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The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, we do not have quorum. Continue ringing the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum to transact business. Before we start, as you know, today is Question Time. The Cabinet Secretary for Interior and National Administration, Hon. (Prof) Kindiki should be within the Building. We have 20 listed questions. If the question is called and the questioner is not here, it will be dropped forthwith. Those who file business in the House must be here on time.

On each question, there will be the questioner, a supplementary and one joyrider.

Hon. Members: Three joyriders.

Hon. Speaker: One joyrider. Let us start.

(Loud consultations)

PAPERS

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021 and 30th June 2022 and the certificates therein in respect of:

- (a) Immaculate Heart of Mary Kairi Girls Secondary School;
- (b) Kijabe Girls High School;
- (c) Bishop John Njenga Secondary School;
- (d) Mwahima Secondary School;
- (e) Mwakichuchu Secondary School;
- (f) Chala Secondary School;
- (g) Dalmas Moka Secondary School;
- (h) Gombato Boys High School;
- (i) Buguta Secondary School;
- (j) Chala Secondary School; and,
- (k) Frank Josef Girls Secondary School.

Hon. Speaker: Thank you. Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Let us start with Statements. Chairperson of the Departmental Committee on Education, Hon. Melly. Is he in the House? Leader of the Majority Party, where is the Chairperson?

Hon. Naomi Waqo (Marsabit County, UDA): He is not in right now. Maybe his Vice-Chairperson.

Hon. Speaker: Who is the Vice-Chairperson of the Departmental Committee on Education? Hon. Malulu Injendi, do you have your Chairperson's authority to respond to the Statement?

Hon. Malulu Injendi (Malava, ANC): No.

(Loud consultations)

Hon. Speaker: Where is your Chairperson, Hon. Malulu Injendi?

Hon. Malulu Injendi (Malava, ANC): I was with him in a meeting on the Supplementary Estimates and then he left for the Liaison Committee meeting.

Hon. Speaker: Hon. Injendi, your first responsibility is to the plenary session. Anything else is supplementary.

Hon. Malulu Injendi (Malava, ANC): Hon. Speaker, the Statement is here.

Hon. Speaker: The Statement is with you now? Please compose yourself. Let me go to the next person and then come back to you. Member for Jomvu, Bady Twalib.

Hon. Malulu Injendi, I think that is also on you. You are supposed to make two Statements regarding schools. The first one on Ganze and the next on Jomvu.

Hon. Injendi, do you have a problem?

Hon. Malulu Injendi (Malava, ANC): Give me two minutes, Hon. Speaker. Just two.

Hon. Speaker: We will move to the next Statement response by the Chairperson of the Departmental Committee on Sports and Culture. The Statement was sought by Hon. Raphael Wanjala. Where is Hon. Dan Wanyama? He is now distinguishing himself as a persistent offender.

(Hon. Speaker consulted with Hon. Kuria Kimani)

Hon. Dan Wanyama, I have called out a Statement that you are supposed to respond to. Are you ready? I can see him. If you are ready, you can proceed. Go ahead.

Is Raphael Wanjala here? Go ahead and respond. The Statement belongs to the House and not the Member.

STATEMENTS

EXCLUSION OF KISUMU CITY AND KAKAMEGA
TOWN FROM HOSTING AFCON 2027

Hon. Daniel Wanyama (Webuye West, UDA): Thank you, Hon. Speaker. I was in the Liaison Committee meeting. I am sorry.

This is a response to a Statement request by the Member for Budalang'i Constituency, Hon. Raphael Wanjala pursuant to Standing Order 43(1).

Hon. Speaker, on 12th October 2024, Hon. Raphael Wanjala made a Statement regarding the likely exclusion of Kisumu City and Kakamega Town from hosting the 2027 African Cup of Nations Soccer Tournament matches in Kenya.

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Hon. Speaker, following the request and the concerns raised by the House on the matter, you directed that I provide a response to the House in two weeks. I have since received the response from the Cabinet Secretary for Youth Affairs, Creative Economy and Sports and it states as follows.

The Africa Cup of Nations (AFCON) is a prestigious annual football tournament organised by the Confederation of African Football (CAF). It brings together 24 national teams from Africa to compete for the title of African Champions. With its first edition held in 1957, AFCON has a rich history and serves as a platform for political expression and unity among African nations. The Ministry of Youth Affairs, Creative Economy and Sports...

Hon. Speaker: Serjeant-at-Arms, what is happening?

(Loud consultations)

Go on Dan.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you, I will proceed.

The Ministry of Youth Affairs, Creative Economy and Sports proposed Kenya's bid to host the 2027 AFCON as part of the Talanta Hela Flagship Initiative which aims to monetise talent in sports and the creative industry. The Cabinet approved this request on 6th December 2022 as part of the Bottom-Up Economic Transformation Agenda. On September 27th 2023, the Executive Committee of CAF announced that Kenya, Uganda and Tanzania won the bid to host the 2027 AFCON. This marked a historic moment as it would be the first time the tournament will be held in the East African Community (EAC) zone.

Hon. Speaker, CAF stadium regulations for hosting AFCON require stadiums to meet specific regulations. These regulations categorise stadiums into different categories based on structural requirements and amenities. Evaluation of the AFCON 2027 bid considered various factors, including the quality of the playing surface, surrounding areas, medical facilities, spectator and media spaces and broadcasting facilities.

Unfortunately, Kisumu and Kakamega do not meet the specific requirements outlined by CAF. The upgrading works done on Jomo Kenyatta Sports Grounds in Mamboleo fall short of expectations. Bukhungu Stadium has also been assessed to have significant lapses compromising standards.

As a way forward and for future opportunities, the Government recognises the potential of Kenya to host major sporting events in future, which can contribute to national development and elevate the country's global stature. In light of this, the Ministry of Youth Affairs, Creative Economy and Sports has actively engaged with the leadership of Kisumu and Kakamega counties, that is, Governor Prof. Anyang' Nyong'o and Governor Fernandes Barasa, to collaborate in addressing the infrastructure challenges hindering their ability to host events such as the Africa Cup of Nations. As part of these collaborations, the Ministry acknowledges the significance of Raila Odinga Stadium in Homa Bay and Charles Nyachae Stadium in Kisii as important sports venues within the region. These stadia possess the potential to meet the standards required for hosting major sporting events and the Ministry is considering their inclusion in the plans for future tournaments and championships.

To guide the development of sports infrastructure across the nation, the Ministry has formulated a comprehensive Sports Infrastructure Master-plan. This Master-plan serves as a guiding framework for investments in stadiums and sports academies and standardised and well-equipped sports facilities, ensuring that Kenya can successfully host regional, continental and international championships with confidence and efficiency.

Hon. Speaker, that is the statement from the Ministry of Youth Affairs, Creative Economy and Sports.

Thank you.

Hon. Speaker: Thank you, Hon. Wanyama. Hon. Wanjala, that was your request. Do you have any comment?

Hon. Raphael Wanjala (Budalang'i ODM): Thank you, Hon. Speaker. To me, it is a sad day for such a Statement to have come from the Ministry of Youth Affairs, Creative Economy and Sports, and the Chairman of the Departmental Committee on Sports and Culture in Parliament. Both of them are from the western region. Football is born and bred in the western region. That is where you find fans. Kisumu is one of the four cities in the country. To tell us that the stadium in Kisumu does not match that standard, we wonder how a stadium in a town like Eldoret matches the standard yet what happens there is only athletics. Football is played in Kisumu.

(Applause)

Other countries spread venues to various places. The Kenya Kwanza Government has always told us that people from western negotiated for 30 per cent share of the Government yet football cannot be played in Kakamega or Kisumu. What is the benefit to the people of western to be in a Government that discriminates against them?

Hon. Speaker: Order, Hon. Raphael Wanjala. You are making a speech. I expect you to ask for clarification from the Chairman on the Statement he has given. If you have contrary facts, place them on the Floor. You are now debating your own request. You are repeating exactly what you said when you requested the statement.

(Hon. Raphael Wanjala spoke off the record)

Order. You do not have the microphone. There is a point of order from the Deputy Speaker. Let me hear her first. Take your seat, Hon. Wanjala.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I seek a clarification on the Statement by the Chairman of the Departmental Committee on Sports and Culture, particularly on paragraph 1.2 where he says that the Ministry of Youth Affairs, Creative Economy and Sports proposed Kenya's bid to host the 2027 AFCON as part of the Talanta Hela flagship initiative, which aims to monetise talents in sports and the creative industry. The Cabinet approved this request on 6th December 2022 as part of the Bottom-Up Economic Transformation Agenda.

We all know – it is on *The Hansard* – that on the day the Cabinet Secretary for Youth Affairs, Creative Economy and Sports, Hon. Ababu Namwamba, came here, we sought clarification as to whether the Talanta Hela App that was launched at State House exists. He confirmed that it did not exist at the time neither does it exist now because I have checked. It was under a procurement process which was delayed. You are referring to Talanta Hela initiative which does not exist. We need a clarification on this because falsehood is continuing to be propagated. This might not be accurate if it is coming from the Cabinet Secretary for Youth Affairs, Creative Economy and Sports.

Thank you.

Hon. Speaker: Hon. Dan Wanyama, note what Hon. Wanjala and the Deputy Speaker have said. I will give you an opportunity to respond.

Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker. I appreciate the Chair for delivering that feedback to the House. I want two clarifications. In the Statement, he has said that there is a specific way they categorised the stadia to meet the AFCON criteria, but he has not listed the criteria. Can he give us the detailed criteria on how they came up with the AFCON qualifying stadia?

Number two, Hon. Speaker...

Hon. Speaker: Ask one question at a time, Hon. Emmanuel. We are constrained with time.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker.

Hon. Speaker: Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. My question relates to the response which has been given outlining the assessment report of the stadiums in Kisumu and Kakamega. Has the report been shared with the Committee that he chairs? It would be my interest to see the status of the stadia in Kisumu and Kakamega as at now and why they cannot host the AFCON tournament.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Dan Wanyama, go ahead.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you, Hon. Speaker. My response to Hon. Shollei...

Hon. Speaker: Start with Hon. Wanjala. You have Hon. Wanjala, the Deputy Speaker, Hon. Wangwe and Hon. Atandi.

Hon. Daniel Wanyama (Webuye West, UDA): On the issue raised by Hon. Wanjala, the fact that Kisumu is a city does not qualify the stadium to meet the CAF standards. As it were, the Jomo Kenyatta Stadium is a property of the county government. The Ministry was not part and parcel of the renovations that were made. Therefore, the international standards were not met when that renovation was done. According to the specifications of stadia by CAF, Jomo Kenyatta Stadium did not qualify to host the tournament. This is as per the international standards. However, the Cabinet Secretary has put a rider that going forward, once funds are available and negotiations between the county government and the Ministry are underway, the national Government will come in and help the county government to upgrade that stadium to international standards. In future tournaments, Kisumu will equally be considered.

To the Deputy Speaker, Hon. Shollei, the Talanta Hela the Cabinet Secretary is referring to means that when a tournament like this is held in this country, other talents will be initiated in terms of the practicability of the individuals. He is not talking about the initiative that was started, and which he indicated that its procurement process was going on. When a tournament of this magnitude is held within the country, it gives the young persons the urge to make sure that they can be international players and earn from football. He was not referring to the initiative per se but what this tournament will create and the perception it will give to the young Kenyans who are talented in this county.

On the issue raised by Hon. Wangwe, there is the annexure which I knew would be too bulky to go through. The standards are in the annexure. I can engage Hon. Wangwe while we proceed with the proceedings.

Thank you, Hon. Speaker.

Hon. Speaker: You have left out one.

Hon. Daniel Wanyama: I did not get it. Kindly if Hon. Atandi can engage me, I can respond right away.

Hon. Speaker: Give Hon. Atandi the microphone.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Chairman, is it true that...

Hon. Speaker: There is no Chairman here.

(Laughter)

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Speaker, is it true that Kisumu and Kakamega were left out of this consideration because they are not considered as shareholders of this Government? Can you confirm that that is the right narrative?

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Hon. Speaker: That is not the question you asked. Hon. Dan, you can ignore that. I will give the last opportunity to Hon. Wanjala.

Hon. Raphael Wanjala (Budalang'i ODM): Hon. Speaker, all the stadiums they have identified as having met the standards, I am sure they do not meet the standards, just like the ones in Kakamega and Kisumu. We have four years to go. Why can they not consider Kisumu and Kakamega so that we upgrade, at least, one of the stadiums to meet the standards? That way, the people of the western region who love football, will be accommodated in Kisii, Nyamira, Bungoma, Kakamega, Kisumu and Busia hotels. That is where they will get accommodation unlike in Eldoret.

Hon. Speaker: Hon. Dan Wanyama.

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Speaker, the two stadia that we are referring to are not national or Government-owned. There is a lot of bureaucracy that should be done in terms of Memoranda of Understanding (MoUs) for national Government funds to be used.

(Hon. Irene Mayaka spoke off the record)

Hon. Speaker: Do you want to be informed by Hon. Irene Mayaka?

Hon. Daniel Wanyama: Come up again, Hon. Speaker.

Hon. Speaker: Hon. Irene Mayaka is seeking to inform you. Do you want to be informed?

Hon. Daniel Wanyama (Webuye West, UDA): Yes, I can allow her to inform me if she has any good information.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I want to inform the honourable Chair of the Departmental Committee on Sports and Culture that we cannot say that the national Government does not own these stadiums. These stadiums host the Kenya Premier League games that are qualified and the *Fédération Internationale de Football Association* (FIFA) has allowed them to go ahead. The fact that they can host the Kenya Premier League games, not even the National County Premier League, means that they qualify.

Secondly, even Qatar was not ready when it was given the go-ahead to host the World Cup. Because they had the potential to prepare and be ready, they were given that chance. I do not think saying Kakamega and Kisumu are not ready now should be a conclusive qualification that they are not able to host these games. They have four years to be ready because they already have the possible infrastructure.

Hon. Speaker: Order, Hon. Irene Mayaka. You are just repeating what Wanjala said. I do not know what you are informing him. Hon. Wanjala said exactly what you are saying. Chairman.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you, Hon. Speaker.

I just want to advise the Hon. Member. The organizers first inspect the facilities to see whether you have adequate facilities before any country is given the go-ahead to host any tournament. I have just said the stadiums hosting the Premier League is a non-issue as far as the standards are concerned. I am talking from a sportsman's point of view. As it stands, the stadiums are not adequate in terms of facilities to host the tournament of that magnitude.

Hon. Speaker: Yes, Omboko Milemba. I wanted to close this here.

Hon. Omboko Milemba (Emuhaya, ANC): I am very sorry, Hon. Speaker.

I find it glaringly incorrect for the House to be informed that a stadium like the one in Eldoret, unlike the one of Kakamega and Kisumu, is owned by national or county governments. I want to put it to you that even the stadium in Eldoret is owned by the County Government of Uasin Gishu. I am a former player. I know that the Government did not own even the Nairobi City Stadium, which we have used for all the years, per se. The Nairobi City Council owned it.

Although I did not follow your answer very correctly, I find it incorrect for that alone to be a reason to challenge the two stadiums.

Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Yes, Leader of the Majority Party.

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

I appreciate the responses given by the Chair of our Departmental Committee on Sports and Culture, Hon. Daniel Wanyama. This is a case study of why Cabinet Secretaries (CSs) should be the ones to answer Questions.

(Applause)

We are now questioning Hon. Daniel Wanyama on issues that he may not have all the information on. I encourage the people who had raised those issues to put questions to the Cabinet Secretary to come and answer. The CS should be in a position to expound on the ownership of certain stadia, who owns what stadia, and who is developing such stadia. What we are doing now is second-guessing. I have heard Hon. Omboko claim that the Uasin Gishu County Government owns the Kipchoge Keino Stadium. As a former Chairman of the Budget and Appropriations Committee, I know the National Government was developing this stadium. I think from 2018 or 2017 and it is still incomplete. I think they are doing the final touches now.

As Hon. Wanyama is indicating, the case may be that certain stadiums may not be up to standard to hold FIFA games or the AFCON games. Those are the standards FIFA approves for such continental games. Therefore, only the CS is in a position to come and apprise the House on the minimum standards for these games to be held in a stadium. This way, we will evaluate if we have that kind of stadium in Kisumu, Busia or even Kirigiti Stadium in Kiambu. I am certain each of our counties would want to host these games because it comes with certain economic benefits to our people.

In addition, to remind the House, these AFCON games are in the Year of Our Lord 2027. That is the year we shall be holding elections. We shall be amid campaigns. We must be cognisant of that fact to ensure we do not brand any part of our country as a county or as a place where you are not hospitable to people from other regions and from other areas even as we engage as politicians. Your security and hospitality should be top-notch.

Hon. Speaker: Yes, Hon. Kaluma. What is it? I want to close this matter.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Speaker. I play position three in Bunge FC. Hon. Omboko Milemba plays in the midfield. If I were to require the Members of Bunge Football Club to stand up, you would discover they are all from the western side of the country. In fact, they can stand up.

(Several Members stood in their places)

Hon. Speaker: Order. Nobody has asked anybody to stand up. Order, Hon. Members.

(Laughter)

Hon. Peter Kaluma (Homa Bay Town, ODM): The goalkeeper is here. For once, I agree with the Leader of Majority Party. I wanted to ask that, instead of Questions being processed again, you find it within your authority and power so that this matter is interrogated

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expeditiously in terms of time and the preparations we need. Based on Standing Order No.1, which you can invoke at any time, I request that you require the CS, Ministry of Sports to come here on a day you can assign either on this whole issue or together with other CSs so that we address it at once.

I thank you, Hon. Speaker.

(Hon. Mary Emaase spoke off the record)

Hon. Speaker: Who do you want to inform, Mary Emaase?

(Hon. Mary Emaase spoke off the record)

Hon. Speaker: The House does not need any information. Hon. Kaluma is no longer on the Floor. Let it pass. I will go back to Malulu Injendi. Are you ready now?

Hon. Raphael Wanjala (Budalang'i, ODM): On point of order.

Hon. Speaker: What is out of order?

Hon. Raphael Wanjala (Budalang'i, ODM): Hon. Kaluma suggested that you use Standing Order No.1. You have not responded. I would love to hear your response on that.

Thank you, Hon. Speaker.

Hon. Speaker: Standing Order No.1 does not apply.

(Laughter)

That is the response. Go on Hon. Malulu Injendi.

STATUS OF INVESTIGATIONS INTO FIRE TRAGEDY
AT GODOMA SECONDARY SCHOOL

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Speaker. The Member for Jomvu Constituency, Hon. Bady Twalib, sought a Statement regarding the passing on of a student through the fire tragedy in Godoma Boys in Kilifi County. The Member for Ganze Constituency, Hon. Kazungu Tungule, sought a Statement regarding the rise of cases of arson in secondary schools in Ganze Sub-County. The schools were as follows:

1. Sokoke Boys Secondary School.
2. Ganze Boys Secondary School.
3. Ganze Girls Secondary School.
4. Kochororoni Secondary School.
5. Godoma Boys' Secondary.
6. Baale Secondary.
7. Bandari Secondary School.

Hon. Speaker, the response from the CS is as follows.

The Ministry regrets the loss of a student in a fire tragedy at Godoma Secondary School on 9th October 2023 at around 4.45 a.m. The deceased student was named Fadhili Musahali Hassan. He was in Form Two. Upon the incident, the County Director of Education and three Quality Assurance and Standards Officers visited the school to investigate the incident.

The student died in a dormitory, Kifaru Dormitory, at a time when other students had gone for their morning preps as per the school's routine. There was no evidence that the deceased had gone for preps. According to the report by the school principal, the fire spread so fast and could not be extinguished. The investigations revealed that a group of students torched the dormitory as a result of the influence of the neighbouring schools for them to be allowed to

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go out of school. Following the incident, 10 students were isolated and handed over to the police for further investigations. Eight of the students appeared before the Senior Principal Magistrate in Kilifi Court 1 on 11th October 2023. The police were given 14 days to conclude their investigations.

The late Fadhili Musahali Hassan had been registered for medical insurance under the Edu Afya scheme. The family of the deceased student was guided on how to complete forms to claim the last expense and the group life secondary school medical scheme. The Board of Management and the education office supported the family during the burial.

Learners were released to go home to allow the school administration to address the accommodation challenge because a dormitory had been destroyed. The Board of Management was tasked to invite officers from the State Department of Public Works to assess the damage caused by the fire. Fire brigade personnel have also been invited to the school to sensitise staff and students on the guidelines for school safety in the event of fire tragedies.

STATUS OF INVESTIGATION INTO RISING CASES OF ARSON IN SECONDARY SCHOOLS IN GANZE SUB-COUNTY

The CS reports that as of October 2023, Ganze sub-county had 22 public secondary schools with a total enrolment of 9,250 students. Out of the 22 public secondary schools, seven schools, representing 31.81 per cent, have been affected by student unrest in 2023. This includes the incident at Godoma Secondary School that the CS addressed in the Statement request by *Mheshimiwa* Twalib. The other incidents are as follows.

Ganze Boys Secondary School has witnessed two incidents of student unrest with the first incident occurring on 27th July 2023 and the second on 1st October 2023. In the two incidents, two dormitories valued at Ksh4.6 Million and students' property were destroyed. There was no loss of life in the two incidents. The incidents were investigated. Drug abuse was established as a contributor. Two students were suspected of having been behind the incidents.

A dormitory at the school was burnt on the night prior to the day of questioning the students suspected of involvement in drug peddling and abuse. This was aimed at scuttling the investigations into drug peddling and abuse. Thus far, two students have been arraigned in Kilifi Court 1 on drug-related charges. Their case was heard on 6th October 2023. The next court date is 30th November 2023. They are currently remanded at the Malindi Children's Remand Home.

In the Sokoke Boys Secondary School case, there were two incidents of unrest in Sokoke Boys Secondary School. The first incident occurred on 24th May 2023. The students protested against the principal's alleged strictness, failure to honour his promises to students and teachers, failure to undertake improvements on classrooms and other physical facilities at the school, and failure to supervise effectively teachers to ensure that teachers were teaching their assigned workload.

The second unrest occurred on 16th September 2023. A dormitory at the school was destroyed in this incident. Learners resumed studies after going through the process of re-admission. Combined efforts of members of the community and students from the neighbouring Ganze Boys Secondary School quickly contained the fire before it could cause further damage. The incident occurred shortly after the second arson case at the neighbouring Ganze Boys Secondary School.

Investigations into this matter pointed at the possible cause of the fire being influence from the neighbouring Ganze Boys Secondary School. It was also established that some students thought that they could possibly get information about the forthcoming Kenya Certificate of Secondary Education (KCSE) examinations if they were to go out of school. Form Four students were particularly uncomfortable with the school restricting them from

using mobile phones and not being allowed to go out of school. The matter was handled by the school administration in line with rules and regulations on student discipline.

The other school is Bandari Secondary School. The incident took place...

Hon. Speaker: Hon. Malulu, that Statement is too long. The Question was simple. What is the cause of rampant incidents of school unrest in the country? You are now giving us a treatise on every school. Summarise. We have a long agenda.

Hon. Malulu Injendi (Malava, ANC): Hon. Speaker, the Ministry deduced that causes of school unrest are drug abuse, examination apprehension and improper management of schools by principals according to students.

Hon. Speaker: Where is the Member for Jomvu? He is not here. Where is the Member for Ganze? He is also not here. That matter rests there. Thank you, Hon. Malulu Injendi.

I agree with the Leader of the Majority Party that if chairpersons of committees are given statements by Cabinet Secretaries, whose supplementary questions they find uncomfortable or unable to handle, they should visit the Office of the Speaker or the Office of the Clerk. We will file those questions and wait for Cabinet Secretaries to come and handle them in a much more informed fashion. It is very difficult for a Chairperson to answer supplementary questions when he or she is just a conveyor belt.

Allow me to acknowledge the presence of students and a teacher from the Starehe Boys Centre and School. They are in the National Assembly for a three-week Voluntary Service Scheme Programme that ends on 17th November. This is an annual Programme. On my behalf and that of the National Assembly, I welcome them to the House of Parliament.

We are still on Statements. Proceed, Hon. Irene Mayaka.

REQUEST FOR STATEMENT

REGULATION OF CRYPTOCURRENCY IN KENYA

Hon. Irene Mayaka (Nominated, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the current state of cryptocurrency regulation in Kenya.

The introduction of the Finance Act, 2023, included a provision mandating a 3 per cent tax on cryptocurrency transfer or exchange of digital assets. This move signified a significant step towards recognising cryptocurrencies within our financial sphere. However, cryptocurrencies are not explicitly recognised as legal tender or assets, and the existing regulations are poorly communicated, leaving a clear legal framework elusive. Tax guidelines for cryptocurrencies remain unclear and specific incentives are absent.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

1. What specific steps are being taken to develop clear and transparent regulations that not only foster economic growth of cryptocurrencies, but also protect cryptocurrency users?
2. In the absence of regulations, what measures are being taken to protect consumers from fraud or scams related to cryptocurrencies?
3. Could the Committee provide insights into the policy position of the Central Bank of Kenya on cryptocurrencies, specifically on reliability of cryptocurrencies considering that the Central Bank of Kenya plays an advisory role in shaping cryptocurrency regulations?

Hon. Speaker: Thank you, Hon. Irene Mayaka. Hon. Kimani, that is directed to you. You can bring a response in two weeks' time.

Hon. Kuria Kimani (Molo, UDA): Yes, Hon. Speaker. I would like to thank CPA Irene for requesting this Statement. The Committee was already seized of this matter. We will give a comprehensive Statement to the House in the next two weeks.

Hon. Speaker: Thank you. You also have a Statement. Go ahead.

GENERAL STATEMENT

COMPLAINTS FROM KENYANS WHO INVESTED IN AFFORDABLE HOUSING SCHEME IN MIGAA GOLF ESTATE

Hon. Kuria Kimani (Molo, UDA): Hon. Speaker, I rise to give the following Statement under Standing Order 44(2)(b) regarding a matter handled by the Departmental Committee on Finance and National Planning.

On or around 9th October 2023, the Committee received complaints from several Kenyans who are members of the Safaricom Investment Co-operative, who alleged that the SACCO had duped them into investing in a non-existent affordable housing scheme in Migaa, Kiambu.

One of the complainants, Ms Maryanne Njoki, is a Kenyan who works in Saudi Arabia and is a member of the Safaricom Investment Co-operative. She accuses the Co-operative of involvement in fraudulent activities. She averred that in 2020, she paid a sum of Ksh1,598,000 to purchase a two-bedroom unit under the affordable housing project within Migaa Golf Estate in Kiambu County. Ms Maryanne Njoki claimed that despite making payments through the advice of Safaricom Investment Co-operative, no housing units were being developed or on sale within Migaa Golf Estate in Kiambu County.

Subsequently, in line with the mandate of the Departmental Committee on Finance and National Planning, and as captured in the Second Schedule of the National Assembly Standing Orders, the Committee invited the Commissioner of Co-operatives and the management of Safaricom Investment Co-operative to respond to the said allegations on 16th October 2023.

Section 3 of the Co-operatives Act, 2012, creates the Office of the Commissioner of Co-operatives, whose responsibility is to oversee the growth and development of co-operative societies by providing such services as may be required by co-operative societies for the organisation, registration, operation, advancement, dissolution and administration of the provisions of that Act.

On Thursday, 2nd November 2023, the Departmental Committee on Finance and National Planning held meetings with the Commissioner of Co-operatives and the management of Safaricom Investment Co-operative. Arising from those meetings, the Committee noted that sometime in 2010, Sycamore Pine Limited initiated the development of Samara Estate. The development was under the Affordable Housing Programme and is located on 18.9 acres of land within Migaa Golf Estate in Kiambu County. Upon completion, the project would constitute 1,200 two-bedroom and three-bedroom apartments. A two-bedroom unit would cost Ksh2.95 million, while a three-bedroom unit would cost Ksh3.95 million.

Safaricom Investment Co-operative partnered with Sycamore Pine Limited to market and sell the apartments on behalf of the developers to prospective purchasers. Safaricom Investment Co-operative was to sell the property off-plan at a commission of 4.5 per cent of the sale price. Further, once a buyer was identified, they would sign purchase agreements with Sycamore Pine Limited and directly deposit funds in the developer's account. Eight Kenyans paid deposits of between Ksh790,000 and Ksh1,598,000 as deposit for purchase of the said land. I do not want to read their names. The project stalled after residents of the neighbouring Migaa Integrated Golf Estate opposed the construction of the high-rise apartments within their neighbourhood. Consequently, the residents filed a court case reference Environment and Land

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Petition E003 of 2021, Francis Mugarami Kamau and 6 others versus Sycamore Pine Limited and 2 others. The court has since ordered the stoppage of construction of the estate pending a hearing and determination of the objection. Safaricom Investment Cooperative terminated its agency agreement with Sycamore Pine Limited following that development through a letter dated 9th September 2021. Safaricom Investment Cooperative claimed that on 9th September 2021, it wrote to Sycamore Pine Limited demanding a refund of monies paid by the seven purchasers. However, since 2021, neither Safaricom Investment Cooperative nor Sycamore Limited had refunded the monies to their respective house owners who had made a firm transfer to the developer as at 15th October 2023.

Between 18th and 25th October 2023, the funds were made to the respective Kenyans as it obtains on the statement that I am going to lay at the table of the House. It is noteworthy that these funds were made available to the depositors after the Departmental Committee on Finance and National Planning took up the matter, which begs the question: How many more voiceless Kenyans are suffering under the hands of our financial entities without any recourse?

Members may recall that this House recently dealt with the issue of Cytonn, where Kenyans lost a lot of investment due to fraudulent transactions in such entities. As you are aware, there has been an increase in complaints from public agents, various banking institutions and certain telcos where members of the public have lost their funds through fraudulent ways, some due to rogue staff and others due to rogue institutions.

It is against this background that the Departmental Committee on Finance and National Planning has resolved to undertake an in-depth inquiry into the case of loss of monies by Kenyans through their financial institutions and telephone companies. The Kenya Kwanza Government was elected on a platform of the hustler and this House, as per our motto, will stand with the voiceless Kenyans to avoid anybody from being duped out of their hard-earned money. Hon. Speaker, I beg to lay.

(Hon. Kuria Kimani laid the document on the Table)

Hon. Speaker: Thank you, Hon. Kimani. Let us now go to Questions.

Leader of the Majority Part, you may bring in the Minister.

I am sorry, Hon. Mule. You had a request. You can prosecute it as the Minister comes in.

Hon. Stephen Mule (Matungulu, WDM): Thank you very much Hon. Speaker. I want to thank Hon. Kimani for his response. However, I requested for a statement from the same Committee led by Hon. Kimani about three to four months ago regarding the East African Development Bank. To date, I have not received a response to that statement request. I know it was a request for a statement that attracted national interest. I would wish to hear from the Chair of the Departmental Committee on Finance and National Planning, Hon. Kimani. When is he going to respond to this issue of the East Africa Development Bank?

Hon. Speaker: Hon. Kimani, can you do that early next week?

Hon. Kuria Kimani (Molo, UDA): Yes, Hon. Speaker. The Departmental Committee on Finance and National Planning endeavours to process statements and matters that have been referred to it in record time. I would like to inform the Hon. Member that that matter is still within the purview of the Committee. The only challenge that we face is that the East African Development Bank is one that has shareholding of member states of the East African Community. It is a sensitive matter considering that it is a regional bank. The Cabinet Secretary for National Treasury requested for time to handle the matter. However, before the end of the next two weeks, we will come back with a comprehensive statement on the same. Let us just appreciate the sensitivity of the matter relating to a regional bank where Kenya is just one of the shareholders.

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Hon. Speaker: Thank you. Now bring in the Minister.

Hon. Members, I want to repeat what I said. The questioner will have opportunity to ask one supplementary question, then we will have one joyrider, if any, to ask a supplementary question. We have 20 Questions. I want us to deal with these Questions in the next one hour so that we go to other businesses.

Hon. Members, the distinguished Cabinet Secretary for Interior and National Administration is now in the House.

QUESTIONS BY PRIVATE NOTICE

Hon. Speaker: Hon. Edwin Mugo, Member for Mathioya. He is not in the Chamber. The Question is dropped.

(QPN 012/2023 dropped)

Next is Question Number 013 by the Member for Nakuru Town East, Hon. David Gikaria.

I have received a letter from him nominating the Member for Gilgil to ask the Question for him.

Go ahead, Member for Gilgil.

QPN 013/2023

DEATH AND DUMPING OF JASMINE NJOKI'S BODY AT MBARUK CENTRE IN GILGIL

Hon. Martha Wangari (Gilgil, UDA): Hon. Speaker, could the Cabinet Secretary:

- (a) Explain the circumstances that led to the death and dumping of 12-year-old Jasmine Njoki's body at Mbaruk Centre in Gilgil after she was dropped off by Roots Academy school bus on 19th September 2023?
- (b) State actions taken to apprehend and prosecute suspect(s) in connection to the murder of the minor?
- (c) Enumerate measures put in place to ensure that security and safety of students while on their way to and from school is guaranteed?

Thank you.

Hon. Speaker: Minister, respond please.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Thank you, Hon. Speaker.

Jasmine Njoki aged 12 years and a grade 7 student at Roots Academy left home on the fateful day of 19th September 2023 and went to school. She was dropped from school but she did not arrive home from the centre where she was dropped. Between the centre and her home, the girl disappeared and she was found raped, killed and dumped a few kilometres from her home next to the railway line at Mbaruk Centre.

Hon. Speaker, so far five suspects have been arrested in relation to this case. They are Isaac Ndichu Mungai, Philip Gachau, Boniface Njenga, Teddy Makori, and Michael Karanja. All the suspects were arraigned in court on 2nd October 2023. Through a miscellaneous application number E11/1 2023, the police have obtained custodial orders for 10 days awaiting completion of the investigations. The custodial orders have been given and the matter was mentioned again on 9th October and the prosecution updated the court on the process of

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investigations, including Deoxyribonucleic Acid (DNA). On that day, the suspects were released on bond by the court but they are supposed to be reporting to the Directorate of Criminal Investigations (DCI) Gilgil every two weeks until the investigations are concluded and charges are preferred. The suspects will take plea once forensic analysis of DNA reports are availed.

The measures that the police have taken are as follows:

- (i) We have engaged our National Government Administration in sensitising parents to escort their children to and from school and not to leave, especially children of tender years, to walk long distances alone.
- (ii) We are linking some of the offences, including this one, to drug abuse and therefore we have upscaled our suppression measures for demand and supply for drugs in the area.
- (iii) We are also sensitising schools, pupils, teachers, school managers to be security conscious to avoid recurrence of this regrettable incident that led to the loss of Jasmine. May her soul rest in peace.

Hon. Speaker: Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. My supplementary question to the Cabinet Secretary is whether he is aware that Nakuru has no Government Chemist and the Director of Criminal Investigations (DCI), Gilgil, has to take samples to Kisumu and Nairobi? What are the plans to devolving the Government Chemist? What are the plans to making sure that the reagents for testing DNA are actually availed for the Government Chemist to ensure that these cases are resolved in a timely manner?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): I concur with Hon. Martha Wangari that the facilities of the Government Chemist are overstretched. The offices and presence of the Government Chemist is grossly inadequate.

Secondly, the chemicals and reagents that are required by the chemist are not adequate. The reason being many years of under investment in that very critical State Department. The measures we have taken are:

- (i) to reallocate our budget priorities in the medium-term to make sure that this financial year we recruit more staff for the Government Chemist, to be able to open more offices across the country.
- (ii) to buy equipment, chemicals and reagents with a target of ensuring within the next five years, every county should have a working modern Government Chemist office.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you.

Let us have the Member for Kinango, Hon. Gonzi Rai ask Question 014/2023

QPN 014/2023

STATUS ON THE DEATH OF NYAE NGALAA CHAMTU

Hon. Gonzi Rai (Kinango, PAA): Hon. Speaker, could the Cabinet Secretary:

- (a) Provide a report of the status of investigations into the death of Nyae Ngalaa Chamtu, a minor who was allegedly killed by General Service Unit (GSU) officers on 15th September 2023 in Kinango Constituency?
- (b) Clarify whether the alleged GSU Officers have been apprehended and prosecuted accordingly?

- (c) Indicate if the Government will consider compensating the family of the deceased for the loss of their kin?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, on 15th September, 2023 at about 9.00 a.m., the deceased, Mr Nyae Ngala Chamtu, aged about 23 years, was picked from their homestead by persons alleged to be GSU officers attached to...

Hon. Speaker: He says he is a minor. Is it a minor or an adult? Hon. Gonzi Rai, is it a child or an adult.

Hon. Gonzi Rai (Kinango, PAA): He is 23 years old.

Hon. Speaker: That cannot be a minor.

Hon. Gonzi Rai (Kinango, PAA): Both because he is deceased. He is just somebody who was killed.

(Laughter)

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, the deceased was aged about 23 years. He was picked from their homestead by persons alleged to be GSU officers attached to "A" Group Sisal Plantation and taken to their temporary camp within the farm situated 250 metres from his homestead. It is alleged that the deceased was beaten up by the GSU officers and while on his way to hospital, he passed away. Investigations were opened through Police File No.CR/326/131/2023 and the resultant investigation file with recommendations has already been forwarded to the Office of the Director of Public Prosecutions (ODPP) for perusal and direction. I would not want to pre-empt the recommendations.

However, for the assurance of the Member for Kinango and the House, the policy is that any person who commits a crime, including police officers, must face the law. Therefore, all the suspects who are associated with this gruesome act will be brought to account as soon as the Director of Public Prosecutions gives the consent to have them prosecuted. The file has been prepared already. None of the officers has been arrested since the matter is still pending under investigation. Again, I do not want to pre-empt the outcome of the decision of the Director of Public Prosecutions since his decisions are independent and cannot be controlled by any person or authority.

Hon. Speaker: Thank you. Hon. Gonzi Rai.

Hon. Gonzi Rai (Kinango, PAA): Hon. Speaker, first, the issue of age cannot be ascertained because the young man did not have an identity card. However, that being the case, is the Cabinet Secretary admitting that innocent Kenyans can now mercilessly die at the hands of GSU officers without any meaningful Government intervention? In view of the fact that the Cabinet Secretary has not provided reasons why the officers arrested this young man just in the morning... They were actually seen by the family and to date no one has been arrested. Nobody has been arraigned in court.

Thank you.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, contrary to what Hon. Gonzi Rai has stated, the policy of this administration is zero tolerance to impunity irrespective of whether it is perpetuated by private citizens or by officers of Government, including those in the security agencies. As I have said, investigations have been done and I do not want to reveal the outcome because the decision of the DPP is pending. However, I want to assure the House and Hon. Gonzi Rai that the officers

who may have committed this crime against that innocent Kenyan will have their date in court. The Government, the Ministry and the National Police Service will not try to protect a rogue officer who misuses the instrument of state power to kill, torture or hurt innocent Kenyans. Justice will be done.

Hon. Speaker: Thank you. Yes, Hon. Gonzi Rai. I said one supplementary.

Hon. Gonzi Rai (Kinango, PAA): Thank you, Hon. Speaker. Why I am making this allegation is that...

(Technical hitch)

Hon Speaker: Give him the microphone.

Hon. Gonzi Rai (Kinango, PAA): On 26th July this year, the same GSU officers invaded a certain homestead in the same area and beat up six people. They were taken to hospital and to date nobody has been charged. In September, they killed this young man and nobody has been charged. So, we are wondering where we are headed to. People are just being beaten up. They are not being taken to police stations for onward transmission to court for arraignment. What was the charge of the young man who was picked up at his homestead in the morning?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, I am aware that there have been repeated complaints about that GSU camp. I have evidence of my colleague, the Cabinet Secretary for Mining, who comes from that area. The occasion Hon. Gonzi Rai is alleging there was a violation associated with police officers is true. The Internal Affairs Unit of the National Police Service is almost concluding investigations on that matter. Unfortunately, some of these investigations take a bit of time. By the time you want to arraign or dismiss officers, you must have concrete evidence. I want to assure the Member that no officer will be protected by any person in or out of Government to avoid responsibility.

I submit.

Hon. Speaker: Next is Question 15/2023 by Hon. Aduma Owuor.

QPN 15/2023

INVESTIGATIONS INTO THE SECURITY SITUATION
IN SONDU WITHIN NYAKACH CONSTITUENCY

Hon. Aduma Owuor (Nyakach, ODM): Hon. Speaker, could the Cabinet Secretary:

- (a) Clarify whether the Ministry followed through with its commitment to investigate the security situation in Sondu within Nyakach Constituency and provide a report on the findings of the investigation?
- (b) Explain why the security agencies have failed to prevent recurrence of gang attacks which occurred in the said area during the month of October, despite their awareness of the precarious security situation?
- (c) Provide a report detailing the individual(s) responsible for the organising, financing and supporting of the criminal killer gangs operating in Sondu and indicate whether they have been apprehended to answer to criminal charges?
- (d) Elaborate on the measures and actions that the Ministry has undertaken to contain the current wave of gang attacks and prevent future cross-border attacks at Sondu area?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, I will answer part one of the Question by the Member for Nyakach.

We followed through our commitment to investigate the security situation in Sondu area at the border of Kisumu and Kericho counties. That area is prone to recurrent violence. I agree with the Member for Nyakach that the latest surge of violence in October was regrettable. When we made an inquiry, we found out that there was laxity among our officers who had command responsibility in that area. That is why we have taken measures to transfer them from that area.

I am happy to report to the House that we have made tremendous progress, in terms of zeroing in on the culprits of that violence. We have already taken 10 people to court who have been charged. We intend to take another 12 people to court this week.

The third part of the Question is on whether or not we have been able to zero in on the major masterminds, planners or orchestrators of this violence. I am happy to report that we have made tremendous progress. We will charge a number of people in the coming weeks. We have been engaged on the ground, in terms of putting the security infrastructure on both sides of the border in the two counties. Our forensic investigations have led us to certain people of interest who will record statements, including people from Kericho and Kisumu counties. I promise the House that Sondu violence will be dismantled this time round. The infrastructure around Sondu violence will be dismantled. We will be extremely firm and hold accountable all those who—in one way or the other—have encouraged, participated, funded or in any other way enabled that horrendous crime against the people of Sondu. We call upon the political leaders to be a little patient with us. Sometimes investigations take a bit of time. I give commitment that we will neither spare anybody nor introduce ethnicity or any affiliation. We will charge everybody who is culpable irrespective of ethnic, political or other affiliation.

I thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Aduma.

Hon. Aduma Owuor (Nyakach, ODM): Thank you, Hon. Speaker. I thank the Cabinet Secretary because I know he has made tremendous effort to ensure that there is peace in the area. That notwithstanding, there are many people who suffered. They lost property running into millions of shillings. I do not know whether there are any measures in place to compensate the victims of the clashes.

Hon. Speaker: Thank you. Hon. Basil. Cabinet Secretary, you can now take a joyrider's question.

Hon. Robert Ngu (Yatta, WDM): Thank you, Hon. Speaker and Cabinet Secretary. We are now approaching the Christmas festive season. I would like to know what the Ministry is planning to do to manage the increase of crime associated with the festive season.

Thank you.

Hon. Speaker: Cabinet Secretary, I will allow one more supplementary question from Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Speaker. I want to confirm that this has been a major discussion in the Departmental Committee on Defence, Intelligence and Foreign Relations. Recently, the Cabinet Secretary announced that they had transferred thousands of police officers. During the investigation, he had also said that there were some compromised officers who were transferred.

I would like to ask the Cabinet Secretary if it is good enough to transfer officers within the same locality. Is there a possibility to move them totally away from that county, so that the

laxity, friendliness and all those other things that come with people working in a locality for too long can be eliminated?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Once we tame the ogre of violence and the people who have visited this violence on the residents of Sondu, taking advantage of boundary and revenue collection issues but basically committing crime... Once we are done with fixing the perpetrators, we will commence a peace building process in the next few days for sustainable peace in that area. We will talk to community leaders, elders, youth and women leaders, political leaders and leaders of all shapes and sizes to make sure that there is lasting peace.

One of the things that our peace building units in our Ministry will pursue is restorative justice as a way of sustainable peace. Without pre-empting the programme, part of our peace building and sustainability programme will include listening to the grievances of those who have suffered from the merchants of violence in Sondu, with a view to concluding and closing so that the communities there can live in peace.

Hon. Speaker, it is true that during the festive season, the country moves into holiday mood and criminals know that is the time they should strike. For us in the security sector, this is our busiest season. As everybody retreats for holidays, we mobilise ourselves. In fact, those officers who are on leave have to forfeit it, and will be on duty and alert. We have already mapped the country to spot the potential sources of threat, so that we can neutralise them before they succeed. I want to assure the House and Kenyans that we will go out of our way not only to remain alert but also prepare ourselves across the country. The festive season is normally a season which requires extra vigilance. We are prepared and pray that the festive season will be incident free.

Lastly, the Member for Kisumu West has asked on the transfer policy. I want to respond by informing the House that our transfer policy involves the transfer of an officer to a different location, most preferably outside the county they have been serving. About one-and-half months ago, we initiated the process of transferring all officers who had worked in one station for more than three years, and in the case of Kisumu West or any other part of our country, there are officers who still have not been transferred. The exercise is ongoing and I will be more than happy to assist the affected Members to ensure that no officer overstays in one area because we have realised it compromises on impartiality, efficiency and ability to deliver services to our people.

Thank you.

Hon. Speaker: Hon. Monicah Muthoni, Member for Lamu County. Hon. Aduma, I gave you...

Hon. Muthoni Marubu (Lamu County, Independent): Thank you, Hon. Speaker.

Hon. Speaker: Hold on, Hon. Monicah. Yes, Hon. Aduma.

Hon. Aduma Owuor (Nyakach, ODM): Hon. Speaker, there is something little I raised, which seems to have escaped the attention of the Cabinet Secretary. I asked whether these people could be accommodated just to restore them. Is there anything little the Government can do to restore them because those are small-scale businesses? I know we cannot restore lives but for the families who lost property and houses, is there anything the Government can have in mind?

Thank you, Hon. Speaker.

Hon. Speaker: Do you have any capacity to help the displaced victims settle? That is what he is asking. Something little, he says.

Hon. (Prof.) Kithure Kindiki: If you ask me about capacity, I would say no. I answered that question in this manner – we are committed to sustainable peace building in that

area. For that reason, we have instructed our peace building unit to look at possibilities of making some form of closure and reparations in a modest way, not in terms of compensation, but in terms of softening the edges so that the communities on both sides of the border who have been affected by the violence can have sustainable peace. We will find a way of having some form of one-off token for verifiable cases of deprived families who have suffered from the violence.

Hon. Speaker: Hon. Muthoni.

QPN 016/2023

FREQUENT KILLINGS IN VILLAGES IN LAMU

Hon. Muthoni Marubu (Lamu County, Independent): Hon. Speaker, could the Cabinet Secretary:

- (a) Clarify whether the frequent killings in Widho, Salama, Juhudi, Ziwa La Taa, Bobo, Maleli, Kakate, and Roka villages in Lamu County are meant to evict the residents of the said areas?
- (b) State whether the frequent terror attacks and killings in Lamu County are aimed at specific sections of the community or certain religious groups?
- (c) State the effort in place to apprehend the suspects including terror suspects implicated in the 2014 massacre of over 100 people in Lamu County noting that some of the suspects are on the list of wanted persons published by the Directorate of Criminal Investigations (DCI) on 18th October 2023, and if the Government has sought international assistance on the matter?
- (d) State whether the security agencies deployed in Lamu County to restore security are well-equipped and trained to respond to killings, and state the measures to address the challenges faced by agencies in their efforts to address the security issues in Lamu.
- (e) Outline the effectiveness of the various security operations including Operation Linda Boni and currently, Operation Amani Boni in Lamu County established to restore security in the area and state what measures have been put in place to ensure the effectiveness of such operations?
- (f) Clarify whether the terror attacks are acts of external aggression from neighbouring countries aimed at advancing an international ideology or are homegrown hired terrorism, and if homegrown, state whether they are politically instigated and who the facilitators, sympathisers, supporters, and financiers are?

Thank you

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, I returned from Lamu last night, particularly Mukunumbi and I was able to meet some stakeholders there from Juhudi Salama, Widho and other places that are part of this Question which the Member for Lamu County has asked me to respond to. Allow me to give this House the information that best answers the questions that have been raised but at the same time, I will be careful because terrorists also watch parliamentary proceedings. They watch the statements made by state officials as a way of getting information on what to do next. Such statements enable them to know the thinking of the Government and the people of Kenya. So, they strategise on how to win against us.

Having given that caveat, Lamu is one of the parts of our country that has had untold suffering for the last 11 years or so. We have seen repeated attacks by terrorists, serious

bloodshed, loss of life and property and untold suffering by the people of Lamu, not only in the areas that have been listed in this Question, but also other parts of Lamu County.

I have been asked to tell this House and the people of Kenya whether those attacks are targeted against a particular community or religious group. The answer is in the negative. Those attacks are attacks by criminals who hide behind religion while they themselves are not religious. They hide behind religion to hurt other people not just in Lamu County but also in other parts of our country. We have been hurt by these people in Nairobi and in other parts of the world. Terrorism is a global problem.

In terms of the attacks we have witnessed in Lamu, it is unfair and inappropriate to say that a certain religious group or ethnicity has been targeted. What we know is that we have had casualties from different ethnicities, perhaps not in the same numbers.

Secondly, on the current profile of the terror groups like Al-Shabaab, whereas it is assumed that there could be ethnic or religious orientation of the attackers, many ethnic communities in this country today are represented in terms of radicalised young people who have joined terror groups, including Al-Shabaab. Therefore, it is wrong for us, as a country, to fall into the trap of the terrorists. The terrorists intend to divide us along ethnic and religious lines because they know that when we are divided, they will hurt us and win.

Thirdly, I have been asked to tell the House why the Government is unable or is yet to apprehend the suspects responsible for previous attacks yet their identities have been circulated. Terrorism is a highly organised, financed and planned international crime. Even the most sophisticated country in terms of technology and military power is still grappling and looking for some of the terror suspects who have hurt them and their interest for years, and some for decades.

On our part, the Government of Kenya has made tremendous efforts in terms of hunting down and neutralising some of the suspects or terrorists who have hurt us in the past, but we admit that a number of them are still at large. We may have profiled them. We may have information about them but we are yet to apprehend them because of the nature of terrorism and the operations of terror groups. We are looking for them. We have made a lot of progress. Once or twice every month, we either apprehend or bring down a terrorist whom we have been tracking down for years. Therefore, it is unfair to blame the security agencies who have paid a big price in looking for, apprehending and neutralising some of the people who have caused this kind of violence on us over the years.

I have been asked to state whether the security deployments in Lamu and the ongoing operation are adequate. The answer is yes. I have been to that part of our country several times. Yesterday was my sixth visit. Some of the visits are overt while others are covert. I can assure you that all our facilities in Lamu and parts of the Boni enclave are well-equipped. The officers have high morale. Occasionally, we have suffered setbacks in terms of civilian casualties. We have also lost officers due to accidental attacks. As you are aware, terrorists do not attack directly. They are cowards. They come at night, plant things, hide in the bushes and wait for their luck that somebody will step on their IEDs and get hurt. So, we have lost officers to such incidences.

Hon. Temporary Speaker, I want to salute the young men and women who go out of their way to defend the country, including paying the ultimate price of losing their lives. I am satisfied with Operation Linda Boni. However, we will increasingly and continuously review the operations in identifying the existing gaps so that we thwart as many attempts to hurt Kenyans as possible, if not all of them. From where I sit, I can confirm to the country that there are hundreds of attempts to hurt our country by terror groups. We neutralise hundreds of attempts every week. These are not imaginary attempts. They are real attempts either by probing our camps or by our officers on patrol getting into contact with the terror groups. It is only that these are not reported every day.

Therefore, the operation in the Boni Forest is doing well. The last review of that operation was yesterday. I spent the whole day in Lamu. I sat with all the commanders in the National Police Service (NPS) and the Kenyan Defence Forces (KDF). I must also commend the working relationship between our officers from the organs of internal security and those of our national defence. They are working seamlessly and patriotically. They need our support and applause. That operation is effective but we keep improving every day so that we defeat this enemy.

About a month ago, we published a list of the 36 most wanted suspects of terror in the Boni Forest enclave. That number has since reduced to 31. We have already gotten hold of some of them. That is the good news. Unfortunately, we cannot talk about it all the time. We are still looking for the others, and we will get them. We will get them in our country. If we cannot track them in our country, we will pursue them outside our country and deal with them from there. In the past four weeks, four of the terrorists have had their dates with justice.

Finally, I have been asked to clarify whether the terror attacks are as a result of external aggression from neighbouring countries advancing an international ideology or whether they are locally brewed. The answer is that for someone to come from a foreign country and walk into a village and hurt our people, they must have been assisted by a Kenyan along the way. I do not know who that Kenyan is. They must have bought some food somewhere. They must have asked for directions to get somewhere. Many of these terror operations operate on foot. Therefore, whether or not the threat is coming from outside or from inside, the answer is neither here nor there. The answer is that the problem is both external and internal. Until we become a patriotic country such that we do not give away our country for whatever benefit, we have a journey to travel.

Hon. Speaker, as I end on this question, I would like to plead with all of us to remove politics, religion and all the other affiliations and connections from terror and treat terrorism as the greatest insecurity threat we have in our country. The damage that terror can do to a country is vast. A terrorist only needs to succeed once. You can stop him a thousand times but he just needs to succeed once to hurt us enough. Please, let us remove politics, religion and ethnicity and face terrorists as enemies of our country, whether they are from outside or they are local aiders and abettors of the crime.

I submit.

Hon. Speaker: Hon. Muthoni.

Hon. Muthoni Marubu (Lamu County, Independent): Thank you, Hon. Speaker. Taking into consideration the caveat given by the Cabinet Secretary, I wish to register my unreserved gratitude, on behalf of the people of Lamu, to the Cabinet Secretary and His Excellency the President for the immense attention and consideration that the Government has given to this rather complex Lamu security situation. Henceforth, we are confident that this issue will conclusively be dealt with, and that we will not witness any more loss of lives in Lamu.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you.

(Several Hon. Members raised their hands)

The owner of the Question is satisfied. Do we need to flog it anymore? I will give one joyrider. The Nominated Member, Hon. Umulkher.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Speaker. I thank the Cabinet Secretary for that response. This matter is pressing to me because we have seen a lot of work that has been done by the Ministry of Interior and National Administration. Part of the Linda Boni Operation also encourages community engagement by supporting and working

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with communities. However, there is a very scary trend, which is intimidating the people of Lamu. There have been continuous and forceful abductions of young people. This is happening both in broad daylight and at night with unmarked police vehicles. The recent case is of three young men. We had to make noise as the leadership from this county for them to be released. Currently, one young gentleman called China from Garissa is still missing.

In line with the spirit of community engagement, what exactly do we anticipate to happen when security officers continually abduct, intimidate and threaten members of the community? In such a scenario, if the community has crucial information, it becomes a problem relaying the message to officers. I am very keen to highlight the county action plans done by the National Counter Terrorism Centre (NCTC) over the last four years which have been rolled out across the country. Are we really following the spirit of NCTC?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Cabinet Secretary, this appears to be the most crosscutting question. Let me give you two more joyriders. Is that Hon. Akujah or Hon. Ariko?

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Speaker. Could the Cabinet Secretary clarify whether the recurrent conflict in the north is as a result of unclear physical demarcation of boundaries between constituencies and counties? Secondly, could he explain the plans put in place to make the boundaries in these constituencies and counties clear? Thirdly...

Hon. Speaker: Order! One question at a time. I give the next chance to the Member for Kamukunji. Hon. Ariko I have given you one chance and you want to ask all the questions on your mind.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker, for the opportunity. In fact, I wrote to the Cabinet Secretary on 20th September relating to a matter in my constituency on centralisation of the Kamukunji police command which is now split into three distinct commands: Pangani, Starehe Constituency; Ruaraka Constituency; and the third in Buruburu, Makadara Constituency.

The police stations are split halfway. The Officer Commanding Police Division (OCPD) for Kamukunji is situated in Buruburu several kilometres away from my neighbourhood. This is despite the recent police reforms and reorganisation that created a new stand-alone Kamukunji command. This brought about disjointed, conflicting, confusing and ineffective policing structures. The people of Kamukunji travel long distances to get help from the police. Sometimes they do not know whether to go to Pangani in the North, Ruaraka or Buruburu to get their issues resolved particularly when people are detained.

This is a very busy and densely populated neighbourhood with large business hubs like Eastleigh, Gikomba and Burma markets with special security needs. I want to ask the Cabinet Secretary when the National Police Service Commission (NPSC) will consider moving the Kamukunji police command to one single location inside Kamukunji. What is the reason for this illogical fragmentation?

Hon. Speaker: Thank you. Hon. Korere I will give you the last one on this side.

Hon. Sarah Korere (Laikipia North, JP): Thank you, Hon. Speaker. In light of what the Cabinet Secretary has alluded to on community engagements and using them to find lasting peaceful solutions, I would like to hear from him what his ministry is doing about proliferation of small and illegal firearms in the North. This is owing to the fact that we cannot be lied to that a man who cannot put food on his table can buy brand new AK-47 or G3 rifles. I want the Cabinet Secretary to tell us whether they have done enough investigations to unravel and know the real people behind the funding of guns and firearms in the North.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Thank you Hon. Korere. What is out of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I humbly seek your directions. This is a very sensitive matter and I serve in the Departmental Committee on Administration and Internal Affairs. There are details by nature which the Cabinet Secretary cannot obviously give us when we are being watched live. There are also aspects of questions we cannot address when we are live. I request that in as much as we take information from the Cabinet Secretary, this matter on your authority should go to the Departmental Committee on Administration and Internal Affairs so it can be treated in better detail.

Hon. Speaker, I am just asking.

Hon. Speaker: Hon. Kaluma so far, I have not heard anything that requires that drastic action. The questions being asked are about things in public domain like ownership and acquisition of illegal guns, boundary problems, terror in Lamu, profiling of young people, abductions and extrajudicial killings. All these are in public domain. The Cabinet Secretary is sufficiently competent to decipher the extent to which he can make exposures within the confines of what you are worried about. I believe he can handle this.

Let me give the Member next to Hon. KJ. Is that Hon. Alfah Miruka?

Hon. Alfah Miruka (Bomachoge Chache, UDA): Thank you, Hon. Speaker. In line with what the others are asking, is the Cabinet Secretary aware that Kisii County has been very peaceful since Independence?

Of late there is a lot of crime going on in that area. In fact, recently I saw a petrol station being attacked by gangs in uniform. Just the other day, a Member of County Assembly (MCA) was robbed in his house. They also went to Mr. Arege's house and did terrible things. Cabinet Secretary, have you heard about these cases? What are you doing about insecurity in Kisii and Nyamira counties?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Thank you, Hon. Speaker. With regard to the issue of engaging communities in the fight against terror, we are in complete agreement with the sentiments by the Member for Garissa. I think going forward, beginning with what we were doing in Lamu yesterday, we want to foster ownership of the fight against sophisticated crime within communities. We want to anchor this and built trust among the various communities in whatever locality and also between communities and security agencies so that we can win this war.

On the question of extrajudicial killings, the policy of Kenya Kwanza administration is zero tolerance for these killings. Therefore, not even the fight against terror, or other sophisticated crime can be an excuse for extrajudicial executions. I have received some complaints in line with what the Member has said and I have already referred them to the relevant policing authorities. I can assure you that this Government does not condone the use of security apparatus of the State to kill people or execute Kenyans outside the law. That is why we refer to this as extrajudicial killings meaning there are judicial ways of removing people from the world. These killings are unlawful, and we do not tolerate them at all. We have already mapped out counties with regard to counter-terrorism county plans. About 19 counties have adopted such measures spearheaded by the National Centre on Counter-terrorism. We want to make communities and local leaders own those strategy plans and programmes so that we just support them as a way of making sure that they are sustainably processed.

On the question of boundaries, about 34 or thereabout counties in this country have some discussions about beacons between one county and another. That discussion is not new. It is very old and not unique to Kenya. Boundaries even among nations are always points for discussion world over. Therefore, the fact that about more than half or maybe three quarters of counties in Kenya have issues around where they think boundaries with the other should be is not unique. Also, the emotive nature of boundaries and beacons makes it difficult to have an instant solution. Most discussions and conflict resolutions around boundaries takes a bit of time

so that you can carry those communities on board so that, even after putting the beacons, they continue existing together.

What is unique to us in Kenya and is not permissible is introducing crime in the discussion around boundaries. We have in various spaces increasingly introduced violence and crime in discussions around boundaries. For us, as security managers and law enforcers, we urge our fellow countrymen to remove violence and crime from discussions around boundaries and let the other civilian discussions around boundaries continue. We, in the Ministry of Interior and National Administration, will facilitate those discussions as quickly as possible but within the law and peacefully. Even as we move towards the review of boundaries, we have mapped out that this is a red flag for us in the security sector. We will not allow any Kenyan—of whatever rank, religion, colour or creed—to jeopardize national security while pretending that they are defending a boundary. Let them use legal, peaceful and lawful methods to defend boundaries.

Hon. Speaker, I know I am going to get into a lot of trouble with many of my friends because we will part ways with so many people including my dear friends when crime visits the things we do on an everyday basis. We must resolve our grievances peacefully, amicably, and within the law. It does not matter how long it takes. It is possible. However, inciting communities against each other, inciting a community to attack another and take their property or inciting the offended community to take up arms to retaliate and revenge is not acceptable. No country is ever built on such foundation.

To answer the Member, yes, there are issues around boundaries. But the upsurge of crime is resulting from people who want to benefit from genuine grievances to perpetuate crime for whatever reasons, maybe commercial, political *et cetera*. We will escalate law enforcement as boundary disputes escalate.

I have also been asked to comment about Kamukunji although it was a different matter about command. Yes, I received a letter from the Member of Parliament for Kamukunji. I have requested the Inspector-General of Police to address that anomaly. I promise the Member that the matter will be resolved as soon as possible.

On the last two questions, the Member for Laikipia North asked about measures we are taking to mop up small arms and light weapons. There are three things. First, is voluntary surrender of arms. We have made some progress on this. I must commend Samburu County for leading voluntary surrender of arms among the counties we are encouraging the voluntary surrender of firearms programme. At an appropriate time in the weeks and months ahead, we will also be engaging some places in involuntary mopping up of weapons or forceful disarmament. Therefore, any Kenyan who has in their custody an illegal firearm is hereby asked to surrender that firearm to the local chief, village elder, any leader or any Government office. We will come for it at some point if they do not. We are just making other interventions to make sure that we recover all that we want to recover when that time comes.

Finally, we are also zeroing down on the enablers, benefactors, beneficiaries, abettors, and assessors of poor people to afford an AK-47 gun, accessories, and an endless supply of ammunition, but have no food. I am afraid that we will have to prosecute a number of people including high-ranking people in Kenyan society. No amount of noise, politicisation, ethnicisation or any other manoeuvre will distract us from securing Kenya from people whose business and trade are in the blood of the people of Kenya. They buy expensive firearms and give them to poor boys who have never been to school and have no food and have nothing to go and kill people and collect property, which property much of it goes into the hands of merchants.

I want to report, therefore, that we have made a lot of progress in profiling the major catalysts, beneficiaries, benefactors, financiers, spiritual leaders and political godfathers of crime. They perpetuate banditry and other crimes by stockpiling small arms and light weapons

and giving them to innocent citizens of Kenya to kill their fellow citizens simply because they come from a different ethnicity. Again, Hon. Temporary Speaker, maybe I will expect some reactions when I come back to the House next time because we will be fair. We respect all leaders. We have a lot of respect for elected leaders but we have no respect for criminals.

Lastly, Kisii and Nyamira counties have witnessed gang crime of late. It is not just Kisii and Nyamira but also Nakuru. There has been a resurgence even in a bit of Nairobi. We had made a lot of progress in Nairobi but, increasingly we have assessed the threats in those key areas including Mombasa. We are witnessing a re-emergence of well-organised gangs of young boys and sometimes girls hardly 20 years of age. They are killing people, stabbing and robbing them. As we go to the festive year, part of our strategy is to crack down on those gangs. We have already made some good progress in Nakuru. However, I want to admit and agree with the Member for Bomachoge, Hon. Alfah Miruka, that the situation of gun violence in Kisii and Nyamira requires enforcement. We are on it.

Thank you, Hon. Speaker

Hon. Speaker: Thank you, Cabinet Secretary. You should have told Hon. Ariko to look at Article 188 of the Constitution on alteration of county boundaries. The ball is in the court of Parliament. We have not passed a law to help deal with boundary disputes between counties. I know many people want to ask questions on this but we must make progress. Hon. Gideon Mulyungi.

QPN 017/2023

ACTIONS TAKEN TO APPREHEND SUSPECTED ARMED
BANDITS IN MWINGI CENTRAL CONSTITUENCY

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I rise to ask Question No.017/2023 by Private Notice. According to our Standing Orders, a Question by Private Notice is urgent.

Hon. Speaker: Just ask the Question. That is common knowledge.

Hon. Gideon Mulyungi (Mwingi Central, WDM): It is an emergency and may have gone stale.

Could the Cabinet Secretary:

- (a) Clarify the actions taken by the ministry to apprehend suspected armed bandits who have been traversing Mwingi Central Constituency, particularly in the Ukasi to Waita area in the month of October 2023, terrorising and killing local residents, and leading to fleeing from their homes to seek refuge in forests and shopping centres?
- (b) Explain the actions taken to ensure swift response from security agents on intelligence reports from the residents, considering the laxity in response by the state security agents?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mulyungi. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki):

Thank you, Hon. Speaker. It is true there have been cases of insecurity in Mwingi Central and North. First, last month, I toured that area and measures were taken to ensure we manage the perennial conflicts between herders and farmers. Already, security committees with participation from elders and local leaders are coming up with a framework on how to manage these perennial disputes that lead to altercations and loss of lives from time to time.

Second, we have cases of marauding gunmen spotted severally and some of them have killed people. I think we have had, at least, two murders in that region. There is one particular lone gunman who had been spotted in several places. I think he killed two Kenyans and was attacking people, and robbing them on the highway somewhere around Ukasi as you go to Mwingi. About 10 days ago, he had a date with justice because after robbing some civilians, he attempted to rob some police officers who were on duty, not knowing that would be the end of him. He shot at them and there was exchange of fire. He was gunned down and many people came to give evidence. He was among those who have been terrorising residents and killing people in that area.

Other than that, we are establishing presence of elite police units in that area to make sure we tame this problem. Last month, we established the Special Forces at Madongoi. We are in the process of setting up a few others in the coming weeks so as to find a lasting solution of insecurity in Mwingi North and Central and the Kitui region including Kitui South. There have been cases of insecurity emanating from Kitui South National Reserve. On the Mwingi side, threats have been emanating from Mwingi North Game Reserve. We are in discussions with the Kenya Wildlife Service (KWS) and county governments that jointly manage the game reserves. Going forward, we may have to take over these game reserves including Turkana South Game Reserve, gazette them, remove everybody and relocate the animals as an extreme measure. This is because for a long time, they have been sources of insecurity to the adjoining communities.

Hon. Speaker, I submit.

Hon. Speaker: Hon. Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker and Cabinet Secretary for answering that Question. I would like him to clarify why an incident was reported five kilometres away at 8.00 p.m., and a resident was shot dead at 9.00 p.m. The police arrived the following day at 10.00 a.m., yet the person was shot dead at 9.00 p.m., an hour after the case was reported.

Secondly, does the Government lack appropriate technology, equipment, machinery, gadgets or sniffer dogs to trace such rogue lone bandit hideouts? Sometimes police officers are scared of going into the bush to follow such kind of people. Do they have aerial cameras which can see through bushes? Finally, I want to thank...

Hon. Speaker: Thank you, Hon. Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Finally, I thank the two officers who eliminated this rogue lone bandit. Thank you.

Hon. Speaker: Yes Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. I appreciate the statement by the Cabinet Secretary concerning heightened alertness during this holiday season. I also urge him to include Busia County, and specifically Funyula Constituency in matters of heightened security surveillance. This is because of the emergence of a ragtag gang called 32 Brothers which consists of school going children aged 14 to 18 years. I urge him to ensure there is heightened surveillance during this holiday so as to minimise cases of stabbing, robbery and violent attacks.

Thank you.

Hon. Speaker: Yes, Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker. Mine will be brief. Marsabit County has been suffering in many ways because of insecurity. People have lost animals and property. The worst part is where criminals come during the night, breaking into people's homes, looting and killing them. They are doing many bad things especially in Saku Town. It has become too much and as we approach the festive season many people are

getting scared for their lives. Can the Cabinet Secretary tell us the plans they have put in place to take care of this? I know these reports have reached his office.

Thank you.

Hon. Speaker: Hon. Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I wish to make a follow-up question to the Cabinet Secretary. He has given very elaborate explanation on how they want to make the police more efficient in ensuring there is security. Are there any plans to use modern technology in improving safety and security? For example, use of body cameras by police so that you can know what time they responded, who they interacted with, the people who reported the case and were they are on duty when required to. That is the modern way in which police services all over the world work, but there is no mention of the use of body cameras to ensure that our police are actually on duty and doing the best that they can.

Hon. Speaker: Hon. Makilap. Give him the microphone.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. I want to seek a clarification from the Cabinet Secretary. He said that some administrative units had been gazetted but not operationalised when he came here sometime back. He promised that after passage of the Budget, we would operationalise those administrative units.

Secondly, I speak as a Member of Parliament from an affected constituency. Students from Ngaratuko Village did not comfortably finish their exams because they were raided while in school. Currently, one victim is in the mortuary awaiting burial. When will the Cabinet Secretary address this menace once and for all? Baringo North Constituency has experienced banditry for a long time, especially now that schools are closed. Bandits with school-going children are looking for fees. They will raid my homestead and steal cows so that they can get fees for January. Can this matter be taken seriously?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, in response to the question raised by the Member for Mwingi Central, the incident that he is talking about was caused by operational challenges, which have since been addressed. Most officers serving in security-sensitive areas are doing a good job. They are trying their best to do what is humanly possible. Sometimes we get operational challenges for reasons which I will explain in a short while.

We got the identity of the victim of the shooting. I wanted to clarify because extrajudicial killings are sometimes mixed up with the fight against crime. This person wanted to kill police officers because he had killed many people.

Hon. Speaker: The Member has congratulated the police for the killing.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Yes. I wanted to mention his name because he is well-known. The fellow is called Noor Mustafa. He was 36 years old. Many residents came and testified that he was the one who had killed their relatives. He was in the process of trying to liquidate two officers whom he had stopped at night in the middle of the road.

The Member for Mwingi Central also asked whether we have the equipment to deal with armed bandits. We do. That includes the new units that we have set up in Mandungoi, which is not far from Ukasi. We also have sniffer dogs that the Member was talking about. Because of several years of low investment in our police force, we have found it necessary to modernise our equipment including the use of technology, which was raised by the Member for Uasin Gishu. Therefore, the Government has approved a budget of Ksh25 billion to buy better equipment, including protective mobility vehicles, Mine-Resistant Ambush Protected (MRAP) vehicles and Armoured Personnel Carriers (APCs). We have also modernised other equipment including aerial unmanned vehicles and drones. Cameras will also be part of that

modernisation programme so that we take our police service to the next level. That process has begun. Going forward, Kenyans can expect better services and responses from our security agencies.

More importantly, we want to ensure that bandits, terrorists and criminals find it difficult, if not impossible, to bring down our officers. We have lost a few officers and it is very painful when an officer wearing our country's uniform is brought down by a criminal. Therefore, that modernisation programme will go a long way in ensuring that we are even better prepared in the days ahead.

I agree with the Member from one of the constituencies in Busia who talked about Busia Town. That is the Member for Funyula.

Hon. Speaker: Do you call them 32 Brothers?

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): It is true. Are they 32 or 42?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, 32...

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): It is true. We conduct a weekly threat assessment. There is usually an increase in gang-related crimes as we head towards the festive season. Over and above the towns that I cited, we also have a similar problem in Busia, Kirinyaga, Kerugoya Kutus and Madogo Town in Tana River, as well as Marsabit Town. We have put all those places under the radar. We will use the same magic that we used in Nairobi last year in September when there was thuggery everywhere. We know what to do. It is just a matter of time before we normalise our people's security.

Unless I have forgotten something else, the only remaining question is the one by the Member for Baringo North. I am a frequent visitor to that part of the country because of the challenges there. I agree with the Member that our people in that part of the country and other similarly situated areas have suffered a lot. Dealing with that requires a lot of effort. We must all pull in the same direction. Bandits and terrorists want us to quarrel amongst ourselves. They want political leaders on one side, and security agencies on the other side so that they can succeed in the middle. I agree with the Member for Baringo North. I will answer his two questions.

First, we inherited many administrative units, some which were gazetted way back in 2017 and others in 2022. We do not have enough resources to operationalise all of them at the same time. We promised that all administrative units in areas facing security challenges that have already been gazetted will be operationalised in this financial year. It has taken a bit of time but I promise the House that all administrative units in areas facing security challenges that were gazetted will be operational this year. We will operationalise all administrative units in the rest of the country within the next three financial years because of budgetary constraints. We will give first priority to the most affected areas.

Hon. Speaker: Hon. Peter Kaluma on Question 018/2023.

QPN 018/2023

STATUS OF INVESTIGATIONS INTO THE KILLING OF MS FAITH ADONGO OWINO

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question.

Could the Cabinet Secretary:

- (a) Provide a report on the status of investigations into the tragic killing of Ms Faith Adongo Owino of National Identity Card No.42296965, a first-year

student at Pwani University, following multiple knife stabs by assailants on the evening of Friday, 20th October 2023 in Kilifi Town?

- (b) Outline specific actions that have been taken to ensure apprehension of the individuals responsible for the grievous attack on the student, which resulted in her untimely demise, which was reported to the Kilifi County Directorate of Criminal Investigations as Incidence No.OB62/20/10/2023?
- (c) Explain the collaborative efforts between local enforcement agencies and the community to identify and bring to justice those responsible for terrorising communities and students in Msifuni area in Kilifi Town, and further elucidate on measures to enhance security?

Hon. Speaker, I will drop the fourth part of the Question because the student was buried last Friday. So, Government assistance towards meeting funeral expenses is no longer necessary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, on 20th October 2023, Faith Adongo Owino, a first year Bachelors of Arts Degree student at Pwani University left her residence at 8.00 a.m. within Kilifi Town in a place called Msifuni that is about one kilometre away from the university. She went to the university and she had a group discussion with her classmates. Later on, she met a friend. Between 2 O'clock and 6.50 p.m. on the same day, she visited another female friend in Kibaoni area and passed through the university as she was going back to her house. She was carrying a small bag, a phone, a notebook and her ID. She was attacked on her way as she left the university near the main library. She was stabbed. After the stab, she screamed and some well-wishers – who were actually her fellow students – came to her rescue and took her to Mathew Hospital. Her condition was grave and she was referred to Kilifi County Teaching and Referral Hospital where unfortunately, she succumbed at 11.00 p.m. the same day because of the stab wounds.

Investigations ensued immediately and within a day or two, some personal items of this girl, who is no longer with us, were recovered. Incidentally, they were recovered from one of the students who had come to rescue her. We are analysing the evidence, including the DNA evidence, to connect the items to individuals. Notably, her notebook and ID were recovered from one of the boys who had come to rescue her when she screamed. The student is called Joshua Nambuye who is a third-year student. Our DCI, especially the Crime Research and Intelligence Bureau, has also narrowed down to another person, Nelson Sifuma, who is a third-year student. He was arrested and led the police to his rented house where the mobile phone of the deceased was recovered. He was taken to court on 30th of October and custodial orders of 10 days were granted by the court. Mr Sifuma will be charged in court with murder of the late Faith Adongo Owino.

The measures we have taken include the Kilifi County Security and Intelligence Committee visiting the university and holding meetings with the Vice-Chancellor, the university management and the student leaders. It has advised on how to enhance security within the university, including clearing the bushes in the footpaths between some of the facilities - some of them are bushy - and installation of street lights around the university. That engagement is ongoing. The Kilifi County Security and Intelligence Committee also advised cascading some kind of “Nyumba Kumi” among the students who live outside the university so that there is information sharing when things like this happen in future. Once again, we are sure we have the right person in custody and justice will be served.

Hon. Speaker: Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I am satisfied by the response of the Cabinet Secretary. I want to just request that the matter be followed up to the end. If there are any aspects of the investigations that remain, they be concluded so that justice

can be done to the victim and the victim's family. This was a young girl we have educated from secondary level through the National Government Constituencies Development Fund (NG-CDF). I remember we were to assist even in getting her body buried. I am grateful for the intervention so far.

Thank you.

ORDINARY QUESTIONS

Hon. Speaker: Thank you. The next Question to the Cabinet Minister by Hon. John Makali, Member of Parliament for Kanduyi, will be deferred. The Member has requested so, and I have acceded.

(Question 143/2023 deferred)

Hon. Speaker: Question No.197 by Hon. Zamzam, Member for Mombasa. She is not here and there is no communication with the Chair. The Question is dropped.

(Question 197/2023 dropped)

Next is Question No.198 by Hon. Paul Nzengu, Member for Mwingi North. Give the microphone to Hon. Nzengu.

Go ahead *Mheshimiwa*.

Question 198/2023

STATUS OF INVESTIGATIONS INTO THE MYSTERIOUS DEATH OF MR MUUO MUTHENGI

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Hon. Speaker. I am just getting the Question.

Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question.

Could the Cabinet Secretary:

- (a) Explain the status of investigations into the death of the Mr Muuo Muthengi of ID No.27783855, a Prison Warden who was stationed at Thika Prisons and mysteriously died on 13th October 2021 as reported at Thika Police Station vide OB No.126/14/10/2021?
- (b) State if any suspect(s) has been apprehended or questioned in connection with the death of the officer and explain if anyone has already been prosecuted to that effect?

Thank you.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, Muuo Muthengi, a prison warden who was stationed at the Thika G.K. Prisons, died on 13th October 2021 while he was being treated at Nairobi West Hospital. Prior to his death, he was under interdiction from the Kenya Prisons Service because he had been arrested, arraigned in court and charged on 3rd May 2021 for obtaining money by false pretence contrary to Section 313 of the Penal Code. The criminal case number is No.262/221/2021. On 28th June 2021, the deceased had also been arraigned in court and charged with different offences, this time being rape and other sexual offences. That is the reason he had been interdicted. The sexual offences and rape case was later on withdrawn by the complainant under

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Section 204 of the Criminal Procedure Court. Investigations established that on 11th October 2021, a report was received by members of the public that there was a person who was being subjected to mob justice in Thika near the bus stage. When the police team responded, they found that the deceased was actually the subject of the mob justice. He was being attacked for allegedly extorting money from members of the public and robbing them.

On 19th October 2021, the Chief Government Pathologist, Dr Johansen Oduor performed a post-mortem. The person died as a result of head injuries due to blunt force trauma caused by the attack by members of the public during the mob justice.

An inquiry file has been opened at Thika West Sub-County Criminal Investigation Office. The file was forwarded to the DPP and he opined that given the circumstances in which the deceased met his death, this matter will be properly disposed of through a public inquest. An inquest has been registered at Thika Law Courts vide Inquest No.E006/2022. The hearing of the inquest started on 1st May 2022 and it is ongoing.

One last thing I would add about this particular case is that on the request of the family of the deceased, the inquest hearing was transferred from Thika Law Courts to Ruiru Law Courts and it is Ruiru Inquest No.1/2022. That is the file number. The inquest is still pending at Ruiru and is scheduled for hearing. That is all. This is a person who had a criminal record, had been charged for various offences and was attacked by a mob who were accusing him of robbing people and extorting money. Unfortunately, the injuries he received caused his death in hospital. By the time he died he was under interdiction from the Kenya Prisons Service.

Hon. Speaker: Hon. Nzengu, from the facts given to the House, do you not think that any further interrogation of this *sub judice* matter will undermine the process of the inquest? My advice is that having got those facts, you leave it there. We let the inquest take its course so that justice is done either for the person for whom you are asking the question or for those who are complaining.

Thank you.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Hon. Speaker, I am well guided but can I ask a supplementary question?

Hon. Speaker: Go ahead.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you very much. To the Cabinet Secretary, it is about the issue of Thagicu Sub-County that was awarded a sub-county in 2016.

Hon. Speaker: Oh no. I can only allow you to ask a supplementary on your question which we have agreed with you and you said you are properly guided. Now you are asking a totally different question. Go ahead and ambush him.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, you now listen to that ambush.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Okay.

Hon. Eng. Paul Nzengu (Mwingi North, WDM): There is a sub-county in my constituency called 'Thagicu', which was created in 2016 and he happened to be at that time with the President. That sub-county is not operational because it has a Deputy County Commissioner (DCC) who has no vehicle, office or house to stay. It is completely in chaos and it does not have a code. They cannot receive any funding from the Government, and they cannot do recruitment. Literally there is nothing although we have a DCC.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, I am familiar with Thagicu Sub-County. I confirm that that sub county is in great need: no vehicle, no office, no nothing for the DCC. I also confirm that His Excellency the President visited Thagicu in Mwingi North on January 15th and directed that we

provide the office vehicle and all the facilitation that is required for the DCC. I confirm to Hon. (Eng.) Paul Nzengu that we have put resources in this financial budget and the DCC will have an office, a residence and a car.

Hon. Speaker: Thank you. Question 201/2023 by Hon. Clive Gisairo.

Question 201/2023

STATUS OF NYAMAKOROTO MURDER INVESTIGATIONS

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question.

Could the Cabinet Secretary:

- (a) Provide an update on the progress made on investigations into the gruesome murder of Mr Edward Morema Nyagechi (ID 0407390) and Mama Grace Morema (ID 7573919) which occurred on the 21st March 2023 at their home in Nyamakoroto, Kitutu Masaba Constituency?
- (b) Clarify whether the murder of the couple is in any way linked to that of their son, the late Prof. Zachary Mosoti (ID 4128837), a don at United States International University (USIU), who was killed in 2021 and if in the affirmative, what is the status of inquiry into Mosoti's death and what steps have been taken to unravel his murder?
- (c) State the measures the Ministry has undertaken to enhance security within Nyamakoroto Location and the entire constituency to guarantee residents of their safety at all times?

I thank you, Hon. Speaker.

Hon Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, in March 2023, the Director of Criminal Investigations detailed a team from the Homicide Unit to spearhead investigations of Mr Edward Morema Nyagechi, and his dear wife Grace Mong'ina Morema, whose bodies were found in their matrimonial home in the morning of 21st March 2023 by the house help and the farmhand.

After forensic investigations we have been able to arrest a number of suspects and they have been arraigned in court as follows: Ezekiel Migiro, Dennis Clement Ondara, Peris Ondara and Peter Njoroge Kirika. These four suspects were arrested differently in different locations and during the arrests Dennis Clement Ondara was found armed with an illegal pistol in Isebania Town. Forensic analysis detailed a schemed elimination plan that was hatched by Peris Ondara and executed by her brother Dennis Clement Ondara with the aid of the remaining two. Peris Ondara was found to be the second wife to the late Prof. Zachary Mosoti who is related to the deceased, because the deceased were the uncle and aunt, respectively. Her marriage, that is the marriage of Peris Ondara...

Sorry, let me take this again. Forensic analysis detailed a schemed elimination plan that was hatched by Peris Ondara and executed by her brother Dennis Clement Ondara with the aid of the remaining two. Peris Ondara was found to be the second wife to the late Prof. Zachary Mosoti. Her marriage to the said professor led him to separating with the first wife Gladys Kerubo. We have made some progress in the investigations. One of the things we have found out is that after the death of the late Zachary Mosoti, Edward Morema, the uncle, embarked on an effort to bring back the late professor's first wife, Gladys Kerubo, and to reinstate her back to her Ruai home which was now being occupied by the second wife, Peris Ondara. This did not go well with Peris hence planning with her brother on the execution plan.

The said Dennis Clement Ondara, Peter Njoroge and the other three were established to be a gang of criminals with active robbery cases pending before Makadara Law Courts and Ruiru Law Courts. They met in Kamiti Prison and became friends and continued after their life in prison to commit the crimes they have been committing in the past. They have been arraigned before Nyamira High Court in diverse dates between 11th May 2023 and 22nd May 2023. All of them have pleaded not guilty, but we believe we have the right people in custody. We charged them with murder contrary to Sections 203 and 204 of the Penal Code. They have been denied bail. They are in custody at Kisii GK Prison awaiting trial. The matter is pending before Nyamira High Court. It was heard from 16th to 19th October 2023.

Hon. Speaker, on 10th December 2021 at Kamulu Police Station, Mr Fred Bosire reported the murder of Prof. Zachary Mosoti, a lecturer at United States International University (USIU). Police officers went to the scene and found him dead with some tablets in his mouth, suspected to be sex enhancing ones. The door was slightly open, suggesting that somebody had left that building according to the investigations up to now. When we processed the scene and moved the body, we established, through DNA, that what killed him is asphyxia due to neck compression which is a sign of manual strangulation. Therefore, the sex enhancement drugs were diversionary planted on the late Prof.

It was established that the deceased was married to two wives: 51-year-old Gladys Mosoti who works with the Ministry of Agriculture and Livestock Development and has two children; and the second wife, 39-year-old Peris Ondara, who is a teacher at Tala Township Primary School in Kangundo. By the time of his death, he had separated from his two wives due to suspected domestic issues and had a girlfriend. On the day he was killed, he had gone to pick her from Jomo Kenyatta International Airport (JKIA) in his car. They travelled together. When they reached somewhere in the Central Business District (CBD), their telephone signals went off. The next thing was the Prof. being found in his house in the circumstances I have explained. The alleged girlfriend has never been found to date. I have said that their phones went off in Nairobi CBD and the girlfriend disappeared. She has never been found until now.

In the course of investigations to establish the motive of Nyamakoroto murders, it came out clearly that the deceased, Mr Edward Morema Nyagechi, who is an uncle of the late Prof. Zachary Mosoti, was at the fore of making sure that the succession cost of the late Professor's estate was shared equally between the first wife and second wife who is the second accused in the murder case. This arrangement seemed not to have gone well with the second wife, Ms Peris Ondara, prompting her to hatch a plan to eliminate Mr Edward Morema and his wife by hiring assassins who accomplished the mission. In other words, this appears to be a family matrimonial dispute. We have suspects whom we have charged. We are still looking for the girl in whose company the late Prof. Mosoti was with the night before he met his death.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Ombane.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Speaker. The Cabinet Secretary has not responded to the third part of this Question.

Hon. Speaker: Is it about enhancing security in the village?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Could the Cabinet Secretary state the measures the Ministry has undertaken to enhance security within Nyamakoroto Location and the entire constituency to guarantee residents of their safety at all times?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): I am sorry, Hon. Speaker. It is true I did not answer that part of the Question.

The Ministry of Interior and National Administration, through the National Police Service, has put measures to ensure the security and safety of the residents of Nyamakoroto Location within Masaba North Sub-County. It is maintained through regular patrols, and

collection and sharing of criminal intelligence within the area. Community policing mechanisms and Nyumba Kumi Initiative have been enhanced to identify known criminals within the area and profiling them, so that we engage in proactive rather than reactive policing.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon Ombane.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Speaker. I am satisfied with the response in part one and two of the Question. However, in part three of the Question, I am not aware whether the Cabinet Secretary was informed that we have an increase in crime in the same area, Masaba North Sub-County.

The most recent one is a family where there is a Member of County Assembly (MCA), Member of the County Executive Committee (CEC) in charge of Education and a school principal who were held hostage for seven hours. While at that, two school-going ladies were gang raped throughout the seven hours within the same area where the Cabinet Secretary has stated that there is heightened security. Can we get guarantee that there is much more that needs to be done and the Ministry is putting all its efforts towards ensuring that our people are safe?

Thank you.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, it is true that we had unfortunate incidents of the nature in which the Member of Parliament has explained, but we are almost capturing the ring leaders of the violence in that general area. As I said, we are increasingly using technology and evidence-driven investigations so that by the time we arrest people, we are sure we will win. It does not help rounding up young people, taking them to court and then they are all acquitted. We have made some progress there. I accept that we are concerned with the rising cases of insecurity. It is not only the Member of Parliament who talked to me about the issue but also the Senator for Nyamira County. I promise the Member of Parliament, Senator and the people of Nyamira County that we are doing everything that we can to make sure that we restore peace and security. I will visit that part of the county in the coming one month, God willing.

Hon. Speaker: Thank you. Member for Ndihiwa. Is the Member satisfied since this is his Question?

(Laughter)

Go ahead, Member for West Mugirango.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Speaker. My name is Hon. Stephen Mogaka from West Mugirango Constituency which is adjacent to Kitutu Masaba. Cabinet Secretary, my professor of law knows that I have laid before his desk serious issues that have contaminated my constituency from Kitutu Masaba. We lost a young man in Nyamira South Sub-County which is in West Mugirango Constituency, the late Abiud Matara, whom we will bury on Friday. He was killed by these gangs. Several homes were raided three days consecutively in the biggest market of that county. As you enhance the security in Masaba North Sub-County, kindly include or cast your net to Nyamira South Sub-County.

Let me make one particular humble request, after thanking you for promising the House that you will implement the subdivision of administrative units. This is a case that can be dealt with as an exception so that we operationalise them and obviate the degeneration of security in this area.

Hon. Speaker: Cabinet Secretary

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, I agree with Hon. Stephen Mogaka. He has written formally raising those issues. When I visit Kitutu Masaba, I will also visit his constituency. I also agree with

him that given the rising incidents of insecurity in that part of Nyamira, the gazetted administrative units should be operationalised in the first instance, alongside others which have security stress.

Therefore, within this financial year, we will honour that request for security reasons. But as I said, even in other parts of the country, we will operationalise but we are giving the first priority to areas which have serious strains on security because of budgetary constraints.

Hon. Speaker: Yes, Hon. Atandi. What is the issue?

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. Because we are talking about gangs, with your indulgence...

Hon. Speaker: You also have some?

Hon. Samuel Atandi (Alego Usonga, ODM): There are gangs in my constituency and I think the Cabinet Secretary is aware. I even raised questions to him. However, what I wanted to report is that we have lost many people because of these gangs and we raised an issue because we suspected that security officers in my constituency are also culprits.

I wanted to thank the Cabinet Secretary because as a consequence, we have seen transfers that have happened. The only issue I wanted to alert him is that as a consequence of those transfers, we have ended up with all senior officers coming from one ethnic community, and this is a very big issue on the ground. The County Commissioner, Deputy County Commissioner, Officer Commanding Police Division (OCPD), Officer Commanding Station (OCS), Deputy OCS, Officer Commanding Crime, patrol officer and the County Criminal Investigation Officer, are all from one ethnic community. I do not want to mention their names. I wanted you to check with us because that environment will not serve our people in the right way. Thank you.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, is that Gem or Alego Usonga?

Hon. Speaker: Alego Usonga.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): I agree with the Member for Alego Usonga that we do not encourage security managers to congregate in one place without reflecting national diversity. Therefore, I will take up the request by the Member and will make the necessary adjustments to make sure that the face of the police command in that constituency reflects as much diversity as possible.

Hon. Speaker: Thank you, Cabinet Secretary. Hon. Martin Owino, ask Question 203/2023

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker.

Question 203/2023

SUB-DIVISION OF NDHIWA CONSTITUENCY INTO THREE ADMINISTRATIVE UNITS

Hon. Martin Owino (Ndhiwa, ODM): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and National Administration the following Question. Considering that the 2019 Kenya Housing and Population Census reported that Ndhiwa Constituency with seven wards and a population of 218,136 people, and land size of 713 Sq. Kilometres, could the Cabinet Secretary explain steps the Ministry is undertaking towards sub-dividing the constituency into three operational and adequately staffed administrative sub-counties and corresponding divisions, locations and sub-locations thereof to enhance effective and efficient delivery of National Government services to the people and within what timelines?

Thank you.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, it is true that we have received proposals for sub-division of the current Ndhiwa Sub-County within Ndhiwa Constituency into three sub-counties, which are: Ndhiwa East, which will be a new sub-county, with the headquarters in Lwanda Kobita; Ndhiwa West, a new sub-county with headquarters at Ratanga; and, Ndhiwa Central, which will be the remnant of the existing sub-county.

Hon. Speaker, having looked at the proposals to split Ndhiwa, not only into more sub-counties but also divisions, locations and sub-locations, it is our assessment using the criteria that we use for creation of new administrative units, that Ndhiwa merits sub-division. However, the implementation of that request from Ndhiwa is going to take a while for the reason I have given. Our ministry is constrained tremendously in terms of resources.

Putting up a new sub-county means setting up infrastructure for the Deputy County Commissioner, heads of departments, there must be a vote, vehicle, and recurrent expenditure.

*(Hon. Mwenje, Hon. Elachi and Hon. Sabina
Chege consulted loudly)*

Hon. Speaker: Order. Is that Hon. Mwenje? You can hold your *kamukunji* out of there. The other day you were fighting viciously with Hon. Sabina Chege, but now you are animated in discussions in the House.

(Laughter)

Hon. Elachi, you should supervise the handing over out there. Go on.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): It reminds me of my good old days in the legislature. Ndhiwa merits the proposed sub-divisions. Unfortunately, due to budgetary constraints, we cannot implement that request now. We will implement new requests after we finalise with the already gazetted administrative units that have not been implemented. I am unable to give a specific timeline, but I give my commitment to the Member of Parliament for Ndhiwa and to the House, that Ndhiwa merits and as soon as we finish the backlog of the already gazetted units, when we are doing the next phase, Ndhiwa, among other requests that I have seen, including the request from Tiaty, Baringo North and other places I have been to... I can see Members are looking at me. I have very merited requests which we will prioritise.

The Member for Ndhiwa will bear with us. We have his information and the information from Ndhiwa on record, we will give it priority in the shortest time possible.

Hon. Speaker: That should...

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. I appreciate the acknowledgement and merit that Ndhiwa deserves this. But as he said earlier, prevention is equally important. Even if the resources are scarce and we all acknowledge that, Cabinet Secretary, I would also ask when it will be gazetted. That does not take a lot of money, so that there is hope for the people that it is gazetted and now we are waiting for it to be set in operation.

Hon. Speaker: Cabinet Secretary, gazette and operationalise later.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): I understand the Member, and it helps sometimes to...

Hon. Speaker: I can see the Member for Tiaty is also itching to ask the same question. I will not allow you. Let the Cabinet Secretary answer you in his answer.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): There is merit in what the Member for Ndhiwa is saying. We will endeavour to

gazette, perhaps not the entire proposal. We can gazette it in phases progressively by the end of this financial year and then maybe the next financial year, we gazette the other proposals, again because of budgetary constraints. To answer him, yes, by the end of this financial year, we will gazette and then we operationalise in future on a priority basis.

Hon. Speaker: Next is the Member for Kinangop. Is Hon. Kwenya Thuku in the House?

That Question has been dropped.

(Question 264/2023 dropped)

Next is the Member for Kitutu Chache South, Hon. Antoney Kibagendi.

(Hon. Kassait Kamket raised his hand)

Yes, Hon. Kamket. Tiaty was already mentioned by the Cabinet Secretary.

Hon. Kassait Kamket (Tiaty, KANU): It was not mentioned favourably. I am a worried man because listening to the Cabinet Secretary some of us urgently need the administrative units. When the Cabinet Secretary gives a verbal commitment, I understand him...

Hon. Speaker: How else do you want him to respond to supplementary questions? It can only be verbal.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, kindly indulge me for a moment. All I am asking is that if it is agreeable, the Cabinet Secretary should gazette the administrative units. It does not cost much to put up a gazette notice. Since it is agreeable, why can the Cabinet Secretary not gazette this as we wait for the finances to operationalise? Where I come from, we are suffering from lack of administrative units. The Member here has seven wards in his constituency just like mine. The Cabinet Secretary made verbal commitments even to the public when he visited those places. Now we are suffering politically. I urge the Cabinet Secretary to gazette as we wait for the funds. But that should not be at the end of the financial year. The gazette can be done even tomorrow. Why does he have to wait for the end of a financial year to gazette?

Hon. Speaker: Cabinet Secretary, that is just a comment.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Yes, I have heard and engaged with the Member for Tiaty, the Member for Baringo North, the Member for Kajiado West and many other Members. On the issue in Tiaty, I indeed committed because for us to achieve the security outcome, part of the solution is to add administrative units in many of the areas including Tiaty. I assure the Member that I will comply with the oral commitments I made to the public. I am a Cabinet Secretary of the Kenyan Government whether I am addressing Parliament or wananchi. Therefore, the gazette notice will ensue. I only plead with the Member not to pin me down in indicating the gazette date but I will honour the commitment.

Hon. Speaker: Next is Hon. Antoney Kibagendi.

Question 265/2023

MEASURES TO ADDRESS WIDESPREAD ABUSE
OF DRUGS AND BANNED SUBSTANCES

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question.

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Could the Cabinet Secretary:

- (a) State the measures being taken by the Ministry to address the widespread abuse of drugs and banned substances in the country?
- (b) Clarify whether there are sufficient rehabilitation centres available through NACADA to accommodate the large number of addicts seeking help and willing to undergo rehabilitation?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, in regard to the Question by the Member for Kitutu Chache South, I respond as follows.

The Government, through the Ministry of Interior and National Administration, and specifically through NACADA, is taking measures to address drug addiction and the abuse of substances including illicit alcohol and psychotropic substances. This morning, I was in Nyeri where we opened a NACADA-accredited rehabilitation centre set up by the Ministry of Interior and National Administration in conjunction with the County Government of Nyeri. We have several other rehabilitation centres: one in Miritini and another in Elgeyo Marakwet.

We are taking drug abuse as a major national security threat. We believe that drug abuse and trained consumption of drugs and psychotropic substances is among the top five security threats facing this country. This ranks together with terrorism, banditry, violent resolution of disputes and climate change. Therefore, we are making arrangements to fight the menace on two fronts. One, we want to suppress the demand by rehabilitating and treating those who are already abusing these substances. We are going to mobilise enough resources for NACADA and other partners to improve our facilities for treatment and rehabilitation.

The second strategy is to suppress the supply. We plan to do this by making it very difficult for manufacturers of alcoholic drinks until we are satisfied... We will also introduce very stringent licensing procedures because we have all manner of manufacturers of alcoholic drinks who are manufacturing and selling unhealthy concoctions. This has caused addiction and health problems across the country. We will review all the existing licences for manufacturers of second-generation alcoholic drinks and ask them to apply afresh. They will have to meet strict licensing requirements. Right now, we have declined 23 applications for licenses for second-generation manufacturers.

Third, we are introducing new laws. Soon we will bring a law here to strengthen NACADA. Now NACADA is more wired towards the suppression of demand for alcohol and drugs. We now want to give NACADA teeth to suppress the supply of drugs and alcoholic substances that are detrimental to public health. We are also investing in school programmes to sensitise the school-going children, university students and young people. We want a greater, more resourced, more empowered and more capacitated NACADA to partner with other stakeholders in that respect.

I agree that we have a problem with the abuse of drugs. We will also target families because we believe families are essential partners in fighting this menace. We will also use our rich network of national Government administration officers spread across the country. As you are aware, this Government decided that the national Government administration officers will be used to mobilise communities and members of the public to support national objectives and not to engage in other auxiliary matters like politics as has been the case before. Things like the national tree planting objectives, registration of farmers, distribution of fertiliser and ensuring that our children and families are free from drugs and alcohol have been left to them.

This is work in progress. I want to summarise by saying that we view the trade, use and consumption of drugs, illicit alcohol and psychotropic substances as an existential threat to our country's future. It is a national security problem. We are going out of our way to resource our

agencies and use our personnel to make sure that the same strength we are using to fight terror, banditry and other national security threats including climate change, is also applied in the fight against abuse of drugs especially narcotic drugs and psychotropic substances.

I submit.

Hon. Speaker: Thank you. Hon. Kibagendi, do you have a supplementary question?

Hon. Anthony Kibagendi (Kitutu Chache South, ODM): I truly appreciate the response from the Cabinet Secretary, and that the Government has taken this as one of the major issues they would like to deal with. I wish they could enhance surveillance in this season that we are heading to, especially within communities with children who are just completing their examinations and those on holidays.

I submit, Hon. Speaker. Cabinet Secretary, when you visit Nyamira, you can also come to Kitutu Chache South Constituency in Kisii Town.

Thank you.

Hon. Speaker: Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I also want to thank the Cabinet Secretary for his efforts. I would like to inform him that in Kilimani Ward, Dagoretti North, the rate at which foreigners are engaging in drugs especially on Ndemi Road, Dennis Gardens and Royal Nahaltal Estate is becoming a menace that we cannot deal with anymore. I am pleading with the Cabinet Secretary that I need a serious team of security to, at least, invade these places. I am sorry to say that our security teams are sort of compromised.

If you look at the administration units, the chiefs have been in Dagoretti North for 10 years. It is time they also go to serve somewhere else so that we are able to fight together. We have organised for a Ghetto Marathon that will happen this Sunday. I have written to you because we need to work with the security team and start engaging the bodaboda riders who are being used and the young children that we see peddling drugs all over Kilimani. They are being used to peddle these drugs. I just wanted to inform you. Thank you very much for the support that you have given us.

Hon. Speaker: KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I truly thank you. My questions and concerns have in part been pre-empted by the Deputy Speaker and the Member of Parliament for Dagoretti North.

I will raise my concern in form of a question: Is the Cabinet Secretary and the Ministry considering a new approach to dealing with criminal elements? It is now being proven that old methods are not hacking it especially in urban areas. If they are depending on the Nyumba Kumi as they were formed in the era of Provincial Commissioner Kaguthi, I can tell you for sure that the initiative will never deliver. I think it is time that they reconsidered the model of Nyumba Kumi. Once they reconsider, they will realise that there is a different model that works in urban areas as compared to rural areas, and in commercial areas as compared to residential areas, and so on.

Secondly, Hon. Speaker...

Hon. Speaker: Only one question.

Hon. John Kiarie (Dagoretti South, UDA): It is the same question, Hon. Speaker.

Hon. Speaker: If it is the same question, do not ask it.

(Laughter)

Hon. John Kiarie (Dagoretti South, UDA): There is infrastructure which exists that this Ministry can piggyback on. In urban areas, the people we call the bodaboda riders and the set-up that we are helping them put together can work very well for intelligence, surveillance, information and even helping the security team combat crimes in terms of identifying the

criminals in the area. The issue that Hon. Elachi is talking about is a real concern. If left unattended to, these bodaboda riders will be a threat to security while we can convert them to keepers of peace in urban areas. They become carriers of drugs and even criminals. The incidences of people being shot by pillion passengers riding three or four on one bodaboda have become so rampant especially in this south-western area of Nairobi City.

Thank you, Hon. Speaker, for the opportunity.

Hon. Speaker: Hon. Karemba. Cabinet Secretary, I have few other requests that I will take on this.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Speaker. Thank you, *Waziri* for acknowledging that drug and substance abuse is an emerging problem in our country, particularly in Runyenjes Constituency, where there is a very sharp rise in the intake of marijuana.

Previously, people used to smoke marijuana during the night while hiding, but in my constituency now, they are smoking it in broad daylight. I want to ask the Cabinet Secretary whether he is aware that the manufacturers of illicit alcohol who were previously domiciled in my constituency have moved down to Mbeere North and South and parts of Tharaka. They are doing it from there and sneaking it to Runyenjes Constituency. In my own observation, there is a correlation between illicit alcohol, marijuana abuse and crime rate. Is the Cabinet Secretary aware that is what is happening in Runyenjes Constituency?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Sabina Chege.

Hon. Sabina Chege (Nominated, JP): Thank you, Hon. Speaker. I want to thank the Cabinet Secretary for the concern about drug abuse in this country.

Hon. Speaker, if you recall, there was a time I raised an issue about one of the addictive drugs which comes in a nicotine pouch called 'Velo'. I would like the Cabinet Secretary to take some interest in it. As we are talking about illegal drugs, there are some drugs that are being sold over the counter. They are easily accessible to our children and we are letting them go. They are being imported from other countries to this nation and they are cheaply available. We are losing a whole generation and especially children in high schools and colleges. *Waziri* I would like you to take some keen interest and do research on Velo. It is a drug that I feel should be banned with immediate effect.

Hon. Speaker, I have a concern about NACADA. The issue of drug abuse is a health matter, and I hope NACADA, desists from criminalising it. It should make drug abuse much more of a health concern. Some people are actually arrested taking 'weed' and they are taken to prisons. I hope our prisons can work on rehabilitation when these arrests are made.

Finally, there is one commandant in Kiambu doing something that other officers can learn from: he is working with the church in rehabilitating and offering even food and counselling to drug abusers. It is working. That is one of the ways that you can adopt and come up with a way of rewarding officers who are doing a good job. On this issue of drugs, there is a lot of money involved. If you award them, you might cease the temptation of them being given money by the barons, so that they instead work for this nation.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Speaker. I thank the Cabinet Secretary for the effort they are making towards fighting drug abuse.

We are currently going through Supplementary Estimates, and we know that the Office of the Spouse of the Deputy President is very keen on fighting drug abuse and its effects, and also rehabilitating young people. A lot of money is being channeled to that Office. My question is: Is the Ministry working hand in hand with the Office of the Spouse of the Deputy President

or are they working independently? This is because if they are, then there is bound to be a lot of duplication in terms of areas that are being targeted and money going to waste.

Thank you, Hon. Speaker.

Hon. Speaker: Do you want to speak on this, Hon. Njeri? Hon. DK, do you also want to ask something? Hon. Njeri, Hon. DK, and then the Cabinet Secretary can respond.

Mhe. Njeri Maina (Kirinyaga County, UDA): Shukrani Mhe. Spika. Ningependa kuuliza Waziri kuhusu kupotea kwa watoto kule Kaunti ya Kirinyaga, upande wa Kiamaciri na Kaminji kule Mwea. Watoto hao ni wenye umri wa miaka tatu na kumi.

Hon. Speaker: Does it have anything to do with drugs? This Question is on drugs.

(Laughter)

I will give you an opportunity later. Let us not throw the Cabinet Secretary into a spin. Hon. DK. Hon. Njeri, just hold on. I will give you an opportunity.

Hon. Daniel Kiplagat (Soy, UDA): Thank you, Hon. Speaker. Mine might not be concerned with drugs as such.

Hon. Speaker: Then do not ask it.

Hon. Daniel Kiplagat (Soy, UDA): There is an urgent issue I had requested a statement about in the morning. Now that I have seen the Cabinet Secretary, it is important that I raise it because it is a matter of importance where I come from. There is a lady by the name Mama Leah, who was killed on 4th in Matunda Market by gangsters, just 400 metres away from Matunda Police Station. When an SOS was raised by the family to the police station, because they had an alarm, the answer was that the incident was not within their jurisdiction. This is because where the lady was attacked and killed is in Uasin Gishu County while the police station is in western. It raises a very fundamental issue to the Cabinet Secretary. Is there a policy that bars police officers in one town centre from just crossing the road and assisting Kenyans rather than telling them to go for about 10 kilometres to find their area of jurisdiction to call police officers to assist?

Hon. Speaker: Before the Cabinet Secretary answers those supplementary questions, it is now going to 6.00 p.m. I had wanted Question Time to end at 4.00 p.m. We have done an extra two hours. I want to seek your concurrence that we can end here and have the Cabinet Secretary come and answer your other questions on a later date.

(Hon. (Dr) Robert Pukose spoke off the record)

(Laughter)

Thank you, Hon. Pukose. I hope you have read a book called *A Bridge Too Far*. If you have not, I invite you to read it.

(Hon. (Dr) Robert Pukose spoke off- record)

Okay, we can go on if you wish. The Cabinet Secretary is here. I have no problem. Cabinet Secretary, can you answer those supplementary questions? They are all about policy. Tell us what you are doing and how you can convert bodaboda into an asset.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Speaker, I agree with the very detailed proposals which have been made by various Members. First, is the Member for Dagoretti South on the issue of changing tact because we cannot use the same methods all the time. Times have changed. The composition of the population of Kenya in terms of mind-set and values has changed over time. Therefore,

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we have begun those conversations in the Ministry of what to do differently if we want to move security to the next level, given the complexities of modern insecurity challenges that we face.

I agree with the Member for Dagoretti South that the solution lies in the convergence between converting every member of the Kenyan society to an intelligence officer. I say so because I know there are neighbouring countries or countries with even lower GDPs than Kenya, which I do not want to name for diplomatic reasons, with even greater security challenges than Kenya but there is a way in which every member of the community in some of those countries is an intelligence officer and provides information on security matters. So, we must reconsider the way we look at security matters. It is not just the responsibility of police officers to secure the country. It is the responsibility of all of us: a convergence between intelligence, technology and values. That is where we are going. Values because, as has been said by the Members for Dagoretti South and Dagoretti North, if members of the public know that the intelligence they have will be acted on, they will give it.

Secondly, if we make it painful and embarrassing for a police officer to allow a drug trafficker to destroy our children, we will have less and less cases of officers aiding and abetting drug traffickers and other criminals.

(Applause)

I believe through the police reforms for which we are about to receive the final report, we are going to clean up all the national security agencies and make it impossible for people wearing the country uniform to be participants in crime. Even if it means re-establishing the agencies afresh, reforming them and dealing with succession management and leadership, so that not anyone becomes a commander or a leader, we will do it. So, there is a solution lying somewhere between a review of the system and bringing together the convergence of intelligence which involves information, technology and values.

Hon. Speaker, the Member for Runyenjes has talked about the problem in Runyenjes. I am aware of that problem. I have heard from you. The Woman Representative for Embu County has also brought me clips of some of these transgressions. We are working on a programme to make sure that we reach out to the communities there, through enforcement and by talking to our children and bring them back from the vagaries of blatant abuse of drugs in the open as it is very common now in that area. I am aware of that problem. I have even shared that with the Woman Representative for Embu County. The problem is in Runyenjes, parts of Mbeere North and neighbouring areas like Igambang'ombe.

Hon. Sabina Chege has raised the issue about Velo. I believe that the Ministry of Health is working on a programme that will help us classify Velo so that we can move to enforcement mechanisms. I agree with Hon. Chege that a proper reward and punishment programme for officers who either do well or do badly can be a big motivator. I am saying this from my experience in the last one year as the Cabinet Secretary responsible for security. Although there are officers who may not have done a good job in terms of projecting the image of our police and other agencies properly, there are a number of very patriotic, honest and hardworking officers. Many of them go unnoticed for the sacrifices they make and the extent to which they go, with high levels of honesty. Therefore, a reward and punishment programme can help us motivate good officers and embarrass the bad ones, even as we reform our agencies.

I want to talk about the issue of jurisdiction, which has been raised by the Member for Soy. It is true that different police commanders have jurisdictional limits for purposes of coordination, command, control and accountability. However, the policy of the National Police Service, and that of policing is that a police officer of the Republic of Kenya is a police officer of Kenya.

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

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

He is not a police officer of where he is stationed. Therefore, if he can save a life, assist in apprehending offenders or do other things that affect our security, it does not matter. You cannot watch somebody being robbed, and you are a police officer. You have the capacity to thwart that attempt even if it is across the road, which is a boundary of your jurisdiction. On this matter, we will find details in terms of complaints and follow up with the policing authorities to make sure no officer refuses to assist Kenyans in distress by simply citing jurisdictional limits.

Thank you.

Hon. Deputy Speaker: Is there a follow-up question? Who was the owner of the Question? Let us move to the next Question.

Hon. (Dr) Pukose proceed.

(Hon. Rozaah Buyu spoke off the record)

Okay. I will allow you. Hon. Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Deputy Speaker. My question to the Cabinet Secretary was on duplication of budgets. This is because the Office of the Spouse of the Deputy President (OSDP) already has an allocation to fight drug abuse, which the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) is also doing. Is there a danger of spending money on duplicated activities?

Thank you.

Hon. Deputy Speaker: Okay. Hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Deputy Speaker, the Ministry of Interior and National Administration coordinates the issue of drug control and campaign. There are many other players and actors who support the course. As I said earlier today, I officiated the opening of a treatment and rehabilitation centre in Nyeri. Many players had participated in putting it up, including NACADA, the county government and others.

Therefore, any stakeholder contributing to this effort, including the Spouse of the Deputy President, will find a home in NACADA as the coordinating agency. So, we can pull our efforts and work together. We cannot prevent any support or efforts because every stakeholder brings in value that is not available within the agencies we have. The coordinating framework is there, and all the stakeholders, including the Spouse of the Deputy President, will find a home in NACADA, the coordinating agency for the campaign.

Hon. Deputy Speaker: Thank you. Next Question. Hon. Member for Endebess.

Question 266/2023

STATUS OF INVESTIGATIONS INTO THE DEATH OF PC EMMANUEL KIPROP KILLED BY A MOB IN KATHANJE MARKET

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker, for allowing me to ask Question 266/2023 to the Cabinet Secretary.

Could the Cabinet Secretary:

- (a) Provide the status of investigations into the death of PC Emmanuel Kiprop from Endebess Kolongei who was killed by a mob in Kathanje Market,

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Tharaka Nithi County on 29th April 2023, and state whether the culprits have been arrested and what further action has been taken?

- (b) Explain why the Officer Commanding Station (OCS) of Kathwana Police Station sent officers to carry out arrests without being armed and without wearing the official uniform while on duty?
- (c) Outline the plans the Ministry has to provide substantial support in the form of compensation to the grieving family following the loss of their son who played a significant role in supporting the family?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will allow two supplementary questions. Hon. Caroli Omondi, Member for Suba South. Sorry! You may proceed Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Thank you, Hon. Deputy Speaker. On 29th April 2023, PC Emmanuel Kiprop and PC Kennedy Muriithi from Kathwana Police Station within Tharaka Nithi County were on duty in Kathwana Market, where they had been assigned duties.

At around 7:30 p.m. of the same day, the two officers were killed at Kathanje Market, which is about five kilometres away from Kathwana Market. Investigations revealed that while the officers were at Kathanje Market, Mr Zacchaeus Muriithi, who owns a shop within the market, raised the alarm and members of the public attacked the officers with crude weapons, fatally wounding them.

The police processed the scene and later moved the bodies to the mortuary for preservation. Following the incident, investigations ensued and the circumstances of this unfortunate incident were relayed by the police to the Office of the Director of Public Prosecutions (ODPP). He advised the police to record a statement from the shop owner who raised the alarm and, as a result, the violence ensued in the form of mob justice, leading to the death of the officer in question.

The shop owner's statement was recorded on 13th September 2023. Further, guidance has been sought by the police from the ODPP on whether to charge the shop owner or any other person who participated in the death of the officer. That advice is being awaited and has not been supplied.

I want to make two points as I end this response. First, the late PC Emmanuel Kiprop had been assigned duties by his superiors at Kathwana Market. However, it is not clear how he found himself outside the area in Kathanje Market, which is five kilometres away. This is part of the ongoing investigations to find out under whose orders he found himself there. As I have said, the file is still being processed between the police and the ODPP.

Second, there are conflicting reports that the shop owner in Kathanje Market, who raised the alarm, complained that the two police officers had intruded on his shop. There are conflicting reports that those officers had gone to search for certain crime-related evidence from the shop owner when they met their death. It is not very clear whether instructions had been given for them to arrest the person whose alarm led to the unfortunate death of Mr Kiprop.

Finally, regarding compensation, the National Police Service Commission (NPSC) Insurance Scheme has provided what happens when an officer dies in the line of duty. Therefore, issues to do with reparations for the loss of PC Kiprop will be pursued within the avenues of the police insurance scheme, which takes care of fatalities of police officers when in the line of duty. I submit.

Hon. Deputy Speaker: Hon. Pukose, you may ask your supplementary question.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, I thank the Cabinet Secretary for the response. Unfortunately, he has not fully answered the Question because when this incident happened on 29th April 2023, the DPP ordered officers to take a statement from the shop owner on 13th September 2023. You can see how many months have

gone by. I do not know whether that is normal police procedure. I know that the Cabinet Secretary is busy, but there are many gaps in the investigations. What has been done to ascertain the cause of death and arrest the culprits concerned since the police officer was killed up to now?

I asked whether the culprits had been arrested and what action had been taken. No culprit has been arrested up to now. The police constable was killed on 29th April 2023. We are now in November. Nobody has been arrested, and the shop owner was asked for his statement in September.

My second question was why the OCS of Kathwana Police Station sent officers who were not armed and who were not wearing their official uniforms while on duty to carry out the arrests. The Cabinet Secretary has not responded to that.

On compensation covered under the Workman's Compensation Act, I expected the Cabinet Secretary to assure the family and the people of Kolongei in Endebess that the compensation process was in progress. Those are illiterate people who might not even understand. They need to understand how the police are working to assist the family in getting compensation.

When the OCPD attended the funeral of the officer, he committed to recruiting one of the family members as a police officer to take care of the family. The family is waiting to hear whether that is also possible.

Hon. Deputy Speaker: Allow the Member for Baringo South, Hon. Kamuren, to ask his supplementary question.

Hon. Charles Kamuren (Baringo South, UDA): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following question.

Could the Cabinet Secretary:

(a) Explain why bandits are still occupying areas declared as disruptive and dangerous in Baringo South Constituency...

(Hon. (Dr) Robert Pukose spoke off the record)

Hon. Deputy Speaker: Hon. Pukose, allow him to ask his question and then the Cabinet Secretary will take them together.

Hon. Charles Kamuren (Baringo South, UDA): Thank you.

Hon. Deputy Speaker: I know you feel like your question was not asked. You will have an opportunity to ask your question.

(Hon. (Dr) Robert Pukose spoke off the record)

The Speaker approved the Question before he left.

Hon. Charles Kamuren (Baringo South, UDA): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question.

Could the Cabinet Secretary:

(a) Explain why bandits are still occupying areas declared as disruptive and dangerous in Baringo South Constituency, the delay in undertaking security operations to remove the bandits, indicate the number of National Police Reservists (NPRs) that have been killed by bandits and explain the support that the affected families will get.

(b) Provide reasons why there is indication of a cover-up of the incident that involved the attack by armed bandits at Kapindasum Primary School in Mukutani Ward on 24th October 2023, and further explain why innocent citizens, including journalists, teachers, local administration and NPRs have

been summoned by the Directorate of Criminal Investigations in Kabarnet to record statements in relation to the incident?

- (c) Could the Cabinet Secretary state when will the Government weed out all the bandits from Tiaty Constituency in Arabal, Rugus and Mukutani locations of Baringo South Constituency and also state the measures the Government has put in place in resettling the IDPs of Arabal, Rugus and Mukutani locations to their farms and initiate the compensation stages.

Thank you.

Hon. Deputy Speaker: I will give the Cabinet Secretary the opportunity to respond to that.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Hon. Deputy Speaker, I agree with the Member for Endebess to the extent that the investigations have been slow. I will take up the matter with the agencies involved to ensure that the matter is expedited.

With regard to the process of compensation, I advise the family to visit the local administrative office, most preferably the office of the nearest Deputy County Commissioner, to be guided on the procedures that are followed when an officer dies while on duty. All our officers are insured, and the medical cover can compensate our officers in case of death and injury. I concur with the Member for Endebess that, sometimes, some of the families of the affected officers do not know the procedures, which delays the process. Therefore, through the support and advise of the Member of Parliament, I advise that the family visit the nearest Deputy County Commissioner and request information on how to claim benefits associated with our departed officer's compensation.

On the second question that the Member has asked for Kamuren, as an old parliamentarian, I expect the Question to be filed so that the Minister can get and bring proper information to the Questioner. Nevertheless, I will answer the question because you have said the substantive Speaker has approved it. Normally, Questions are filed, written statements are prepared, and the Minister provides oral statements, which he also takes supplementary questions. Nevertheless, I will go by the ruling and answer the Question that has been raised by...

Hon. Deputy Speaker: Hon. Cabinet Secretary, the impression given to the substantive Speaker was that the Question by Hon. Kamuren is related to the Question of Hon. Pukose. So, if you do not have the facts at hand, you can defer it.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Hon. Deputy Speaker, I am ready. It was just a matter of procedure.

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

Hon. Deputy Speaker: We have a point of order from Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): The Member for Baringo South has really interfered with my Question. In the second part, I asked the Cabinet secretary to explain why the OCS of Kathwana Police Station sent officers to make arrests without being armed or wearing the official uniform while on duty. The other bit that I said is that the OCPD who attended the funeral – and I was there – assured the family that somebody from the deceased family would be recruited to the Police Force. My people in Endebess are watching. They want to hear the response from the Cabinet Secretary.

Hon. Deputy Speaker: Hon. Pukose, it has been answered on the third part of your Question about compensation. However, as a Member of Parliament, you can assist the family if they do not know. They should not even go to the Deputy County Commissioner. It has been answered. Even as a Member of Parliament, you can assist the family if they do not know they should go to the County Commissioner.

Hon. (Dr) Robert Pukose (Endebess, UDA): They should go to the Deputy County Commissioner, Endebess.

Hon. Deputy Speaker: You can also help them do that as a Member of Parliament.

Hon. (Dr) Robert Pukose (Endebess, UDA): I have no problem with that one, but the other part now...

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): I partially answered the question by Hon. (Dr) Robert Pukose in the sense that it is not clear, up to now, whether the late Police Constable Kiprop had been assigned duties in Kathanje market. There are conflicting testimonies that, on the one hand, they were sent to go there and conduct an arrest, and that is how he met his death. Other witnesses say there were no such orders, and they had been assigned to work in Kathwana Market and, somehow, it is not clear how they found themselves in Mr Mureithi's shop in another market five kilometres away. That is something that is being investigated. I want to plead with the Member to be patient. Where I agree with him entirely is that the process has been slow.

Secondly, he has asked about the OCS and given the facts of this case I would have expected that perhaps the OCS testimony would shed light on whether he had actually sent them to conduct the operation they were conducting when they died or if it is not true, then that can help us move forward.

As you know, it is not in law on the recruitment or replacement, but I will follow up with my officers to establish if commitments have been made. We often make those commitments in solidarity with our officers and their families because of their sacrifices. I will follow up on behalf of the family and the people of Endebess to ensure that, that commitment is honoured.

Thank you.

Hon. Deputy Speaker: Hon. (Dr) Robert Pukose, are you satisfied? Okay. I will let the Cabinet Secretary answer.

Hon. (Dr) Robert Pukose: You asked me if I am satisfied.

Hon. Deputy Speaker: Yes.

Hon. (Dr.) Robert Pukose: I should go on record to say I want to thank the Cabinet Secretary for those responses. I am satisfied now.

Hon. Deputy Speaker: Hon. Kamuren, you have already asked your question. So, you have cleverly sneaked in. The Cabinet Secretary can answer them. The Cabinet Secretary said he could answer them. Are you able to answer them?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Yes.

Hon. Deputy Speaker: The one for Hon Kamuren? Or, do you want to postpone it?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): I want to answer.

Hon. Deputy Speaker: Okay, proceed.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Thank you, Hon. Deputy Speaker. I thank Hon. Charles Kamuren for his Question even though some of the questions are difficult. But we will answer them in their difficulty. First, he asks the Cabinet Secretary to explain why bandits still occupy gazetted areas. As you are aware, on 13th February 2023, we declared war on bandits in six counties of our country, including Baringo. That operation is ongoing. We have made successes, but we are not there yet. There is nothing unusual about that. When dealing with complicated crimes like terror, banditry and other sophisticated crimes, the war takes some time. We have given commitments on behalf of the Government of Kenya and on behalf of President Ruto that whatever it takes to clean up the mess of banditry, which has been with us for decades, we will go the long haul. It is unfortunate if we start demoralising our officers midway through the

operation unless, as a country, we have spare forces who can help us remove bandits other than the police officers, Kenya Defence Forces and other national security organs, including the National Police Reservist. So, I am careful as a Cabinet Secretary to discourage my officers. We have tried our best. We will get there. The resolve, commitment and political goodwill right from the Commander-in-Chief are there. We will succeed. That is why I said I could not answer that Question fully because there is no answer. The answer is that we are doing our best. Our officers are doing their best. I have trust in them. We have lost a few, including a Kenya Defence Forces (KDF) officer we lost in Samburu. He was felled by bandits who ambushed him in Longwan two weeks ago. When officers watch us making some of those statements in the civilian space, it is very demoralising unless we have an alternative constitutional and lawful force that will do the job that our officers cannot do. We have not succeeded. We are on the way. We will succeed.

The second question is on the number of National Police Reservists (NPRs) whom bandits have killed. I do not know whether it is in connection with a particular constituency or generally in the operation area. That is why I said questions like this should come in advance and in written form so that we understand the specific dates and areas and can give the numbers. However, we have, indeed, lost some NPRs, including one who was killed by bandits in Baringo about a month ago. Another one was injured. We lost another one in Laikipia some time ago. We also lost a senior chief. If given the parameters, I can answer the question in the subsequent appearance.

The Government of Kenya has nothing to hide. If we lose an officer in the line of duty, we will say so. It does not mean anything if a criminal, terrorist or bandit succeeds in hurting our officer. It will be too hard to hide because that is the nature of occupational hazards within the space where our officers, including NPRs operate.

The third question is by the Member for Baringo South. He asked why, in his estimation, there was an attempted cover-up of an incident in Kapindasum on 24th October 2023. Hon. Deputy Speaker, on the date in question and the school mentioned, it was claimed that 55 bandits, according to a report – and I do not know how bandits were counted in an active engagement - attacked a school called Kapindasum. I know it because I have been there more than three times. Before this incident happened, I was planning to return because I made some promises I intend to honour to the fullest. I am fairly familiar with the area.

It was alleged on that day that approximately 55 bandits, according to some reports, attacked the school and a General Service Unit (GSU) camp. There was an exchange of fire for seven hours. There was a recording of some children sleeping in a classroom complaining and asking where the Cabinet Secretary in charge of security was to come and rescue them. There was a media interview with headteachers and other people about that attack. I would not like to say much about this event because it is under investigation.

That brings me to the next question, which is: According to the Member for Baringo South, why innocent people, including teachers, journalists and other stakeholders, are being harassed to cover up the event. We are investigating what took place at Kapindasum. We do not want to harass, cover up or inconvenience anybody. We want to find out what exactly happened. Until now, the seven hours of engagement between the security forces and bandits did not result in a single casualty. Nobody was killed or injured. We have scanned that area with drones and have not found any disturbance of the soil or any spent cartridges, except that we are informed there was a shoot-out for seven hours in that school.

Therefore, the investigations we are doing will help us establish the truth of what happened so that we can take action. We are not arresting journalists or asking teachers to record statements. We are just asking people who have information to help us understand what happened, and we have nothing to hide.

When the inquiry is complete, we will share it with the people of Kenya. For the last 50 years, we have had those kinds of incidents where bandits attack schools, and so the Government has no interest in hiding an incident like that. We have had worse attacks where there have been very many casualties, and we have reported them. So, the issue of cover-up does not arise. Once the inquiries are over, we will share them with the members of the public.

Hon. Deputy Speaker: Thank you, Cabinet Secretary. I think...

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): I am left with two. Let me answer them in a minute. The Member for Baringo South asked when the bandits would be removed and weeded out from Rugus, Mukutani and all the other areas. I do not know, but we are doing whatever we can day and night. We do not sleep, and we will neither retreat nor surrender. We will not change our minds nor give in. We will reclaim any space and secure every part of our country, but nobody will harass us because that way, we will lose it. The language of bandits and terrorists is to try and divide people - divide political leaders on one side and security agencies on the other so that they can succeed. I do not know when we will wipe out banditry, but we will.

Lastly, what are the plans around compensating IDPs in Mukutani and other areas that have been affected? Again, this process has been on the table for a long time, but due to budgetary constraints, it has not moved for the last five years. Therefore, the IDPs in question are not a creation of the attacking camp in Kapindasum or the recent attacks in the last few months. It is an old problem that we are committed to dealing with, the same way we are committed to dealing with IDPs across the country.

I want to promise, Hon. Deputy Speaker and the House, that the IDPs in Mukutani who have been affected by decades of violence and banditry in Baringo will be resettled. We will mobilise enough resources and - under my watch, as long as I am in this Ministry together with my colleagues - go out of our way to make sure that, that matter is closed, the same way other incidents of IDPs have been addressed across the country.

Hon. Deputy Speaker: Thank you. Hon. Kamuren, I hope you now realise the injustice you occasion, not only to your people, but also to the Office of the Cabinet Secretary, when you do not bring a question in advance because then you would have had a more comprehensive answer.

On this Question, we will not have any rider questions. Since Hon. Pukose is also satisfied with his Question, there is no rider question, and we will move on to the next Question by Hon. Rael Kasiwai.

(Hon. Charles Kamuren spoke off the record)

We have indulged you sufficiently, Hon. Kamuren. You are out of order. Proceed to the next Question by the Member for West Pokot County, Hon. Rael Kasiwai. She is not here?

(Hon. Deputy Speaker consulted the Clerks-at-the Table)

The Member for West Pokot County is not here. We will drop the Question and move to the next, which is by the Member for Kinangop, Hon. Kwenya Thuku.

(Question 270/2023 dropped)

No. Hon. Thuku, your Question was dropped.

Next is the Member for Wajir West, Hon. Yusuf Mohamed. You may proceed.

Question 344/2023

STATUS OF INVESTIGATIONS INTO THE DEATHS OF
ABDISALAN HUSSEIN ISSACK AND MUNAZIL ADOW DURING
PEACEFUL DEMONSTRATIONS IN WAJIR TOWN

Hon. Yussuf Farah (Wajir West, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to ask Question No.344/2023.

Could the Cabinet Secretary:

- (a) Provide the status of investigations into the circumstances that led to the death of two minors namely, Abdisalan Hussein Issack and Munazil Adow, on 4th May 2023 and 4th June 2023 respectively, who were shot by the police during peaceful demonstrations in Wajir Town against the persistent power blackouts?
- (b) State what actions the Ministry has taken against the police officer(s) responsible for the killing of the two young men and explain why the police officers were allowed to use live bullets during peaceful demonstrations?
- (c) Provide the measures, if any, the Ministry has put in place to compensate the families of the minors who were killed during the peaceful demonstrations?

Thank you.

Hon. Deputy Speaker: Cabinet Secretary, you may respond to that.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Deputy Speaker, on 3rd May 2023, KWS, while on patrol in Kalkacha Sub-Location in Wajir County, were informed that some people on a motor vehicle were dealing with game meat. The officers intercepted the vehicle. There was a fire exchange after the vehicle's occupants declined to stop. Instead, they fired at the officers. Regrettably, two officers were gunned down in that exchange.

On the following day, 4th May 2023, the residents of Wajir Town demonstrated against the killing and lit bonfires on the streets. The residents, who were armed with stones, *rungus*, petrol bombs and machetes, tried to overrun the KWS Station and later raided Wajir Police Station, intending to burn it down, but they were repulsed. They looted and destroyed businesses and property worth about Ksh52 million. During the fracas, 14 police officers were injured, and one person, Abdisalan Hussein Issack aged 17 years was shot dead. Investigations commenced immediately and an inquest file was opened by the DCI. A post-mortem was conducted at Wajir Hospital. Statements were recorded, and the Independent Policing Oversight Authority (IPOA) is also investigating the same incident.

Hon. Deputy Speaker, on 4th June 2023, around 10.00 a.m., demonstrators invaded the Kenya Power Station in Wajir Township. They complained about the frequent power outages within the town and were armed with crude weapons like machetes, petrol bombs, stones and *rungus*. They destroyed the main gate to access the compound and damaged the vehicles, stores and the workers' residential houses and property worth Ksh1.2 million. The police officers acted swiftly and repulsed the demonstrators. The Station houses a power plant and a fuel reserve, and supplies power to the whole of Wajir County.

During the skirmishes, one person, Munazil Adow Ahmed aged 20 years was shot dead. The DCI has opened an inquest file. A post-mortem was conducted, and statements have been recorded. The IPOA is also conducting investigations on this case.

Hon. Deputy Speaker, the Sixth Schedule of the National Police Service Act provides that firearms may be used while saving or protecting the life of the officer or other person and in self-defence or defence of another person against imminent threat of life or serious injury. May I take this opportunity to say it is unfortunate that the two young people died during

demonstrations in Wajir; first, as the mob tried to overrun Wajir Police Station and on the second instance, as the mob tried to overrun the Kenya Power Plant in Wajir. Those deaths are regrettable. They are being investigated by the police internally, but because it is suspected that the two deaths are associated with police officers, IPOA, which is the Independent Police Oversight Authority, is carrying out parallel investigations. Without, of course, prejudicing ongoing investigations, I want to say that the police only use lethal force when the life of a police officer or another person is in imminent danger, in self-defence or in defence of another person whose life is in danger.

Our officers have been told to apply their weapons in accordance with the law of our country. We have made it clear as policy and have communicated to the Inspector-General of Police that under Article 245 of the Constitution of Kenya, the Government will protect any officer who uses their firearms in accordance with the Constitution to defend life, either their own life or the life of a Kenyan from imminent danger. However, officers who misuse firearms and use them outside the law are on their own. Therefore, since the two cases are under investigation, we hope IPOA and other agencies will establish the truth.

To answer the Member of Parliament's question, our officers only use lethal force in the circumstances provided for under the Sixth Schedule of the National Police Service Act, CAP.11A of 2011.

Hon. Deputy Speaker: Thank you. Member for Wajir West, are you satisfied with the information that there is an inquest and investigation by IPOA?

Hon. Yussuf Farah (Wajir West, ODM): Hon. Speaker, thank you. I am partially satisfied with the answer given by the Cabinet Secretary, but I have a follow-up question regarding the same. My questions are as follows.

First, the Cabinet Secretary has explained why and what happened during those two incidents. However, I have different information from what happened according to what he has presented. In the first instance, he said that the KWS officers were pursuing some suspected persons. The officers stopped a vehicle for a search, but the occupants defied the orders. They started shooting, and two of them died. Yes, two of them died, but there was no recovery of bullets or firearms. In that circumstance, the death explanation given is incorrect according to the information I have on the ground.

Secondly, I want the Cabinet Secretary to give us a timeline on when this investigation will be concluded and the truth of the matter known on both occasions.

Thirdly...

Hon. Deputy Speaker: Thank you. Those are the two questions you had.

Hon. Yussuf Farah (Wajir West, ODM): I want to add one more, Hon. Deputy Speaker. Please, with due respect.

Hon. Deputy Speaker: Make it quick.

Hon. Yussuf Farah (Wajir West, ODM): The third question is because the Cabinet Secretary visited a place called Arbajahan in Wajir West and promised to recruit 200 NPRs from there... All other processes and due diligence have been done, but they have not been trained up to date. Can the Cabinet Secretary provide information on when those NPRs will be trained?

Hon. Deputy Speaker: Thank you. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Thank you, Hon. Deputy Speaker.

Mine regards facts to the version presented by the Hon. Member. Since investigations are ongoing, that version could also be given by way of evidence so that the evidence available can be triangulated to establish what happened. As I have said, the investigations are ongoing. That information can be supplied there.

Fortunately, for those who think that the police acted excessively, there is a track of investigations being carried out by IPOA which is independent of the police. That trajectory of investigations can help those who think our officers have done something untoward.

Concerning timelines of police investigations, I am told police investigations will be over in the next two or three months because certain scientific evidence work is outstanding. However, the Cabinet Secretary has no control over the process of IPOA investigations. Those seeking answers could seek them from IPOA.

Finally, we have been unable to train and deploy NPRs, some of whom we had committed. Again, because of budgetary constraints, we are trying our best. This financial year, we will try to see whether we can fulfil the commitments we made in Wajir. I remember it was on 26th November 2022, last year. I am still very alive to that matter. We had no money to train NPRs the entire last year. The Office of the Inspector-General of the Police received no money. With budget availability this year, we will prioritise Wajir in honour of our commitment last year.

Hon. Deputy Speaker: Hon. Mohamed, I can see you are nodding in agreement. I will assume that you are satisfied and that we can proceed to the next Question.

Hon. Yussuf Farah (Wajir West, ODM): Thank you, Hon. Deputy Speaker. I thank the Cabinet Secretary for giving a comprehensive analysis and answers to my Question. I am waiting for him to fulfil his commitment to concluding the investigations and training the NPRs as promised and committed on the ground.

Hon. Deputy Speaker: The next Question is by the Member for Kisumu West, Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Deputy Speaker. I arise to ask Question No.345 of 2023. Before I ask, the Cabinet Secretary actually wrote a response to me. I will only ask him what he omitted in that response.

Hon. Deputy Speaker, he did not respond to Question number one. Could the Cabinet Secretary provide the status of investigations into the death of Marion Atieno, a minor who lost her life due to the spate of insecurity in Kisumu West Sub-County while on her way home from Kuoyo Secondary School on 3rd June 2023?

I will go to Question number three because he did not answer number two satisfactorily in his response. Could the Cabinet Secretary explain the measures that have been put in place by the Government to curb insecurity in Dago, Otongolo, Kisian, Ojola, Obambo, Holo, Lela, Daraja Mbili and Maseno centres and other areas within Kisumu West Sub-County, including the possibility of ensuring that police officers are not stationed in the same area for more than three years to forestall laxity in carrying out their duties? I will omit the last part of that Question because the Cabinet Secretary has already responded to my Question when I asked if the police officers could be transferred outside the counties in which they operate. He has already answered that bit of the Question.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Deputy Speaker, in response to the question by the Member for Kisumu West about the unfortunate death of Marion Otieno, significant progress has been made in tracking down the killer of the young lady. We have already arrested Benjamin Omondi, a Form III student at the same school where the young girl was schooling. Investigations so far have revealed that the murder could have been related to the two youngsters who seemed to have been in love but had separated. We have recovered a number of love letters in which the key suspect had threatened to kill the girl. From his house, the police also recovered a bloodstained school uniform, a pair of trousers, a tie, shoes and a black jacket. The suspect also led the police to where he had hidden the bloodstained kitchen knife that is suspected to be the murder

weapon. We believe we have the right person in custody. Police have been granted 14 days custodial orders to finalise the investigations. Forensic analysis of documents and other materials recovered from the suspects is ongoing, including DNA sampling by the Government Chemist. The file has been taken to the DPP, and the court has already granted the suspect a bond of Ksh300,000. He is out on bond. But so far, the evidence is compelling that Mr Benjamin Omondi is the killer of the young Marion Otieno.

The measures that the Government is taking are really to enhance our community policing because that is where the gap is. You cannot have a police officer in every home or escort everyone who is walking home at any time. We do not have enough numbers and we do not have that capability. Our strength lies in ensuring that every person becomes an agency for their security and the security of their neighbours. We have improved partnerships with community members in the area through the Nyumba Kumi initiative and, as I told the House a little earlier, we are even prepared to review this initiative because we have realised there could be areas we need to improve on its efficacy. We are working on that. In the meantime, we have enhanced patrols. We have also enhanced the building of trust between police officers and stakeholders. We have also initiated a neighbourhood watch through DCI Kisumu West. We have adopted the neighbourhood watch arrangements, educating citizens on crime prevention techniques and so on.

Finally, Kisumu West Sub-County keeps a criminal profiling register of all people we believe could be criminals in that area. This will go a long way in improving our preventive policing approaches so that we can prevent unfortunate incidents like the death of Marion Otieno.

Hon. Deputy Speaker, finally, we believe that when a police officer of whatever rank stays in one station for long, it can compromise his ability to deliver impartial and effective services to the people. This is because a police officer must be dispassionate and not be intertwined with the dynamics of local communities. The problem we have had in Kisumu West and other areas of the country is police officers over-staying in an area for 10 to 12 years. Some get married to local girls and become sons-in-law in those villages. You know that you cannot enforce the law against your father or brother-in-law when you become a son-in-law in that village. So, we are very strict on transfers to ensure that the impartiality of our officers is maintained.

(Applause)

Hon. Deputy Speaker: Hon. Rozaah Buyu, are you satisfied?

Hon. Rozaah Buyu (Kisumu West, ODM): Hon. Deputy Speaker, I want to point out that in his written response to me, the Cabinet Secretary had indicated that there must be a close working relationship between the security officers and the administration unit, the assistant chiefs and the chiefs. However, I would like to point out that we had interviews in three of those volatile sub-locations almost six months ago, namely; Dago, Korando and Lower Kadongo. Even though the interviews were completed six months ago, we still do not have assistant chiefs who have been appointed in those sub-locations. Indeed, like what the Cabinet Secretary said, the administrators could also come in handy when it comes to curbing insecurity in the rural areas. Could the Cabinet Secretary kindly let me know when we could hope to have the assistant chiefs in those three sub-locations?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Cabinet Secretary, there is only one follow-up on that one from Hon. Rozaah Buyu.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Deputy Speaker, we released the letters for those units in Kisumu West last

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week. The Member can check on the ground. The letters left Nairobi to the region for the DCCs to ensure the chiefs were formally appointed and put in office. The letters were signed last week.

Hon. Rozaah Buyu (Kisumu West, ODM): I will let it rest because I am a member of the Departmental Committee on Administration and Internal Affairs. I will follow up with the Cabinet Secretary, but that information is false. Thank you, Hon. Deputy Speaker. I want to thank the CS for answering my questions.

Hon. Deputy Speaker: Thank you. We can now move to the next Question by the Member for Gilgil, Hon. Martha Wangari.

Question 389/2023

CHANGES TO THE NPS MEDICAL INSURANCE SCHEME

Hon. Martha Wangari (Gilgil, UDA): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary the following Question.

Could the Cabinet Secretary:

- (a) Expound on the changes made to the National Police Service Medical Insurance Scheme and explain the reasons thereof?
- (b) Provide a comparative analysis of the daily out-patient and in-patient medical cover limit and other benefits for junior and senior officers that was being provided by the National Health Insurance Fund (NHIF) *vis-à-vis* the new consortium of medical insurance providers?
- (c) State the annual amount of money that the National Police Service was paying for medical insurance and what it will pay the new consortium of medical insurance providers per year?
- (d) Enumerate measures that the National Police Service is undertaking to address the challenges of accessing the few listed hospitals in the new medical cover by police officers?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Cabinet Secretary, you may proceed to answer.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Deputy Speaker, it is, indeed, true that changes were made to the National Police Service and the Kenya Prison Service medical insurance schemes last year. The Government of Kenya had a contract to provide medical cover for the National Police Service and the Kenya Prisons Service between 2017 and 2022. The premium payable for the period between 1st October 2017 and 30th September 2019 was Ksh4.7 billion. From 1st July 2021 to 30th June 2022, it was Ksh4.7 billion.

The reason why the changes were made last year is two-fold. First, the NHIF, which was providing the cover for police and prison officers, indicated that it wanted to revise the premium upwards and quoted a figure of Ksh12.3 billion. However, the available budgetary allocation for medical cover for the National Police Service was Ksh4.7 billion during the Financial Year 2022/2023. Therefore, the amount NHIF was asking for to renew the contract was beyond the available budget.

Secondly, the NHIF had also entered into fresh Service Level Agreements (SLAs) with health facilities for the Financial Year 2022/2023 on terms clearly disadvantageous to the National Police Service and the Kenya Prisons Service. The disadvantage was that the benefits were reduced. They were asking for more money for reduced benefits. As a result of that, the Government decided to invite tenders for medical cover, and the following four bidders participated:

1. AAR Insurance, leading a consortium with Jubilee Insurance and APA Insurance, which quoted Ksh14.8 billion.
2. Kenya Alliance Insurance Company, which quoted Ksh12.8 billion.
3. A consortium led by CIC General Insurance, Old Mutual and Britam, which quoted Ksh8.6 billion
4. NHIF quoted Ksh9.365 billion.

The successful bidder was declared CIC Insurance and the consortium based on the criteria set in the tender documents for Ksh8.6 billion.

In addition, there were other infractions that made the NHIF cover unattainable. For example, NHIF failed to account for the *ex-gratia* sums amounting in total to Ksh750 million, computed as Contract No.00220172018 for Ksh400 million, contract extension from 1st October 2019 to 30th June 2020 worth Ksh150 million, and Contract No.01520192020 at Ksh200 million.

We faced other complaints and challenges with NHIF, including the lack of a detailed *ex-gratia* report. They also failed to comply with the stipulated obligations under the contracts, including establishing a dedicated administrative unit to manage the medical cover and last expense cover, establishing a 24-hour operational contact care centre, self-care services and ensuring that the healthcare providers have an SLA to ensure that members of the scheme got the prescribed drugs and other services at all times. That includes medical cover for the principal member, a declared spouse, five children up to the age of 21, no age limit for dependents living with disabilities, access to out-patient, in-patient and specialised medical services in recognised Government, faith-based and private health facilities across the country, no limit for out-patient treatment for non-uniformed officers in job group A to L, PG 1 to 7 for the National Police Service (NPS) and PG 1 to 8 of the Kenya Prisons Service (KPS), out-patient limits in high-cost private hospitals for non-uniformed officers, no limit for in-patient treatment in amenity wards for non-uniformed officers, and other benefits.

Hon. Deputy Speaker, the health facilities that our officers are using now include all Government health care facilities, including level 3, 4 and 5 hospitals, all facilities previously providing services to NPS and KPS personnel, private hospitals such as Gertrude Children's Hospital, the Aga Khan University Hospital, MP Shah, the Karen Hospital and Nairobi Hospital for unlimited medical services.

In addition, the service provider has a continuing obligation under the contract to ensure the provision of quality services and availability of prescribed drugs and services at all times and also ensure no member or their dependent is denied service on grounds of a delay of submission of payment of premium during the subsistence of the contract. Issue a last visit after every visit as well as where a member utilisation benefit has reached 75 per cent and finally promptly refund or reimburse a member for any cost incurred for prescribed drugs not available in the designated health facilities.

The NPS has also established a standing contract implementation committee, which undertakes member solicitation to provide periodic reviews of the reports from the service and the overall performance of the medical scheme. The most notable complaints received by the committee concerning access to health facilities have since been addressed. The NPS and the KPS schemes have also provided a toll-free telephone number to assist members experiencing difficulties in accessing medical services.

I submit.

Hon. Deputy Speaker: Yes, Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Deputy Speaker. I also thank the Cabinet Secretary because he had provided a written answer beforehand.

The clarification I want to get is how this sits in the whole Government approach, considering that police officers, especially junior officers, are not unionisable. They have no

way of getting those concerns heard. When I read the response, I saw the CS confirming that some money from the National Health Insurance Fund (NHIF), about Ksh750 million, has not been accounted for and yet, we are doing a restructuring of the same NHIF. I would like to know how that sits with the Government and the whole Government approach, especially with the reviewed Universal Healthcare Coverage (UHC). I feel like the Government is bullying the Government. The NHIF was giving bad services. It bullied the Government to outsource the same services.

Finally, considering the responses you have given to this House, you have said that one is not supposed to stay in one station for over three years. How can we ensure that those police officers keep on moving? Why can all hospitals not be made available? Police officers go to hospitals, and they do not get services. Although they may not be adamantly told they will not be treated, the service providers keep saying it is complicated. It is not the way it used to be. That forces the officers to look for other areas to be treated. How can this be improved to be easy to use and accessible even in private hospitals everywhere? That is so that whenever one changes station, they can still be treated even if they are not in an area anymore.

Hon. Deputy Speaker: Hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Prof. Kithure Kindiki): Hon. Deputy Speaker, I agree with the Member of Parliament for Gilgil on ensuring that police officers access as many facilities as possible even when they are on transfer. Luckily, there is an ongoing discussion on the contractual arrangement that will be in place from 1st January. I am sure that this recommendation will be part of the contractual obligations that, in my view, should be imposed on service providers to ensure that our police officers, who are not unionisable, are taken care of. They perform very sensitive duties and we cannot put them in an uncomfortable position when they get sick or are injured in the course of duty. I accept that we can input this proposal in the contract negotiations for the period that starts in January.

The Member for Gilgil has asked about the whereabouts of the Ksh750 million that was not accounted for by the NHIF. By the time we decided to float tenders for other service providers to express interest, the NPS and the KPS did not have a good relationship with the NHIF as our service provider. A case was made that the NHIF is a Government institution and should be supported. We also made a very strong case that officers in those agencies perform dangerous and risky duties such that the service provider should avoid exposing them to uncertainty, especially when they get injuries during operations. We made the painful decision to get the best insurance coverage from the market instead of staying with the NHIF and exposing our officers.

Finally, the Member for Gilgil has also asked about the restructuring that is happening in the NHIF. I do not want to comment on that because our current concern as security people is getting the best service for our officers, whether from the NHIF or any other provider. We parted ways for the reasons I have given. Their upward review of the premiums exceeded our budget and yet, the benefits were much less than we sought. They could not account for some of the money, and we are following up on that for accountability purposes, even as we ensure that there is no gap in the insurance of our police and prison officers.

Hon. Deputy Speaker: Member for Gilgil, are you satisfied?

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Deputy Speaker. I would like to seek only one clarification from the Cabinet Secretary. I have just been sent one pay slip for August for a police constable. He is contributing Ksh1,300 per month to the NHIF. Have you totally parted ways with the NHIF, or are you making remittances to them and yet, they are not giving you the services you need as the Police Service?

Hon. Deputy Speaker: Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Members who are still contributing to the NHIF are entitled to use their NHIF cards. The other scheme is over and above the NHIF. The officer can choose which scheme to use. You are entitled to services from the NHIF if you contribute to it.

Hon. Deputy Speaker: Cabinet Secretary, you have been very patient. There is one last question from the Member for Lamu East, Hon. Captain Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante, Mhe. Naibu Spika. Kwa sababu ya umoja wa watu wa Lamu, ninaomba kujibiwa maswali ya pili na tatu kwa maandishi. Nimeshajibiwa swali la kwaza katika vyombo vya habari.

Pia, Rais na Waziri Kindiki wamevalia njuga swali letu la kutengwa au *marginalisation*. Ndio maana tunapata barabara ya kwanza. Rais alikuja kuweka barabara ya kihistoria siku ya Jumamosi. Katika miaka sitini, hatujawahi kupata *even one inch* ya barabara, lakini Rais alikuja kutuwekea barabara. Waziri Kindiki anang'ang'ana sana na mambo ya *marginalisation* au jamii zilizotengwa. Hayo yatasaidia katika usalama. Wale wanaotumia kutengwa na kugawanywa kwa watu wa Lamu katika siasa hawataweza kutugawanya tena.

Hon. Deputy Speaker: Haukuwa na swali?

Hon. Ruweida Mohamed (Lamu East, JP): Mhe. Naibu Spika, nikiuliza hili swali, litatenganisha watu wa Lamu sana. Sitaki tuonekane kama ni sisi dhidi ya wao. Itakaa ni kama ni vita baina ya sisi na wao, na litachangia zaidi utovu wa usalama. Ningeomba Waziri ajibu swali langu la pili na la tatu kwa maandishi. Swali la kwanza limepitwa na wakati, kwa sababu Waziri mwenyewe amewahi kulijibu katika vyombo vya habari.

Ahsante.

Hon. Deputy Speaker: Ahsante. Nimekuelewa. *You have dropped the Question.*

(Question 454/2023 dropped)

Hon. Deputy Speaker: Hon. Cabinet Secretary, thank you for your extreme patience. This is probably the longest time Questions have taken. We appreciate your time. I also appreciate the Hon. Members who were asking Questions and waiting patiently.

Hon. Chair, we still have the Committee of the whole House to transact and two other matters before we adjourn.

Next Order.

MOTIONS

ADOPTION OF REPORT ON THE INSPECTION OF ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAC REGION

THAT, this House adopts the Report of the Select Committee on Regional Integration on its Inspection of Various One-Stop Border Posts in the Northern Corridor in the East African Community, laid on the Table of the House on Wednesday, 5th July 2023.

(Moved by Hon. Wanjiku Muhia on 7.11.2023)

(Debate concluded on 7.11.2023)

Hon. Deputy Speaker: Hon. Members, putting of the Question will be deferred for obvious reasons.

(Putting of the Question deferred)

Next Order

APPROVAL OF SESSIONAL PAPER NO.1 OF 2023 ON KENYA
NATIONAL POPULATION POLICY FOR SUSTAINABLE DEVELOPMENT

THAT, this House adopts the Report of the Departmental Committee on Finance and National Planning on its consideration of Sessional Paper No. 1 of 2023 on Kenya National Population Policy for Sustainable Development, laid on the Table of the House on Wednesday, 4th October 2023, and further that his House approves Sessional Paper No. 1 of 2023.

(Moved by Hon. Kimani Kuria on 7.11.2023)

(Debate concluded on 7.11.2023)

Hon. Deputy Speaker: Hon. Members, again, putting of the Question to this Motion will be deferred for obvious reasons.

(Putting of the Question deferred)

Let us move to the next Order.

APPROVAL OF HON. GABRIEL KAGO MUKUHA AS
A MEMBER OF THE NG-CDF BOARD

Hon. Deputy Speaker: Hon. Chairman, Select Committee on NG-CDF, you may move.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Deputy Speaker, I beg to move the following Motion –

THAT, taking into consideration the findings of the Select Committee on the National Government Constituencies Development Fund in its Report on the vetting of a nominee for appointment as a member of the National Government Constituencies Development Fund Board, laid on the Table of the House on Tuesday, 7th November 2023, and pursuant to Section 15(1)(e) of the National Government Constituencies Development Fund Act, 2015 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Hon. Gabriel Kago Mukuha as a member of the National Government Constituencies Development Fund Board.

This is a former Member of Githunguri Constituency, where we advertised, and nobody gave an adverse report contrary to his appointment. I wish to ask, Hon. Kawanjiku, the Member of Parliament for Kiambaa to second this Motion.

Hon. Deputy Speaker: Proceed Secunder. Give the microphone to Hon. Kawanjiku.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Deputy Speaker. I thank the Chairman of the Select Committee on NG-CDF for doing some good work, especially in vetting Hon. Gabriel Kago Mukuha to be a member of the National Government

Constituencies Development Fund Board. He was a Member of this House in the 12th Parliament and a Member of the Select Committee on NG-CDF. He knows the pros and cons as far as the NG-CDF is concerned. He knows the challenges that face the Members because he was one of the Members of the National Assembly. He has utilised the NG-CDF to the maximum for the people of Githunguri. Having come from Kiambu County, Hon. Gabriel Kago Mukuha is the most qualified person to chair that Board, so that he can make sure that he looks at the interests of the Members of this August House and make sure that every proposal that comes to the Board and the requests made by other different Members are honoured. I second the recommendations by the Chair of the NG-CDF.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Members: Put the Question!

Hon. Deputy Speaker: Let me give this chance to the Mover to reply. As Members, the mood of the House is that no one wants to debate this.

Hon. Musa Sirma (Eldama Ravine): Hon. Deputy Speaker, I wish to thank the House for agreeing with the Committee of NG-CDF to approve Hon. Gabriel Kago Mukuha. He was a great Member of this House, and we are sure of what he will give to the NG-CDF as an experienced board member. We know Members who have already gone through this system of being in Parliament understand the effects and ways of dealing with Members of Parliament and constituencies where they are.

Hon. Deputy Speaker, I beg to reply.

Hon. Deputy Speaker: Thank you. We shall defer the putting of the Question to a later date. However, I have a Communication before we move to the next Order.

(Hon. Raphael Wanjala shouted from the Plenary)

You are out of order Hon. Member for Budalang'i ,and you seem to have made it a habit.

COMMUNICATION FROM THE CHAIR

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL

Hon. Deputy Speaker: Hon. Members, you will note that the Statutory Instruments. (Amendment) Bill (National Assembly Bill No.2 of 2023) is scheduled for consideration in the Committee of the whole House today under Order No.11. In this regard and in line with Standing Order 133(2), several amendments have been received from various Members, including the Hon. Deputy Speaker, on behalf of the House Procedures and House Rules Committee, the Chairperson of the Committee on Delegated Legislation, Hon. Chepkonga CBS, MP and the Member for Mathare, Hon. Anthony Oluoch. Before proceeding to this Order, I would like to guide the House on considering the amendments proposed by Hon. Anthony Oluoch, MP, which are contained in the Order Paper.

Hon. Members, you will note that Hon. Oluoch has proposed an amendment to Clause 2 and an insertion of new clauses 3, 4 and 5. Particularly, the proposed insertion of New Clause 3 seeks to amend Section 15 of the Statutory Instruments Act of 2013 to include a requirement for the relevant Committee dealing with the Statutory Instruments, and I quote:

“To report to Parliament on each statutory instrument referred to it.”

Hon. Members, this amendment has the effect of shifting the current negative procedure of consideration of Statutory Instruments in the House to a positive procedure.

In this way, Hon. Members of the Committee on Delegated Legislation will be required to report to the House all statutory instruments referred to it. Whereas this will be within the legislative mandate of the House, the proposed amendment unduly expands the scope of the Bill as published, contrary to Standing Order 133(5). In this regard, I, therefore, direct that though approved and, indeed published in the Order Paper, albeit with a rider, the proposed insertion of new Clause 3 by Hon. Anthony Oluoch shall not be considered in the Committee of the whole House.

For clarity, the amendments proposed by the Member for Mathare in Clause 2 and the insertion of new Clauses 4 and 5 shall be considered as published in the usual manner.

The House is accordingly guided.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairman (Hon. Omboko Milemba) in the Chair]

THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (National Assembly Bill No.13 of 2023)

The Temporary Chairman (Hon. Omboko Milemba): Order, Members. We are in the Committee of the whole House. We may take our seats. We shall consider two Bills. The first one is the National Government Constituencies Development Fund (Amendment) Bill, (National Assembly Bill No.13 of 2023), by the Leader of the Majority Party and the Leader of the Minority Party. We shall also consider the Statutory Instruments (Amendment) Bill, (National Assembly Bill No.2 of 2023). In this one, we shall be led by the Chairperson of the Committee on Delegated Legislation.

Straight away, let us proceed to the first Bill.

(Clauses 2, 3 and 4 agreed to)

Clause 5

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, this Clause has very important amendments. Mover.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Chairman, I beg to move: THAT, Clause 5 of the Bill be amended in the proposed new section 19A (9) by deleting the word “Commission” appearing immediately before the words “the Public Service Commission” and substituting therefor the word “Board”.

The justification to this is that the provision applies to the NG-CDF Board, not the Commission. This amendment is, therefore, to correct the typographical error which was there in the Bill.

(Question of the amendment proposed)

Hon. Members: Put the Question.

The Temporary Chairman (Hon. Omboko Milemba): If there is no debate on this, I will proceed to put the Question.

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

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

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

The Temporary Chairman (Hon. Omboko Milemba): There is an amendment on this one. Mover.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Chairman, I beg to move: THAT, the Bill be amended by deleting Clause 7 and substituting therefore the following new clause-

Amendment of
section 25 of No.
30 of 2015.

7. Section 25 of the principal Act is amended-

(a) by inserting the following new subsection immediately after subsection (2)-

“(2A) Notwithstanding subsection (2), a sum not exceeding three per centum of the total annual allocation to a constituency may be used for the payment of recurrent utilities costs and maintenance of constituency digital hubs.”

(b) by deleting subsection (8); and,

(c) by deleting subsection (10) and substituting therefore the following new subsections-

“(10) Climate change mitigation activities including afforestation, re-forestation, grassroot sensitisation and tree seedling production may be considered as development projects for purposes of this Act provided that the allocation to such activities does not exceed five per centum of the total allocation to the constituency in that financial year.

(10A.) The provisions of subsection (10) shall lapse ten years after the effective date of this sub-section.”

The Temporary Chairman (Hon. Omboko Milemba): You can give us a little justification for that.

Hon. Musa Sirma (Eldama Ravine, UDA): The justification is that we are introducing digital hubs and the recurrent expenditure which is required to meet the cost of the digital hubs. We will be justified to pay electricity bills and other utilities.

Thank you.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): If there is no interest to this...
Hon. Members: Put the Question.

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

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

(Clause 7 as amended agreed to)

Clause 8

The Temporary Chairman (Hon. Omboko Milemba): We have two amendments. We shall begin with the one by Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Chairman. I beg to move:

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new clause—

Amendment of
 Section 34 of
 No. 30 of 2015.

8. Section 34 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The budget ceiling for each constituency shall be the amount specified in section 4 (1) divided equally among all constituencies subject to the provisions of section 8 (1) and 23 (1).

The import of this is to amend Section 34 of the Principal Act and provide for the ceilings of the various constituencies. This is just to provide for equality and equity. It will also ensure that this matter is not referred to the Senate. As it is, some of the lawyers representing NG-CDF in Parliament, have a problem with this section. When you make reference to anything that touch on the counties, the law is clear that it must be taken to the Senate. Our proposal is to retain the NG-CDF as it was pre-2022. That was approved without any issues. People just introduced issues that have taken us to court. We are battling some of these issues in court. Some of these Members do not understand because they have never appeared before any court of law.

If it were not for the Lead Counsel, Hon. Kaluma, disqualifying one of the Judges, we would not be talking about the NG-CDF today. You would be referring to it in the past tense. If we had not disqualified the presence of Justice Ngaah on the Bench... In fact, the other side had only requested for six minutes to make submissions. The gerrymandering we did in court... Let me not talk about that because those are the defences we used to win.

Hon. Temporary Chairman, I propose that we amend as I have stated.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chepkonga, I am informed that you have a further amendment to this.

(Hon. Samwel Chepkonga spoke of the record)

That must be on a different clause.

Hon. Chepkonga, could you approach the Table?

(Hon. Samwel Chepkonga consulted with the Temporary Chairman)

Hon. Samwel Chepkonga (Ainabkoi, UDA): In consultation with the Chairperson of the Departmental Committee on National Government Constituency Fund, we have agreed that the amendment be as amended so that it takes effects from 1st July 2024.

(Question of the amendment proposed)

Hon. Members: Put the Question!

The Temporary Chairman (Hon. Omboko Milemba): Order Members. Is anyone interested in this? Let us proceed.

(Hon. Musa Sirma stood in his place)

The Chairperson of the Departmental Committee on NGCDF.

(Hon. Peter Kaluma consulted loudly)

Order, Hon. Kaluma. Let us hear from the Chairperson.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Chairman, we want to move the date to 1st July 2024 because this House has already passed the ceilings for this year. We cannot implement this this year until the next financial year. I give my confirmation.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Hon. Chairperson.

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

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

(Clause 8 as amended agreed to)

In essence, this means the proposed amendment to Clause 8 by the Chairperson of the NG-CDF falls.

(Proposed amendment by Hon. Musa Sirma dropped)

Clause 9

The Temporary Chairman (Hon. Omboko Milemba): There is an amendment by the Mover on Clause 9.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Chairman, I beg to move: THAT, Clause 9 of the Bill be amended by deleting paragraph (c).

The Temporary Chairman (Hon. Omboko Milemba): Tell us a little bit about paragraph 9(c), as justification for the House to know exactly what we are doing.

Hon. Musa Sirma (Eldama Ravine, UDA): The amendment seeks to retain the terms of office of the constituency committee members to two years and also aligns it with the NG-CDF Regulations.

(Question of the amendment proposed)

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

(Clause 9 as amended agreed to)

(Clauses 10, 11, 12, 13 and 14 agreed to)

New Clause 9A

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 9—

Amendment of section 48 of No. 30 of 2015.

9A. Section 48 of the principal Act is amended by deleting the words “thirty-five” and substituting therefor the word “forty”.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Chairperson. This one being a new clause, you will move the Second Reading. Move the Second Reading of the new clause.

Hon. Musa Sirma (Eldama Ravine, ODM): Hon. Temporary Chairman, I beg to move that New Clause 9A be now read a Second Time.

The Temporary Chairman (Hon. Omboko Milemba): Please, give some justification for moving. You are doing very well.

Hon. Musa Sirma (Eldama Ravine, ODM): The amendment seeks to ensure quality of education for all children locked out of school due to funding and other reasons such as lack of food. It also seeks to provide social support programmes like school feeding for children from arid and semi-arid areas such as north eastern and other dry areas where children drop out of school in search of food and water. It also proposes to increase the allocation of bursaries from 35 per cent to 40 per cent and introduction of learners’ social support programme.

The Temporary Chairman (Hon. Omboko Milemba): Very good, Hon. Chair.

(Question, that the new clause be read a Second Time, proposed)

Is there anybody who has an interest in this? In the absence of interest, I will put the question. Of course, we did not have to debate. I will proceed.

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

That means the proposed amendment by Hon. Mulyungi falls due to the fact that this one is carried. Is he in the House? It falls even if he is not there.

New Clause 9B

THAT, the Bill be amended by inserting the following new clause immediately after New Clause 9A—

Repeal and replacement of Section 48A of No. 30 of 2015.

Education bursary schemes and education days.

9B. The principal Act is amended by repealing section 48A and substituting therefor the following new section —
 48A. (1) Notwithstanding section 48, a Constituency Committee shall, with the approval of the Board, allocate funds to cater for education bursary schemes and education days, teaching and learning activities and other learners' social support programmes.
 (2) The Board shall in consultation with the Committee provide guidelines on the implementation of this section.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Omboko Milemba): The Mover, move Second Reading. Order, Hon. Chair. Again, we shall go the same way. This is Second Reading. Give the justification if you have any. You may proceed.

Hon. Musa Sirma (Eldama Ravine, UDA): I beg to move that the New Clause 9B be now read a Second Time.

The principal Act is amended by repealing Section 48A and substituting the other. Same justification applies.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

(Schedule agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Yes, what is out of order? Yes, let us hear from the Chair. Give him the microphone. When we did Clause 8, you knew it meant the other one fell. Therefore, it is already taken care of.

Just one minute of consultation with the Chair.

(Hon. Musa Sirma consulted with the Temporary Chairman)

Order, Hon. Members. The Chairman was worried, but having consulted him, he is now okay that everything has been taken care of. Let us continue.

(Title agreed to)

(Clause 1 agreed to)

Hon. David Kiplagat (Soy, UDA): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Let us hear him. Hon. Member, what is really out of order, and you are already standing on your feet? Proceed.

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Temporary Chairman. I know we might not all have the information that the Committee of the whole House was meeting after 7.00 p.m. All the same, there is an amendment that has been moved alleging that it is distributing the NG-CDF equally to all constituencies. If allowed, for the sake of the people of Soy and all the Members whose constituencies are above six...

(Loud consultations)

I have to be heard because I represent my constituency. I cannot be shut. I have to be heard.

The Temporary Chairman (Hon. Omboko Milemba): Allow the Member to make his statement so that I may capture what he is saying. What is it, Hon. Kiplagat?

Hon. David Kiplagat (Soy, UDA): Hon. Temporary Chairman, because I might not have the bite of the cherry again, I want to state that it is important that we have an amendment that protects what we are currently getting as those constituencies that have been getting lower allocations are uplifted.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Member, I do not think we have had such an amendment. If you have such fears, I want you to rest in your place satisfied that there is no such amendment.

Hon. David Kiplagat (Soy, UDA): So, my NG-CDF allocation is not going to drop?

The Temporary Chairman (Hon. Omboko Milemba): Please, take your place. Let us proceed, Hon. Members. We are going to reporting.

Mover of the Bill. This should have been the Leader of the Majority Party. Who is doing it on his behalf? Proceed.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, we are done with that particular Bill and we are moving to the next one right away. In a minute, we shall be ready to roll out the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023).

(The Temporary Chairman consulted the Clerk-at-the-Table)

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.2 OF 2023)

Clause 2

The Temporary Chairman (Hon. Omboko Milemba): There is an amendment on this one. Who is the Mover? Hon. Chepkonga, you must take us through it.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 2 and substituting therefor the following new clause —

“2. Section 11 of the Statutory Instruments Act, 2013 (in this Act referred to as “principal Act”) is amended in subsection (4) by deleting the words “but without prejudice to any act done under the statutory instrument before it became void”.

Hon. Temporary Chairman, the import of this amendment is that the statutory instruments, in their ordinary course of business are promulgated by the cabinet secretaries or the statutory making authority and gazetted. They come into effect upon gazette and then they are brought to the House for consideration. They are then referred to the Committee on Delegated Legislation. However, before the Committee on Delegated Legislation speaks to them, the ministries are already effecting the regulations. We sometimes consider these regulations and find that they are unconstitutional because they exceed the mandate of the statutory making authority and we propose to the House for annulment.

There are certain actions which would have been taken in the ordinary course of business including levies and the Government has already received money. In this amendment, we are saying that notwithstanding the annulment of that statutory instrument, nothing would be considered to be illegal that had been done before the annulment of the regulations. This is because if it becomes illegal, then it means that the Government must refund all the money that it collected pursuant to the making of those regulations. We are, therefore, saying anything that was done before does not prejudice the actions that were taken by the Government. We are just trying to regularise because we have seen people who have gone to court saying that these regulations have been amended before they were approved by Parliament. In the nature of things, the Constitution provides that regulations come into effect upon gazette. We are saying that, that notwithstanding, whatever action that had been taken will not be considered to be illegal in the manner in which it was. It was legal until annulled by Parliament.

I thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well put.

(Question of the amendment proposed)

Am I seeing any interest in this? Hon. Caroli, proceed.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Chairman. I am quite reluctant to go that way because I foresee a situation where bureaucrats would probably enact, propose or publish subsidiary legislation that they clearly know are unconstitutional, but for which they know they have been given advance immunity. In my opinion, we need to be very careful if we have to go the route the Chairperson is proposing. Acts that are illegal and that are premised on illegalities cannot then be washed and cleaned by saying they were implemented while the law had not been clearly declared to be illegal. I think that would be a very dangerous precedent. If the subsidiary legislation is declared null and void, then all Executive activities undertaken on the basis of the illegal Acts are themselves illegal and the matter should end there. We cannot give advance immunity and then expect that we will come back and just walk away from it. I strongly oppose this.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well. If there is no other interest, I will go back to the Chairperson just for the right of reply.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much. I respect my colleague, but that is not the constitutional order of this country. Would you say that all the regulations that are promulgated will be declared unconstitutional before they come into effect?

It is this House that declares these regulations because we have already given the cabinet secretaries the power to make them. Our role is to oversee them. You have been given the power. That is the reason we have the role of oversight to ensure that all regulations that are made are in accordance with the Constitution, the Statutory Instruments Act and the enabling legislation. If it does not comply, we annul them. That is the end of the story for them.

Temporary Chairman (Hon. Omboko Milemba): Very well. That is enough.

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

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

Temporary Chairman (Hon. Omboko Milemba): There are two more amendments. There is an amendment by Hon. Oluoch and the Chairperson of the Procedure and House Rules Committee. Are they in the House?

Because they are absent, those amendments are dropped.

*(Proposed amendment by Hon. Anthony Oluoch
and Hon. Gladys Boss dropped)*

New Clause 3

THAT, the Bill be amended by inserting the following new clause immediately after Clause 2—

3. Section 15 of the Statutory Instruments Act, 2013 is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Committee shall report to Parliament on each statutory instrument referred to it.

(The new clause was read a First Time)

Temporary Chairman (Hon. Omboko Milemba): I call upon the Mover to move the Second Reading of the New Clause 3.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 2—

Amendment of section
15 of No. 23 of 2013.

3. Section 15 of the Statutory Instruments Act, 2013, is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Committee shall report to Parliament on each statutory instrument referred to it.

Temporary Chairman (Hon. Omboko Milemba): You are a seasoned Member of this House; give us some justification.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, the consequence of this amendment is that we are deleting Section 12(3) of the principal Act. We also seek to repeal Section 19, so that we can bring in Clause 5, which is a substantive amendment. Section 12 would negate our proposed amendment to Clause 5.

I thank you.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

Temporary Chairman (Hon. Omboko Milemba): On the proposed amendment to Clause 3 by Hon. Oluoch, who fortunately or unfortunately is not in the House, the Speaker had guided us that it was going beyond the scope of the Bill and, therefore, it was not to be considered. We may proceed.

(Proposed amendment by Hon. Anthony Oluoch dropped)

(Clause 3 as amended agreed to)

New Clause 4

THAT, the Bill be amended by inserting the following new clause immediately after Clause 3—

4. Section 18 of the Statutory Instruments Act, 2013 is amended by—
- (c) renumbering the existing provision as subsection (1);
 - (d) inserting the following new subsection immediately after subsection (1)—

(2) The Clerk of the relevant House of Parliament shall, by notice in the Gazette and the Parliamentary website, publish the annulment of a statutory instrument by Parliament.

(The new clause was read a First Time)

Temporary Chairman (Hon. Omboko Milemba): Hon. Chepkonga, move the Second Reading.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chair, I beg to move that the new Clause 4 be read a Second Time. Again, the same reasons apply because of the consequences of the amendment in Clause 5.

I thank you.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read

a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

The Temporary Chairman (Hon. Omboko Milemba): As you can see on your Order Paper, Hon. Anthony Oluoch had an amendment to this one. He is not there. Therefore, that amendment is dropped. There was also an amendment by the Deputy Speaker who is the Chairperson of the Procedure and House Rules Committee. It also falls. It is dropped.

(Proposed amendments by Hon. Anthony Oluoch and Hon. Gladys Boss dropped)

New Clause 5

THAT, the Bill be amended by inserting the following new clause immediately after New Clause 4—

Amendment of Section
23 of No. 23 of 2013.

5. Section 23 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection —

“(1) A statutory instrument issued or made under any written law shall not come into effect until the statutory instrument is considered in accordance with this Act and the Standing Orders.”

(The new clause was read a First Time)

The Temporary Chairman (Hon. Omboko Milemba): Mover, move the Second Reading of New Clause 5.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I beg to move that New Clause 5 be now read a Second Time.

The reason we are seeking the amendment of the principal Act in Section 23 is to introduce a new sub-section that provides that instruments made by statutory-making authorities like cabinet secretaries go through Parliament or its committees. Recently, we had a problem. A person appeared before us and presented draft regulations. In the afternoon, those regulations were published without taking into account comments that had been made by the Committee. We said we had just wasted our time. Before a statutory comes into effect, we are proposing that the Committee must first consider those regulations. That is the import of this proposal.

The Temporary Chairman (Hon. Omboko Milemba): Very well. You are very clear, Hon. Chair.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I commend the Committee for this well-thought-out amendment because regulation-making authorities have become rogue. They are starting to misuse delegated power to make laws. I hope subsequent sections will have a penal consequence for disobeying a particular section.

Thank you, Hon. Temporary Chairman.

*(Question, that the new clause be read a
Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill,
put and agreed to)*

New Clause 6

THAT the Bill be amended by inserting the following new clause immediately after New Clause 5—

Amendment of Section
24 of No. 23 of 2013.

6. Section 24 of the principal Act is amended in subsection (5) by deleting the words “not exceeding twenty thousand shillings or such term of imprisonment not exceeding six months” and substituting therefor the words “not exceeding five hundred thousand shillings or such term of imprisonment not exceeding two years”

(The new clause was read a First Time)

The Temporary Chairman (Hon. Omboko Milemba): Mover, Second Reading.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I beg to move that New Clause 6 be now read a Second Time.

We are seeking to amend Section 24 of the principal Act. The reason being that the penalty provided under the Statutory Instrument Act is Ksh20,000 for failure to comply with regulations and imprisonment is six months. Surely, who cannot pay Ksh20,000? It is no longer a deterrent. The reason some regulations are annulled when brought here is because they provide for penalties in excess of Ksh20,000 when we know this money means nothing. Anybody can pay. It is no longer a deterrence to breach regulations. We are proposing that that be repealed by introducing a new penalty. We are saying that the penalty shall not exceed Ksh500,000 and imprisonment of two years. That will be a deterrent so that people do not just breach regulations in a very wanton manner. We want people to comply. We want it to act as a deterrent so that we do not just make regulations for nothing. We make regulations because we want people to comply.

I thank you, Hon. Temporary Chairman.

*(Question, that the new clause be read a
Second Time, proposed)*

*(Question, that the new clause be read a
Second Time, put and agreed to)*

*(Question, that the new clause be added to
the Bill, put and agreed to)*

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. Omboko Milemba): I call upon the Mover to report. Yes, Hon. Chepkonga. Give him the microphone.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. Peter Kaluma) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

The Temporary Speaker (Hon. Peter Kaluma): Let us have the Chairperson on the first Bill. The first Bill was the National Government Constituencies Development Fund (Amendment) Bill. Please, move reporting.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. Peter Kaluma): Mover of the Bill to move for agreement with the Report.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Waqo to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Naomi Waqo (Marsabit County, UDA) seconded.

(Question proposed)

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker. I would like to thank the Chairperson of the Select Committee on the National Government Constituencies Development Fund (NG-CDF). This is a well-done job. It will resolve some of the problems we usually encounter in court. Members may not be aware of what the presiding Temporary Speaker did. I wish you were in court on that day. This Fund would have been done away with had it not been for the Temporary Speaker.

This will now be the NG-CDF Act 2023. The NG-CDF Act 2015 is currently being contested in court. Even if they annul it, it will be null and void. We have already replaced it. They will be wasting their time. So, I thank the Members and the Members of the Select Committee on the NG-CDF and the Members of the *ad hoc* Committee that we co-Chaired with Hon. Otiende Amollo who worked on these amendments. This Committee worked very hard to come up with these proposals that align the Bill with the Constitution. It was as a result of the current Temporary Speaker on the Chair. He was very useful in terms of proposing the amendments that we have made. If Members can remember, this Committee was appointed by the House to make proposals for the amendment of the NG-CDF Act, which we forwarded to

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the Select Committee on the NG-CDF. The Committee allowed the leader of the Majority Party and the leader of the Minority Party to move the amendments. So, I want to thank the two leaders. This was a bipartisan amendment. I thank all the Members for a job well done.

The Temporary Speaker (Hon. Peter Kaluma): It appears there is no more interest in this debate. Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, in my community, we say that it is only the orange tree that has good fruits that receives all the stones thrown. When children come from school and find ripe oranges on a tree that they cannot climb because its owner may find them, they will pick stones and throw at the oranges and when the oranges fall down, they will pick them and go.

The sustained attack on the NG-CDF is because it has transformed the rural areas of this country. Wherever you go in this country, the only noticeable thing of the national Government is the NG-CDF. Because of that, it has attracted a lot of envy from governors, the NGO world and the bureaucrats themselves because they feel whatever they could have done, the NG-CDF has already done. It has removed the habit of members of the public calling for harambees every day to build schools and do things like that. So, I want to urge my colleagues that we oversight as required by Article 95 of the Constitution. Our role remains simply to be oversee. The Members of Parliament have no role to play at all in the management of the NG-CDF. Let us oversee for the good of the people of Kenya.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. Allow me to thank the Chairman of the Select Committee on the NG-CDF, the indomitable Hon. Sirma, the great legal mind of Hon. Chepkonga and the cohorts that took time to sift through the NG-CDF Act in order to come up with a law that will stand the test of time in terms of constitutionality and other parameters. I had the privilege of serving Parliament before the Constituencies Development Fund (CDF) came into being and I can tell you that without the current NG-CDF, one has no business being a Member of Parliament because the NG-CDF is about a Member of Parliament's representation and oversight role, and his existence as a Member of Parliament in line with Article 95 of the Constitution read together with Article 1 of the Constitution.

If you can remember, you and your colleagues in your law firm were in the Parliamentary Service Commission with Hon. Chepkonga. When all other avenues failed, you had to resort to internal mechanisms - I do not want to delve much into that - and you delivered. I want to say thank you for the role that you played. This is the time that we need to put our House in order. I know there are many people out there who are fighting for oversight of the NG-CDF even where there is no need for oversight. There is no politics on this. Where is my friend, the young legislator who was here? This move only enhances and ensures that the NG-CDF - as it has been put by the Chairman - clearly stands the test of time. So, let us unite on this. From 1st July 2023, he will be a very happy, proud Member of Parliament who will not look around simply because activists are all over trying to find a way of declaring this very important facility unconstitutional.

So, kudos to the team and we will stand by you.

The Temporary Speaker (Hon. Peter Kaluma): Let us finally have Hon. Beatrice Elachi and it should be a brief comment. We are not at Second Reading.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. As a Member of the Committee, I just want to thank the Committee and the Chair. We have walked a journey and I am hoping this closes all the chapters we have gone through, in court and everywhere and everyone talking about it. One of the good things is that everyone

appreciates and everyone in this country can see the work of the NG-CDF. They will want to see us now move with speed to ensure the junior secondary school works, but more importantly, the next task that we have is to see all the Standard Eight pupils join schools. I know most of the day schools are going to be very overwhelmed. We need to move with speed and I am hoping the national Executive will realise that if there is one structure that you can use to develop the country especially in education, security and any other, then it is the NG-CDF.

I just want to say thank you, Hon. Temporary Speaker and all our legal teams that have always walked the journey. I am hoping the board will be very clear in what we are saying. When we say oversight the board should not go and rework out something else. It should know that Article 96 is very clear for all the Members. They will oversee the NG-CDF in either way.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Beatrice Elachi.

Hon. Members, for the convenience of the House, the putting of the Question for agreement with the Report of the Committee will stand deferred to the next time the matter will be scheduled for consideration by the House Business Committee.

(Putting of the Question deferred)

Could we have the Chairperson to report to the House? We are on the Statutory Instruments (Amendment) Bill, (National Assembly) Bill No.2 of 2023. Chairperson, report to the House.

MOTION

CONSIDERATION OF REPORT ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report to the House that a Committee of the Whole House has considered the Statutory Instruments (Amendment) Bill, (National Assembly) Bill No.2 of 2023 and approved the same with amendments.

Hon. Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I beg to move that 'the House do agree' with the Committee in the said report.

Hon. Temporary Speaker (Hon. Peter Kaluma): Say that 'that this House do agree'.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I beg to move that the Statutory Instruments...

Hon. Temporary Speaker (Hon. Peter Kaluma): No.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Sorry, I must have been given a wrong one.

Hon. Temporary Speaker (Hon. Peter Kaluma): Sorry, Chair, the Committee on Delegated Legislation, you have a wrong instrument in your hand.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I have a wrong one. I totally agree.

Hon. Temporary Speaker (Hon. Peter Kaluma): Proceed.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I beg to move that this House do agree with the Report of the Committee of the whole House on its consideration of the Statutory Instruments (Amendment) Bill (National Assembly) Bill No.2 of 2023.

I also request Hon. David Kiplagat to Second.

Hon. David Kiplagat (Soy, UDA) Seconded

(Question proposed)

Hon. Temporary Speaker (Hon. Peter Kaluma): I want to give this chance to the Chair, Departmental Committee on Justice and Legal Affairs, Hon. Murugara, for a brief overview.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. Allow me to commend the Chairperson of the Committee on Delegated Legislation for the timely amendments he has brought to the Statutory Instruments Act. The Act has been in force since 2012.

I sat in the Committee on Delegated Legislation in the 12th Parliament and we did a lot of work together with Hon. (Dr) Oundo who is seated across the aisle and many others. It was first chaired by Hon. Deputy Speaker, Hon. Gladys Boss and later by Hon. William Kamket.

Before the regulations are brought to the House, it is important to have pre-publication scrutiny. It is an informal engagement between Members of the Committee and regulation making authority. It has now become part of the law. Before these instruments are published, they have to be brought to the Committee for scrutiny before publication which is vital. We must also emphasise that this is the law-making House under Article 94 of the Constitution. Therefore, we should not have people out there trying to make laws which may be bad, in terms of our statutes and Constitution. These are very vital amendments. I am in full agreement.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson of the Committee of the whole House is asking whether he can contribute.

(Laughter)

Before we address that, I want to recognise Hon. Wilberforce Oundo to say something.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, allow me to also join erstwhile Member of the Committee in the 12th Parliament, the one and only.

It is true that we face a lot of challenges and frustrations. Indeed, at times, we empathise with Kenyans who are affected by the arbitrary introduction and imposition of statutory instruments without the benefit of going through the House. Many times, we resolve to very drastic actions in order to save the people from unfair or unjust levies and laws.

I call upon the Committee to entrench pre-publication scrutiny practice. I request the regulatory making authorities to embrace pre-publication scrutiny where regulations need to go through several processes. Firstly, they are developed through public participation and probably even conferring with the main departmental committee to make sure they align with the policies of the sector and the departmental committee, and are in tandem with the law. That process of sieving will make sure that we have a just law that serves Kenyans. After that, they can do further pre-publication scrutiny with the Committee on Delegated Legislation. If there are any constitutional issues that have been breached, they are cured at that particular moment before wasting public resources and time to publish and purport to enforce a regulation that is clearly unconstitutional. It becomes onerous, expensive and cumbersome to Kenyans. That is what we need to do now continuously. Let us look at our old laws to ensure they are aligned to the Constitution 2010 and alive to the happenings in the world.

Thank you, Hon. Temporary speaker. I congratulate the Committee.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Constitutionalism and adherence to the rule of law are very expensive.

Hon. Temporary Speaker, I remember this law was introduced towards the tail end of Kibaki's presidency. It was immediately after the promulgation of the Constitution 2010 and before the general election in 2013. First and foremost, the role of a Member of Parliament is

to protect the rule of law and adherence to our Constitution through representation, oversight, legislation and the budget-making process. In the past, there had been attempts to either downgrade, circumvent or abuse the role of a Member of Parliament by errant public servants. Before, we used to...

(Hon. Samwel Chepkonga consulted loudly)

I want Hon. Chepkonga to listen to this.

The Temporary Speaker (Hon. Peter Kaluma): The Chair, Committee on Delegated Legislation.

Hon. Adan Keynan (Eldas, JP): This Act is very critical that it is the only hope amongst the many avenues that we have in realising the effect of the many sources of law. We have many sources of law, namely, the Constitution, Acts of Parliament and subsidiary legislation. The effect of this is to ringfence the implementation and adherence of both the letter and spirit of what we do here. In the past, we used to have the Minister for Finance acting both as the source of law and the law. For instance, during the budget-making process, they would hoard goods and the next day, you would see a gazette notice in circulation. That era has come to an end. We must jealously protect the gains we have made. I am glad the Committee has seen this.

Those of us who were in that Parliament saw it. One of the things that forced us to resort to this had something to do with a problem that is yet to be solved. It is still before the KRA. It has been mutating. Now, this is going to amplify and properly put it in perspective. I am glad we have senior lawyers, I do not know whether you qualify as a senior lawyer, Hon. Temporary Speaker, but in my mind, I regard you as a senior lawyer like Chepkonga because I have interacted with you many times. This is what we need to do. Public participation is in our Constitution. Is there any room for wayward civil servants to go round effecting a non-existent Act of Parliament or provisions of the Constitution?

I am glad this Parliament has brought this at this time. This is the right time. You notice we are yet to settle. People are looking at different aspects of the Constitution. We are still yawning for further constitutional changes yet our role as Members of Parliament is not properly protected. This is a good thing. I am glad those who are not familiar with the introduction of pre-publication of these many gazette notices...

There was a time when you had to seek leave of the House to move a Private Member's Bill. I am glad Hon. Sirma is here. We are past that era. Right now, if you look at the stages of Bill making, there is pre-publication scrutiny, public participation and other stages. This pre-publication scrutiny for gazette notices and other legal devices that are likely to be used possibly by the members of the Executive, the Judiciary or even Parliament itself, will kill this. It will sanitise the way the law is accepted. Hon. Chepkonga, I am glad you are midwifing this. Please, look at it further and make sure that everything is in line with the current Constitution.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Hon. Keynan appreciates that this Bill enables Parliament to take charge and control of the legislative authority which vests in Parliament whenever Parliament delegates it.

Again, Hon. Members, for the convenience of the House, we will defer putting the Question for adoption of the Report herein to the next time this particular business is scheduled for consideration by the House Business Committee.

(Putting of the Question deferred)

Next Order.

(The Temporary Speaker consulted with the Clerk-at-the Table)

Hon. Members, there is something in procedure we are confirming, but we are soon going to the next Order, which is Hon. Millie Odhiambo's Assisted Reproductive Technology Bill. This is an important Bill. We have time for contributions because we are ending at 9.00 p.m. If there is no interest in the Bill, Hon. Millie Odhiambo should prepare to reply. So, have we confirmed the position? The Clerks-at-the-Table have informed me that I should allow debate before I proposed the Question. I thought I had proposed the Question.

*(The Temporary Speaker (Hon. Peter Kaluma)
consulted the Clerks-at-the-Table)*

I think we did it, but let us do it again for the record.

(Question proposed)

(Putting of the Question deferred)

Next Order.

BILLS

Second Readings

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO.61 OF 2022)

(Moved by Hon. Millie Odhiambo-Mabona on 18.10.2023 – Afternoon Sitting)

(Resumption of debate interrupted on 25.10.2023)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi, are you interested in this one?

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Speaker. I rise to support this timely Bill by my able sister, Hon. Millie Odhiambo. Currently, we do not have a legislative framework...

(Hon. Samwel Chepkonga consulted loudly)

The Temporary Speaker (Hon. Peter Kaluma): That is out of order, Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I rise pursuant to Standing Order 95. Everyone who has contributed, including my good friend, Hon. Caroli Omondi, is agreeing to this. I rise to ask that you call upon the Mover to reply.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chepkonga is right. You know what I should do when he rises in his place requesting that the Mover be called upon to reply. However, Hon. Caroli Omondi is in the middle of his contribution, allow him to conclude. I will then put the Question for your determination.

Hon. Caroli Omondi, I will put that Question at the end of your contribution. You may proceed.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Speaker. For the first time, this Bill establishes a legal framework for assisted reproductive health in our

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country. This is a matter close to many peoples' hearts. It will help many couples or even single people who have not been able to conceive naturally and start families. We are at an age when science has advanced. We need to tap into the potential of the new discoveries that will help people conceive children. I strongly support this Bill. In the interest of time, I will leave it at that so that other Members can have an opportunity to speak to this important Bill.

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

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker.

(Loud consultations)

Unfortunately, the Standing Orders do not allow that to happen. The Temporary Speaker can confirm that. Once Standing Order 95 is used, I cannot donate minutes to other Members. If the Standing Orders were amended, I am willing to donate some minutes.

The Temporary Speaker (Hon. Peter Kaluma): Under the inherent powers of the Speaker, I allow you to donate a few minutes, only for this occasion.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. That is in accordance with Standing Order No.1. Therefore, I will donate two minutes to my sister, my brother and Hon. Keynan. In the interest of time, I can give each of them two minutes.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, who is the sister you are referring to?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): There is only one sister in the House.

The Temporary Speaker (Hon. Peter Kaluma): No. There is another sister in the House.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Sorry for that. The other sister was the seconder of the Bill.

Hon. Njeri Maina is my niece. One is my sister and the other is my niece.

The Temporary Speaker (Hon. Peter Kaluma): Do you want the Member for Kirinyaga County? Did you say Hon. Melly is her brother?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, that is Hon. Melly. I think I should wear my glasses; I cannot see that far.

The Temporary Speaker (Hon. Peter Kaluma): Two minutes each, beginning with the Member for Kirinyaga.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. Thank you to my senior in the profession, Hon. Millie, for this timely Bill. We do not have legislation in Kenya to regulate assisted reproductive health. At this time and age when we have the advent of assisted reproductive technology, it is timely for us to regulate the same so that we can ensure that we have a framework that supports parents. I am saying parents because I know there are people who are not able to have children in a natural manner. Our society and the African setup have an attachment to children. Most of the time, they feel discriminated against because there is no framework to ensure that in cases of surrogacy, where do we draw the line? How do we regulate the same? Remember when this matter first came up in 2014, there were suggestions that only couples in a marital relationship should access the service. I have not had the luxury of going through the Bill, but I hope my sister has taken care of all

aspects, so that we can give equal opportunity to all persons in Kenya who need assisted reproductive health to ensure they feel part and parcel of this community. I support the Bill and congratulate my senior, Hon. Millie Odhiambo, for coming up with it.

The Temporary Speaker (Hon. Peter Kaluma): The Chair of the Departmental Committee on Education, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill. I commend Hon. Millie Odhiambo. She has gone down in the annals of this House as being an astute debater and, more so, a very good legislator. This particular Bill reminds me of the several Children Bills that Hon. Millie Odhiambo has tabled in the House that have impacted the lives of many people in this part of the world, more specifically in this country. There is information in international conventions on children and reproductive health.

Assisted reproductive health has many aspects. One is the issue of surrogacy. In surrogacy, the mother who carries the child is actually not the actual bearer of the genes of that particular child. It is because the owner of the genes or the reproductive egg has certain inabilities which are occasioned by issues of disease or congenital. Maybe they have defective ovaries and reproductive systems. Science and technology has enabled this particular problem to be overcome.

However, laws governing this new technology are lacking. This Bill brought forward by Hon. Millie Odhiambo is trying to bring order in the new field. Assisted health technology, for example, the use of hearing devices or any other technology, is a new field. As Members of Parliament, we need to really sympathise with the people. As much as technology may assist a mother or father unable to sire children in the normal way, there are certain laws under which the person who bears the child is contracted.

At times, when she bears the child, she will want to have a lot of attachment. At times, she can claim that child. This Bill addresses all those issues. The other issue addressed is the legislative aspect of In-Vitro Fertilisation (IVF). How do doctors do this? The background under which this information is given is handled. I laud the Bill and ask the House to support because it is very important.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Keynan Adan.

Hon. Adan Keynan (Eldas, JP): Hon. Temporary Speaker, I commend Hon. Millie Odhiambo, who is my Chair for the Parliamentarians for Global Action-Kenya Chapter, for being forthright and courageous in demystifying the very emotive subject that is an abomination even to talk about in some African contexts. You have given it a face, Hon. Millie. We recognise you not only as an activist in women and gender rights, but also as a very courageous legislator. You will go into the annals of history as a person who expanded the horizon of our thinking and ensured that a big chunk of men and women in this country who have been suffering silently because of this arena will get an opportunity to be assisted through our legal framework. This is a problem and anybody can be a victim.

It is good we have expanded our horizon of thinking. It is good to utilise this very expansive medical field. It is a problem and something that is there. It can be genetic or a lifestyle issue. Any person can meet this problem without a choice. This is good. It gives us a framework. Hon. Millie, kudos. I hope we will pass this, the President assents to it and we have it applied and operationalised as soon as possible.

Thank you very much, Hon. Millie. I am sure many people outside there will appreciate your service.

Hon. Millie Odhiambo-Maboma (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity.

In responding, I take this opportunity to thank every Member of Parliament who supported this Bill. I want to say that, coincidentally, this Bill has come a week after the World Fertility Week that we marked with Hon. Passaris, Hon. Cecilia and members of the public.

We had a very good opportunity to look at women who had testimonies and those who have been divorced for not having children. In fact, Hon. Cecilia who is the funder of Fertility-Kenya has herself been divorced because she has no child.

We have taken every attempt to look at the ethical issues and address religious issues. We met with the Departmental Committee on Health and did an excellent job together. We also did a lot of public participation. I also thank the organisations that have supported this initiative. They are very many, including the Kenya Human Rights Commission, the Kenya National Commission on Human Rights, the Law Society of Kenya, the Centre for Reproductive Rights (CRR), the National Gender and Equality Commission (NGEC), the Cradle, the Kenya Obstetrical and Gynaecological Society, among others. I also wish to thank Hon. Elachi who agreed to second this Bill.

Hon. Temporary Speaker, I was out of the country attending the Inter-Parliamentary Union (IPU) when this matter came up the other week. Therefore, I was not able to get every brief of what the Members said. However, I am told that the Members who spoke supported it. I wish to thank them all. I want to thank even the Members who have spoken today and the Woman Representative of Kirinyaga County. I thank Hon. Caroli. I thank my good friend, who is also a Member of the Parliamentarians for Global Action-Kenya Chapter that I lead. Thank you, Hon. Keynan and Hon. Melly for those kind words. I just want to thank you all and even the Members who spoke when I was not here.

Hon. Temporary Speaker, I do not know whether you spoke, but you told me you were supporting the Bill. Therefore, I thank you even if you did not have the opportunity to support because you were sitting on the Chair.

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

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Millie. Of course, your efforts are acknowledged by the entire House. I also appreciate the matters you have brought to this House at this time and those on issues to do with human rights, children and family.

Hon. Members, for the convenience of the House, we will put the Question on the Second Reading of this Bill, the next time it is scheduled to be transacted by the House Business Committee.

Next Order.

(Putting of the Question deferred)

THE GERIATRIC BILL
(National Assembly Bill No.50 of 2022)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gathoni Wamuchomba, MP, the Mover of this Bill is not in the House. It will be dropped for now. Move to the next Order.

(Bill deferred)

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.6 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Benjamin Gathiru, MP, the Mover of this Bill is engaged in other State duties. Step it down for today. Next Order.

(Bill deferred)

THE PUBLIC PROCUREMENT AND ASSET

DISPOSAL (AMENDMENT) BILL
(National Assembly Bill No.62 of 2022)

The Temporary Speaker (Hon. Peter Kaluma): Again, the Mover, Hon. Benjamin Gathiru MP, is engaged in other State duties. It will be stepped down to be rescheduled by the House Business Committee.

Next Order.

(Bill deferred)

THE ANTI-CORRUPTION AND ECONOMIC
CRIMES (AMENDMENT) BILL
(National Assembly Bill No.30 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): For the convenience of the House, this one will be stepped down to be moved the next time it is scheduled by the House Business Committee.

Next Order.

(Bill deferred)

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL
(National Assembly Bill No.3 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Capt.) Ruweida Obo MP, is the Mover, but she is engaged in other functions of Parliament. This Bill is stepped down for consideration until when rescheduled by the House Business Committee.

Next Order.

(Bill deferred)

THE NATIONAL GOVERNMENT COORDINATION
(AMENDMENT) BILL
(National Assembly Bill No.25 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): The Mover, Hon. Malulu Injendi MP, is also engaged elsewhere on State duties. This Bill is stepped down for consideration next time.

Next Order.

(Bill deferred)

MOTIONS

RATIFICATION OF THE 1970 UNESCO CONVENTION ON MEANS
OF PROHIBITING AND PREVENTING ILLICIT IMPORT, EXPORT
AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

THAT, this House adopts the Report of the Departmental Committee on Sports and Culture on its consideration of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, laid on the Table of the House on Thursday, 12th October 2023 and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson of the Departmental Committee on Sports and Culture, Hon. Wanyama. Again, for good reasons, he is engaged in other State functions on behalf of Parliament. This Motion is stepped down for rescheduling by the House Business Committee.

Next Order.

(Motion deferred)

NOTING OF REPORT OF KENYAN DELEGATION TO 4TH GENERAL
ASSEMBLY OF EAPA-FSN IN KIGALI

THAT, this House notes the Report of the Kenyan Delegation to the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7th to 9th December 2022, laid on the Table of the House on Tuesday, 11th April 2023.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, EAPA-FSN Caucus, to move. Again, he is engaged in other businesses on behalf of Parliament within the precincts.

(Motion deferred)

Hon. Members, tomorrow at 2:30 p.m., there will be a State of the Nation Address by His Excellency the President. This is why most of the Movers being chairpersons are engaged elsewhere in preparation. You are informed, notified and should attend because this is an address under Article 132 of the Constitution by the Head of State.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 9.00 p.m., this House stands adjourned until Thursday, 9th November 2023 at 2.30 p.m.

The House rose at 9.00 p.m.

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