - from bad roads to bad drivers; bad cars to unconducive environment, and driving licences being issued to people who do not qualify to be on the roads - Hon. Members, I sincerely thank you for your contributions on behalf of the Deputy Whip of the Majority Party. Parliament does not work in vain when a Motion is brought here. We hope that all the recommendations will be taken into consideration by the relevant authorities to ensure that accidents are reduced on Kenyan roads.

Hon. Waqo mentioned in her presentation that we have lost more people to road accidents than to COVID-19. This is not good for the economy of this country. It is not even good for the reputation of a growing economy like Kenya. As investors do their due diligence to decide whether to invest in a country, nowadays they even consider the road accident matrix to see how many people die on the roads. Therefore, it is important that we keep our roads safe. More importantly, I ask Members to educate bodaboda riders as they go to the constituencies. It is important. We are losing many able young people on our roads due to bodaboda accidents.

Principal Secretary (PS) Susan had a bad accident the other day. It was caused by a bodaboda rider. Sadly, the rider died. Susan ended up in hospital. In Kilifi, we recently had a whole family of four people dying. All four were on one bodaboda that was hit by a vehicle. An entire family was wiped out in one accident. We have danger in our hands. We have something that is consuming medical care. We have referral hospitals in this country that have specific wards for bodaboda accident victims. We need to put an end to this menace.

We all need to be careful while on the roads to ensure that we preserve lives and keep them safe so that this country can continue to move forward. Motorists and bodaboda riders should be extra vigilant during the Christmas period and new year festive season.

Once again, on behalf of Hon. Waqo, I thank and appreciate every Hon. Member who has contributed to this Motion.

I beg to reply.

Hon. Deputy Speaker: Thank you very much. We shall defer putting the Question to a later date.

(Putting of the Question deferred)

BILL

Second Reading

THE KENYA DRUGS AUTHORITY BILL
(National Assembly Bill No.54 of 2022)

*(Moved by Hon. (Dr) Robert Pukose
on 4.10.2023 – Afternoon Sitting)*

*(Resumption of debate interrupted
on 4.10.2023 – Afternoon Sitting)*

Hon. Deputy Speaker: Hon. Robert Pukose, Member for Endebess, you were in the middle of moving. You have 15 minutes.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker.

I beg to move that the Kenya Drugs Authority Bill (Bill No.54 of 20212) be read a Second Time.

This Bill seeks to consolidate the regulation of health products and technologies. That is in keeping with the international best practice and guidance from the World Health Organisation (WHO). This Bill will promote and guarantee the quality, safety, efficacy and effectiveness of health products and technologies in the country.

Hon. Deputy Speaker: Hon. Pukose, let me interrupt you for a minute to give some instructions. Could those who have their cards on the intervention button pull them out? Log in again if you want to contribute to the Kenya Drugs Authority Bill. I want to write them down on paper before they disappear from the system. Thank you.

You may proceed, Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, this Bill establishes the Kenya Drugs Authority that is responsible for the regulation, investigation, inspection and approval of health products and technologies, and related matters. Having gone through this Bill, the Committee made the following observations. The Bill expands the current Pharmacy and Poisons Board and re-engineers the new regulator based on international best practice in regulation of human health products and technologies, including therapeutic cosmetics. This re-engineering will enable the country to attain the recommended WHO maturity of level 3. The level 3 maturity is where a national regulatory authority can be trusted and be in a position to control the manufacture of products to world-class standards.

The Bill strengthens the functions of the National Quality Control Laboratory so as to improve the quality of test analysis and research for quality control. This will in turn ensure that the health products and technologies used in the country meet international quality standards, thereby guaranteeing patient safety. Therefore, the Bill fulfils the country's obligation in the war against poor quality medicines, in line with its commitment under the recently ratified African Union (AU) Establishment of the Africa Medicines Agency Treaty, which this House ratified. This Bill strengthens the regulation of medicines by providing a comprehensive regulatory framework which enables the country to comply with good manufacturing practices as envisaged under the AU Model Law on Medical Products Regulation. This ensures that health products and technologies used in the country are safe and effective, in line with Section 66 of the Health Act (No.21 of 2017).

This Bill also encourages local manufacture of health products and technologies as espoused in the Kenya Universal Health Coverage Policy, 2020–2030. Therefore, the Bill is in line with the Government's plan of promoting local manufacturing, especially in the pharmaceutical sector, a key contributor to Kenya's economy. The Bill will hasten the attainment of the Government's vision for national economic transformation.

Lastly, this Bill further improves the availability of health products and technologies and enhances access to priority health products and technologies. It also improves the efficiency of operations, quality and pricing of medicines and vaccines which are key components and enablers for the successful realisation of universal health coverage.

The Committee, having considered this Bill, approved it with amendments. Those amendments shall be moved during the Committee of the whole House. I urge members of the public, especially those in the pharmaceutical industry, the Pharmaceutical Society of Kenya (PSK), Kenya Pharmaceutical Association and pharmaceutical manufacturers, to hold their horses. The amendments which had been proposed will be considered by the Committee during the Committee of the whole House.

Hon. Deputy Speaker, with those few remarks, I move and ask the Vice-Chairman, Hon. Patrick Ntwiga Munene, Member for Chuka/Igambang'ombe, to second. I know Hon. (Dr) Nyikal is here to contribute to this Bill.

Hon. Deputy Speaker: Seconder, you may proceed.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Thank you, Hon. Deputy Speaker. I second my Chairman on this Bill. As the country moves towards attainment of

universal health coverage, as envisaged in the manifesto of the Kenya Kwanza Government, we need to note that one of the key pillars of the sector is health products and technologies. A country that is unable to control and regulate health products and technologies may miss the mark in achievement of universal health coverage of its people.

For a long time, the pharmaceutical industry in this country has not been very well regulated. That is why at times we have had drugs that do not meet the required standards on the shelves for almost a year. An example is what we witnessed last month where a syrup known as Tamedol, a pain reliever for children, was recalled from the market over alleged quality concerns. We are left with questions of how this drug got onto shelves and used for almost one year.

This Bill seeks to put stringent measures in regulation of drugs and technologies in this country. Kenya is a growing economy. As a country, we would wish to join global markets in the manufacture of medicines, drugs and technologies. Currently, being at maturity level 1, Kenya is not in a position to export the drugs we manufacture from our local industry to other countries. What is envisioned in this Bill is to push the country towards maturity level 3 where our manufacturers can export locally manufactured drugs to other countries in the region. This will spur economic growth, and provide job opportunities to our people. This will be a great achievement for this Government. By strengthening the National Quality Control Laboratory, we will ensure that the drugs, medicines and technologies that get onto our shelves are safe for people. It is the function of the Government to ensure safety of its citizens.

This Bill also seeks to regulate professionals around the business of drugs, that is, technologists and pharmacists. Unless we regulate the whole field of professionals, as a country, we might not move very well in the health sector. As we discuss achievement of primary healthcare, I want to reiterate that the centre of primary healthcare is medicine and technologies. When there is a free market where anybody gets what they want in the market or walk into any shop and get medicine that should be prescribed by a professional, it is a very tricky and dangerous place for us to be as Kenyans. Currently, one can walk into a local shop and buy medicine. Every shopkeeper in our villages has become a doctor who can prescribe medicine and tell you how it works and which one is stronger than the other. This Bill seeks to control that space so that we can have control in the sale and dispensation of drugs across the country.

I second the Bill and insist that it is a very important piece of legislation, not only for this county, but for this administration. Healthcare is at the centre of the manifesto of the Kenya Kwanza Government.

I second.

(Question proposed)

Hon. Deputy Speaker: Those who want to contribute, please press the intervention button. I only have one request on intervention. I now have Hon. Beatrice Elachi, Hon. Eric Muchangi, Hon. James Nyikal and Hon. Atandi on intervention. I am writing down your names. Hon. Beatrice Elachi, you may start. I am reading the names so that in case it disappears from the screen, you know the order to follow.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. I rise to support this Bill. We are all aware of where we are as a country in terms of safety of drugs. An analysis of the Pharmacy and Poisons Board today makes you realise that there are many issues that we need to ask ourselves. First and foremost is to ask ourselves: As we talk about drug safety, how shall we regulate chemists and pharmacies across the country? Currently, there are too many pharmacies and chemists. There are even some with just a few drugs which begs the question whether it makes sense even in terms of their profits or anything

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else. But once you go into the chemist, you realise there is a set of medications that they just keep on their shelves. Some of these cases have become serious such that young people just point out and know that if they walk into a certain chemist, they will find the drug that will ease them of their addiction to drugs. We must remember that as we agree with the Authority and strengthen it, we should also ensure that we re-look at the pharmaceuticals that we have licensed to sell drugs in this country. We have very many generic drugs that people are taking and it is becoming very difficult because when you are sick, you are getting resistant to some of the drugs that we have today.

I wish as we move with the Kenya Drugs Authority that we ask ourselves... There is this disease that has just come that keeps you every time on a kit of H.pylori, and every time when you go to a doctor, you are told you are sick with H.pylori. You are then put on a kit for 14 days. After the 14 days, you think you are done, but in two months, the doctor tells you that you should go back to the same kit. Slowly by slowly, we are just entrenching some poison in our bodies. Even as we bring in this Authority and want to enhance the capacity of those who deal with drugs in our country, it is time we looked at our Asian brothers who have these pharmaceuticals in Industrial Area doing some very interesting business but killing us slowly by slowly.

You walk into a hospital and you are unable to say anything. I am hoping that in the Bill, we shall have a way that when they want to transit, and I know Dr Nyikal is here and will help us, to a new version of a drug, is it not important to do public participation to Kenyans to know? At the moment, they just come, release and say Calpol is not working, then they remove from circulation. Same applies to Brufen. If you go to Europe, you will find there is very serious public participation when you are introducing a new drug and when you are removing a drug from the shelf, so that if it becomes an issue, then that citizen has a right to sue and be paid.

We have seen that happening in Europe, but here in Kenya, we have become like a dumping ground. I went to Ghana a few days ago and if there is a place where they have safeguarded, it is the issue of medication of drugs. But here, anybody can do the business of a chemist. You wonder whether we have regulations and whether we monitor them now that health has been devolved. Who remained up there to ensure quality assurance in everything that we do within the state of health? There is need for very serious policy. Even as we bring in the Authority, there must be a way of regulating so that pharmaceuticals do public participation as per the Constitution so that Kenyans understand.

We are agreeing with the Bill, but there are many loopholes so far that many Kenyans are suffering. Can we also look at the pricing because when you visit a doctor, you are given a list of drugs that cost more than Ksh50,000 for a month's prescription. In every family in Kenya, 80 per cent are always on Accra Road, where we have the best affordable and accessible chemist. So, everyone runs there and you find a huge line. If you go right now, you will be shocked how people have come from all over looking for affordable drugs that you can only find at this chemist, which I will not mention the name. It is around Accra Road. It is a business that is booming.

The other thing that we need to request and I am hoping the Chairman will look at as we bring in the Authority, is a way we can bring wellness and prevention so that we can prevent taking drugs by using something else. Is there a way that the Authority will not just be talking about drugs, but ensuring that citizens are healthy and that it is not a must to take drugs every time? I can use vegetable and fruits as an alternative to my drugs.

Even as we look at this, I want us to look at who controls the pricing because every day you find each chemist with its own figures. You will be surprised that if you go to big malls in Gigiri, it is cheaper buying a drug there than at our local chemists. That tells you how sad it is for Kenyans. People have realised that when you enter into any hospital, you will be treated, but they have a pharmacy somewhere where they are doing business and so all the profits are

in drugs. Are these drugs, especially antibiotics, better for Kenyans or are we just worsening the situation of this patient? These are very critical things that we need to look at. Today, if you take Augmentin for a week, in two to three weeks, you find yourself again with the same attack that you had. Does it mean that this drug is becoming another menace?

For me, there are two things we have to look at. As we look at this, there is need for the Departmental Committee on Health to walk around and look at that H.pylori kit which has been changed for a new one. They are saying this is better than the other one, but did they sensitise Kenyans? How does this one become better than the other one? How does a Kenyan in the rural area understand that this is a better kit than the other one?

I have used those two drugs that I have talked about. I have used the new H.pylori kit and in three months, I went back to the same challenges that I was facing and this is a kit that you buy at Ksh15,000. There is need to be very serious in terms of regulations on how we set up chemists, but more importantly, how we deal with drugs today in our country. All the pharmaceutical companies that we have must tell us where they do their public participation.

Hon. Deputy Speaker: Hon. Eric Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Deputy speaker, for this opportunity. From the outset, I support the Kenya Drugs Authority Bill. I wish to commend Hon. Pukose and his Committee for a job well done.

The issue of drugs and medicine is a very serious issue in this country. We have lost very many people through the hands of quack doctors and people who prescribe drugs to ailing citizens. Instead of giving them drugs, they end up giving them poison. This is because this sector of drugs is not properly regulated. I believe that by passing this Bill, this sector will have good regulations so that it is not everybody who wakes up one morning and decides to put up a pharmacy.

We have seen and heard that in this country, the best business to put up is a pharmacy. I had a friend who used to brag how he made too much money out of the sale of medicine. One day you could hear him say how he bought medicine at a very low price, but sold it at very high price because many citizens could not authenticate the price of the medicine.

I hope this Bill will take care of all this so that we do not have citizens consuming drugs from people who want to make profit, but not to cure or enable our citizens to heal. This Bill will ensure that we do not continue importing medicine from China and other countries. It will give our country the capacity to manufacture drugs and medicines for export, which will create jobs. I support the Bill. The Committee has done a good job. Let us also consider the idea of preventive measures. It would be very good if we could prevent the diseases that we seek to cure, so that we do not always need medicines.

I support the Bill

Hon. Deputy Speaker: Member for Seme, Hon. (Dr) James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I rise to support this historical Bill. In the last one or two weeks, we have made fairly historical legislation regarding the health sector, this being one of them.

The objective of this Bill is to regulate medicines and medical devices, which include things like x-rays which emit radiation, simple things like blood-giving sets, therapeutic chemical substances, herbal medicines, and all scheduled substances. The Bill is also closely linked to products that are used in veterinary medicine and agriculture. Hon. Deputy Speaker, I know your interest in chemicals like pesticides and herbicides. They are also linked to this Bill in a way. They are all chemicals. The only difference is how we use them. Even therapeutic cosmetics fall under the same category.

That raises very important issues considering where we have come from in terms of regulation of medicines. The Pharmacy and Poisons Board (PPB), as currently constituted, regulates medicines and professional personnel. With this Bill, we are breaking away from that.

Medicines will be regulated separately from professionals which is a major shift from what we have been doing before.

In the past, we have regulated veterinary and human medicines together. That has been controversial. There was a feeling that they should be separated. If you look carefully, the chemical molecules of veterinary and human medicines are the same. The molecules in the antibiotics we use are similar to those used by animals. We should address the issue of whether we should split them or not.

The other important issue that we are taking a new look at is that of the control laboratory. Currently, the National Quality Control Laboratory is part and parcel of the PPB, yet it has a board of its own. I call it a “kangaroo board” because it is a board within another board, which raises many problems. We need to look at those issues because they are ground-breaking and change-making.

I support the Bill because it creates an Authority which will look into issues of licensing, regulation, advertising, and more importantly, manufacturing of medicines and medical devices. Can we locally produce medicines? Regulation of manufacturing is more complex because you are producing the products yourself, therefore, you have to be a lot more careful.

The Fourth Schedule of the Bill creates scientific advisory committees that will deal with all these issues. One of the committees that we will create is the National Food Safety Committee. We should look into the amount of chemicals that are used in food. There are also the Human Medicines Committee, the Veterinary Medicines Committee, and the Medical Devices Committee. As I said, medical devices cover a wide area. They cover things like blood-giving sets, X-rays, Magnetic Resonance Imaging (MRIs), and other very complex machines. They all have to be regulated. In addition, we also need to look at how to manage the National Quality Control Laboratory, which will guide on registration and licensing of drugs. The Bill addresses those very important issues.

We have to regulate the trade aspect. As much as these are health and medical issues that deal with human life, there is also a trade element because of business interests, which has to be regulated. We have pharmacies all over the country which charge different prices for medicines. That has to be looked at. Medicine wholesalers are also a major part of the regulation system. We should look at that carefully and ensure that it is taken care of.

There is also the scheduling drugs so that we know which drugs are used where and by who. We have to look into that complex issue. More importantly, is the issue of international trade. If we get into international trade, particularly the production of medicine, we must abide by good manufacturing practices. The World Health Organisation (WHO) guidelines provide the levels of manufacturing. If one manufactures drugs for a large population, and not just Kenya or East Africa, you have to consider Maturity Level 3 (ML3). That must come out clearly in the Bill.

We have to consider how we relate as a country. We have different levels of professionals in the pharmaceutical sector. We have pharmaceutical technologists, who hold diplomas. Pharmacists are at a degree level. We must be very clear and set out proper guidelines on who does what. That must be reflected in the Bill.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

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

Hon. Temporary Deputy Speaker, that does not only apply in the pharmaceutical sector. There are differences between clinical officers and medical practitioners; medical laboratory technologists and pathologists; and oral health officers and dentists. This Bill will be the first

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piece of legislation where we clearly enumerate the different responsibilities of each profession.

We should find a way in which diploma holders can work their way up to a professional degree level. If we do that, we will eliminate cadre issues, which come out more seriously in practice and in trade. Those issues will continue to give us problems unless we do something about them. The Bill addresses all those issues. We will look into certain issues during the Committee of the whole House, where we will make amendments that will introduce the levels that we are talking about to carefully delineate what each committee is supposed to do.

With that, I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gladys Boss, Member of Parliament for Uasin Gishu County.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this very important Bill.

I start by commending the Chairperson, Hon. (Dr) Pukose, and his Members of the Departmental Committee on Health. This is an extremely timely Bill that has been long outstanding from the 12th Parliament. We are grateful to Hon. Pukose for ensuring that it came to life in this Parliament, because it is extremely strategic and critical for this country.

Hon. Temporary Speaker, Kenya cannot attain the Level 4 status that is required as I am informed by professionals like Dr Pukose and Dr Nyikal. If we do not ensure that our law, or the Kenya Drugs Authority Bill, is in conformity with the WHO standards, then Kenya will be locked out from the international market of selling its manufactured pharmaceutical drugs to other countries. Right now, Kenya cannot export to Europe and the United States of America because we do not meet the WHO standards. This Bill will ensure that we meet WHO's standards.

This Parliament, in the Finance Act 2023, has given several incentives to encourage pharmaceutical companies to manufacture locally. They can manufacture locally, but will not export because they do not meet the international standards. Organisations such as the United Nations International Children's Emergency Fund (UNICEF) are domiciled here in Kenya and whenever they require to buy any drugs, they will not buy the ones manufactured in Kenya because, again, our law is not in conformity with international standards. There are only three items that are accommodated in this Bill that we will be discussing going forward.

One, we want to ensure that as per the international standards, only those who are trained pharmacists can handle certain drugs, and others can be handled by general handlers such as our pharmacy technicians. This is not to say that they will be locked out of work. If we improve our manufacturing and can export, the biggest personnel who will be guaranteed jobs, and will be involved in the manufacturing are our pharmaceutical technicians.

Two, we also want to ensure that as per the recommended best practises under the WHO standards, licenses are only given to pharmacists, as it is done globally. If we do not do that as Kenyans, and allow anybody to be given trading license, then we shall fall below the WHO standards thereby locking our country and hampering our growth. I want to, again, make it clear that no pharmacy technicians will lose jobs or be locked out of market. They will be the ones working in these manufacturing industries. They will be the ones that will be employed. It is important to note that wholesale dealers' license is a technical practise license and should only be issued to pharmacists and that can be included in the Bill.

Lastly, we want to reinstate the removal of veterinary products from this Bill and include it back because as I have been informed and studied, molecular science relating to animal and human health is similar. It would be a waste of taxpayers' funds to do double regulation and vetting of human medicine versus veterinary medicine. In other countries, they are domiciled in one authority which is suggested in this Bill, for more efficiency and to ensure

that there are no loopholes of certain drugs that can have a negative effect when they leave the system.

With that, I proceed to support the Bill with those suggested amendments. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Members, as the Deputy Speaker had indicated, we have challenges with the system. I am going to rely on the names that were indicated before we lost them on the screen. I will give the first opportunity to Hon. Samuel Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to give my contributions on this very important Bill.

I begin by congratulating the Chairman and the Committee. They have done a wonderful job in coming up with this Bill. As everyone has mentioned, this Bill is important because it is going to help in regulating the pharmaceutical manufacturing sector. I believe the sector is one that can help this country to grow its economy because it has not been utilised properly. In Kenya, we have about 30 companies that are manufacturing drugs. If you compare these numbers with our neighbours, Tanzania has about 11 and Uganda has about 20... That means if we really harness this sector, we can be the country that is exporting drugs to the region. Unfortunately, this is not the case. As you are aware, we largely rely on imported medicine. This is the reason we are saying that if you visit local chemists, you will find that they are only stocking imported drugs. Some of these imported drugs are of low quality. I hope with the licensing mandate given to this Authority, they are going to do a better job in ensuring that the drugs that come to this country are high quality.

Coming back to the point that I raised about maximising on this sector to help us grow our economy, we have done very little as Parliament to help this sector grow. For example, in the recent Finance Act 2023, we did very little because we loaded too many taxes on this sector. As a House, we have done an injustice with all the taxes that we loaded on this sector which could help us create job opportunities for our youths and in generating foreign exchange. Right now, we have issues with foreign exchange because we lack foreign in-flows. As we pass this Bill, we must remember that a high tax regime is bad for any sector, including the pharmaceutical sector. I want to tell the Government that it is not enough to just come here and bring us Bills to pass. We will pass Bills, but they will have no effect in jumpstarting our economy if we do not link some of these legislations with the other aspects of governance such as taxation.

Right now, the cost of electricity has gone very high and there is no manufacturing sector that can prosper if we cannot contain the cost of power. We cannot prosper if we continue to tax employers, and these companies. Today, we are increasing the National Hospital Insurance Fund (NHIF); tomorrow we are increasing the National Social Security Fund (NSSF); and the housing levy and so on. These nonsense taxes are going to kill these sectors. It will be a waste of time for us to sit here and pass good laws which will not be implemented.

The other issue is to do with corruption. I also believe that this country does not lack laws. We have enough laws, but how come they do not help us? It is because we allow corruption to thrive. Corruption thrives in this sector.

I think the health sector is the most corrupt after the police. We need to ensure the new law we are passing works and serves us. So, we must be vigilant and ensure we do not allow corruption to thrive since this Government has allowed corruption in all ranks. Every day, it displays corruption. We see the Deputy President carrying sacks of money going to church to give donations. He is displaying corruption and wants this country to prosper; it cannot. Therefore, we must tie these things up to work together for the good of our country.

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): How my brother and friend Hon. Samuel Atandi is painting the Deputy President of the Republic, is in extremely bad light. We respect him and he is a truthful man. He has displayed him as a corrupt person without any evidence, papers or documents. According to the rules of the House, you cannot cast aspersions or discuss the integrity of any senior member of this country, who cannot defend himself here, without laying down proper documentation signed as an affidavit or by a commissioner of oaths to prove your allegations. Is he in order? Can he withdraw the statement he has made?

Hon. Samuel Atandi (Alego Usonga, ODM): It is unfair for my colleague to waste my time, raising a useless point of order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Samuel Atandi, the language you are using is clearly unparliamentary. Based on Standing Order 91, I have listened to you very well. You mentioned the name of the Deputy President in bad light and also talked about him carrying money in bags. I want to invoke Standing Order 91 on responsibility for statement of fact. I would like you to substantiate your statement or withdraw and apologise.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I am very clear about my statement and the Standing Orders which apply. I am talking about corruption and I am saying that senior Government officers are displaying corruption.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I have a problem when picking the microphone and it is taking time for me to press. Hon. Atandi, I have invoked Standing Order 91 on responsibility for statement of facts. I have also clearly mentioned the words you used and asked you to present evidence because you have mentioned the bearer of a certain office. So, are you willing to withdraw and apologise, so you may conclude your debate?

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I do not find anything to withdraw because I said very clearly that Government officers are displaying corruption.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): No! You said the Deputy President and I will give you an opportunity to withdraw and apologise or present facts.

Hon. Samuel Atandi (Alego Usonga, ODM): I want to add that the Deputy President is displaying corruption in his activities, by carrying millions of shillings in cash taking to *Harambees* yet we know very well we passed a law in this House that you cannot withdraw more than Ksh1 million from your account. Where does he get Ksh5 million to take to *Harambees*? I will not withdraw.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I have a problem with the microphone and you will notice I am really straining. Kindly, whoever is concerned with this should assist. Standing Order 91 is on responsibility for statement of fact and it states:

“(1) A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly”.

I would like you to substantiate that alleged fact you are talking about instantly or withdraw and apologise or I will consider you out of order.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I will bring you evidence of the Deputy President presenting millions of shillings in *Harambees* because I do not have it with me right now.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Atandi, it is instantly. You are completely out of order!

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Ruku, you cannot have a point of order on top of another point of order. I would like to give Hon. Atandi an

opportunity to withdraw and apologise. The statement he has made is weighty and affects the Deputy President of Kenya. It is a serious statement. So, withdraw and apologise or I rule you out of order.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I will disappoint you because I will not withdraw. I am speaking of facts I believe in, that the Deputy President is displaying corruption by carrying huge sums of money to *Harambees*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The other day when I was in this position of the Speaker, I cautioned you. I think you have a way of finishing your statements in a disorderly way. Today, I am going to invoke Standing Order 107, disorderly conduct 107 (1)(f) which states:

“(1) A member commits an act of disorderly conduct if the Member—

(f) deliberately gives false information to the House;

(g) makes allegations without, in the Speaker’s opinion, adequate substantiation”.

I consider you to have given false information because you do not have the ability to substantiate. I have given you two opportunities because you have made allegations without, in my opinion, adequate substantiation. So, I order you to get out of the House. I am on record that you will be out of the House for the rest of the day. So, you may now withdraw from the Chamber.

Order, Hon. Ruku!

(Loud consultations)

Hon. Atandi, withdraw from the Chamber. Order, Hon. Catherine Omanyo! You are not disorderly. So, stay in your position. I am addressing Hon. Atandi, and have asked him to withdraw from the Chamber.

(Hon. Samuel Atandi withdrew from the Chamber)

Hon. Members, we now go to Hon. Rahim Dawood, Member for North Imenti.

Hon Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I want to support the Kenya Drugs Authority Bill and congratulate the Chairperson, Dr Robert Pukose, together with his Committee for the excellent Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rahim Dawood, just a minute. Hon Members, I request to take this opportunity to recognise students from Faith Ventures Christian Academy from Roysambu Constituency in Nairobi County; and Kathikwani Primary School from Kilome Constituency in Makueni County. On my behalf and that of the House, you are welcome to continue observing proceedings in the National Assembly. You may proceed, Hon. Dawood.

Hon. Members, it is very important for us to recognise these young ones. We have just lost one of the groups because we did not do it. You may proceed now, Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): I thank you, Hon. Temporary Speaker. Like I said, I congratulate the Committee led by Hon. (Dr) Pukose. This Bill is very important. It has come at the right time. There are many things out there.

There are two groups which are fighting each other because one is not recognised while the other one is. This Bill is not only about the pharmacists and the pharmaceutical technologists, but also goes very far in the establishment of the Authority. The National Quality Control Laboratory (NQCL) will be the main benchmark where the drugs procured in this country are looked at in sense that we do not get drugs which are expired or have adverse effects. We are privy to a lot of things. Drugs which are banned by the European Union (EU) somehow find their way into Kenya because of weak structures. The way this Bill has been

structured, we will have a proper functioning Authority which will ensure that the drugs which are not good for our people do not come to the shores of this country.

We have an issue with a lot of very harmful cosmetics which are sold in the streets of Nairobi and other places. They are being sold and imported because the standards have been lowered. However, I believe that with this Bill, these cosmetics will be banned completely. Like the previous speakers have said, there are some drugs which you can buy. They are not put on the shelves, but at the back of the stores. They are not sold to every person. If I go there, they will not sell them to me for they know whom to sell to.

We need to control these things. This Bill goes far in the manufacture of pharmaceuticals in this country. It makes it easier for local manufacturing. I want to confess that my two daughters are pharmacists. One is a pharmaceutical scientist with a Master's Degree and the other one is a doctor in pharmacy. That does not mean that I do not advocate for pharmaceutical technologists. Both have their own places. I believe that when we go to the Committee of the whole House stage, and I have spoken to Hon. Chairman regarding...

(A Member spoke off the record)

Hon. Temporary Speaker, protect me from this Member. When we will go the Committee of the whole House stage, we will give justice to this Bill. There is an issue; pharmaceutical technologists are out there. We need pharmacists in all the small towns and villages. Without them, the UHC of the Kenya Kwanza Government will not be achieved. They are supposed to be there. Let them handle what is supposed to be handled and pharmacists will handle the wholesale and retail sale of drugs. We are saying that this Bill has nothing to do with pharmacists and pharmaceutical technologists. It concerns what we will be getting in future.

With those few remarks, I support the Bill. This is not an advice, but in future, any Member who imputes improper motive should not be allowed to go very far. His microphone should be switched off before he goes too far. There is no justification for character assassination.

Thank you, Hon. Temporary Speaker. I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Otiende Amollo, Member for Rarieda and Senior Counsel.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Speaker. At the onset, I would like to congratulate the Committee for bringing this Bill which I support. It rationalises this area, among others. It brings issues that fall under the Pharmacy and Poisons Act and Food, Drugs and Chemical Substances Act to rationality. I agree that it is in keeping with the international standards.

I only have one small area in the Bill that I do not agree with. The Committee should look at it. That is Clause 8(2)(j) which talks about the composition of the board. The Chair of the Board is clearly indicated as a person appointed by the President who is a registered pharmacist of good standing with a degree in pharmacy. When it comes to the representative of the governors, the Bill says it will be a person with special knowledge of drugs and health technologies; whatever that means. It is to be noted that in the definition section, pharmaceutical technologist and pharmacist are defined, but there is no definition of this animal called, "a person with special knowledge of drugs and health technologies." Whenever you are not clear, it always gives room to appointment of all sorts of persons and they say they have knowledge. That is one area that I would like to urge the Chairman and the Committee to consider. Hon. (Dr) Pukose is not listening, but someone will tell him what I have just said.

Hon. (Dr) Robert Pukose (Endebess, UDA): I am listening.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, aside from that, I do not have a problem with the Bill as it is. I have said that I support it. However, I have a problem with two aspects of some sections of the Report of the Committee which I have gone through.

The first aspect is what Hon. Deputy Speaker spoke to. That is what is in Section 2(d) of the Committee's Report. There was a proposal in the Report - I hope they will drop it - to remove the veterinary medicine from the ambit of the Bill as submitted by Hon. (Dr) Nyikal. It is my view that whether it is human or veterinary medicine, it is still medicine. The molecular composition may vary, but not substantially. Therefore, it is my view that regulation of veterinary medicine just like human medicine must still be centralised and brought back to this Authority. I would really like to urge the Committee to consider and drop that amendment.

The second general area is what Hon. (Dr) Dawood spoke to and Hon. (Dr,) Nyikal also mentioned it. There are very many areas in which the Committee is suggesting adding the word, "pharmaceutical technologist" where the word "pharmacist" appears. For example, this includes sections 2(m) and 39 to 41 in the Report, when it comes to regulation of wholesale dealers. It also includes Section 41 where we are talking about adding pharmaceutical technologists to deal with scheduled substances. It is in a variety of places which I do not have to enumerate all of them. I have pointed out some of them to Dr Pukose.

Hon. Temporary Speaker, I have a conceptual problem with that approach: Where you have the word "pharmacist," you simply want to add the word "pharmaceutical technologist." While I agree with what Hon. Dawood and Dr Nyikal said, we need to find a niche for each. I do not agree that you can lump these two people together. It is not only pharmacy that has this problem, but also there is an issue between pathologists and laboratory technicians; doctors and clinicians; architects and draftsmen; and engineers and inspectors.

Hon. Temporary Speaker, the engineers have an issue with the inspectors, and even the advocates have an issue with paralegals or clerks. It cannot be that one can go for learning at a certain level of a certain rank for so many years and that, it can just be amended by the stroke of the pen that it is so and so.

If one graduates, it is okay, and one can always rise higher, but until you get there, roles must be preserved for you and someone of higher learning who also takes higher responsibility for their actions. Therefore, I want to persuade the Committee to reconsider that approach of simply saying pharmacies/pharmaceutical technologists and adopt a more practical approach of looking at what pharmaceutical technologists can do and what we will reserve for pharmacists. It can be and has been argued that, as a country, we have a shortage of specialists, including pharmacists. We have issues of costs, issues of people who are experienced even if they are technologists, sometimes even more than the pharmacists.

However, there are reasons for this categorisation, and the solution cannot be to lower the standards or threshold. The solution must address those specifics and agree on what we want to hold at a higher and lower pedestal. Then, for each pedestal, to have those respective categories to the highest professional standard and punish them whenever transgression occurs. I disagree, therefore, that we can simply say that anything a pharmacist can do, a pharmaceutical technologist can do, and there are many in this Bill.

Lastly, there is a technical point that the Committee should consider; I urge Hon. (Dr) Pukose to look at the history of this Bill. You will see that on 24th October 2018, similar provisions were discussed. At that time, a similar thing had been done, and the Attorney-General advised that it was improper to equate those two levels.

When the Bill went to the President, he refused to assent and brought it back with those observations, and I am sure Hon. (Dr) Pukose's clerks will be able to get all that. Do we want to walk that path again? Where there was an advisory issued, it was ignored, and then it resulted in refusal to assent. Technically, what would that mean? When it has come back and is

essentially a continuation of the Bill, would it then attract a higher threshold as usual of the 2/3 or not? So that we do not walk that line or so that we do not detain a Bill that is otherwise quite good, I urge the Committee to look at those distinctions without making anyone think they have won or lost. But we give due learning, experience and responsibility where it belongs. With that, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Let us have Hon. Silvanus Osoro, Member for South Mugirango and Majority Whip.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I also echo those who have spoken ahead of me and support this particular Bill at the outset. Just like my colleague and learned Senior Hon. Otiende has said, I agree with everything except a few:

First, it is important for us to start defining our Bills differently or the bodies we choose to manage particular issues of our country differently. This Bill is the Kenya Drugs Authority Bill. If there is a way, sometimes we need to think beyond appearing like we want to authorise everything. It can be a service, like the Kenya Drugs Service something. So that is not just an authority but a service that also offers other things, not just regulations.

But be that as it may, Hon. Temporary Speaker, “drugs” is a general term. Human beings use drugs, but animals also use drugs. We have got animals, and the science is the same. The scientists go through the same training. It is only that one is meant for a human being and another one for an animal. So, the separation or exclusion of veterinary drugs from this Bill is incorrect. Even as we go to the next step, the Committee should consider, just like Hon. Otiende has said, everything including the veterinary drugs. These things of saying it is regulated differently as the Bill is currently... I hear Hon. Milly say it is there but not in this particular Bill. That it should be regulated differently, and it should be included when we go to the next reading.

There is a tendency of the “wannabe’s” in a particular career - and I say this with tremendous respect - pushing to be placed at par with the people who are ambitiously focussing on achieving their goals. For instance, you will get a clerk in my law firm who wants to be called wakili or an advocate. That is the justification this Bill is also providing: A pharmaceutical technologist wants to be at par with a pharmacist. If you define them within the same line as a pharmacist and a technologist, their roles are distinct, and even their training mode is different. One is just basic, and the other goes through extreme in training. This justification of trying to put the “wannabe” of a particular career at par with those who have gone steps higher in training should be reviewed. Even as the Committee looks at that, it should focus and find a way to push and ensure such roles are distinct.

As we look at this, it is important for this Bill and the people who manage the matters of drugs to be keen on what is happening. We currently have too many quacks in different professions. What is now in the public domain is quacks in the Law Society of Kenya (LSK) or lawyers out there. People who pretend to be advocates and have never attended any law school. It is worse when those quacks also practice over-the-counter sale of the medicine. You can imagine what will happen when somebody prescribes the wrong medication to you, and there is no reverse and there is no spare for your body.

As we look at this, we must find a way to have most of those quacks in professions... People have sacrificed going to school, studying hard and opening businesses in pharmacy. Yet, somebody comes to collect a license for another person who has not gone to school and then decides to wear a dustcoat and call himself a doctor or a pharmacist, selling and prescribing drugs. Those are the people you hear when you go to their pharmacies when you say you have a stomach ache, they tell you it is H.pylori, and they give you some kits without proper medical check-ups. As we look at this whole thing, it is important for us to be keen on that. Those quacks are in the villages. I have seen too many in my constituency, small chemists

selling panadol and everything and others even carrying out abortions. It is unfortunate, and sometimes such are discovered when things go south.

We also need to find a way to regulate and protect professional societies like pharmacists so that quality professions and human life is protected, and the dignity of a profession is guarded. I mean, it kills one's morale for going to school and yet, this can be done by other people. That is what is happening in our hospitals.

As we talk about drugs, some pharmacists sell expired medications, which have been banned in some countries. Nowadays, they know the psychology of human beings, and what people want is quick service over the counter. Getting a quack or qualified pharmacist to sell drugs over the counter is easy without a prescription. I hope there is a way this can be stopped. There are generic medicines. For example, you are asked if you want original and generic Panadol. So, why sell generic medicine and not original? How do we relate whether it does the same job? Why not sell original medicine even if pricing is different? Is this playing with the human body? Those are the issues we need to be considered as we support this Bill.

Generally, the Bill is good only that it needs to be amended to meet WHO standards. We should include veterinary medicine as part of this Bill. We should separate the real pharmacists from quacks. Growing up, I saw people in dust coats and thought they were all doctors. I did not know some were butchery attendants, others sold sausages and others were actual doctors and pharmacists.

The Bill is good since it defines the qualifications of technologists and pharmacists. That is why I congratulate the Chairperson and his Committee for the good job.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Donya Dorice, Member for Kisii County.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I support this Bill because we must not think about joking with lives at any time. Medicine is key. Hon. Osoro is my Member of Parliament for South Mugirango, and I am the County Women Representative for Kisii. As he spoke, I remembered as you walk along Kisii Teaching and Referral Hospital, there are several chemists. Patients will tell you they offer all medicines not offered in the hospital.

We are left wondering because we have the best doctors in our hospitals, but they lack medicine. This is a fallacy and it does not add up. It is like attending a class and finding the teacher teaching without books.

This Bill will help doctors because they have been treating patients and telling them: "Sorry, we do not have medicine in the hospital, but you can buy it as they walk out in the chemists." Every day, I ask myself: Why is it that only very cheap paracetamol is available in our hospitals? As for the other medicines, they are out of stock. Many quacks operate those businesses and, sometimes, lives are lost.

Others tell patients if they want good treatment, they should go to India. Why leave our dear country to get treatment in another country? This is because there are no regulations.

Hon. Temporary Speaker, I support. My brother Kibagendi is complaining. Can you give him two minutes?

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Member for Kisii, you are out of order. Next is Hon. Karitho, Member for Igembe Central.

Hon. Daniel Karitho (Igembe Central, JP): Thank you, Hon. Temporary Speaker. I take this opportunity to congratulate Dr Pukose and his Committee for coming up with the Kenya Drugs Authority Bill. We are in an era where almost everybody suffers from one illness or another. In most families, you will find at least 80 per cent of the members taking drugs, for example, for joint pains.

We need to set standards for our products because, as we think about ourselves, we should think about the world at large. We are not in our world. We need pharmaceutical companies, especially those in production, to set high standards for their products. I have read the Bill, and it will ensure all pharmaceutical products are the best.

In Kenya, we have a challenge of over-the-counter treatment, and many of us have become drug abusers. I have witnessed people taking a cough syrup called Activin, which is banned in some countries. People are abusing it, overdosing and becoming drunkards. It is high time that qualified medics prescribed all the drugs that are sold by pharmacists.

We want to discourage a situation where you wake up and go to the pharmacy to buy a drug, but the pharmacist wants to sell you a prescription of their choice. In most cases, we have seen marauding pharmacists and pharmacies who do not have licenses. I have noticed that Bill is taking care of this. After it is passed and becomes law, it will work.

The issue of generic drugs, which my brother has discussed, is a challenge. They are not labeled generic, but we are told they are not original. So, they are cheaper, and I think a doctor's prescription should show what was given.

There is also this issue of interchangeability, where you go with a prescription and find a pharmacist does not have the drugs but intends to give you alternative medicines. I believe the Bill is taking care of this. So, it is an excellent Bill. I support and think it will serve Kenyans and the international community.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Thank you, Hon. Karitho. Hon. George N. Gachagua, Member for Ndaragwa. Is he in the House? Let us have Hon. John Waluke, Member for Sirisia.

Hon. John Koyi (Sirisia, JP): Thank you very much, Hon. Temporary Speaker. From the onset, I want to support the Kenya Drugs Authority Bill. I also thank the Chairperson, Dr Pukose, and his Committee for bringing this important Bill. Today, I have heard from Hon. (Dr) Nyikal that medicine for treating humans and animals is the same. I never knew that and was so shocked because I had never heard anything like that.

Hon. Temporary Speaker, some of the pharmacists in this country are not trained. I have witnessed it even where I come from. Somebody has run a pharmacy for the last 25 years, and he is not a nurse or a doctor. But he sells medicine. I want to request this Committee under our Hon. (Dr) Pukose because he is a medical doctor to take action against those quack doctors and nurses who sell medicine, and they are not qualified for doing such business. We have lost the lives of many innocent people who are sick by going to look for medicine, and those people end up giving them the wrong medicine. It is good that the Committee has observed and come up with a Bill that we will support to ensure that we protect our people's lives.

I want the manufacturers in this country to wake up. During the COVID-19 time, I thought that the manufacturers of this country and doctors would also come out like South Africa to manufacture the medicine. South Africa manufactured medicine for COVID-19. We have doctors here and medicine manufacturers and yet, we have never seen them come out with a different idea that can save this country from importing medicine from out of the country. We also want to compete like any other country to ensure Kenya is on board in every aspect like medicine. I support this Bill. It is a very important Bill, and colleagues should pass it because it is important to us as a nation and the people of Kenya.

Thank you. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Waluke. The Hon. Kibagendi, Member for Kitutu Chache South.

Hon. Antony Kibagendi (Kitutu Chache South, ODM): Thank you, Hon. Temporary Speaker. I rise to support as a member of this Committee. Indeed, a regularised industry will guard, especially the masses, from exploitation by unscrupulous dealers. We have realised in

the past that every *hoi polloi* has been involved in selling, manufacturing and distributing drugs for humans and even for veterinary purposes. If we pass this Bill, we will have an adequately regularised sector that will ensure only those allowed to run chemists and manufacturing will be involved in this trade.

The other thing is that we also need to ensure that, as we push Kenyans to go for further studies, there needs to be a clear demarcation on where one class of training can get up to and where the other can take up from. For that reason, I support this Bill, and I ask Members to pass it.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Hon. Ruku, Member of Mbeere North.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. At the outset, I support this Bill and congratulate Hon. (Dr) Pukose and his Committee in a special way. I was in the process of doing several laboratory tests on the drugs within our market. I work with a very formidable team. In the Kenyan market, a huge section of medicines are completely unsuitable for human consumption. Those drugs have found their way into our pharmacies in different parts of this country. This happens when we have the Pharmacy and PPB, which is supposed to check the quality of the drugs on our shelves. We need cheap drugs in the country that are of good quality and can treat different diseases that occur within the Republic of Kenya so that we can have a healthy society. The control of how the drugs are dispensed from our chemist is an essential function, and this Bill is coming to regulate how this will happen.

Therefore, the effort which the Committee shall put in place is very commendable. However, as this is happening before this Bill is enacted and before it comes into law, is it possible to move quickly and check the drugs we have on our shelves? Some have already been ruled that they are not fit for human consumption and unsuitable for treating some diseases, especially pediatric drugs. Some seem to be addictive. Before we enact and ensure this is done, the authorities concerned within this space should also move quickly and check what is being sold in our pharmacies and whether it meets the required standards.

I was in the process of working on a report which we can table in this House as far as this is concerned. However, since this has come on the Floor of the House, I do not know whether the Chairman, Hon. (Dr) Pukose, has made an effort to work on this. Please let us see that what is sold in our pharmacies is of good quality so that we may not add more problems when we are claiming that we are treating people with different diseases or ailments.

With those remarks, Hon. Temporary Speaker, I support and congratulate Hon. (Dr) Pukose again with his team. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Hon. Irene Mayaka, Nominated Member.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I also stand to support this Bill with possible amendments. The area that I want to focus on has been mentioned here before. As a country, we have our aim, and we strive to achieve the WHO) Maturity Level III in terms of health. When we allow Clause 39(4) to proceed, then in intent, we are trying to say that we do not take into account what we are striving to achieve. Allowing the wholesale distribution of drugs to anyone, especially the technical people who do not have qualifications, will not only harm our pharmaceutical environment, but will also affect the country's safety. For example, imagine if you have a drug like morphine easily accessed by people who do not know how to prescribe it. How will it affect our country's overall population? We have had too many outcries from pharmaceutical professionals and doctors regarding how this will affect us. It is upon us, as a House of legislation, to consider how this will affect people out there.

It has come to our attention that we have become a society with many alliances, shortcomings and shortcuts.

(Hon. Marianne raised her hand)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Marianne, do you have an intervention? You have been lifting your hand. What is out of order, Hon. Marianne?

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, this Bill looks very popular. After the Hon. Member finishes her contribution, we can ask the Mover to reply under Standing Order 95.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is it the mood of the House that I call upon the Mover to reply?

Hon. Members: No!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will put that Question to vote.

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

The Nays have it. We will proceed.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. This is a very important Bill for this country. We should ventilate and debate it as much as possible. As I was saying, we had instances – and this has been mentioned before – where quacks were operating and practicing in professions where, ideally, one must go to school and obtain the proper qualifications before practicing. The other day, we had a quack in the surgeon in a medical environment. When we begin to allow some of these amendments to come through, we set a very dangerous precedence for this country. We will have situations where people with diplomas say that they want to go to court to start representing clients. Therefore, I do not want us to encourage this. I want to encourage the Chair and the Departmental Committee on Health to take positively the amendments we are seeking to bring to the House regarding what we feel should be regulated in this Bill.

I also want to speak about Clause 41(1)(b), which proposes removing the schedule of medicines and reverting to globally acceptable scheduling as indicated in the standards in Cap. 244. I say this because if you go to some countries like South Africa, Dubai and the United Kingdom and request medication over the counter, you will not be given the drug unless you have a proper prescription. They are very strict about that. As a country, we should strive to move in that direction because by doing so, we will not only safeguard the public, but we will also ensure that the highest measurements of standards of medicine and prescription of the same are attained in our country.

Because there is too much interest, I will stop there so that I allow others to debate. As I said earlier, I urge the Committee to be very positive in its reception of the amendments we will bring to the Floor of the House. I submit.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Zamzam Chimba, Member of Mombasa County.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana Mhe. Spika wa Muda. Nitaenda mbio kwa vile muda hauko nasi.

Kwanza, ninapongeza Kamati ya Afya kwa kuleta Mswada huu Bungeni. Dawa zimekuwa zikitumiwa kwa njia mbaya. Tumeona watu wengi wamefungua *chemists* kila mahali na wanauza madawa. Mswada huu utakuwa mzuri sana ikiwa utapita na kurekebisha katika sehemu ambazo zinaweza kuleta sintofahamu kwa watu wa sekta hii. Ifahamike kuwa kuna dawa ambazo watoto wengi hutumia. Bora ameangalia ile *prescription* inasoma nini. Wao

huenda wakanunua na yule mtu wa *pharmacy*, kwa vile hamuulizi *prescription* kutoka kwa daktari, huangalia biashara tu na kutoa dawa zile kwa mtoto. Ni bora ikiwa kutakuwa na sheria kama hii inayoletwa kuzingatia na kuangalia sekta hii vizuri. Ili tusilete madhara kwa wananchi, wanaouza dawa wanafaa kuwa watu waliobobea katika sekta hii.

Hata watoto wa shule wametumia dawa hizi wakizipata kiholela. Wamezitumia kuavya mimba na wengine wamezitumia wakiwa na *stress* kwa kuwa wanajua dawa fulani hupatikana katika *chemist* fulani. Wanafunzi hawa hujua kuwa watainywa ile dawa na kulala. Lakini haisadii. Imekuwa ikiwaharibia maisha yao tu. Kwa hivyo, ninachukua fursa hii kupongeza Mswada huu kwa kuwa kuna wenzangu wanaotaka kuzungumza. Kama alivyosema dada yangu, Mhe. Irene Mayaka, tusiweke mwanya wa watu kupelekana kortini wakirudi. Tuweke sheria ambayo itakayokubalika. Iwe sheria ambayo itazingatia sheria tulizonazo katika taifa hili.

Muhimu katika yote ni jinzi dawa zilizoharibika huharibiwa. Dawa zafaa kutupwa *zikishaexpire*. Zinapotupwa waziwazi, kuna watu huziokota na kuzitumia hata katika hospitali zetu. Ninafikiri tumekuwa na hawa ndugu zetu wa Kenya Medical Supply Agency (KEMSA) jana. Tulikuwa tunawauliza maswali. Ilibainika kuwa kuna dawa ambazo zilipelekwa Kaunti ya Mombasa. Zilikuwa zimebaki miezi miwili au mitatu ziharibike. Mtu wa *pharmacy* ndani ya hospitali anaweza kuzitoa kumbe muda wa kutumika umepita. Hizi zitaleta madhara zikipewa mgonjwa. Kwa hivyo, tuangalie sheria ambayo itadhibiti na kuhakikisha dawa yoyote isiingie Kenya ikiwa muda wake wa kuisha uko karibu. Dawa hizi zisitishwe katika mipaka yetu.

Tumekuwa akina mama wa kuenda na kubisha *chemists* kwa sababu mtoto anakohoa kisha tunachukua dawa yoyote. Kuna dawa nyingi zisizofaa zilizotengenezwa katika mataifa ya nje. Kwa mfano, kulikuwa na tetesi kuwa kuna dawa zilizotoka Pakistan na India. Tuliona picha zilizoonyesha kuwa wanazitengenezea nyumbani. Hizo dawa zimepata njia ya kuingia katika taifa letu na kuleta madhara. Kwa hivyo, ninaunga mjadala huu mkono. Ninaafikiana na hii Kamati. Ninawapongeza kwa kusema lazima tuweke sheria ambayo itakayodhibiti sekta hii ya dawa.

Ahsante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Jane Kagiri, Member for Laikipia County.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you for giving me an opportunity to contribute to this very important Bill.

First is to thank the Departmental Committee on Health for coming up with this Bill and protecting the people we represent. They cannot differentiate between a doctor and one who is not. For that, I appreciate that this Bill will allow us to differentiate a pharmacist, a pharmaceutical technologist, and somebody who is not a doctor. Health care is a very expensive venture in this country. Many a time, our people who go for treatment get the wrong treatment. In this case, the Bill will be helping our people enjoy quality, safe and efficient treatment.

On the creation of the Kenya Drugs Authority, I appreciate that we will now have an organisation that will be investigating and monitoring the drugs that are used in this country. Many a time, we have heard of banned drugs still being used in our country. We will now have the authority to report to and raise issues if a situation like that arises. I also support the very high and very prohibitive or punitive fines for anyone who will go against the laws as provided in this Bill. This is because our people have often been treated for the wrong ailments or given the wrong medicine. Sadly enough, families are left to take care of those people. The culprits walk away unpunished and leave families suffering. I, therefore, support this Bill because it will improve our people's healthcare, safety and security.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai: Hon. Millie Odhiambo, Member for Suba North.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I wish to support and thank the Chairman of the Departmental Committee on Health for this well-thought-out Bill. This Bill provides for regulation so that we do not have drug abuse and exploitation of the poverty of others. Some people may be addicted to drugs, and when there is a framework where they can easily access drugs, we exploit their poverty and situation.

I also support this Bill because it recognises alternative medicine, though it needs to define what alternative medicine is. When I looked at this Bill, I tried to define alternative medicine only to discover that it is already defined under the Health Act. So, there may be some cleaning up that may need to be done to make reference to the relevant Act. Additionally, I am happy that the Bill recognises herbal medicine. However, the approach that this Bill is giving herbal medicine is terrifying. From how we deal with this, it is as though we want to recognise it, but we still seem to think that herbal medicine is witchcraft. Herbal medicine is not witchcraft. In fact, 25 per cent of all world medicines are derived from herbs. Now that we can recognise the importance of herbal medicine, especially here in Kenya, we should ensure we give it the proper place. I have proposed amendments that would ensure that we mainstream herbal medicine.

I have said in this House that Kenya has several herbal plants, like *Mwarubaini*, that are helping us. Most gynaecological issues among women are dealt with by herbal medicine, much less by what we perceive as modern medicine.

This Bill also recognises generic drugs, although I am still trying to figure out how we will deal with it in relation to intellectual property rights. One of my concerns is that it allows the doctors who prescribe medicine to allow dispensing pharmacies a chance to dispense generic drugs, but does not allow the patient to refuse generic drugs. At times, when you go to a healthcare facility, what the doctor prescribes for you is not what you are given. When the doctor prescribes an alternative, they need to get your concurrence because I may not want generic drugs. So, those are provisions that are not there.

I have several proposed amendments which I will bring at the right time. I have talked to Hon. Osoro off-the-cuff, and I want to say it here. I encourage the leadership of the Majority Party not to be worried or scared of amendments. We are all Kenyans. If I propose an amendment, I only do it to benefit Kenyans. So, do not be scared. Like yesterday, I had some proposed amendments to the Primary Health Care Bill, but we are moving at such supersonic speed that we cannot bring proposed amendments.

Even though it was such a good Bill, we wanted to look at adherence for people with HIV/AIDS. We wanted to ensure that sexual and gender-based violence is treated as a health issue. This is because it provides a framework that reaches the household. These are significant issues. But the way we are moving, it is unfortunate that we want to try and shorten the debate on this important Bill, which is significant to other Members. I want to encourage the leadership of this House that if you are not careful, we will have what we call legislative dictatorship very soon. We are used to Executive dictatorship, but we are increasingly seeing what appears as a legislative dictatorship. We know you have the numbers, but have your way as we have our say. When you use Standing Orders to keep stifling our voices, it is not a good thing. Let Members speak to it, especially when you have an excellent Bill. The world is not ending tomorrow or the day after. Let us talk to them. Let us add value. I do not see why we are rushing like we are worried.

There is also the issue of quacks. I thank Hon. Mayaka for raising that issue. Through this Bill, we will bring an amendment to ensure that everybody is not dispensing drugs aimlessly.

Hon. Temporary Speaker, we know that many young girls are dying because of abortions, especially unsafe abortions, and girls who are given drugs by people who are not qualified. When we make it very easy for people not qualified to dispense drugs, we are creating a problem.

Another thing that I saw that was of concern to me is the issue of the qualifications for being a CEO. That the CEO should be an engineer. I do not understand why the CEO should be an engineer when we are dealing with drugs. What engineering do they need? Even though we also deal with devices, you notice that most of it is about drugs. Actually, one of my proposed amendments was to separate it so that it is not about devices but only drugs. But if it is drugs and devices, we need to bring an amendment even to the name of this Bill to become the Kenya Drugs and Devices Bill.

Otherwise, this is a very good Bill. Again, I congratulate the Chairman and the Committee for this Bill. I support and once again urge the leadership to avoid legislative dictatorship. We are Members, and we also represent constituents. I cannot bring an amendment that harms my constituents.

Thank you. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rashid Bedzimba, Member for Kisauni Constituency.

Hon. Rashid Bedzimba (Kisauni, ODM): Ninakushukuru Mhe. Spika wa Muda kwa kunipatia nafasi kupenyeza sauti yangu, ingawa nilikuja mapema nikitaka kuzungumzia mambo ya ajali barabarani lakini sikupata nafasi.

Ninaipongeza Kamati kwa kuja na kanuni za kulinda afya za wananchi, kwa sababu taifa lenye nguvu ni lile ambalo wananchi wake wana afya. Ni vyema sana wale wanaouza madawa wawe ni watu ambao wana ujuzi huo, sio tu wanapeana. Hii ni kwa sababu mara nyingi, daktari anapoandika madawa, wanarudi wanasema: ‘Hizi hakuna, lakini hizi zinafanana.’ Kwa hivyo, zingine zinadhuru wananchi. Pia, wananchi wanafaa waelezwe kwa makini kwamba, ‘dawa hii unatumia madhara yake ni haya.’ Dawa nyingi ziko na *side effects*. Mtu anaanza kutibiwa ugonjwa huu, mara anaambiwa figo tayari imeharibika. Kwa hivyo, ni vyema sana watu wawe na taarifa kamili ya kiwango cha madhara ya hayo madawa. Kwa hivyo...

(The Temporary Speaker (Hon. (Dr) Rachael Nyamai spoke off the record)

Ahsante.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Bedzimba, Member for Kisauni Constituency, you have a balance of eight minutes next time this Bill is scheduled for debate. The Bill has a balance of one hour and 24 minutes.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi