



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 1st August 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, there is no quorum. I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

We now have quorum to proceed.

(Hon. Nabii Nabwera and several other Members walked into the Chamber)

I will let you proceed first. You may be seated. Hon. Nabii, take your seat

MESSAGE

NOMINATION OF DOUGLAS KANJA FOR APPOINTMENT
AS THE INSPECTOR-GENERAL OF POLICE

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order 42(1), I wish to report to the House that I have received a Message from His Excellency the President regarding the nomination of a person for appointment as the Inspector-General of the National Police Service.

In the Message, His Excellency the President conveys that, in exercise of powers conferred by Article 245(2)(a) of the Constitution and Section 12(2) of the National Police Service Act, 2011 as read together with Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Mr. Douglas Kanja Kirocho for appointment as the Inspector-General of the National Police Service. The President, therefore, seeks the approval of the nominee by Parliament.

Hon. Members, for clarity, Article 245(2)(a) of the Constitution states: "The Inspector-General is appointed by the President with the approval of Parliament."

It is notable that the approval of the nominee is among those that the Constitution requires to be undertaken by the two Houses of Parliament. In this regard, the vetting of the candidate will be done by a joint sitting of the relevant committees of both Houses of Parliament, in accordance with the established practice.

For clarity, the vetting process shall proceed in the following manner:

1. THAT, the vetting of the nominee proposed for appointment as Inspector-General of the National Police Service shall be conducted jointly by the

National Assembly Departmental Committee on Administration and Internal Security and the relevant Senate Standing Committee;

2. THAT, the Chairpersons of the two Committees will co-chair the joint sittings and the secretariat will comprise officers of the two Houses;
3. THAT, the quorum of the joint sittings of the Committees will be the respective quorums of each of the committees as stipulated in the Standing Orders of the respective Houses;
4. THAT, as contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;
5. THAT, the joint Committees shall, having concluded the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by the Standing Orders of the respective Houses; and,
6. THAT, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

(Several Members walked into the Chamber)

I will allow the upstanding Hon. Members to sit down and I then continue. Hon. Members, you can sign-in later.

Hon. Members, the timeline for consideration of a nominee for appointment as the Inspector-General of the National Police Service is prescribed in section 12(7) of the National Police Service Act, 2011, which provides as follows:

“Parliament shall, within fourteen days after it first meets after receiving the name of the nominee—

- (a) vet and consider the nominee, and may either approve or reject the nomination, and,
- (b) notify the President as to its approval or rejection.”

A plain reading of the said provision suggests that the 14 days will start counting on Wednesday the 7th August, being the day after the House first meets following the receipt of the names of the Nominee. In this regard, the 14 days will lapse on 20th August 2024.

I am aware that the National assembly is scheduled to proceed for recess on 9th August. Ordinarily, I would have ordered that the counting of the days with respect to the consideration of the nominee ceases during the recess period and resumes when the House first sits upon resumption, being Tuesday, 10th September 2024. However, conscious of the critical duties that are bestowed upon the Inspector-General of the National Police Service under Article 245 (2)(B) of the Constitution, the Joint Committee will be expected to expedite the approval hearing within the statutory timelines.

Upon conclusion, I implore the Hon. Leader of the Majority Party to consult with his counterpart in the Senate for the purpose of requesting for a special sitting of the respective Houses in order to consider the report of the Joint Committee.

The Message, together with the resume of the nominee, will now stand committed to the Departmental Committee on Administration and Internal Security of the National assembly, jointly with the relevant Senate Standing Committee for consideration. The Committees are expected to forthwith jointly commence the approval process, notify the nominee and the general public of the time and place of holding the approval hearings and, upon conclusion, report within the statutory timelines. Thank you.

What is your point of order, Member for Mandera North?

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Hon Deputy Speaker, I seek your indulgence. What role does the Senate have on the vetting of the Inspector-General of Police? Police service is not a devolved function at all. The Principal Secretary for Internal Security is not vetted by a joint committee of the two Houses. What business will the Senate have in vetting the Inspector-General of Police?

I think we are making a wrong decision on this matter. This House should do its job. The National Police Service is a national Government function, but we are ceding ground to a House which is trying to grab the powers and the privileges that they do not have.

I ask that the Hon. Deputy Speaker gives a ruling on this matter. Inspector-General of the Police is not a function of counties. It is a national function. They have no role at all to vet the Inspector-General of Police. Why are they not vetting the Principal Secretary for the State Department for Internal Security and National Administration?

Hon. Deputy Speaker: Thank you. Let us hear Hon. Member for Gichugu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Deputy Speaker. The vetting of the Inspector-General of Police, as per the Constitution, is supposed to be done by Parliament, comprising of the two Houses – the National Assembly and the Senate. Your Communication is in order.

Hon. Deputy Speaker: I will give a chance to one or two Members to comment on the matter. Let us start with Hon. Osoro. Hon. Japheth will be next.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. In as much as the Constitution talks about Parliament as bicameral, each House has its own distinct roles. Anything that touches on the county governments goes to the Senate. Likewise, whatever touches on the national Government comes to the National Assembly. Maybe, this is a new jurisprudence that this House needs to create. I think this is going to be the first time that a joint committee of the Senate and the National Assembly will be sitting to deal with a matter that the National Assembly is supposed to tackle.

My opinion is that it is the role of the National Assembly's Departmental Committee on Administration and Internal Affairs that should be vetting that particular nominee for appointment. The National Police Service is overseen by this House, through the Departmental Committee on Administration and Internal Affairs, which also handles their budget review. How the Senate comes in is a question that we all need to answer. We should not set a precedence of sharing out the role of the National Assembly with the Senate.

I submit.

Hon. Deputy Speaker: Member for Kitutu Chache, Hon. Japheth Nyakundi, do you want to speak on this one?

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): I want to echo what the rest have said. The National assembly is the one that is supposed to vet any function that pertains to the national Government. The Inspector-General is supposed to be vetted by this House. The Senate is supposed to vet anything that is devolved, one of which is the county askaris.

Thank you, Hon. Deputy Speaker.

(Laughter)

Hon. Deputy Speaker: I will give a chance to the Departmental Committee Chairperson, Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Deputy Speaker. What the Treasurer of our Party has said is not in good faith. He has belittled our sister House. The Constitution clearly stipulates the procedure of vetting and approving the Inspector-General. It is done by both Houses of Parliament. The Constitution is very clear. If this House wants to change it for the Inspector-General to be vetted by this House, they have the power to do so. I

plead with Members that we proceed as communicated by you, Hon. Deputy Speaker, and look at the suitability of the nominee.

Hon. Deputy Speaker: Thank you. Hon. Members. Let me give a chance to one or two Members to ventilate on the matter and then I will give a ruling.

Let us have Hon. K.J. and then Hon. Passaris.

Hon. John Kiarie (Dagoretti South, UDA): Thank you very much, Hon. Deputy Speaker. It would have been very much in order for the Chairperson of the Departmental Committee on Administration and Internal Security to furnish this House with the provisions of the Constitution.

To my knowledge, Article 96 of the Constitution talks about the role of the Senate. It says that the Senate represents counties and serves to protect the interests of counties and their governments. The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties as provided in Articles 109 to 113. Finally, the Senate determines the allocation of national revenue among counties as provided in Article 217.

There is no Article in the Constitution that states that the National Assembly shares functions with the Senate. If we start such a precedence, then we will find ourselves in a problem. It is not just about the vetting of nominees. It is also about the way the nominees shall be performing their duties. There shall be periodic oversight. That periodic oversight cannot be provided by the Senate. The periodic oversight is done by this House through the Committee that is led by Hon. Tongoyo. It would be wrong to start on the wrong foot. There is a saying that goes: "It never goes wrong; it starts out wrong."

Issues of the police are so sensitive, especially at this moment. We would not want to start in the wrong way. Who shall that Inspector-General be accountable to? Who shall the Inspector-General be answerable to periodically? It is this National Assembly, and not the Senate. We do not want to get into a situation where the Senate shall be sharing the functions of the National Assembly, because the National assembly is not interested in sharing the functions of the Senate. It is stipulated well in the law.

I would like you to check the Communication and place this matter in the right place. It is the National Assembly that should vet the Inspector-General.

I submit, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will rule on this matter in a minute. Let us, briefly, have Hon. Passaris and Hon. Ochieng', and then we close. I will make the ruling right away thereafter.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. The reason as to why we have committees and chairs of committees is because we stand guided by them. I have just heard the Chairperson of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo, tell us that both Houses are actually supposed to vet and oversee the Inspector-General.

If we have already set a precedent on which House should oversee the Inspector-General, we would be making a mistake to change that precedent. We have to be a House of law. A precedent has been set. So, if the precedent is that the Senate and the National Assembly have been vetting and overseeing the Inspector-General and we want to change that precedent, we will not be a serious House of law-making. Law making is about precedent. In such a situation, then we will need to basically go to the Judiciary. We cannot be the people that actually oversee ourselves.

Thank you.

Hon. Deputy Speaker: Thank you. You have made your point. Hon. Ochieng', please be brief. We have other matters.

Hon. David Ochieng' (Ugenya, MDG): Thank you so much, Hon. Deputy Speaker. This House is setting a very bad trend lately. We cannot be whining about the Senate every

time the Senate is called. The Senate is the cage of the Constitution. Every time something goes to the Senate, this House whines like cry-babies. We must live within the law.

This House is the one that allowed the last Inspector-General to be vetted by the Senate and the National Assembly. Why do we keep on vomiting and wish to leave that same vomit? Let us live with our laws. The National Assembly accepted to be doing a joint vetting. We should stop pointing fingers at the Senate all the time. This House is becoming a child play. Every time the Senate is called, if it is for money, you do not want to give them money. We must stop whining about the Senate every time.

Thank you.

Hon. Deputy Speaker: Thank you. Hon. Members, we are flogging a dead horse now. This is how we are going to proceed. I will refer you to Article 93 of the Constitution on establishment and role of Parliament. It says: “There is established a Parliament of Kenya, which shall consist of the National assembly and the Senate. The National Assembly and the Senate shall perform their respective functions in accordance with the Constitution.”

The Communication cites Article 245, which says: “There is established the Office of the Inspector-General of the National Police Service. The Inspector-General is appointed by the President with the approval of Parliament.” We have just agreed that Parliament is “the Senate and the National assembly.”

Apart from my reading of Articles 93 and 245, there is also the established practice. From the previous Parliament to the current one, the established practice is that a joint sitting of the Senate Committee and the National Assembly Committee vets the Inspector-General. You are the lawmakers. If you feel that it is not something you are comfortable with, you have an opportunity to recommend amendments to the law going forward.

That is my ruling.

Next Order.

PAPERS

Hon. Deputy Speaker: Leader of the Majority Party.

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

1. Legal Notice No.118 of 2024 relating to the Supplies Practitioners Management (Continuous Professional Development Programmes) Guidelines, 2024, their accompanying Supplier Practitioners Management Act, Cap 537, Regulatory Impact Statement, Kenya Gazette Notice, explanatory memorandum, public participation notices and Report of public participation from the Kenya Institute of Supplies Management.
2. Business transacted by the East African Legislative Assembly (EALA) at the 4th Meeting of the 2nd Session of the 5th Assembly from 23rd June to 4th July 2024 in Arusha, Tanzania as follows—
 - (a) Report of the Committee on General Purpose on the assessment of the implementation of the East African Community Budget for the FY 2023/2024;
 - (b) Report of the Committee on General Purpose on the East African Community Budget request and the EAC Supplementary Appropriation Bill, 2024;
 - (c) Report of the Committee on the on-spot assessment of the implementation of the projects and plans by the Lake Victoria Basin Commission and Lake Victoria Fisheries Organisation;

- (d) Report of the Committee on Regional Affairs and Conflict Resolution on the oversight activity to assess the processes, regulations and challenges of conducting national general election;
 - (e) Report of the Fifth Parliamentary Dialogue and General Assembly Meeting held in Nairobi, Kenya;
 - (f) A resolution of the Assembly paying tribute to the late Hon. (Dr) Shogo Richard Mlozi; and,
 - (g) The East African Community Appropriation Bill, 2023.
- Thank you, Hon. Deputy Speaker.

[Hon. Deputy Speaker left the Chair]

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chairperson of the Select Committee on National Government Constituencies Development Fund (NG-CDF).

Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Select Committee on National Government Constituencies Development Fund on list of nominees to the National Government Constituency Development Fund Committees for Webuye West, Isiolo South, Nandi Hills and Mumias East Constituencies

NOTICE OF MOTION

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Tandaza. Please, proceed.

ADOPTION OF REPORT ON NOMINEES TO NG-CDF COMMITTEES

Hon. Kassim Tandaza (Matuga, ANC): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the National Government Constituency Development Fund for four constituencies committees, laid on the Table of the House on Thursday, 1st August 2024 and, pursuant to the provisions of Section 43 (4) of the National Government Constituency Development Fund Act, 2015 and Paragraphs 5 (2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the list of nominees for appointment to the following four Constituency Committees of the National Government Constituency Development Fund –

1. Webuye West Constituency;
2. Isiolo South Constituency;
3. Nandi Hills; and,
4. Mumias East Constituency.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Tandaza. Next Order.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): On the request for statements as annexed in the Order Paper by Hon. Mishi Mboko and Hon. Owen Baya, they have requested that their requests for statements be deferred. As you may be aware, they are engaged in the vetting of Cabinet Secretaries. Those requests for statements are hereby deferred.

STATUS ON OPERATIONALIZATION OF
LIWATONI FISHERIES COMPLEXIMPLEMENTATION OF NUCLEAR POWER
PLANT IN UYOMBA VILLAGE

(Requests for statements deferred)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us go to Hon. Barrow Dekow, Member for Garissa Township. Is the Hon. Member in the House?

Hon. Dekow Mohamed (Garissa Township, UDA): I am here, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You may proceed.

UNEXPLAINED ABDUCTIONS AND DISAPPEARANCES OF
PERSONS FROM GARISSA TOWNSHIP

Hon. Dekow Mohamed (Garissa Township, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44 (2) (c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding unexplained abductions and disappearance of several persons from Garissa Township Constituency.

On 30th July 2024, four persons were abducted from Garissa Town. They are Mr. Mohamed Abdullahi Hirey of ID Number 11692747, Mr. Mohamed Buya Shangalow of ID Number 11693439, Mr. Mohamed Hussein Ibrahim of ID Number 31053444 and Mr Idle Farah Bib of ID Number 26620275. The families of those missing persons are facing uncertainty as they painstakingly search for the whereabouts of their kin. In addition, Mr. Osman Yusuf Gure has been missing for the last three months, and we have already raised this issue in this House.

Hon. Temporary Speaker, in all the stated cases, the abductors of the victims are believed to be police officers purportedly cracking down on terror suspects. While we truly support all the efforts to fight terrorism, the recent development raises deep concerns regarding violations of fundamental rights of suspects by subjecting them to ethnic and religious profiling, arbitrary arrests and possible extra-judicial executions without the due process in law. The criminal justice system is clear on the manner of arresting and processing suspects. It is concerning that the security agencies do not uphold the principles of due process at all times.

Mr. Mohamed Abdullahi Hirey was found last night with his hands tied, blind-folded and thrown out of a speeding vehicle in an area within Garissa Town. He has stated to the families that there exists a torture chamber within Garissa. He said he was held in one of the rooms, where people were being tortured. It is unfortunate that the Nyayo House Torture Chambers of the 1980s have now been moved to Garissa Constituency.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The circumstances that led to the abduction of four persons from Garissa Town and the identity of the abductors;
2. Place where the four missing persons are being held and the status of investigations into their respective cases, if any; and,
3. The measures that the Government has put in place to ensure that counter-terrorism initiatives are carried out in strict compliance with the law and international human rights standards.

It is important to note that His Excellency President William Ruto has stated on numerous occasions that the era of abductions is long gone.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Garissa, are you focusing on the statement or you are debating the same? Please, stick to your statement. Have you finished?

Hon. Dekow Mohamed (Garissa Township, UDA): I just wanted to re-state the fact that the President has pronounced himself on numerous occasions that the era of extra-judicial killings has come to an end. However, it seems that the security agencies have defied those orders. We want the security teams to take this matter seriously.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Garissa Township.

Hon. Yakub, do you want to comment on the matter? I give you a minute.

Hon. Farah Yakub (Fafi, UDA): Thank you, Hon. Temporary Speaker. I just want to give support to my brother, Hon. Major Dekow, Member for Garissa Township.

Abductions have now become a menace. It has no meaning, and is becoming more political. For the last three or four months, there have been abductions all over Garissa. We thought that those abductions were meant for security purposes, but those particular four cases and two others have taken a different angle of being aimed at a certain clan. There were demonstrations yesterday in Garissa Town based on this issue of abductions. A certain community from a section of Garissa County – a clan by the name of Abduak – claims that their people are being targeted.

We want the security intelligence agency of the Government to give us a clear indication of where these abduction orders are coming from, who is behind them and why a particular community in Garissa County is being targeted. We are really shocked to see that there is a political hand in this. We request the Government to give us a clear answer. I support my brother, Hon. Dekow on this matter. We are pained by the actions of the Government. We want to understand what is happening in Garissa as the abductions have become a menace.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You only had a minute to make a comment.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out order, Hon. Member? I hope it is not about what Hon. Yakub has said because he has already finished. So, the point of order cannot even stand.

Instead, I would like to give a chance to Hon. Edith Nyenze. She has a request for statement. Is Hon. Nyenze in the House? She seems not.

(Loud consultations)

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On a point of order.

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you for giving this opportunity, Hon. Temporary Speaker.

The matter of Garissa Township was raised yesterday by one of the Hon. Members from that area. Today, it has come up again. Would I be in order to request you to order for some urgent action on this matter? People are losing their lives while others are being put in a situation of panic.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Makali Mulu, I will give a chance to the Chairperson to tell us when the Statement will be given.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. temporary Speaker. Before I respond as to when I will bring a response to the statement request, as clearly put by the Hon. Member, only yesterday, more or less the same matter was raised in this House by a Nominated Member from Garissa.

I seek your indulgence because these matters are more or less the same, talking about the same area. Can I consolidate the two requests for statements so that we can have one response? This is because the response will be addressing the same problem?

*(Hon. Temporary Speaker consulted
with the leading Clerk-at-the-Table)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. First of all, I will respond to the matter that has been raised by Hon. Makali Mulu concerning the issue of Garissa that has been raised so many times. I was in the House when it was raised yesterday. The Chairperson of the Departmental Committee on Administration and Internal Security has requested that the two requests for statements be consolidated. Chairperson, let the three matters be consolidated. Instead of just bringing a statement on the request, I urge the Hon. Members who have raised the matters to attend the meeting on the day the Cabinet Secretary will appear before the Committee.

I would like the Committee Chair to confirm that the Members who have raised these matters will be invited to attend the meeting on the day the Cabinet Secretary will appear before the Committee. Let these matters be consolidated and responded to in the presence of all the Members from Garissa.

Hon. Gabriel Tongoyo (Narok West, UDA): I am well guided, Hon. Temporary Speaker. However, I want your indulgence considering that you are requesting that the request for statements be dealt with in a more comprehensive manner by the Members who will be appearing before the Committee. Will it then be necessary for me to bring a statement to the Floor of this House thereafter?

(Hon. Makali Mulu spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You must report back to the House on the matter that has been raised. The matter is no longer of interest only to the people of Garissa. It is also of interest to this House. So, after you have received a proper response, you will report to the House in the usual way.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, you have appropriately guided us on the way forward. I am much obliged.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next is the usual Thursday Statement by the Leader of Majority Party.

You may proceed, Leader of the Majority Party.

BUSINESS FOR WEEK OF 5TH TO 9TH AUGUST 2024

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44 (2) (a), I rise to give a Statement on behalf of the House Business Committee, which met on Tuesday, 30th July 2024, to prioritise business for consideration during the week of 5th to 9th August, 2024.

As Members are aware, the House reviewed its Calendar and is set to proceed on a long recess next week on Friday, 9th August 2024, instead of Friday, 16th August 2024. Going by the Communication that the Deputy Speaker made this afternoon, we may have a one-day special sitting, if the Leader of Majority Party finds it fit to approve, to dispense with the business that will be pending by then. Therefore, I urge all Members and committees to conclude any urgent matters before them and ensure that there is smooth transaction of all priority business in the House before the recess begins.

With regard to the business for the week starting Tuesday next week, the House is expected to consider the following Bills at various stages, some of which are listed in today's Order Paper:

1. First Reading of the Livestock Bill, 2024;
2. Second Reading of—
 - (a) The Division of Revenue (Amendment) Bill, 2024;
 - (b) The Coffee Bill (Senate Bill No.10 of 2023); and,
 - (c) The Equalisation Fund (Administration) Bill, (Senate Bill No.14 of 2023).

Additionally, debate will also be undertaken on the following Motions, should they not be concluded today:

1. Report on the consideration of nominees to four committees of the National Government Constituencies Development Fund.
2. Report on consideration of the audited accounts of specified State corporations.
3. Report on enhancing reporting of parliamentary business on online platforms.
4. Report on the inspection visit to the semi-autonomous institutions of the East African Community in Uganda.
5. Report on the implementation status of reports on petitions and resolutions passed by the House.
6. Report on the alleged unfair trade practices by foreign investors in Kenya.
7. Second Report on employment diversity audit in public institutions.
8. Report on consideration of a public petition on funds spent contrary to the provisions of Article 223 of the Constitution.
9. Report on the extra-ordinary session of the Sixth Pan-African Parliament (PAP).

In conclusion, the House Business Committee will reconvene on Tuesday, 6th August 2024, and it is at that point that the discussion on the special sitting will take place. That is when the House Business Committee will schedule business for the rest of that week.

I now wish to lay this Statement on the Table of the House.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you Leader of Majority Party. Next Order.

MOTIONS

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON CONSIDERATION OF THE SENATE AMENDMENTS TO THE SUGAR BILL

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(National Assembly Bill No. 34 of 2022)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Senate Amendments to the Sugar Bill, (National Assembly Bill No.34 of 2022).

(Moved by Hon. Emmanuel Wangwe on 31.7.2024 – Morning Sitting)

(Debate concluded on 31.7.2024 – Morning Sitting)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, debate on this Motion was concluded yesterday. What remained was putting of the Question, which I will now put.

(Question put and agreed to)

Next Order.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF NG-CDF
FOR CONSTITUENCIES IN BUNGOMA COUNTY

THAT, this House adopts the Report of the Decentralised Funds Accounts Committee on its consideration of reports of the Auditor-General on the financial statements of the National Government Constituencies Development Fund for nine constituencies in Bungoma County for the Financial Years 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House on Thursday, 7th March 2024.

(Moved by Hon. Innocent Obiri on 23.7.2024)

(Debate concluded on 31.7.2024 – Afternoon Sitting)

(Question put and agreed to)

SPECIAL MOTION

CONSIDERATION OF NOMINEE FOR APPOINTMENT
AS THE DIRECTOR-GENERAL FOR HEALTH

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chairperson, Departmental Committee on Health, Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the joint sittings of the National Assembly Departmental Committee on Health and the Senate Standing Committee on Health in their Report on the vetting of a nominee for appointment as the Director-General for Health, laid on the Table of the House on Wednesday, 31st July 2024, and pursuant to section 16(2) of the Health Act, 2017 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House

approves the appointment of Dr. Patrick Omwanda Amoth as the Director-General for Health.

Hon. Temporary Speaker, the Public Service Commission advertised the position of Director-General for Health on 18th March 2024 in the print media and on its website. A total of 118 applications were received at the close of the advertisement on 9th April 2024. Out of them, nine candidates were shortlisted for the position on 4th June 2024. On 12th and 13th June 2024, the Commission conducted interviews for the shortlisted candidates. Out of the nine candidates shortlisted, one declined to be interviewed while one candidate was not interviewed since she did not produce original academic and professional certificates. The remaining seven candidates were interviewed and ranked in order of merit, where Dr. Patrick Omwanda Amoth, EBS, was ranked the highest. Consequently, the then Cabinet Secretary for Health, Ms. Susan Nakhumicha, forwarded the name of Dr. Patrick Omwanda Amoth to Parliament for approval as the Director-General for Health in accordance with Section 16 (2) of the Health Act (Cap. 241).

The Speaker of the National Assembly, vide a Communication made on 26th June 2024, and the Speaker of the Senate, vide a Communication made on 2nd July 2024, conveyed to the National Assembly and the Senate respective Committees the Message from the Cabinet Secretary. In accordance with Section 69 of the Public Appointments (Parliamentary Approval) Act, the Clerk of the National Assembly and the Clerk of the Senate invited interested members of the public to submit any representation by written statements on oath or affidavits with supporting evidence on the suitability of the nominee for appointment to the position of Director-General for Health. The Committees conducted approval hearings on Thursday, 26th July 2024. The Constitution, the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Leadership and Integrity Act, Cap 185C, the Public Officer Ethics Act, Cap 185B, the Public Service Commission Act Cap, 185, the Health Act, Cap 241, the National Assembly Standing Orders, and the Senate Standing Orders, guided the Committee in conducting the interview.

Following the deliberations and analysis of the submissions and representations received on the suitability of the nominee for the appointment to the position of Director-General of Health, the Committee observed that Dr. Patrick Omwanda Amoth, EBS, demonstrated the requisite knowledge and experience to perform the functions of the Director-General of Health. He satisfactorily performed in an acting capacity for four years. Further, he met all the statutory and constitutional requirements to perform the functions of the Office of the Director-General of Health.

The Committee observed that the nominee satisfactorily responded to the issues raised in the memorandum received. We even invited one of the petitioners, Dr. Wahome Ngare, who appeared and made his submissions before the Committee.

Having considered the suitability and competence of the nominee, the Committee recommends that Parliament approves the nomination of Dr. Patrick Omwanda Amoth, EBS, for appointment as the Director-General of Health under Section 16 of the Health Act, Cap 241. That follows the approval process taking into account the Committee's observations and findings pursuant to the provisions of the Constitution, Sections 3, 5, 8 and 2 of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Health Act, Cap 241, the National Assembly Standing Orders and the Senate Standing Orders.

First, I thank the Senators and the Members of the National Assembly who spent their time and approved the nominee when we sat in all our sittings. I also appreciate the secretariat for facilitating the approval hearings.

I now beg this House to approve the appointment of Dr. Patrick Omwanda Amoth, EBS, for appointment as the Director-General of Health. I beg to move and urge the House to adopt

the Report. I ask my Deputy, Hon. Patrick Munene Ntwiga, the Member for Chuka/Igambang'ombe, to second.

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

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Thank you, Hon. Temporary Speaker. I stand here to second my able Chairman on the appointment of Dr. Amoth as the Director-General of Health.

One, I have known Dr. Amoth for quite a while now. I had the benefit of serving in the Departmental Committee on Health for three years during the last Parliament when Dr. Patrick Omwanda Amoth was the acting Director-General of Health. He is one very patient man. He has acted for the longest time. Today, I want to tell this House and the country that finally, this country has a man in the name Dr. Amoth to lead the Ministry of Health as the Director-General and guide the incoming Cabinet Secretary very well.

I have known Dr. Amoth for quite a while. He has the experience, the knowledge and the passion for the Ministry of Health. He networks the health sector across the world and can be of benefit to this country. This is one person who commands respect and much authority in the health sector. As he comes in as a substantive Director-General of Health, I urge Dr. Amoth to guide the new Cabinet Secretary if she goes through. She will need proper guidance in that Ministry. Dr. Amoth is one man who understands the Ministry of Health in and out.

I support and second my Chair. Thanks much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chair and Hon. Vice-Chair.

(Question proposed)

I will give the first opportunity to Hon. Samuel Atandi, the Member of Parliament for Alego Usonga.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you very much, Hon. Temporary Speaker. Let me join the Chair of the Committee in supporting the Motion on the appointment of Dr. Patrick Omwanda Amoth to the position of Director-General of Health.

I declare that, that is somebody I have known for many years. He is my constituent. I have known him as a long-serving civil servant from the days he left university. Dr. Amoth was, at one time, in charge of the Kiambu District Hospital before devolution. Those days we used to take our patients to the Kiambu District Hospital because of how he had transformed the hospital and made it a centre of excellence in that region.

During the COVID-19 pandemic in 2020, Dr Amoth was in charge of giving technical advice to the Government on matters related to the pandemic. He performed so well that Kenyans demanded that he be confirmed as Director-General of Health. However, that did not happen. Thereafter, Dr. Amoth was elected the Vice-President of the Executive Committee of the World Health Organisation (WHO). He served in that position for about three years, while still acting as the Director-General of Health.

I am saying this because I was involved in lobbying for Dr. Amoth to be confirmed into that position during the former regime. I met the former Cabinet Secretary for Health Mr. Mutahi Kagwe severally to persuade him to confirm Dr. Amoth into the position. That time, Kenyans were demanding that Dr. Amoth be confirmed. The answer I got from Mr. Kagwe will surprise you because he told me that Dr. Amoth was too old to occupy that position.

(The Temporary Speaker consulted the Serjeants-at-Arms)

You are not listening! I wish the Temporary Speaker was listening.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order? I see several points of order. Is there anything out of order? Nothing is out of order. Proceed.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I want you to listen as I make my contribution. Mr. Mutahi Kagwe told me that according to him, the suitable person should be young.

Hon. Duncan Mathenge (Nyeri Town, UDA): On a point of order!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I have a point of order from Hon. Mathenge, Member for Nyeri Town. Please, proceed. What is out of order?

Hon. Duncan Mathenge (Nyeri Town, UDA): Is it in order for Hon. Atandi to mention Hon. Mutahi Kagwe in this House while he is not here to defend himself? This is out of order. Thank you.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): There is nothing out of order in mentioning a former cabinet secretary. However, please, stick to the facts and continue with the debate in the part you talked about lobbying.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you.

What I am trying to say is that I was responding to the concerns of my constituents who continued to ask me why Dr. Amoth was still acting and yet, we were at the time co-operating with the Jubilee Government. My constituents were concerned why the co-operation was not giving their fellow constituent the necessary confirmation. That is why I went to talk to the cabinet secretary. You will realise that somehow, ODM was part of the Government towards the tail end of the last regime. The answer I got was that Dr. Amoth was not fit to occupy that position because of his age, and that startled me.

I know Mr. Mutahi Kagwe is listening. He should have done this earlier. The Report submitted by the Committee has confirmed that, indeed, Dr. Amoth was qualified then as he is qualified to occupy that position today. This House needs to know that some people in the Civil Service are bypassed for certain positions on account of their tribe. This is the fate that has befallen Dr. Amoth over the years. He should have been confirmed four years ago, only that he was regarded as a person from a particular region.

Hon. Temporary Speaker, I thank the Kenya Kwanza Government for confounding us in many ways. They have done things that many people did not expect them to. One of those things is to confirm the appointment of Dr. Amoth. This is a position he should have held during the former regime. I am pleased with the Kenya Kwanza regime disregarding the ethnic orientation of individuals in Civil Service and appointing them to positions. We must appreciate this. I also appreciate the fact that something like this is good for the unity of the country. This is a motivation for civil servants to work very hard because they know they can get to senior positions in the Government on merit.

As I conclude, and allow others the opportunity to speak, I am convinced that with his appointment, the health sector in this country is going to be transformed. You have given Dr. Amoth the instruments he needs to make decisions that will help the health sector. I urge him to use his position to ensure that issues with doctors, nurses and clinical officers are resolved so that Kenyans can enjoy better healthcare services.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is Hon. Osoro, the Deputy Majority Whip.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, point of correction, I am the Majority Whip and not the Deputy Majority Whip. Thank you very much for giving me the opportunity.

I rise to support the Report of the Committee for two reasons. In 2020, Dr. Patrick Amoth stood out during the COVID-19 pandemic. As they say, leaders are noticed or identified during a crisis. In 2020, when the country was faced with the COVID-19 pandemic, Kenyans needed a person or people who would protect their interests, lives, speak out and help them fight what they were going through. At that point, Dr. Patrick Amoth was all over the media speaking, campaigning against COVID-19 and guiding people on how they should live and operate. The most unfortunate thing is that, amidst the challenges that we were facing, he was doing so in an acting capacity. He was not a substantive CEO.

Many Kenyans wondered how a person, as qualified as him, would act for all those years. I do not know why it has taken six years for people to realise that he needed to be substantive in the first instance. Many things happen to disadvantage those who are serving in acting capacities. First, decision-making is slow-paced. Sometimes, the people in those positions are threatened and blackmailed with losing those positions and confirmations. What Dr. Patrick did for this country in the acting capacity must have been just 60 per cent of his strength and capacity. If we confirm him fully, we will see what he will do for this country.

Hon. Temporary Speaker, all Members of Parliament from both sides of the aisle are pushing for the confirmation of that great son of the soil, doctor and public servant. We do not need to waste a lot of time on this. Dr. Amoth should be in the office already. This is us rewarding him for his service to the country. If there is a provision in law to confirm him for another term, then he deserves it again and again.

(Hon. (Dr) Lilian Gogo consulted loudly)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order! Order, Hon Gogo. I know the excitement. We will get to you. So please, let Hon. Osoro be heard in silence. Hon. Osoro, please, proceed and conclude.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon Temporary Speaker. Dr. Lilian Gogo is my mother-in-law. I do not want to... For that reason, I support this Report. She is cheering on her son-in-law.

(Loud consultations)

(Hon. Moses Kirima consulted loudly)

Hon. Temporary Speaker, please, protect me from the Bishop.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Members! Hon. Osoro, continue with your debate. Let Hon. Osoro finalise his debate.

(Hon. Moses Kirima consulted loudly)

Hon. Kirima, please, let us be orderly. I know you are listed to speak. You are going to get your chance.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. As I conclude, it is about time we also got a list of all officers serving in acting positions. If there is something we can do as a House, is to confirm the individuals who have served this country and given their all, but in acting capacities.

For that reason, I support the Report. Dr. Patrick Amoth should get to the office and serve Kenyans. We promise him our support and if he requires extra input from this House, we will be ready to support him. I congratulate him and support the Report.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Nabii Nabwera, the Member for Lugari.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Report by the Committee, as presented by the Chair. We all know that Dr. Amoth has suffered professional injustice. He has been acting for over five years and yet, he is duly qualified. We also know that Dr. Amoth managed the situation during the COVID-19 pandemic very well. He helped the Ministry and the country to surmount the pandemic.

When the management of Malaria was placed under him from 2019 to 2022, he did a commendable job of reducing the spread of Malaria by 29 per cent. A person of his stature must be given an opportunity to serve this country. I support the Motion to give Dr. Patrick Amoth a job as the Director-General of Health.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai). Hon. David Ochieng', please proceed.

Hon. David Ochieng' (Ugenya, MDG): Thank you, Hon. Temporary Speaker. I rise to wholeheartedly support this particular nomination. If you are looking for competence, erudition, integrity, patience, comportment and composure, that gentleman - that doctor - has shown that you can serve in any capacity with dignity and without making noise. Dr. Patrick Amoth has been where he has been for all those years, and I have not heard any single Luo, or anybody from Siaya, claiming that he has been targeted. I have not heard any Luo saying that he is not being promoted because of tribalism.

That gentleman has acted in his capacity with grace and humility. We have never heard him say that he is being passed because he is Luo. He did his job because he is a professional. During the COVID-19 period, when he spoke, the whole country calmed down. When he informed us about what was going to happen with COVID-19 and spoke about the numbers, the country calmed down because he was a voice of reason. If anyone has held the Ministry in his hands and palms, it is him.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order. Hon. Members, please, lower your consultations. They are too loud. Hon. Ochieng', please, proceed.

Hon. David Ochieng' (Ugenya, MDG): If there is anybody who has stabilised the Ministry in terms of turmoil, it is him. We saw Dr. Patrick Amoth going out during strikes - not just recently but over the years - and speaking to his colleagues in the profession with grace and humility. I want to thank the President and both Houses, Senate and the National Assembly, for doing a good job. I hope that future nominations for offices will follow this methodology. I know there is no Kenyan today who would come and say that he is not qualified. I do not think there is any Kenyan who would come and say that he is corrupt or that he is not competent.

So, as I stand here today to support this nomination, I want to hope that Dr. Patrick Amoth will continue doing what he does, this time round with renewed confidence, agility and renewed resolve, to ensure that the Ministry that he is going to be the Director-General is more stable. We do not want to see more strikes and issues as we go to implementing the social health scheme. We do not want to see teething problems because now we have a gentleman who knows what he needs to do and who has the power and the capacity to execute the job.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Lillian Gogo, Member for Rangwe Constituency.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the presentation by the Chairman of the Departmental Committee on Health on the proposed appointment and occupation of office by our very own son of Kenya, Dr. Patrick Amoth. When I go to the Kenya Medical Practitioners and Dentists Council, the first item that comes up is that Dr. Patrick Amoth has been acting. That acting capacity spoils his clean biography as a son of Nyanza. Sons of Nyanza do not act! They work, produce and project. Sons of Nyanza are people who have deliverables. So, whoever has been keeping Dr. Patrick Amoth in an acting capacity for five years - one, two, three, four, five years - should.... A son of Kenya, somebody who has risen through the ranks from a medical officer and a graduate of our very own University of Nairobi, being made to act for five years. What is wrong with Kenya? Why do we make our very own people act? I have never seen a foreigner come to Kenya to act. Why are we making Kenyans to act? They are acting like what? Why are they made to act? Why are those people making Kenyans to act? Remember our CEO of the National-Government Constituencies Development Fund (NG-CDF) acted for six years! What is wrong with those people? Why the malice and the evil? Thirteen years is heartbreaking.

It is an example that we do not want to show the young people. It is in the same hardness of the eyes that some people prevent others from ascending to certain offices, that they are also preventing young people from getting into certain offices. This must be stopped by law. This must be stopped by good morals. As I read further, Dr. Patrick Amoth has even worked in Kiambu and has also acted in United...

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

Hon. Dr. Lilian Gogo (Rangwe, ODM): Yes, to your point of information, Hon. Millie Odhiambo. I also want to congratulate you as a woman on being nominated to be our Minority Whip. Women are moving places.

(Applause)

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It was actually a point of information; not a point of order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I am obliged to ask Hon. Lillian Gogo whether she would like to be informed by Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): She has agreed.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): All right, please, proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. I have actually just been reminded by Hon. Nabii Nabwera here that I should inform my sister that there are women who have been acting all their lives as wives, and this must also be changed with immediate effect. Women cannot act as wives for all their lives, or for their entire life.

(Laughter)

Hon. Lilian Gogo (Rangwe, ODM): Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Millie Odhiambo. Hon Member for Rangwe Constituency, you are duly informed. So, please, proceed. I hope you are finalising.

Hon. Lilian Gogo (Rangwe, ODM): I thank you, Hon. Millie Odhiambo because I knew she was going to give me serious information. It is on the same breath that they make women act. You have substantive wives and you also have acting wives.

(Laughter)

So, they must also stop and make credible, substantive, loyal and recognisable wives. I hope that information helps you other than me and we need to be confirmed. We need all the women in this country to be confirmed as wives, not as acting wives.

My particular material was on the person of Dr. Patrick Amoth. Apart from getting his undergraduate degree course, this is a renowned obstetrician and gynaecologist. I stand here as a woman to support somebody who takes his life to make women health his own agenda. If I do not support Dr. Patrick Amoth for anything else, it is because he has specialised in the women agenda in his medical education. So, as I support him as part of the parliamentary group, and as a Member of Rangwe Constituency, I want to urge him that when he takes up the office, he should come up with more serious solutions to address the agenda of breast cancer among women. He should address the agenda of many gynaecological stigma that women face, including leakage of their urinary system after delivery.

How I pray that even in our education system, we do not allow our teachers to keep acting. You find that teachers act as deputy principals. They are kept in acting capacity until they give up. Once somebody has been put as a deputy school principal in an acting capacity, they should be confirmed so that they are encouraged to work.

You realise that there is normally a trend of suppressing certain excellent people especially if they are excellent academically. I want to urge this nation that Kenya must be one. Kenya must be united. Nobody is going to be made to act against the labour laws.

I thank you for giving me this chance, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rindikiri Mugambi, Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Report of the Departmental Committee on Health on the appointment of Dr. Amoth as the Director-General of Health Services.

This is a professional. We would like to sympathise with him for acting for many years, which is now gone. We are looking forward for Dr. Amoth taking up the responsibility because we are having many challenges in the Ministry of Health.

I support Dr. Amoth because during the COVID-19 pandemic, he risked his life and kept Kenyans informed every hour, 24/7, for almost a year. We are looking for dedicated persons to render services to Kenyans. Dr. Amoth is not only a son of Nyanza. He is a son of Kenya and that is what we need to be preaching here. What we need to be talking about here is how many years he has worked in acting capacity. What we want to hear is how many years Dr. Amoth is going to be given so that he can continue giving services to this country.

The Ministry of Health requires a lot of rejuvenation. Health is one of the key pillars of the Government of Kenya. His Excellency the President is very much concerned with the performance of the Ministry. I am supporting Dr. Amoth because I know when it comes to the Universal Health Care (UHC) services, which the Government is trying to do, Dr. Amoth is going to be a key pillar in ensuring its success. We should not politicise this. This is a serious gentleman. He has travelled everywhere. I know that gentleman personally and he is a man of integrity, which is what we are looking for.

With those few remarks, I support Dr. Amoth to be confirmed as Director-General of Health.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I have known Dr. Amoth for many years.

(Hon. Gathoni Wamuchomba spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Gathoni Wamuchomba. If you have a point of order, you need to press the intervention button instead of shouting. Let us continue with Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I have known Dr. Amoth for many years. I have many members of my family in the medical field, among them doctors, and I have known him as a very dedicated and able doctor and a health sector manager. When you give somebody a position on account of pure meritocracy, this country will go far. The problem in our country is that we do not give the right job to the right man or woman. It is because of that, that we are not performing as a country as optimally as we would wish to. I do not want to belabour this point. His professor who taught him is in this House, Professor Jaldesa, and those of us who have known him as...

(Hon. Abdirahman Mohamed crossed the aisle from the Minority to the Majority side without bowing)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Farah Maalim. What is the name of that Member who has just crossed the Floor to the other side from where Hon. Esther Passaris is? Please, do the necessary.

(Hon. Abdirahman Mohamed bowed)

Please, proceed.

Hon. Farah Maalim (Dadaab, WDM): I do not want to belabour the point too much. The record of that doctor speaks for itself. This House is going to approve him unanimously and I am sure he is going to do a very good job. Not a single Member of Parliament has had any reservations about Dr. Amoth because his record speaks for itself and we are very happy. I am also happy that we will have the health sector in the hands of an able Kenyan.

Hon. Temporary Speaker, with those few remarks, I support Dr. Amoth's nomination to this position. I call on the Members to support him once he takes up the position because there is need for a political good will for him to perform optimally in that position. On my part, I can promise him I will give him all the support he needs. Thank you. I rest my case.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Melly, Member for Tinderet Constituency.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Report by the Departmental Committee on Health.

Dr. Patrick Amoth has shown that he served with integrity, dignity and commitment to work. In fact, during the COVID-19 pandemic, he showed that he was capable of giving a lot of technical advice on medical issues and, therefore, averted a crisis in this country. His knowledge on health issues assisted during that particular time.

The Chairman of the Departmental Committee on Health has given us a very detailed report about the education background and the work he has done in the Government. One of the things that is coming out very clearly is that Dr. Amoth is a very committed civil servant. He is a man who loves his work. He is one person who has done his work very well and this is

something that other civil servants and people who are appointed in the Government should emulate. They should make sure that whenever one is appointed, he or she should serve with integrity, dignity and passion to assist the people of this country.

The offices that we hold are not meant for us, but are meant to serve the people. They are meant to ensure that we deliver on services. We should make sure that if drugs are needed or if an intervention is required in a particular area, the officers in charge should intervene and make sure that they serve the people. In this House, we have discussed many Government officers. Very soon, we shall be discussing the issue of the Inspector-General and many others. It is upon the Members to ask those who have been appointed to serve the people of this country with all the dedication, passion and commitment. They should have integrity and fairness so that we can have a nation where services are provided without any problem.

I support and urge that we pass this Report unanimously. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. The Hon. (Dr) Nyikal, Member for Seme.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the Committee Report on the appointment of Dr. Amoth. When Dr. Amoth appeared before the Committee, he had passed through the correct process. We looked at all the processes and confirmed that they were correctly carried out. He appeared before the Joint Committee of the National Assembly and the Senate on Health and met all the requirements, including the integrity requirement from the Ethics and Anti-Corruption Commission (EACC), Article 6 of the Constitution and the Public Service requirements.

What is more important is the technical competency of Dr. Amoth. People have said that Dr. Amoth worked in his competence area while acting as the Director-General for Health. However, what validates his competency more than anything else - which was an embarrassment to the people of Kenya - is that he was elected as the Co-Chairperson of the Executive Board of the World Health Organization (WHO). One is elected as a Co-chairperson by the board of directors and ministers of health from 50 countries in the world. The board of directors saw it fit to appoint Dr. Amoth as their co-chair. I interacted with Dr. Amoth on two occasions when I was at the WHO Assembly. The whole world was looking up to him. He was chairing many committees and was asked to comment on everything. He was recognised worldwide as a competent health administrator.

Personally, I was satisfied with the way he answered questions during the interview. His understanding of the Ministry structures was perfect. We could not have found a better person for this job. Definitely, I did not need any assistance to assess him on his technical competence because he did a good job.

There were issues that came up through a memorandum that questioned his competence. One of them was the issue of clinical officers. When we listened to his responses, we discovered that it was a policy issue that needed not to be raised. The other issue was termination of pregnancies. When we questioned the person who brought the memorandum, we learnt that the complaint was about vaccination and reproductive health. Dr. Amoth answered competently on vaccines. I do not have to gain-say how he managed the COVID-19 pandemic.

I will tell Dr. Amoth that – and he understands this – but the biggest challenge in the health sector is the harmonisation of the national policy at the headquarters and the delivery at the counties in terms of human resource, supplies in drugs and pharmaceuticals, financing, particularly the Social Health Insurance Fund (SHIF), and the issue of the Universal Health Coverage (UHC). I am sure he is up to the task. He will do it and help us achieve the UHC if he is given the opportunity. With that, I support his appointment.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Professor Guyo Jaldesa.

Hon. (Prof) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker, for giving me this chance. I support the Committee Report. This is also my Committee. To put the records straight, I examined and passed Dr. Amoth as a post-graduate student at the University of Nairobi. Fortunately, I also vetted him at the Committee level. For that, I want to assure the House that Dr. Amoth is a highly qualified and competent individual who is ready to serve the country in that capacity.

The other thing that I need to state is that Dr. Amoth flew the Kenyan flag high when he served as the Co-Chair of the WHO Executive Committee. So, from the years he has worked there, he is fully baked and competent to serve in that capacity. I support the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. I can see so many points of order. Hon. Jared Okello, what is out of order?

Hon. Jared Okello (Nyando ODM): Thank you very much, Hon. Temporary Speaker. There seems to be a general consensus that everybody in this House is for Dr. Amoth without any contestation. On that breadth, I ask you to indulge us and call upon the Mover to reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Well, I can see a lot of support for that proposal from both sides of the aisle. However, I will put it to vote.

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

Mover.

Hon. (Dr) Robert Pukose (Endebess, JP): Hon. Temporary Speaker, I want to thank the Members for overwhelmingly supporting the Committee's position. I want to also thank the Departmental Committee on Health of the National Assembly.

I beg to reply that Dr. Patrick Omwanda Amoth be approved as the Director-General for Health.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members. I will go ahead to put the Question.

(Question put and agreed to)

Next Order.

MOTION

ADOPTION OF REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture. Is the Chairperson in the House?

Hon. Wangwe, please, proceed.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker. I beg to move:

THAT, this House adopts the Second Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the reports of the Auditor-General on the financial statements of the Kenya Medical Training College for the financial years 2017/2018 to 2020/2021; the Kenyatta University Teaching Referral and Research Hospital for the financial years 2019/2020; the Kenya Medical Research Institute for the

financial years 2012/2013 and 2013/2014; the Kenya Medical Laboratory Technicians and Technologists Board for the financial years 2014/2015 to 2020/2021; and the Kenya Medical Practitioners and Dentists Council for the financial years 2017/2018 to 2020/2021, laid on the Table of the House on Thursday, 22nd February 2024.

During deliberations by the Committee, various issues were discussed. The Report is shared in two versions. Version one has general Committee observations and version two has specific observations on specific entities that I have listed above. Allow me to begin by sharing with the House the general Committee's observations and recommendations. One, is lack of ownership documents on land and building.

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

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Committee observed and noted with concern that the five highlighted corporations did not possess title documents for land and buildings in their occupation. A case in point, is Kenya Medical Training College (KMTC), which did not possess titles for the 19 listed parcels of land with a total acreage of 248.68 at the headquarters and constituent colleges valued at 350,735,000, and Kenyatta University Teaching, Referral and Research Hospital (KUTRRH) which does not possess title and ownership documents for 100 acres of land that it sits on. You can imagine an institution like KUTRRH sitting on land without a title deed, with the massiveness of the infrastructure that is built on it. KMTC does not possess title deed for various parcels of land, valued at Ksh227,642,500 and yet, it is the headquarters of Kenya Medical Research Institute (KEMRI) with a size of 8.083 hectares.

KEMRI also has 1.34 hectares next to Kenyatta National Hospital; 2.705 hectares in Kilifi; 2.023 hectares in Kwale; 2.4282 hectares in Mbagathi Road and 4.047 hectares in Taita Taveta. All those parcels of land are owned on paper but are without title deeds. It should be noted that under the International Public Sector Accounting Standards (IPSA), you can only put figures to paper if at all you have the ownership documents, so that you can say: "These are our assets." And you can imagine where they have placed all the five institutions. What does it translate into? They cannot value the land.

The Committee further observed that KUTRRH does not possess ownership documents of the said 100 hectares that it sits on, and it cannot value the said land because they have no title for it. Therefore, whatever they state in their books today cannot be authenticated. All the five institutions cannot be authenticated. The Committee has recommended that within three months, upon the adoption of this Report, the accounting officers of the affected State corporations should liaise with the Cabinet Secretary for the Ministry of Land, Public Works, Housing and Urban Development, and the National Land Commission, to fast-track the process of securing ownership documents for the corporation land. The accounting officers of the affected State corporations should report to the National Assembly within a period on their status.

We also recommended that the accounting officers of the various State corporations should ensure that the entities' assets are valued periodically. Once they get the title deeds, they should proceed to value the assets periodically, and the actual values included in the financial statements. The fair value of land should be disclosed in the financial statements in accordance with the International Public Sector Accounting (IPSA) reporting standards.

We also saw, as a generality in the reporting, delays in availing documentation to the Auditor-General. It is against the law, and especially Article 26 of the Constitution and Section 68(2) of the Public Finance Management Act, 2012, not to avail documents to the Auditor-

General for audit. In general, most of those organisations did not avail documentations to the Auditor-General. And what surprised the Committee is when the accounting officers purport to carry volumes of documents that they had not given out during the audit, which makes auditing difficult.

We would, therefore, be recommending that organisations which did not give all the documentations to the Auditor-General at the time of audit should do the following:

The accounting officers should comply with the provisions of Section 68(2) of the Public Finance Act of 2012 by submitting all the required information for audit within the stipulated time.

Within two months upon the adoption of this Report, any accounting officer who fails to provide the required information for audit pursuant to Section 62.1 of the Public Audit Act, 2015, be prosecuted for the offence pursuant to the Public Audit Act of 2015.

We, therefore, ask the Committee on Implementation to enforce the Public Audit, Act and especially, Section 62.1. Let the accounting officers abide by the provisions of Section 68.2 of the Public Audit Act of 2012. As a generality, we also observed delays in the appointment of the board of directors.

We noted with concern that some State corporations were operating without a properly constituted board of directors. The anomaly was attributed to delays by the appointing authority to fill the vacancies once they arise. Two or three of the above five operated without the board of directors. That, in itself, would make an institution lack the corporate image that helps it to make decisions.

Our recommendations are that within three months upon the adoption of this Report, the relevant appointing authority for the respective board members should ensure that all the existing vacancies for the respective State corporations be promptly filled and, in the future, the tenure of the board members be staggered to avoid a situation where the term of all board members expires at the same time. We know that some board members are appointed by the Executive through the various line ministries and others by the President. We cannot point at one but, instead, we make it as open as that.

We also recommended that the Committee reprimand the then Cabinet Secretary for Health for failing to fill the vacancies that existed in the Board of the Kenya Medical Laboratory Technicians and Technologies for four years, between 2018 and 2022. That is a vast period and yet, the authority is on the Minister to fill the board. Why did he not do it? We also noted another generality or observation on irregular procurement processes and management of contracts.

There were concerns that some State corporations undertook irregular procurement processes contrary to the provisions of the Public Procurement and Asset Disposal Act of 2015, and their tenure regulations, legal notices and Government circulars, leading to the inflated costs of projects. Additionally, some contracts were managed poorly, leading to delays in completion, regularly causing variations and thus, causing unnecessary escalation of costs. There were cost variations that were enormous.

Usually, there is variation allowable of 25 per cent but in two or three organisations, as you will see in the detailed Report that came up, and which had some of them go beyond the 25 per cent. That, in itself, is an irregularity. We would, therefore, make the following recommendations:

That the accounting officers of State corporations should, at all times, adhere to their budget's proper procurement planning, project management and undertake credible feasibility studies to prevent irregular variations during contract implementation.

Should any breach be observed, the penalties prescribed in the Public Procurement and Asset Disposal Act, 2015 and the Public Finance Management Act, 2012 should be evoked by the Director of Public Prosecutions (DPP) on persons found culpable, and be mentioned.

The accounting officers of State corporations should, at all times, comply with the provisions of Section 139 of the Public Procurement and Asset Disposal Act, 2015. The relevant authorities should act against those who may have contravened that section of the Act.

Another matter that came up as a general issue is litigation. We observed that there are matters pending in court with respect to five State corporations. The Committee observed that a number of litigations concerning ownership of the land of State corporations and other legal matters have been pending before the courts of law for inordinately long, despite resolutions of the House through previous PIC reports calling for expeditious conclusion of the cases. Most reports by PIC talk of a time-frame for conclusion of legal issues. Some of the cases were not even supposed to be in the courts of law. They were supposed to be taken to arbitration. No action has been taken by the various State corporations. In the detailed Report, you will be able to see that.

We have, therefore, made the following general recommendations. That within three months upon the adoption of this report, the accounting officer whose lands are subject to legal suits or have other pending cases pertaining to the corporations should liaise with the Office of the Attorney-General and petition the Judiciary to consider prioritising and expediting the conclusion of the cases with a view of restoring the land to the public. We seek that they petition the Judiciary because the mandate of making any legal decision is on the Judiciary. The Judiciary is held in trust because it also serves the general public and the land is for the public. Let the Judiciary put its feet down so that it can quickly decide on matters of land where Government institutions sit and have built infrastructure.

Two, we recommended that the accounting officers should strive to embrace alternative dispute resolution (ADR) mechanisms to resolve disputes before going to courts. Most of the cases would have been decided through an ADR mechanism, but accounting officers let them go to court.

The sixth observation that we made on the five institutions is delayed recovery of receivables. The Committee particularly noted that the Kenya Medical Research Institute (KEMRI) was in breach of Section 71 of the Public Finance Management Act, 2012 and the attendant regulations that require surrender of imprests within seven days upon the conclusion of the assignment for which the said imprests was issued. KEMRI sends students overseas to undertake studies, but they do not consider the reconciliation of imprests. Officers go out and come back at will. Year-in and year-out, officers do not surrender their imprests. That, in itself, is against the law. We recommended that the accounting officers should ensure that imprests advanced to officers are surrendered within the stipulated period of seven days after their return to the workstation, in accordance with Section 93 of the Public Finance Management (National Government) Regulations of 2015.

Within six months of the adoption of this report, we also recommended that the accounting officers who will have failed to take the necessary steps to ensure that all outstanding imprests within their jurisdiction are recovered from their due date be surcharged the full amount due and interest at the prevailing Central Bank of Kenya (CBK) rate. This is a *laissez-fair* attitude by the accounting officers who simply watch imprests not being surrendered and they continue disbursing more to the same officers and yet, they are the custodians of the same law. In a situation where the accounting officer does not recover the money, we should then recover the money from him or her. This is so that they are held accountable to that extent.

Having highlighted the generalities in terms of observation, allow me to go to a few specific entities that had issues, as I had mentioned. There are issues on receivables, which I would want to highlight, especially at the Kenya Medical Training College (KMTC). There were observations on the 23rd Report of PIC touching on receivables from exchange and non-exchange transactions. We noted that the KMTC Board of Management had recommended a

write-off of Ksh21,831,115 and Ksh19,812,181 owed by Kenyatta National Hospital (KNH) and the Ministry of Medical Services, respectively. However, the approvals in this respect have not been obtained from the Ministry of Health. Two, the audit query on accumulated land arrears by the University of Nairobi had been considered in the 19th Report of PIC. The Committee recommended for speedy resolution of the matters and the return of the property in question. Those are two issues. The recommendation had been put to the Ministry by the Board to approve a very simple write-off, which was to be transmitted to the National Treasury in accordance with the law. The Ministry has stuck on this right. Therefore, the books of KMTC are always loaded with this as a receivable and yet, the Board has confirmed that, that money cannot be a receivable. There is also a dispute arising from the relationship between KMTC and the University of Nairobi with respect to the rental units they have. This is a very old matter that we need to look at and avoid loading the books of KMTC with unnecessary receivables which are not there.

The Committee recommended that within three months upon the adoption of this Report, the National Treasury, the Ministry of Health and the Ministry of Education should first-track the resolution of the matter that is raised in the audit query and the observation of this Committee and report back to the National Assembly. We also recommend that the select Committee on Constitution Implementation and Oversight should follow up on the implementation of the PIC recommendations pursuant to its mandate. There are about four recommendations touching on the issues we are discussing today. If we can follow up on those two recommendations, we should expect to bring this matter to an end. We should not overload the books of KMTC to look as if it has money receivable and yet, we are not helping the organisation.

We also noted from the books of KMTC the issue of ownership documents, where 22 parcels of land located at the headquarters and constituent colleges, with a total acreage of 277.587 acres, are valued at Ksh502,485,000. It is only the Nairobi, Kakamega and Port Reitz campuses that possess title deeds. It is very shocking that all the other campuses do not possess title deeds. In the absence of the valuation report for the 32 parcels of land, the property, plant and equipment balance reflected in their own books as Ksh6,393,208,699 as of 30th June 2018, was not fairly stated. You can, therefore, see that you are burdening the books with Ksh6.3 billion but in real sense, you cannot confirm the figure.

Our recommendation to the institution is that within three months upon the adoption of this Report, the accounting officer should liaise with the Ministry of Lands, Ministry of Health and the National Land Commission (NLC) to ensure that they secure ownership documents for all the college land and report back to the National Assembly.

I wish to bring a specific observation touching on Kenyatta University Teaching, Referral and Research Hospital (KUTRRH). On the issue of property, plant and equipment, the Committee observed that the hospital does not possess title deeds and ownership documents for the 100 acres of land that it sits on. The management of the hospital has made efforts to acquire ownership documents. However, the title deed has not been issued in the name of KUTRRH. The land has not been valued by a competent and registered valuer. Therefore, the value they presented to us of Ksh5,320,106,243 reflected the financial statement as at 30th June 2020, which could not be confirmed. When you look at the area around the hospital and the installations on that land, it cannot be valued at Ksh5.3 billion. It is definitely more than that. We recommend that within three months upon the adoption of this Report, the accounting officers should liaise with the Chief of Staff and Head of Public Service, the Cabinet Secretaries for Lands and Health, and NLC to ensure that they secure ownership documents for all the land and report back to the National Assembly.

As an observation, in the books of Kenyatta University Teaching, Referral and Research Hospital (KUTRRH), we also noted that the accounting officer incurred an over

expenditure of Ksh8,147,790, thus breaching Section 12 of the State Corporations Act Cap. 446. Without the prior approval of the Cabinet Secretary of the National Treasury, in writing, that law requires no state corporation to incur any expenditure for which provisions have not been made in Annual Estimates. That money was irregularly paid to the board of directors.

What do we recommend? We recommended that the Committee reprimands the then accounting officer for violating Section 12 of the State Corporations Act Cap. 446. Within three months upon the adoption of this Report, the Director of the Inspectorate of State Corporations should surcharge the then accounting officer and the then board of directors, with interest and at the prevailing Central Bank of Kenya rates, for the irregular expenditure. The Director should provide documentary evidence on the recovery and the surcharge. Those Directors paid themselves all the Ksh8 million. Whoever paid them, plus themselves who received that money, should be surcharged. The Government should recover and repossess that money.

We also noted irregular employee costs. The accounting officer breached Section 8 of the State Corporations Act Cap. 446 on irregular payments of medical allowance referred to as locum, amounting to Ksh30,844,552 to medical staff without the approval of the Board. The Salaries and Remuneration Commission (SRC) is the only authority that is outlined in the Constitution to approve salaries and allowances for officers working in Government positions. However, there was no evidence provided to prove that the SRC approved the locum after an approval by the Board of Kenyatta University Teaching, Referral and Research Hospital (KUTRRH).

In light of that, we recommended that the Committee reprimand the then accounting officer for violating Section 8 of the State Corporations Act. It provides that two-thirds of the total number of members of the board shall be the quorum for conducting business at a meeting of a board. The decision to pay the Ksh30 million was arrived at when the board was not fully constituted. It meant that it was a way of making some ill recommendations to pay out the Ksh30 million without the recommendation of the full board. The Committee reprimands the then accounting officer for failing to adhere to Article 230(4)(a) of the Constitution. Within three months upon the adoption of this Report, the EACC should investigate the conduct of the then accounting officer and the then board of directors on the payment of locum amounting to Ksh30,844,552 to ascertain any impropriety. The ODPP to take the necessary action should any officer be found culpable.

The final issue we observed at KUTRRH was non-submission of assets and liabilities register. The then accounting officer for KUTRRH was in breach of Section 143(1) of PFM Act (National Government Regulations) of 2015. That law requires the accounting officer to be responsible for maintaining a register of assets under his or her control. Two, the accounting officer failed to submit to the National Treasury the assets and liabilities register for the year ended 30th June 2020 as required by the National Treasury Circular No. 2320 dated 14th October 2020. This could be a conspiracy by officers of KUTRRH to conceal the assets of the hospital, for their own interest.

What do we recommend? We recommend that within three months upon the adoption of this Report, the accounting officer should comply with the provisions of Regulation 143(1) of the PFM Act (National Government Regulations) of 2015. The accounting officer should submit an assets and liabilities register to the National Treasury as also required by Circular No. 2320 dated 14th October 2020. The updated fixed register assets should be submitted to the National Assembly and the Auditor-General for verification and reporting in the subsequent audit cycle. Failure to that, disciplinary action should be taken against the accounting officer in accordance with Section 74 of the PFM Act of 2012.

On the third institution, KEMRI, we heard issues with the plant, property plant and machinery. The Committee observed that the matter was considered in the PIC Report No. 19 in which the Committee observed the following: KEMRI failed to make available title

documents of the aforementioned parcels of land for verification; thus, making it impossible to confirm the ownership status of the parcel of land. That is in contravention of Section 37 of the PFM Act. This is a case of nine years since the audit revealed the issue of the land. No replacement or surrender of the title has been realised. The accounting officer provided provisional certificates of title for LR 82774 and LR 78302.

What do we recommend? Within three months upon the adoption of this Report, and because those matters cut across ethics and criminality, we feel that the EACC and the DCI should investigate how the former CEO, Dr. David Koech, failed to hand over the institute's title deeds or the corporation's parcel of land under their custody. Who holds them? In whose name? Should any person be found culpable, the Director of Public Prosecution should take the necessary action. Here, we lifted the recommendations of the former PIC Report in their 19th Report. Therefore, it is the same. We brought it together since the audit report carried each other in a similar way.

Another issue came up as another observation on KEMRI - residential staff housing. We see that the 19th Report of PIC considered the matter. However, the matter regarding ownership and cancelation of the land title deed where staff houses are situated is still questionable. They built many staff houses but nothing has been taken. Now, something new came up in the audit of that staff housing. There is purported transfer. Despite the National Treasury making payments totalling to Ksh422 million in respect of clearing the loan due to the National Bank of Kenya on behalf of the Shaffer Enterprises Limited. The National Treasury paid Ksh422 million but the ownership title was not transferred to KEMRI.

Something seems to have gone wrong in between the transfer of title from Shaffer to Cambridge. This is the new matter that has come up in this audit. We recommend that, within three months upon the adoption of this Report, the EACC and the DCI should investigate the then accounting officer of KEMRI and the officers of KEMRI involved in the procurement transaction of the land in question. They should also investigate the Directors of Shaffer Enterprises Limited, the then and current Managing Director of the National Bank of Kenya, and the then Permanent Secretary of the National Treasury as the officer who authorised the payment of Ksh422 million with a view to establishing culpability to fraud. The DPP to take the necessary legal action should any person be found culpable. On payment without a title, to whom and for who did they pay? The title is nowhere to be traced.

The Kenya Medical Laboratory Technicians and Technologies Board is the last institution we went through. We observed that the dispute between the Kenya Medical Laboratory Technicians and Technologies Board and the Prime Communications Limited concluded through a court ruling. The board was ordered to pay Ksh13,400,000 in phases. The case has been settled and payables paid. Arising from the foregoing, the Committee also made some observations. The contract dated 30th December did not expressly state the contract sum or the basis of charging fees.

The accounting officer decided to give a plain order without any summation of the amount on what to pay in advertisement between the Board and that Advertising Prime Communications Limited. As a result of that, the court ruled in favour of the company and surcharged the organisation Ksh2,524,750, which was a surcharge on the invoice. Even the prime amount was not determined. Therefore, the Committee recommended that within three months upon the adoption of this Report, the accounting officer should fully implement the Committee recommendation as contained in the 20th PIC Report that recommended the Board to institute a debt recovery system to avoid undue delays in debt collection.

There is also the issue of financial position touching on this organisation. The matter which had also been considered in the 20th Report of PIC, where the Committee observed that the Board lacked sufficient personnel to assist in enforcement of inspection to raise more revenue. In that respect, the Committee recommended that the parent Ministry and the National

Treasury allocate funds to the Board to enable it to streamline its operations, including recruitment of more staff. The Board is still struggling to finance its operations despite the Committee recommendations. The Board operations rely on the revenue received from registration and licensing of medical laboratory technicians and technologists, which is inadequate to finance its operations and run as a going concern. Therefore, we recommend that within three months upon the adoption of this Report, the Principal Secretary for the State Department for Public Health and Professional Standards, in collaboration with the Attorney-General and the National Assembly, initiate the legal process to amend Section 33 of the Medical Laboratory Technicians and Technologists Act (No.10 of 1999) to expressly provide appropriation of funds by the National Assembly as one of the sources of funds to the Board.

This is one case where the Board suffers a lot. It is not entitled to get funds from the appropriation account. But when you look at the activities that the Board carries out, they are entitled to get funds from the appropriation vote. Therefore, it is our considered opinion that we should initiate that process. We will do it either as a Committee or any other Member can take it up and process it, so that we amend Section 33 of the Act to allow the Board to get funds.

Finally, on the Kenya Medical Practitioners and Dentists Council (KMPDC), we observed as follows: On account of the critical mandate of the Council, the Committee noted that there is need for it to be supported by the Exchequer. This is another organisation with the same problem. The Council operations rely on the revenue received from registration and licensing of doctors and health facilities, which is inadequate to finance its operations and run as a going concern. We recommend that within three months upon the adoption of this Report, the National Assembly should do the same and initiate the legal process to amend Section 25 of the Kenya Medical Practitioners and Dentists Act to expressly provide for direct disbursement of funds to the Council without the Ministry seeking approval from the National Treasury. The caveat in this Section 25 is that for you to get any allocation, the Ministry has to seek approval from the National Treasury before it appropriates funds, which is contrary to the current Constitution. The Constitution provides that the Ministry should initiate the budget process for sector roles so that it goes upwards to the National Treasury, which is the opposite. So, I implore my colleagues on the Committee to take up the role it deserves, so that we initiate the process to make sure that we amend Section 25 of this Act for the Board to get funds directly from the exchequer.

Hon. Temporary Speaker, I beg to move and ask my colleague, the great Member, Hon. Martin Peters Owino, commonly known as *Wuod Chief*, to second.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker, for giving me this time to second this Motion. I thank my able Chair for such eloquence and specificity in moving the Motion. We interrogated about five corporations. Some had very voluminous documentation, but we went through all of them. Allow me not to go into the specifics because my Chair has really mentioned many of them. I want to highlight some things that bedevil those corporations.

We invest in State corporations in order to get the good out of them to plough back for social good for Kenyans. It appears that some are not doing well. It is because of the reasons that we are unearthing, so that they can be looked into and corrected. One of them which came out very clearly from my Chair is the issue of land. Many chunks of land in prime areas have no documentation or title deeds. People encroach into those parcels of land, which attracts litigation. As you know, litigation also attracts expenditures, which eats into the same coffers which we are trying to get out of this corporation to invest somewhere else. Also, those parcels of land were under-valued in some circumstances. Sometimes, they have no value. They are just there in the books.

The other glaring issue which came up was the Board's formation. Some corporations had delays in the formation of the boards. As you know, the boards hold fiduciary responsibility in making decisions and overseeing the management. Lack of boards interfered with checks and balances. That means money was lost here and there. That also speaks to the irregularities in procurement, which the Chair has talked about. Many a time, we had inflated costs, irregular advertisements and escalations because of delays. That cost those corporations a lot of money, especially when they were implementing projects.

Checks and balances were not as tight as we expected as a Committee, for the programmes to be flawless. Also, there was no accountability and responsibility needed in running a proper corporation to give returns. At times, the workplans were not properly followed. You find that what ought to have been done six months earlier has not been implemented. There were reasons for this, with some coming from the corporations. One of the reasons was the budget and the exchequer release. As a House, we should do something. Most of the time, those corporations start projects and almost at the end of the fiscal year, absorption of funds has not happened because the Exchequer did not release the money on time. What does that do? If a project runs into another fiscal year, definitely you will have project overrun. And that is expensive. It will eat back into the new allocations.

We found the budgets were not realistic in some of them. Of course, that had an effect on projects. If you under-quote or under-budget, you cannot finish projects. You will have to look for additional resources that may not be forthcoming. Projects stall most of the time, thus causing many overrun costs. As mentioned by the Chairperson, some of fixed assets registers were lacking. Those available were not updated at all. You would find a whole team without updated fixed assets registers. We found that very unprofessional.

Lastly, I appeal to the Committee on Implementation. When we were going through all those issues, we found items that previous Public Investments Committees recommended and have not been acted upon. Our work as a Committee is to recommend what to be done. We have asked that some be done in three months and others in six months. The Committee on Implementation that is also in this House is called to bite. The EACC or the ODPP should follow up issues that are recommended to them to make sure they are corrected. We should not get into another fiscal year and come back to the Committee again.

Members, I urge you. Please, support this Motion and adopt it so that it goes straight to the Committee on Implementation. We can deal with other years when we get into another fiscal year. Not this one. With those few remarks, I second.

(Question proposed)

The Temporary Speaker (Hon. Farah Maalim): Hon. Member for Wajir North. Proceed, Hon. Saney. Please give him the microphone.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker.

The PIC Report is very comprehensive. A quick scan of it tells there are commonalities in the audited institutions. That is the Kenya Medical Research Institute (KEMRI), Kenyatta University Referral Hospital and the Kenyatta National Hospital. There are governance issues and the fact that boards are not constituted at the right time. That breeds much complacency in work ethics and how those organisations operate. It breeds corruption because the essence of having a board in every organisation is to ensure that its governance issues are done at their best. The best practices that are common in managing such organisations have been lacking. I believe that is the root cause of issues where the managements of organisations are supposed to be accountable.

Land issues are common in all the reports of those organisations. They do not have title deeds to the pieces of land that they own. Land being an asset has a big impact or consequence

on their audited accounts. At this point, I do not know why such national institutions like KEMRI, Kenyatta University Referral Hospital and the Kenyatta National Hospital cannot up to now have title deeds in their names. That raises serious questions on the governance aspects too. That is why their audited accounts have issues.

Valuation of their land is also a problem because they do not have title deeds. That is what affects their audited accounts. The boards of directors are not always in place at the right time. Of concern to me are issues touching on procurement. We still have procurement issues in all the organisations that the Report covers at this point when we have a pragmatic, very promising and progressive Constitution of 2010 that has put a high threshold on establishing the legal framework to manage procurement. Our Constitution has set standards that procurement practices must be competitive, fair, transparent and cost-effective. Any procurement law must be anchored there. It is very demotivating that Kenyatta National Hospital, KEMRI, Kenyatta University Referral Hospital and other institutions, cannot ensure to meet those constitutional requirements or threshold. There is pilferage of public funds.

Of concern to me too is the fact that some CEOs are acting. This House has just approved the Director-General of Health, who has been on an acting capacity for some five years. Why should CEOs be in acting capacity for five years? That is what breeds corruption because CEOs are held hostage. They are not substantive holders of their offices. They will be rendered indecisive because they are not the substantive office holders. That cajoles or 'kind of' asks them to comply with some ungodly practices. That means corruption thrives in such institutions just because there are no substantive CEOs.

Another concern is that such big national institutions have issues with the recovery of imprests. Even smaller institutions have policies on managing their imprests. It is a big concern that Kenyatta National Hospital – which is the national referral hospital - and KEMRI have issues to do with imprests. I believe time has come that the law must be followed to the letter. I am sure corruption is a big concern as we speak. The only way to do away with such practices is to make sure that everybody behaves ethically and knows it is criminal to use Government funds and not account for them.

With those few concerns, I believe it is time to improve on the governance aspect of all those organisations. More so, such gigantic institutions should be the best to lead in accounting for taxpayers' money. I support the Report. I wish those big institutions were the ones mentoring and leading the way for other institutions to follow. I support.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Turkana North, Hon. Ekwom.

Hon. Paul Nabuin (Turkana North, ODM): Thank you, Hon Temporary Speaker.

I am a member of this Committee. I thank the Chairperson and Members for taking their time or our time to put up this Report. The Chairperson, in sharing the details of the Report, has put much across. I just want to add a few.

Hon. Temporary Speaker, one of the things we identified while interrogating the Auditor's reports and the staff of the different institutions was that there was a lack of enterprise-wide risk management in most of the institutions. This is a requirement for institutions. A lack of it is a big challenge in managing public resources that have been invested in those institutions.

As alluded to by the Hon. Chair and the other speakers, most of those institutions sit on parcels of land that do not have title deeds. Because of that, some parcels of land have been grabbed by private individuals to the extent that there are many cases in court, which cases attract costs to the affected institutions. So, the Committee recommended that all the land that the institutions sit on and purport to own must have title deeds. That way, they will be able to protect them from land grabbers and make use of them.

Hon. Temporary Speaker, the other glaring thing in the Report and from interactions with the institutions is the issue of imprests which have not been recovered for a long time. There are policies that guide use, utilisation and recovery of the same, but that has not been followed. The Committee recommended that this must be done within three months.

The other thing that has also been so glaring in most of those institutions is that when auditors visit, documents are not made available, or a long time is taken to make them available to the auditors. By the time the audit reports are concluded, auditors are not able to confirm some of the queries that come out of those audits. So, we encourage personnel in those institutions to ensure that the necessary documents are availed to the auditors so that they can confirm whether public resources have been utilised well.

Hon. Temporary Speaker, as also alluded to by the previous speakers, let me pick an example of Kenyatta University Teaching, Referral and Research Hospital (KUTRRH). This is a Level 6 Hospital, though younger than the others. Despite that fact, there are many things that are not right. First, the title deed of that institution has been in dispute for a long time. That is because the land that the hospital sits on is part of Kenyatta University. There has been a problem, and I believe that the problem is the University. It should either get out of the land or provide the title deed for the land that is meant for the hospital. We have made strong recommendations to the Head of Public Service to expedite the process of getting the title deed for KUTRRH.

Again, about that university hospital, and this may have to be confirmed by the Committee on Implementation, there is a CEO who, for a long time, has not been confirmed and yet, the human resource manual that is in place at KUTRRH allows only for an acting position for six months. This is not being followed in most institutions, as we realised in the audited statements. Such a serious institution needs to confirm its CEO.

Hon. Temporary Speaker, I want to leave it at that. I support this Report.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Githunguri, Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Madam Speaker. My name is Gathoni Wamuchomba.

The Temporary Speaker (Hon. Farah Maalim): Order. It is not a Madam Speaker.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Mr Speaker. My apologies. My name is Gathoni Wamuchomba. I just needed to clarify that.

I rise to support this very detailed Report from the Public Investments Committee on Social Services, Administration and Agriculture. I must confess that the Committee has done quite a commendable job. Matters of land are very complicated. Auditing land in the hands of State corporations and authorities, sometimes, becomes complicated because the accounting officers have a lot of bureaucracy in getting the right and relevant documents that are supposed to be used during the audit.

Auditing land that pertains to universities like Kenyatta University, the land that was used to settle KUTRRH, is something that gives me excitement because I am not only an interested party in the land, but I am a neighbour too. As you may all know, sometimes, when a neighbour's compound has issues, you also have issues.

Hon. Temporary Speaker, allow me to congratulate the Committee because they have outlined issues that have been a pain to communities that use that land for a long time. How I wish that, that kind of in-depth audit could also happen to the pieces of lands that are now being used for special economic zones. This is because the issues that I have seen from this Report sound similar to issues we are hearing from communities that are now getting accommodated within the special economic zones. I hope that the Committee has the mandate to also do an audit on the many parcels of land that we are handing over under that kind of programme.

Hon. Temporary Speaker, I am very much concerned about the title deed issues. The Report clearly states that there are Government-affiliated institutions that own land by paper, but do not have title deeds. That is the same scenario with some of the public schools that we fund as Members of Parliament through NG-CDF. We are forced to struggle so much to locate title deeds so that we can put Government money in such schools.

Unfortunately, some of those schools have been constructed within the compounds of those public entities and institutions that have been audited through this Committee. I am very particular when I speak about title deeds, because I do not know how we are ever going to sort out this issue if we do not speak now, audit now and give directions now.

Hon. Temporary Speaker, when I speak about the schools under the special economic zones, for example, in my County of Kiambu, we have the Tatu City Economic Zone. Before that area was outlined as a special economic zone, some schools survived on that piece of land. It is good to be factual. For example, under Tatu City Special Economic Zone, we have Ngewe Primary School, Oaklands Primary School and Tatu Primary School. Have I said Oaklands? Oaklands, Tatu and Ngewe primary schools. Traditionally, those schools existed before we transformed that land into a special economic zone. When new investors come, they assume that the schools in the special zones belong to them. They own the land and also purport to own the schools. This cannot happen because those schools are funded using taxpayers' money, and are continuously supported by the Government through the Teachers Service Commission (TSC). Teachers are posted to those schools and they also receive capitation from the Government. However, the investors assume that those schools belong to them because we gave them access to the special economic zones. As we speak, we do not know who owns those three public primary schools and where their title deeds are.

Hon. Temporary Speaker, moving forward, this House must intentionally seek to create order by providing legal frameworks and policy documents to guide us. I am excited about this detailed Report. I also pray that the recommendations by the Committee will be implemented and will guide us on how to make legal frameworks to deal with this issue.

The issue of the land hosting Kenyatta University Teaching, Referral and Research Hospital (KUTRRH) is the next volcano, both politically and economically. It is going to concern so many livelihoods. I cannot imagine that the Report quotes Ksh5.1 billion to be the value of the land hosting the university, KUTRRH and the private hospital. If we plan around the Ksh5.1 billion, we will be deceiving ourselves and the communities that have invested in that area. I know of individuals who have invested more than Ksh30 million in the area around the hospital. If we ignore the amount of investment around that land and report untrue facts to the Government, we will make relevant laws and policies around untrue and misrepresented facts. This will get us into problems.

Therefore, it is my sincere hope that this Report will not be taken just like any other report. I hope that the Committee on Implementation, under the leadership and guidance of the Speaker, will do the right thing and give timelines on when some of these recommendations should be effected. Otherwise, we will just be singing a song with no effect and that problem will come back to us.

Even as I congratulate the Committee for the wonderful investigation, there are still other institutions that hold contentious land and need to be audited. Those include institutions holding land as sponsors for other institutions or acting as mother institutions of upcoming institutions. We need to be clear about land ownership of institutions that are purportedly sponsored by different institutions that are in existence. For example, if you want to invest in a new Technical and Vocational Educational Training (TVET), the Ministry of Education directs you to do so under a mother TVET institution. Therefore, every time there is a land question, you are not referred to the upcoming TVET, but to the sponsoring TVET. Some of

those sponsoring TVETs are not in the same neighbourhood as the upcoming TVETs and might not know the implications of some of the decisions they make concerning land.

We, therefore, find ourselves pumping money into upcoming institutions which are sponsored by existing institutions - according to the laws - but the community land issues are not sorted by the mother sponsor of that institution. It is my sincere hope that this audit will not stop here but will continue and issues concerning land and titling of land under public authorities and agencies will be cleared. Before we fund such institutions, the title deeds should be clear, so that we do not get into legal issues.

We cannot trust people serving in acting capacities to deal with some of those sensitive issues. The issue of acting CEOs...

(Hon. Gathoni Wamuchomba's microphone went off)

The Temporary Speaker (Hon. Farah Maalim): Kindly, add her another half a minute.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you for the additional time. Having people in acting capacities in Government is very worrying. Some of those CEOs and finance managers in acting capacities sometimes give excuses for not completing assignments because of their positions. Once we are done auditing this land under the public authorities, we should audit the public institutions with acting CEOs. This is important for safeguarding the resources in this country.

Otherwise, I support the Report. I also congratulate the Committee and the Chairman of the Committee for the good Report.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member for Wajir County.

Hon. Fatuma Jehow (Wajir County, ODM): Thank you, Hon. Temporary Speaker. I am a Member of the Public Investments Committee on Social Service, Administration and Agriculture, a watchdog committee that examines the Auditor-Generals reports to ensure effectiveness and efficiency in the use of public resources.

I thank my Chairman and the Committee for working tirelessly to produce this Report. Before this 13th Parliament, PIC was just one committee. It is worrying that some of those Government institutions have never been audited. This is the first time we are auditing some of those State corporations. Some of them have not been audited for the many years they have existed. We came across more than 50 of them. Those corporations are funded by the Exchequer and yet, there is nothing to show whether they use the resources prudently or not. Hon. Temporary Speaker, your guess is as good as mine.

We came across issues like delays in making documents available. When the auditors go to those State corporations, the accounting officers do not share proper documentation. In this case, we were told that the accounting officer did not give the reconciled financial and accounting records required under the PFM Act. They deliberately do this to cover their tracks. They do this so that they are not caught, not knowing that the money they use is taxpayers' money. On delayed appointments, when a State corporation does not have in place a board of directors for more than two years, how does that institution work? You wonder. It is probably the Permanent Secretary (PS) that runs that particular State corporation and because of that, there are so many vacancies that cannot be filled. It is my hope that this Report shall be implemented in the next three months as we have requested.

Coming back to Kenya Medical Training College (KMTC) and Kenyatta University Teaching and Referral Hospital, we see chunks of land in those institutions that do not have ownership. People are just grabbing Government land. Even the previous Chief Executive Officers (CEOs) headed institutions that had issues with title deeds. Actually, they did not have

title deeds. Despite the Public Investment Committee (PIC) writing to them, there were no clear indications that the CEOs tried to get the title deeds for the institutions.

If I come back to KMTC, they have many branches even in the counties. The Wajir KMTC, which was supported by the county government of Wajir in the year 2013 to 2017, has no perimeter wall. You can understand the community that surrounds the institution and what can happen to it if it does not have a title deed.

Look at the Kenyatta University Teaching and Referral Hospital. They have a big chunk of land, but they have no title deed. You know where it is situated and the community that surrounds it. So, it is vital that we take this matter seriously and ensure that the institution gets a title deed.

Another issue that we have come across is officers not surrendering imprest. I will give an example of the Kenya Medical Research Institute (KEMRI). When we wrote this Report, it was five years from the time the concerned officers took the money. Mark you, it is taxpayers' money. Five years down the line, the officers from KEMRI have not accounted for the imprest. Where on earth do you see that? Even Members of Parliament, the first thing you do when you come from an activity outside the country is to surrender your imprest. It is high time we looked at this institution seriously. They must account for each penny that they take because it is taxpayers' money. We have detected an irregular procurement process, which is contrary to the provisions of the Public Procurement and Asset Disposal Act, 2015. What do you see here, Hon. Temporary Speaker? Delay in completion of contract. You award someone a contract and he takes his sweetest time to complete the contract. You find someone inflating the cost of the contract from the time he signed the contract to the time he completes it. We are dealing with institutions that are not serious and they do not want to take care of taxpayers' money.

We have a new clique that is the Gen. Zs who are telling us to account for every penny we take. We saw the other day the President abolishing more than 40 institutions. It is high time we had a hard conversation with some of those institutions. If they cannot account for the taxpayers' money, we should abolish them. So, I ask this House and the Implementation Committee to take this Report seriously and to give us feedback in the next three months. Hopefully, we can move forward. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Beatrice Kemei, followed by Hon. Kawanjiku.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice on this very important Report on consideration of the audited accounts of specified State corporations which, in this case, we have five of them. I really want to thank the Chairman and the Members of the Public Investment Committee (PIC) for this very detailed Report. When I listened, I realised that the Committee had done wonderful work. The work of ensuring compliance is not very easy. Looking at the years which they actually audited, we are talking of a period of over 10 years! I even went to the extent of conversing with the Chairman to find out if it was a mistake. That KEMRI was audited only for the year 2012/2013 and 2013/2014. Those are very many years ago! It is not very easy to get information or records for all those years. So, I must commend the Chairman and the Members of this very important committee. Looking at the Report, I realise that we have so many issues concerning our corporations, especially the issue of land ownership that is so emotive. It is not only affecting those institutions, but very many others. So, this one is one of them. It is very unfair and sad to have Government institutions sitting on land that does not have title deeds.

This is the reason we have land grabbing. People who have brains and time can go and look for such pieces of land with the intention to grab them. They can go to the Ministry of Lands and look at the land that has no title. That is where land grabbing comes in. I am also much concerned that we can put up large and expensive buildings on pieces of land that have

no title deeds. It is very sad and I am wondering what the real cause of this could be. The Ministry of Lands has to come out very strong. Sometimes, we hear that documents get lost and yet, they should be automated. When somebody goes to look for land documents, it should be very easy to get them. As much as we say those are State corporations, I feel that they should not do much of development on land without titles.

Sometimes, even private developers and other institutions face demolitions because the land does not belong to them. A lot of money is wasted. This Committee has opened the eyes of many institutions and the people of this country. I support.

In line with that, and because there are no titles, the value of land changes and they do not pay rates. And even if they do, they are under-valued. That is where we lose a lot of taxpayers' money which should have been used for other purposes. This is a job well done by the Committee.

I listened keenly to their recommendations which should be implemented within three months. The Committee on Implementation should take this work seriously to enable us move ahead. Among the challenges faced by those corporations are delays in appointments of the board members, especially, in the Ministry of Health. We have many jobless people in this country. Why the delay then? I am shocked that the Cabinet Secretary for Health has not filled those positions and, hence, the raising of these issues. It is unfair.

Another recommendation from the Committee is that there is need to stagger the period of serving by board members. That way, they can have a minimum of five out of the ten or 11 board members required. Having been a director in one of the corporations in this country, I know it is important for business to continue. It cannot continue when the numbers do not meet the requisite minimum threshold. I urge the concerned cabinet secretaries not sit on the responsibilities that have been given to them. The vetting process is ongoing and I believe those who will take over in whichever capacity will work extra hard so that we do not have the same issues.

As we adopted the Report this afternoon, we learnt that the Director-General of Health has been in acting capacity for many years, which is unfair. I sit in the Departmental Committee on Environment Forestry and Mining, and I know that the Director of Kenya Forest Research Institute (KEFRI) has been in acting position from the time I came here. She introduces herself as Ag. Director. This tires me, and I have raised it severally. The Human Resource Policy states that one should hold office in acting capacity for six months and after that, something else goes forth. I do not know why people would want to have leaders or staff in acting capacity. This does not only apply to the CEOs. Other staff members should not act beyond the stipulated time as this will affect their work. Nobody knows if they would be confirmed or not. It can be a cause or reason why some of them may try to be corrupt in one way or another. I plead with the corporations and institutions of this country to take their work seriously.

I also learnt from this Report that some institutions, the ones that have been mentioned, have inadequate staff. That is to say...

The Temporary Speaker (Hon. Farah Maalim): Please, add her half a minute.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker.

We have many Kenyans who are looking for employment opportunities and yet, the institutions or corporations are under-staffed. Those opportunities should be filled so that work can be done fast, and be completed within the stipulated time.

Once more, I thank the Committee. I believe the Committee on Implementation will take over from there. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kawanjiku followed by the Hon. Kimilu.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this debate. I take this opportunity to

congratulate the Public Investment Committee on Social Services, Administration and Agriculture (PIC) for a job well done. They have done a thorough job in terms of making sure that they look into the reports that are tabled to them by the Auditor-General. If everybody can play his or her role the way PIC, that is led by my friend and Chairman, Hon. Wangwe, has done, Kenya would be in a better place, especially in terms of making sure that people are made to account. Public funds must be spent as per the Public Finance Management (PFM) Act, 2012.

There are quite a number of issues that are raised in this Report. I have noted that Kenya Medical Training College (KMTC) in my area is now referred to as Karuri KMTC. We have had that debate with the CEO of KMTC. They are doing an amazing work in terms of making sure that they equip our young people, the Gen. Zs. KMTC has been in existence for a long time and it is good to confirm that we are unable to offer some courses because of lack of classrooms and space. Through the Departmental Committee on Health, we lobbied the Budget and Appropriations Committee (BAC) for funds and got about Ksh70 million for expansion. This will go towards expanding KMTC so that it can accommodate many students.

Before getting the contractor to start the expansion, there was the issue of the title deed, which I am quite aware of. I am doing my level best to make sure that KMTC gets hold of its own title deed. Majority of our public institutions are within the same vicinity as KMTC. The people who did the sub-division then allocated a chunk of land to different public institutions. Some of them include Karuri Level IV Hospital, Directorate of Criminal Investigations (DCI) offices, National Intelligence Service (NIS) offices, National Government Constituencies Development Fund (NG-CDF) office and the Judiciary which have one title deed. It has become a tedious process to separate and have each institution get hold of its own title deed. As promised, I will ensure that the people already assigned to do this task of sub-dividing the land and giving out title deeds to the individual institutions do so and ensure that Karuri KMTC has its own title deed. We are at the tail end of the process and I am certain it will have its own title deed.

It is good to confirm that the kind of job that is done by those institutions is good. However, we must also call out other institutions. There is a very big problem. Today in the morning, we had a case in the Committee that I chair of the Southern Bypass Agreement between the Kenya National Highways Authority (KeNHA) and the Kenya Wildlife Service (KWS) that was made in 2014. KeNHA was supposed to compensate KWS for the public land they were using. It was tedious. As we tried to solve the problem between those two entities, the office holders were not willing to be reasonable. Those are two public institutions that took each other to court. It is a serious litigation and money is involved. One keeps on wondering because KeNHA and KWS are Government institutions that had an agreement. However, after the road was constructed, KeNHA decided not to pay KWS the amount that they had agreed they will pay. It is now looking for advisory opinions from the Attorney-General and the Treasury.

Those Government institutions took each other to court and the Committee recommended that they try as much as they can to solve that matter out of court. They should look for an arbitrator for an out-of-court settlement. The two Chief Executive Officers (CEOs) interests should be public interest. They should not push their own personal interests in as far as public funds are concerned. This is a serious concern and I commend what the committee is proposing. As you know, litigations take us nowhere. What usually happens is that once you have a court case, you cannot implement whatever you wanted to implement, be it as a committee or as an institution.

The Public Investments Committee on Social Services, Administration and Agriculture recommendations are timely. We should do away with litigations and solve such matters so that the country's public funds can be prudently used without delays. Delays cause the public

to lose funds. Institutions like Kenyatta University Teaching, Referral & Research Hospital (KUTRRH) cannot continue saying that the value of its land and property is still where it was 10 or 20 years ago. It is important for us to make sure that, more often, we look for valuers to evaluate and value the land and property after every two financial years. The value of a property five years ago is totally different from its current value. There are so many issues that are raised during the valuation of any property.

On the issue of appointing board members, it is not rocket science. There are so many Kenyans who are looking for those jobs. It is a matter of appointing a board and making sure that it is operational so that decisions are made. The board will check whether there are any risks and decide on the management of that institution. Because of selfishness and personal interests, people want to take advantage of those institutions. Some people in ministries do not want board of members to be in place so that they can continue making decisions as far as those institutions are concerned. When a board is in place, it will make sure that it is guided by the law. Boards are independent and they will make sure that the management of institutions is for the public good.

We must call out the under-performing cabinet secretaries. I appreciate the vetting that is on-going. Cabinet Secretaries should know that power is transient. Today they may be cabinet secretaries and tomorrow they may not be cabinet secretaries. We have learnt new lessons with the current political happenings in the country. You may be a cabinet secretary today and tomorrow things change. So, one should be accountable at that particular time that one is, say, a cabinet secretary and make prudent use of the opportunity that has been given by Kenyans to manage their public resources. I hope that the cabinet secretaries who have been appointed have been watching what has been happening in the Republic and have learnt lessons that will help them to make good decisions in as far as the institutions that they are heading are concerned. Some of the issues that have been raised by the Committee, like the issues of appointing the boards...

On procurement process, we have seen – and it is in the public domain – that the majority of the cabinet secretaries, CEOs of institutions and public officers steer procurement processes to award companies and contractors that they will probably benefit from in future. In acquiring those contracts, they have to give out something. As far as those contractors are concerned, we must make sure...

One thing that we have learnt as a country is that, accountability is an issue that we cannot run away from. As Members of this House, it is our responsibility to hold to account all officers who are in charge of public funds. Therefore, the recommendations of the Committee are highly welcome and I support the Committee's resolutions.

The Temporary Speaker (Hon. Farah Maalim): Let us have Hon. Kimilu, then followed by the Member for Funyula.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to this Report. First, I want to thank our Chairman, Hon. Wangwe, for leading the Committee that I serve in as a member and for tabling the Report today. I want to thank the whole Committee for their co-operation. Due to the co-operation that we had, we did a thorough job and produced the Report that has been tabled today. This Report should serve as an example to other institutions that we have in this country. As I always say, we make good laws in this country, but their implementation becomes an issue.

The Report has highlighted procurement issues. It is a problem that touches on many institutions in this country. Many organisations procure contrary to the Procurement Act and that opens doors of corruption in this country. Once this Report is implemented in three months' time, some of those institutions will serve as an example in this country.

We also found loopholes in those institutions when it comes to declaration of imprests. It is unfortunate when you discover that an organisation has not declared its imprests for five

years. When we travel as Members of Parliament, we have to surrender immediately we land back in the country. It is not funny to get an institution that has not surrendered its imprests for the last five years. I term that as corruption of the highest level. It is high time we came together as a country and made sure that we seal all those loopholes of corruption in our country.

There is another challenge – and we have to look at this one from all the angles – where you find a CEO of an institution is acting in that capacity for more than six months. This is a weakness and a loophole for corruption. If a CEO is working in an institution and he acts for one year, how do we expect him to perform or to give good work? This has become a problem in our country and it has been recommended in the Report.

Corruption in governance has become a challenge in this country. If a committee like ours tables a Report like this one, we request that such a Report be implemented within three months. This is so that it can act as an example to other institutions because we do not want corruption and poor governance to continue in our country. There are good people with good papers; there are good Kenyans who can do a good job in that institution. They can deliver and do clean work in that institution, instead of keeping people who do shoddy work in the country and give bad results.

Other organisations have stayed for several years without title deeds. This is one of the weaknesses that we have found in this institution. You can get an institution staying for more than 10 years without a title deed. If the Government can spend more than Ksh100 million on a project where there is no title deed or good papers, it is high time we termed this as corruption. We need to have clear papers. The Ministry of Lands told us that one of the institutions has been following their title deeds for more than three years, which should not be the case because that is a Government-to-Government exercise. I do not see how an organisation can follow a title deed for more than three years. Some of the institutions we are talking about are TVETs. It is unfortunate to see a title deed taking that long to be found. We allocate Government money to those institutions. It is not good. Let the Government make sure that the law is followed by all institutions to make sure that they get their title deeds.

It is unfortunate that some officers in those institutions do not even give reports. It is like they are not qualified. We can say there is corruption in some of those institutions in the hiring of some of the staff. There is a lot of corruption and a big loophole. That is why we get people who cannot even prepare good documentation. We have a problem with such institutions because if we request for a document, we do not get what we want. This is a result of poor hiring of staff. Let this Report be implemented in three months. This will help this country. And let CEOs not take more than three months before they are confirmed. There is no need for a CEO, who is running a big institution, to act for more than three months. That creates a big loophole. It is also causing some of the problems with those organisations.

I thank the Committee, which I am a part of, for the good job it did. I support the Report. This is the way to go. When a report is tabled in Parliament, we want to see it being implemented immediately so that we can seal the loopholes of corruption in this country. I support, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Wajir West, followed by Madam Beatrice Elachi. Oh! I had given an opportunity to Hon. Oundo. Proceed, Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support the 2nd Report of the Public Investments Committee on Social Services, Administration and Agriculture on the consideration of the Auditor-General's reports on the financial statements of State corporations.

When you look at the Report, the State departments covered are KEMRI, KMTC, KMLTTB, KMPDC and KUTRRH. Allow me to commend the Committee for having the courage and the energy to bring a report on a review of the audited accounts to almost as close

as possible to the current financial year. As you remember, in the past Parliaments, we used to have only one PIC. Consequently, we used to have a backlog of reports that had not been examined and tabled in this House. That, indeed, on its own, was being unfair and, in a way, was not in compliance with Article 95 of the Constitution that mandates this National Assembly to oversee various Government agencies that receive funds from Government coffers.

As others have said, many a time in this country, we do not have shortage of reports. There is scarcity, so to speak, of implementing the findings in these reports. The structure of Parliament is that once various committees have presented their reports on this Floor and they have been adopted, they are then transmitted to the Committee on Implementation that is expected to follow up on the implementation. We do not seem to have made so much progress. I would suggest to the Parliamentary Service Commission to move with speed and provide adequate capacity and resources to the Committee on Implementation so that we are in a position to ensure that we bring to account all those who have been adversely mentioned in various audits and any other reports. Otherwise, it will be an exercise in futility for committees to do such wonderful and thorough analysis of reports of the Auditor-General, present the reports here, Members of the National Assembly highlight all the issues and then that is the end of the story. It will mean many State officers and accounting officers will never take Parliament seriously. They will know all we can do is simply talk and that is the end of the story.

I have read the observations and recommendations from the Report of the Committee. One of the standout findings was lack of ownership documents on land and buildings. This has been a cross-cutting issue in many Government entities. We do not understand where the problem lies. We have the Department of Survey and land registries. Literally, all sub-counties have land registries. We have all the relevant skills required. They are not engaged all the time. Why survey and evaluation cannot be undertaken and titles cannot be processed is something many of us cannot understand. I say so because I am a professional in that field, and I know it is doable with very little expenses. This is Government land. This is Government-to-Government exercise. Some of the charges and levies that have to be paid to process those documents, since the Government talks about one Government, why can the agencies not sit together and agree to waive some of those expenses so that those entities can get ownership documents that are inalienable proof of ownership. I have had discussions with quite a few friends and colleagues who sit in the NLC noting the challenges and the bureaucracy in the mainstream office of lands. Once we contextualise, we might have to come here to amend the Land Act.

There has been a thinking on why we cannot do vesting so that a simple declaration in the Kenya Gazette that land bounded by certain coordinates becomes public entity instead of going through the rigorous process of survey and the rest to get physical title documents. That is so that we never alienate the land to any other entity for use for any other purpose. Therefore, such a declaration becomes sufficient evidence of ownership of that title for use as *lien* in a bank or any other purpose. It can be proof to enter into books of accounts of the entity in the asset register. That will solve many of those issues.

On land valuation, I know the Department of Lands has complained of inadequate valuers. However, I note that they have employed an adequate number of valuers in the last year or so. Therefore, it is important that the employed move with speed to ensure they value properties. For example, under paragraph 15 of the Report, the Kenya Medical Training College (KMTC) did not value and disclose the value for various parcels of land that are occupied by 45 of its campuses. Technically speaking, they have not complied with the provisions of public entities or the accounting board. Their books of accounts are incomplete and misleading. This is contrary to the provisions of the Audit Act and the PFM Act.

There were delays in making documents available to the Auditor-General. I want to give the Chairman of the Committee what we have been doing in the Public Accounts Committee since the commencement of this term of Parliament. An audit is a process that must end. It is not an ambush or a simple one-day event. Any public entity that does not provide requested documents to the auditor has committed an offence under Section 6(2) of the Public Audit Act. I am afraid that the recommendations provided here by the Committee, with due respect to my colleague and friend, have played safe. What he has done is say that accounting officers should comply with the provisions of Section 68 of the Public Finance Management Act of 2012 by submitting all the required information for audit. That, within two months of the adoption of this Report, any accounting officer who fails to provide the required information for audit pursuant to Section 6(2) of the Public Audit Act should be prosecuted for an offence pursuant to Section 6(2).

I can see that the Chairman is absorbing very intently. I wish I had time. They should have changed to amend the recommendation so that any officer who is obliged to provide the document and did not do so at the time of audit, should be prosecuted immediately as provided for under Section 6(2). We must also be courageous enough to name them in person because they are not faceless. They are known. The records are there. We must name and bar them from holding any public offices in future. This will send a very tough lesson to accounting officers.

I know that my time is up. I support and add that we must be bold and strong enough to call out those who fail to comply with the law. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Wajir West, followed by Hon. Elachi Beatrice.

Hon. Yussuf Farah (Wajir West, ODM): Thank you for giving me this opportunity to support the Report by the Public Investments Committee.

From the onset, the Public Investments Committee has done a thorough investigative Report and clearly shown that we have many problems in State corporations in this country. I am privileged to sit in the Public Investments Committee on Commercial Affairs and Energy.

However, it seems whatever is being said in this Report is exactly what is happening in every State department in this country. We are facing similar challenges in each State corporation: be it land ownership, delays of appointment of boards, and irregular procurement processes. It is as if we are duplicating the same problem in every department.

I echo the sentiments of my colleague here that those State corporations do not take this House seriously. That is because the reports that are tabled here are not implemented. The problem is that we have no teeth to implement these reports. The reports are brought, tabled, discussed and passed. Unfortunately, they die off. Anybody in a department or State corporation knows they will not implement whatever any committee or Parliament recommends. The trend continues year-in, year-out. It is my hope and prayer that Parliament will one day and time devise a mechanism to implement its reports, so that anybody who violates the law should be brought to book.

I support the Report. Delays in appointment of boards of directors is one key recommendation of the Committee. Boards of directors in each institution have their mandates and rules. If not appointed, an institution can make decisions that will eventually lead to misappropriation of resources and violation of the law.

The Committee has also highlighted irregular procurement processes. Sometimes, we blame CEOs and accounting officers for doing irregular procurement processes. However, I also believe that this House has a mandate to aid CEOs to perform irregular procurement processes. Why do I say so? We pass budgets that are not based on projects, but on the whims, directions and instructions of the Executive. Let us come to the Budget that was tabled just recently. You will realise that we have many ongoing projects. However, the Executive has removed all ongoing projects from the Budget and allocated funds to funny expenditures. I am

a member of the Departmental Committee on Agriculture and Livestock. The whole budget of the State Department for Agriculture and Livestock Development is completely zero. Something like ICTU is really not necessary and yet IT has been allocated billions of shillings. And when the Committee and even the Department proposes to remove the money and allocate it to a very serious project, the Budget and Appropriations Committee re-does the whole budget and returns the money to the ICTU. That is clearly a misplaced priority.

So, when a CEO comes in front of a committee to give his or her budget priorities, the Committee of this Parliament does otherwise because they have been instructed from somewhere else to do something. Then the project is stalled and it becomes a white elephant. Then the CEO is blamed for a fault that is not his because he brought the budget, but it was not allocated. Sometimes, this House must take decisions based on the facts that are on the ground. That does not mean the CEOs and the accounting officers should not take their work seriously. They should follow the PFM Act, which is very clear on procurement processes. However, sometimes, we must also be considerate. We must give them the tools to work.

I have also seen the Committee recommended Section 7 (2) of the National Cohesion Integration Act. It is very clear in this country that there is a disparity in terms of employment. Some few ethnic communities are privileged to be employed in each and every State department and corporation. You will find some regions which can even translate to less than 1 per cent of the total employment in this country.

The recommendation given by this Committee is very useful. If implemented, it will cure the problems that this country is facing. The Committee has recommended that the Committee on National Cohesion and Equal Opportunity should initiate amendments to the National Cohesion and Integration Act of 2008 so as to provide a legal framework to address the challenges on the implementation of Section 7(2) of the National Cohesion and Integration Act, 2008 in order to come up with a realistic formula to cure that problem.

You will find in a state corporation...

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

The Temporary Speaker (Hon. Farah Maalim): Hon. Wangwe is on a point of information. Would you entertain that information?

Hon. Yussuf Farah (Wajir West, ODM): Okay.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. Whereas my good friend and neighbour here is discussing the issue of cohesion, what he should also be emphasising on, is that the Chair of National Cohesion and Integration Commission and the CEO of the same Commission, also appear to have a problem with the ethnicity of where they come from. Therefore, it becomes very conflicting when it comes to the implementation of what the Hon. Member is saying. So, as he contributes, let him also note that confusion and conflict is from the same Commission that is helping us in terms of national cohesion and integration.

The Temporary Speaker (Hon. Farah Maalim): You mean that the Commission itself is not fully integrated?

Hon. Emmanuel Wangwe (Navakholo, ODM): Yes.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Member.

Hon. Yussuf Farah (Wajir West, ODM): Then, if that is the case, we have a problem. And we must start with the Commission itself.

The Temporary Speaker (Hon. Farah Maalim): I wish, as a Member of Parliament for Dadaab, I would be allowed to contribute on the same, but proceed.

Hon. Yussuf Farah (Wajir West, ODM): Hon. Temporary Speaker, since my time was taken by the Hon. Member, I want you to add me, at least, one minute.

The Temporary Speaker (Hon. Farah Maalim): Yes, proceed.

Hon. Yussuf Farah (Wajir West, ODM): The issue of land ownership is a problem in this country. Now, the Committee has stated that Kenyatta University Teaching, Research and Referral Hospital, which is worth more than Ksh5 billion, is built on land whose ownership is not known. That one clearly tells you how this country's resources are not taken care of. If somebody today, God forbid, comes with a genuine title deed for the same property, then that institution itself, the whole hospital that we are talking about today as one of the best hospitals in this country that is doing thorough research on serious diseases, will be taken over by a private investor.

It is not the only institution that sits on unknown land. The issue of land ownership in this country and Government land is a contentious one. Each and every department has a contention. They have legal issues with either the private sector or even within the Government. It is high time the institution and the Government woke up and issued title deeds to all institutions that lack them in this country. That is the only way to cure that disease and there is no shortcut, unless somebody somewhere is interested to grab the same land and is preventing them not to get a title deed.

Lastly, on the issue of Kenya Medical Research Institute (KEMRI), we all know that when you take an impress...

The Temporary Speaker (Hon. Farah Maalim): Order, Member for Wajir West. You have run out of time. Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Report of the Public Investments Committee on Social Services, Administration and Agriculture, and to thank the Chairperson for clearly elaborating on the many issues that we face. However, we are now dealing with reports from 2014 to 2017. As much as the Government lives in perpetuity, we are in a period of transition, and many of the officers involved in these reports might no longer be in office. We normally say that the buck stops with whoever takes over as an institution but, we must start asking ourselves, even as a Parliament, how we can change this. Based on what we are going through, how do we change the issue of governance to make it better? After every three years, the board's time lapses and new board members come in. How do we work around to clean all those challenges that we are facing?

One thing that we must agree today when we are looking at this Report is that, it is one that is about the different institutions that work more in the medical health. We know that Kenyatta University has its own issues of land, but remember the land belonging to Kenyatta University came from the same college. How do we ensure good governance if an institution wishes to build another Government institution on its land? Do we start by gazetting it as the professor suggested? We can issue a gazette notice to notify that the land, although still part of Kenyatta University, is now designated for the medical department. This way, we do not need to issue title deeds for Government land.

Hon. Temporary Speaker, that is one of the things that we must think about. How do we bring a good law that can re-organize that? Land owned by Government must serve all the offices that are needed, especially in places where we do not have land like in Nairobi. Imagine if we have land that you need to come up with a Development Control Committee (DCC) and Technical Advisory Committee (TAC) or even a court! That is because in Nairobi we do not have... What happens? Shall we now subdivide this? We need to say that, land can serve all Kenyans... Kenyans must come out of this issue of thinking that, when I have been given an office, it becomes my personal property. It is not! You are in that office in the privilege to serve Kenyans and, therefore, any time you can be removed and another person comes in to serve. So, if we get that in ourselves and start having that culture of appreciating that when I am a CEO, a director or a chairperson, I am under the privilege of Kenyans to serve them in the

period that I have been given and, therefore, it does not turn around to be my property to start fighting over.

Hon. Temporary Speaker, the other thing we must do in this House is to put in a law that Government-to-Government cannot take themselves to court for purposes of land. For example, the issue we now have of the Southern Bypass with Kenya Wildlife Service (KWS). The purpose of the land was to serve Kenyans. Yes, it belonged to Kenya Wildlife Service (KWS), but it did not go to a private partner. It went back to Government to serve the same Kenya Wildlife Service (KWS) as they drive on it and as they go to work and to serve other Kenyans. How do we deal with that? So, it is very unfortunate that this is something that even the Cabinet can come up with an agreement and just say it was land that was given for roads and, therefore, we as the Cabinet have decided that, that land is for the roads and we end that matter, other than taking ourselves to court as Government-to-Government.

The other issue that the Report brings out now is remuneration of senior officers. Why can they not just follow what Parliament does? You can never be given two imprests. If you have not spent one imprest, you have to refund it and so it is very simple. The law must just be clear to every department of Government. If you are an officer and you are given money that is not yours, then just refund it. We do not even need to remind you.

One thing we must also try and bring the Exchequer to agree on, which is also a challenge in National Government Constituencies Development Fund (NG-CDF), is releasing resources from the Exchequer. Every audit report in Kenya, even your own NG-CDF, will have that question and yet, it is not your mistake or that of the fund manager of the board. The mistake is just simple. The money was never released on time from the Exchequer and, therefore, you will find a challenge when you now start doing your audits.

So, we have to be very clear. We need to remove it and call the Auditor-General and say if it is money that was never released from the Exchequer, let the audit report not question. Just say money was not released on time. That is so that we also come out of these reports of the Auditor-General. When you look at some of the issues in the reports, you wonder that this could have just been an issue that would have been done within before the reports are unveiled. It is an issue that is not necessary because in the next slide, you find they are saying, when the money was released, you did the things you were supposed to do. So, that is one thing that is very clear.

As I finalise, because of time, I think what we are saying is we are changing and we must change. We must start where you used to come on media and tell us what we must do as a country. That is where we must go back. We must respect the rule of law. Everyone and I must reflect and ask ourselves how we normally manage. I plead with Kenyatta University (KU), the CEO and the Board to work together. That conflict that they are having is not going to help. When Madam Mugendi did this, she did it for the purpose of helping the institution and as Kenyans, you have come in and found everything. Then run the institution and respect each other without having conflicts.

With those few remarks, I beg to support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Member of Parliament for Dagoretti South, Hon. John Waweru. Is he not here? The Hon. Kwenya Thuku, please, proceed.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Sorry, I did not carry my card and, maybe, that is why my name is not reflecting. But I happen to be one person who is so passionate about reports that emanate from the Public Investments Committee (PIC). In the last term when I was a fresher, I landed in one Public Investments Committee (PIC) when it used to be just one before it was split. From my look of things, I think nothing much has changed. The only thing that has changed is that the workload has been spread but, in terms of mandate...

(Hon. Kwenya's microphone went off)

The Temporary Speaker (Hon. Farah Maalim): What is wrong?

Hon. Kwenya Thuku (Kinangop, JP): Thank you. The microphone is back. In terms of mandate, nothing has changed. I thought at one point that, as a House, we need to rethink our strategy because we may not be as effective as the Constitution envisages in terms of our oversight role and especially because we only rely on reports coming from the Auditor-General's Office. At times, these reports pile up to the extent that now we keep looking back close to 10 years. Looking at matters that happened 10 years back, of course, then it means even if we were to take action, as the Member who has just spoken has said, it will be very difficult to really dig back because some of the people who have committed those atrocities are deceased. They have ceased to live or, maybe, something just happened to them.

The role of this Committee majorly is that of postmortem. We act as morticians in this House. It is about time that we think about how to go about these audit reports so that within the life of that audit year, we are able to act and give recommendations that can take us forward.

Moving forward Hon. Temporary Speaker, I am happy with the reports that are coming from this Committee that is led by our very able Chairman, Hon. Wangwe, who was a Whip in this House.

On the issue of Kenya Medical Training College (KMTC), I had a keen look at it because I have one that is among the 66 that have been mentioned. It is a satellite campus. The fact that they were able to see through especially in terms of quality of training, tells you that these Members really did some very good job. They were able to see the ratio of lecturers to students. The number of students in our Kenya Medical Training College (KMTC) campuses as per the records here is about 34,918. The number of lecturers that we have is just about 542. So, in terms of ratio, you can see that for every 65 students, they have one lecturer. The recommended international standard is one lecturer to take on 10 students only. So, as much as we may be talking about so many colleges that we have, are we really getting value in terms of training? That is the investment that many parents are putting into their children by the time they are graduating. Are they graduating with value, having qualified or they are half-baked? That is because I do not understand how it is that one lecturer is able to really take care of 65 students who are doing some medical-related courses.

I think this is something that we need to address urgently just like we are deploying and employing teachers. The Ministry of Health must move with speed to employ lecturers to assist our students who are in KMTCs. The KMTC is recommending that to mitigate that challenge, they have moved to the e-learning technology. This is a good move. However, in as much as a lecturer who is in KMTC Nairobi Campus may be able to teach 1,000 students across the country in all the KMTCs that are spread, there is no physical interaction between the teachers and the students. They have also said that the county governments are collaborating with KMTCs. But to what extent? It is a wish that KMTC is making.

What capacity is given to those KMTCs? They are national institutions. County governments deal with only devolved functions. The issue of training and standards is domiciled in the Ministry of Health, which is in the national Government. We, therefore, wish to see the kind of collaboration that those people envisage with the county governments.

Hon. Temporary Speaker, going forward, there is the issue of Kenyatta University Teaching, Referral and Research Hospital (KUTRRH). In the last Parliament, I happened to have sat in the Departmental Committee on Health, when that hospital was incepted and constructed. I was able to go through the figures because it is my area of interest. It is in only one of the hospitals or facilities in this country that I would say, we had value for money. It was built through a loan from the Chinese. The Government spent Ksh8 billion on the state-of-the-art hospital. We took a whole two years to commission the hospital. This is because we did

not have Ksh600 million to operationalise it. Through the leadership of our Chairperson then, and I am happy that she is in the House, we were able to operationalise it and today, it is up and running.

All that glitters is not gold. The KUTRRH traded with service providers who owed them billions in form of pending bills. This is an issue that we must address. In as much the National Treasury is saying that we are moving from the cash accounting system to an accrual one, we need to re-look into things, and especially, the Appropriations-in-Aid and the monies that they collect. The hospital must be given the mandate to spend that money without surrendering the same to the National Treasury. Once that money comes to the National Treasury, it would be disbursed or authority given for the monies to be spent at their convenience. Yet, we want to hear that our top-most hospital is up and running, and without pending bills.

This issue of pending bills is becoming a monster. Today, the Government is owed close to Ksh700 billion. We have no idea of how to repay it and yet, it is not part of our public debt. In public debt, pending bills are not there. Public debt is defined as guarantees and whatever else that has been borrowed by the national Government. Pending bills is a debt which is not envisaged. And you can see the kind of burden that we are in as a country.

As we audit the finances, we also need to look at the operations. KUTRRH must be taken care of, adequately staffed and ensure that there are no pending bills because it is our premier hospital in East and Central Africa.

I give my commendation to this Committee for a job well done through the able leadership of the Chairperson. I believe that the other three PACs can take cue from this leadership because I have seen many of their Reports which are brought on time, which are well thought out and with an actionable plan.

I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Sabina Chege.

Hon. Sabina Chege (Nominated, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this debate.

I commend the Chairperson and the Committee for a job well done. If you allow me, I will delve into the issues of KMTC, Kenyatta University Training and Referral Hospital and KEMRI.

My first observation, Hon. Temporary Speaker, is the issue that the Committee has raised about land and title deeds of public institutions. Those are not the only institutions that are affected. Having been the Chairperson of the Departmental Committees on Education and Health, almost all Government institutions do not have proper title deeds, including our public schools. It is high time the Government, through the Ministry of Lands, allocates those public institutions title deeds because there is danger. When new CEOs come in or when we have some accounting officers who are crude, they take advantage. Sometimes, they even divide public land amongst themselves.

The KUTRRH had a very big tussle between some squatters who claimed to have been allocated some parcel of land by the late President, Moi. I am shocked that today, even after trying to ensure that KUTRRH have their title deed, it is still not yet out. This is something that the House needs to pick up and ensure that all public institutions have their proper title deeds without delay.

I also want to talk about the funding of those institutions. I am happy for the growth of KUTRRH. As Hon. Kwenya has said, it was just but a white elephant project. My committee made sure that the hospital started its operations. It has a capacity of 600 beds but, currently, they are only utilising around 300 beds or less.

I would be moving a Motion in this House that would encourage public officers to be using public institutions or hospitals based on the facilities that are there. I urge any Member

who has not visited KUTRRH to go and see the facilities there. We do not have a hospital with such facilities, and with the latest technology in training and in terms of medication. Many of us find the comfort in private institutions that we have within Nairobi or even outside Nairobi. I do not want to mention names. Some of us will even be comfortable going out of the country when we have left an institution like this, that even has a machine called PET scan for cancer, meaning that our patients do not have to go outside the country.

If Members of Parliament start using those public facilities, the CEOs and doctors would be there to provide adequate services. They would not be rushing to their private clinics because they know a senior government official may show up any time. I would, therefore, be moving a Motion in this House which will compel public officers to get services from public institutions.

If you are insured and you have a medical insurance worth Ksh10 million, use that Ksh10 million or Ksh5 million in the public facility so that, that money can be ploughed back to the public. We would not have many pending bills. With that, staff in those public institutions will not go unpaid. Why are we facilitating private hospitals while we have our own public hospitals with well-trained doctors?

The most unfortunate bit is that the doctors in those private hospitals are the ones who are hired in public hospitals. They spend almost half of their time in their private facilities because that is where we are going. We end up making the public suffer because we are not going to public hospitals. My recommendation is that, soon, all public officers will use public hospitals.

As I finish, allow me to speak a little bit about KMTC. I thank the Members of Parliament, especially through NG-CDF. They have been trying so much to fund KMTC. If the Chairperson and his Committee did due diligence, I believe there is danger. This is because there are many of those facilities in almost every constituency. The question is: When are we going to have trainers to train the students? Where are we going to get students from in each and every constituency? Where are we going to get the equipment? Or are we just going to have buildings well-branded as KMTC, but they do not have enough teachers, lecturers or even enough students?

Secondly, every KMTC should be built near a Level 4 hospital, which is a sub-county hospital, or a Level 5 or 6 hospital. When you build a KMTC at the corner of your constituency, where they do not even have a health centre to be used by the students for practice, it means the students have to travel very far. I recently learnt that there is a constituency in northern Kenya that is the size of the former Central Province. Save for such constituencies, we can have one KMTC in every constituency. I urge this Committee and the Departmental Committee on Health to relook at the upcoming KMTC institutions. We can, at least, have one per county that is well equipped, has enough lecturers and proper facilities for training. That will mean we will give students the worth of their money. We do not want buildings with one or two lecturers and yet, we have many students.

Secondly, could we also specialise? We know different diseases affect different areas. So, we do not have to have one kind of training or curriculum. For instance, if orthopaedic issues and cancer affect one area, why do we not have the KMTC specifically training in that area so that we become very specific? I urge the Committee and the Departmental Committee on Health to recommend to this House that before a KMTC is built, or a Member of Parliament starts building structures, they should get approval from KMTC through the Ministry of Health, so that we do not start too many of them and then we do not have enough students and it becomes a waste of resources.

I thank you, Hon. Temporary Speaker. Once again, I congratulate the Chair and the Committee for a job well done. I submit.

The Temporary Speaker (Hon. Farah Maalim): For your information, Hon. Sabina Chege, North Horr Constituency in Marsabit is the size of the former Central Province, Western Province and Nyanza Province put together. So, you can imagine the sizes of those places.

There being nobody else who wants to contribute to this, I ask the Mover to reply.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. Allow me to appreciate my colleagues for boldly supporting the Second Report of the Committee. I wish to take into account what they have observed. I want to particularly echo the sentiments of Dr. Oundo, who commented that we should highlight and even name the persons we are referring to. That is in comparison with the general part of the Report. I cross-checked my Report and I am happy to say that specific names are in the specific reports. The Committee on Implementation should take action against those specific officers.

I thank my colleagues. I want to mention Hon. Sabina Chege. She has been in both Committees on Health and Education. The KUTRRH is a hospital that cuts across the Ministry of Health and Education. They talk to each other at a very close range. I thank her. She incepted the hospital with her Committee. On a site visit to KUTRRH during our review, she was acknowledged as being the Chairperson who mooted the idea of the location of the hospital to be where it is. So, I thank you Hon. Sabina Chege. Indeed, what you have said is correct. We are looking forward to stronger reports. These reports are a real review of what happens on the ground. When my colleagues take it the way they have done, I am pretty sure and happy that consumption of what has been audited and reviewed by my Committee is of substance and colleagues have appreciated the Report.

I thank you all and beg to reply.

(Putting of the Question deferred)

MOTIONS

ADOPTION OF REPORT ON ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, laid on the Table of the House on Wednesday, 4th October 2023.

The Temporary Speaker (Hon. Farah Maalim): The Mover is not there.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON THE INSPECTION VISIT TO SEMI- AUTONOMOUS INSTITUTIONS OF THE EAC IN UGANDA

THAT, this House adopts the Report of the Committee on Regional Integration on its consideration of the Inspection Visit to the Semi-autonomous Institutions of the East African Community in Uganda, laid on the Table of the House on Wednesday, 29th November 2023.

The Temporary Speaker (Hon. Farah Maalim): The Chairperson of the Committee is not in the House.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON THE IMPLEMENTATION
STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS
PASSED BY THE HOUSE

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the First Report on Implementation Status of Reports on Petitions and Resolutions passed by the House, laid on the Table of the House on Thursday, 26th October 2023.

The Temporary Speaker (Hon. Farah Maalim): Similarly, the Chairperson of the Committee is not in the House.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON THE ALLEGED UNFAIR TRADE
PRACTICES BY FOREIGN INVESTORS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Co-operatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

The Temporary Speaker (Hon. Farah Maalim): The Chairperson of the relevant Committee is absent.

(Motion deferred)

Next Order.

ADOPTION OF THE SECOND REPORT ON EMPLOYMENT DIVERSITY
AUDIT IN PUBLIC INSTITUTIONS

THAT, this House adopts the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 21st March 2024.

The Temporary Speaker (Hon. Farah Maalim): Similarly, the Chairperson of the Select Committee on National Cohesion and Equal Opportunity is not in the House.

(Motion deferred)

I direct we proceed to the next Order.

BILL

THE COFFEE BILL
(Senate Bill No. 10 of 2023)

The Temporary Speaker (Hon. Farah Maalim): The Leader of the Majority Party is not in the House.

(Bill deferred)

I, therefore, direct that we move to the next Order.

MOTIONS

ADOPTION OF THE REPORT ON PUBLIC PETITION ON FUNDS SPENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 4 of 2022 regarding Funds Spent by the National Government Contrary to the Provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12th March 2024.

The Temporary Speaker (Hon. Farah Maalim): The Chairperson of the relevant Committee is absent.

(Motion deferred)

Next Order.

NOTING OF THE REPORT OF THE EXTRA-ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

THAT, this House notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament, held in Midrand, South Africa, from 20th to 27th March 2024, laid on the Table of the House on Thursday, 2nd May 2024.

The Temporary Speaker (Hon. Farah Maalim): Is there any Member of the Pan-African Parliament to move this Report? No.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, there being no other business to transact, and the time being 6.53 p.m., this House stands adjourned until Tuesday, 6th August 2024, at 2.30 p.m.

The House rose at 6.53 p.m.

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