



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

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## THE HANSARD

Tuesday, 13<sup>th</sup> August 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Members, we now have Quorum to transact business.

### COMMUNICATION FROM THE CHAIR

*(Several Members walked into the Chamber)*

**Hon. Speaker:** Hon. Members on their feet, take your seats. I have Communication on the performance of our athletes at the Paris Olympics.

*(Applause)*

I know Members would like to acknowledge and congratulate them. I will give you 30 minutes after Questions so that you can pay tribute to our gallant daughters and sons who have conquered the world in Paris.

#### KENYA'S PERFORMANCE IN THE 2024 PARIS OLYMPICS

**Hon. Speaker:** Hon. Members, as you are aware, Kenya has been participating in the Olympic Games since 1956 and has sent athletes to compete in various disciplines over the years. Most recently, Kenya took part in the just concluded 2024 Paris Olympics.

Hon. Members, the sterling performance by the Kenyan athletes at the 2024 Paris Olympics was an improvement from the 2020 Tokyo Olympics, with the athletes having garnered a total of 11 medals consisting of four gold medals, two silver medals and five bronze medals in total.

Their achievement, Hon. Members, has earned the country the 17<sup>th</sup> position among over 180 nations, and also topped the list of African countries that participated. They have demonstrated the possibility of setting world records, and we celebrate their tenacity and dedication.

Hon. Members, it is worth noting that Ms Faith Kipyegon, who was also the team captain, made history by becoming the first athlete to win three consecutive Olympic gold medals in the 1,500-metre race. No other human, male or female has achieved that success.

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*(Applause)*

Notably, Ms Beatrice Chebet took Olympic gold in the women's 5,000 metres and 10,000 metres, while Mr. Emmanuel Wanyonyi at the age of 20 won the 800-metres gold medal. Besides the names I have mentioned, I also wish to commend all other gallant sportsmen and women for holding out our flag high and exhibiting inspiring patriotism.

Hon. Members, on my own behalf and indeed on behalf of the House and the whole country, I wish to congratulate Team Kenya on its participation in the 2024 Paris Olympics and recognise their historic achievements in the global arena. In keeping with our usual tradition, may I request you to remain seated so as to offer our usual acclamation as a House. This time round, you thump your feet for one minute to acknowledge our athletes.

*(Applause)*

Thank you. Well done. I noticed Hon. Yusuf was not thumping.

*(Laughter)*

So, after Questions, I will give you 30 minutes to celebrate these gallant heroes and heroines of our country.

## MESSAGES

*(Several Members walked into the Chamber)*

**Hon. Speaker:** Hon. Members, take the nearest seats. I have two Messages.

### APPOINTMENT OF SENATORS TO MEDIATION COMMITTEES ON THE NATIONAL RATING BILL AND THE CONFLICT OF INTEREST BILL

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received a Message from the Senate regarding the appointment of Senators to two Mediation Committees.

Hon. Members, the Message conveys that, pursuant to the provisions of Article 113 of the Constitution, the Speaker of the Senate has appointed Senators to Mediation Committees to consider the National Rating Bill (National Assembly Bill No.55 of 2022) and the Conflict of Interest Bill (National Assembly Bill No.12 of 2023).

Hon. Members, you will recall that, on 12<sup>th</sup> June 2024 and 24<sup>th</sup> July 2024, the House rejected the Senate amendments to the National Rating Bill (National Assembly Bill No.55 of 2022) and the Conflict of Interest Bill (National Assembly Bill No.12 of 2023), respectively. This effectively committed the two Bills to Mediation Committees pursuant to Article 112(2)(b) of the Constitution. Subsequently, I appointed nine Members to each Committee to represent the National Assembly vide Communications issued on 24<sup>th</sup> July 2024 and 31<sup>st</sup> July 2024. In this regard, Hon. Members, with respect to the National Rating Bill, 2022, the Senate has appointed the following Senators:

1. Sen. John Methu Muhia; MP;

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2. Sen. (Dr) Steve Ltumbesi Lelegwe, CBS, MP;
3. Sen. William Kipkorir Cheptumo, MP;
4. Sen. Wahome Wamatinga, MP;
5. Sen. Mariam Sheikh Omar, MP;
6. Sen. Issa Boy Juma, MP;
7. Sen. Johnes Mwaruma, MP;
8. Sen. Agnes Kavindu Muthama, MP; and
9. Sen. Beatrice Akinyi Ogolla, MP.

*(Hon. David Gikaria consulted loudly)*

Order, Hon. Gikaria.

With respect to the Conflict of Interest Bill, 2023, the Senate has appointed the following Senators:

1. Sen. Omogeni Erick Okong'o, SC, MP;
2. Sen. Faki Mohammed Mwinyihaji, CBS, MP;
3. Sen. Maanzo Daniel Kitonga, MP;
4. Sen. Asige Crystal Kegehi, MP;
5. Sen. Orwoba Gloria Magoma, MP;
6. Sen. Mungatana Danson Buya, MGH, MP;
7. Sen. Nyutu Joe, MP;
8. Sen. Chute Mohamed Said, MP; and
9. Sen. Sigei Wakili Hillary Kiprotich, MP.

Hon. Members, following the appointment of Senators, the Mediation Committees are now fully constituted as contemplated under Article 113 of the Constitution. I, therefore, call upon the Committees to expeditiously consider the respective Bills and submit versions of the Bills for consideration by the Houses of Parliament. In considering the Bills, the Committees should be alive to the timelines provided for under Article 113(4) of the Constitution.

I thank you.

*(Several Members walked into the Chamber)*

Members, take the nearest seats. There is one more Message.

NOMINATION OF MR DAVID KIBET KEMEI FOR APPOINTMENT  
AS THE DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 42(4), I wish to report to the House that I have received a Message from the then Acting Cabinet Secretary for the National Treasury and Economic Planning on the nomination of a person for appointment as the Director-General of the Competition Authority of Kenya (CAK). In the Message, the Acting Cabinet Secretary conveys that, in exercise of powers conferred by Section 12 of the Competition Act, Cap 504, he nominates Mr David Kibet Kemei for appointment as the Director-General of the CAK. The Acting Cabinet Secretary, therefore, seeks the approval of Parliament on the said nomination.

You may wish to note that Section 12(1) of the Competition Act prescribes processes of the approval of appointment of a Director-General of the CAK by the two Houses of Parliament.

In this regard, the vetting of the nominee will be undertaken by a joint sitting of the relevant committees of the respective Houses of Parliament, in accordance with the established practice.

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

1. That the vetting of the nominee for appointment as Director-General of the CAK shall be conducted by the National Assembly Departmental Committee on Finance and National Planning and the relevant Senate Standing Committee;

*(Hon. (Dr) John K Mutunga consulted loudly)*

Order, Hon. Mutunga. You come in late and you start disrupting the House. That is not right. When you are receiving a Communication, you remain silent. It is only for a few minutes.

2. 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;
3. 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;
4. That, the Joint Committee shall, upon conclusion of the approval hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph 7 of Joint Rule No.9; and
5. That, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, CAP 7F.

Hon. Members, whereas the Competition Act, Cap 504 does not provide specific timelines within which the House is to consider the nominee, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, Cap 5F requires the relevant House to undertake the exercise within 28 days.

Conscious of the fact that the House is scheduled to proceed for recess this week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption. Therefore, the Departmental Committee shall submit the Joint Report on or before Thursday, 3<sup>rd</sup> October 2024 to enable the House to consider the proposed appointment.

The Committees are expected to forthwith jointly commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings and upon conclusion, table their report within the statutory timelines.

I thank you. Next Order. Hon. Mutunga, now you can go on with your conversation.

## PETITION

**Hon. Speaker:** Hon. Members, before I prosecute that Order, allow me to acknowledge in the Public Gallery:

1. AIC Ebenezer Academy School, Baringo South, Baringo County.
2. Sunrise Academy School, Keiyo North, Elgeyo- Marakwet County.
3. Chesigot Primary School, Kipkelion West, Kericho County.

I have been requested by Hon. Hilary to acknowledge the presence of the school from his constituency and the other schools as well on behalf of all of us.

**Hon. Hilary Kosgei** (Kipkelion West, UDA): Thank you, Hon. Speaker. Allow me to welcome the students from Chesigot Primary School from my constituency and the other students from Baringo in Parliament. On my own behalf and that of the House...

**Hon. Speaker:** Baringo and Elgeyo Marakwet counties.

**Hon. Hilary Kosgei** (Kipkelion West, UDA): On behalf of Baringo and Elgeyo Marakwet counties, myself and the House, I wish them a pleasant stay here as they observe the Parliament proceedings. These students are the future leaders of this country. Some of them are preparing to take over from us. I wish them a pleasant stay in the city.

I thank you, Hon. Speaker.

*(Hon. Umulkher Harun stood up in her place)*

**Hon. Speaker:** Thank you. Hon. Umulkher, could you take your seat?

#### DECRIMINALISATION OF ATTEMPTED SUICIDE

**Hon. Speaker:** Hon. Members, I have a Petition to convey to the House. It is a Petition regarding decriminalisation of attempted suicide.

Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2) (b) requires the Hon. Speaker to report to the House any Petition other than those presented by a Member.

In this regard, I wish to report to the House that my office has received a Petition from Dr Lukoye Atwoli of Identification Card No. 1441XXX6, a citizen, Professor of Psychiatry and Dean at the Medical College of East Africa, the Aga Khan University who is calling for repeal of section 226 of the Penal Code on attempting suicide.

The Petitioner states that Section 226 of the Penal Code (Cap 63 of the Laws of Kenya) states that “any person who attempts to kill himself is guilty of a misdemeanour.” Further, Section 36 provides for a general punishment for misdemeanours, and I quote, “when in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine, or with both.”

The Petitioner holds that criminalising suicide attempts not only fails to address underlying mental health issues but also perpetuates stigma and shame surrounding mental illness. This is despite the provisions of Section 2 of the Mental Health Act (Cap 248) which defines and includes in its interpretation of a person with mental illness as a person with suicidal ideation or behaviour. Moreover, it inhibits accurate data collection and hinders suicide prevention efforts.

The Petitioner clarifies that Kenya remains one of the few countries with such a legislation criminalising attempted suicide. He avers that many countries decriminalised attempted suicide allowing mentally ill patients access to the services they require.

The Petitioner further states that the continued application of the provisions contradicts the provisions of Article 43 of the Constitution that “(1) every person has the right—to the highest attainable standard of health, which includes the right to healthcare services, including reproductive healthcare and; (2) a person shall not be denied emergency medical treatment.”

The Petitioner concludes and holds that Section 226 of the Penal Code (Cap 63 of the Laws of Kenya) read together with Section 36 is unreasonable; and, potentially creates a barrier towards

access to the highest attainable standard of mental health care and emergency medical treatment. Further, the Petitioner states that the provision offends Article 28 which provides that “every person has inherent dignity and the right to have that dignity respected and protected.”

In light of the foregoing, the Petitioner seeks the intervention of the National Assembly in repealing Section 226 of the Penal Code Cap 63 to decriminalise attempted suicide.

Having determined that the matters raised by the Petitioner are well within the authority of this House; and further, that the matters raised in this Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.

The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

*(Hon. Julius Sunkuli stood up in his place)*

Yes, Hon. Julius Sunkuli, do you want to speak on this?

**Hon. Julius Sunkuli** (Kilgoris, KANU): Yes.

**Hon. Speaker:** You do not have to stand up. You simply wait and I can invite you to speak. What I do not understand for lawyers like Hon. Murugara, is whether everybody who attempts suicide is a psychiatric case or a mental health patient.

**Hon. George Murugara** (Tharaka, UDA): It is not necessarily that way. I think they might be circumstances apart from mental illness that may force one to commit suicide. There needs to be an examination. Sometimes, it may also be criminal to try and avoid due process. People opt to kill themselves quickly because they have committed more serious and heinous offences. We will look at this.

**Hon. Speaker:** Hon. Julius Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, I support this Petition and urge the Committee to consider matters that will lead to decriminalisation of attempted suicide. This is one of those two offences when you attempt to commit an offence and you do not succeed, you are punished.

**Hon. Speaker:** Of course if you succeed then you will not be there to be punished.

*(Laughter)*

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, in the United Kingdom (UK), suicide itself used to be punished. That once you commit suicide, your property was taken by the state and your inheritance was destroyed. In 1961, the UK decriminalised suicide and later on, it decriminalised attempted suicide.

Our society is complex now. We do not even know why people are killing themselves. The majority of those who are committing suicide are not people who really want to die, but they are people who do not want to live because their lives are hard. There is a difference between wanting to die and not wanting to live because if there was an alternative, they would take it.

It is important that we use the opportunity of psychiatric knowledge to try and cure the mental illness in our society. People are killing themselves. In Kilgoris, people commit suicide by ingesting acaricides used for killing ticks. This is becoming very common. It does not sound good that a person who just survived death is punished by being imprisoned. Let us be a more

understanding society by decriminalising attempted suicide. Indeed, suicide itself has been decriminalised.

**Hon. Speaker:** If suicide is complete, it is not criminal Hon. Julius. I do not know what you are talking about.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, I was speaking to the other Member. I had mentioned that in the UK, you were punished if you committed suicide. Your property would be taken away and your inheritance would be vanquished but now it is no longer an offence in Britain and Kenya. Attempted suicide should also not be a punishable offence, instead, it should be a case for doctors to handle and for society to learn how to cushion distressed Members. We are all suffering from depression.

**Hon. Speaker:** Chairperson, Departmental Committee on Health. Take two minutes each.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I stand to support the Petition by Professor Atwoli, the professor of psychiatry. Attempted suicide is a mental illness. That being the case, it should not be criminalised. These are people who require psychological or psychiatric treatment.

As the Committee looks into that, we have cases of judges and magistrates admitting patients to mental hospitals. For example, a judge would declare a patient be admitted to Mathare Mental Hospital and you wonder how the patient will be discharged after getting well. We have people who have stayed in Mathare Mental Hospital permanently which is a serious case. One even wonders who should pay the hospital bill. The Committee should ensure that it is a doctor who admits patients to mental hospitals. Once the patients are fit to stand trial, a doctor should discharge them before being taken back to court for trial and sentencing. A judge should not admit one to a mental hospital forever.

There are many issues that the Committee will need to look into. If possible, they should invite Prof. Atwoli and the CEO of Mathare Mental Hospital. There are many issues that involve mental illnesses. I am also willing to appear before the Committee so that we can shed more light on that.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Speaker. I would like to support the Petition.

In the last Parliament, the Kenya National Commission on Human Rights sent a petition to this House, urging it to amend Section 226 of the Penal Code to decriminalise attempted suicide. Science has shown that mentally stable people do not end their lives or attempt to end their lives. If there are people who are attempting to end their lives, they essentially have a mental condition, and require treatment. To prosecute such people in court is not justifiable. I want to agree with the Petitioner that this House needs to make that consideration and decriminalise that section of the Penal Code that allows it.

Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Hon. Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I want to vehemently, oppose this Petition.

In the Constitution, life is described as sacred. It should be preserved. It is illegal to take away one's life same as another's. Why would you want to jail someone for taking or attempting to take another person's life, but when one wants to take away his or her own, you say it is okay?



God meant for people to live and not to be killed or kill themselves. If they have to die, it should be as per God's plans.

If we decriminalise attempted suicide in this country, we would be picking many people who have committed suicide from the streets. We must ensure that every Kenyan looks at life... Why do we oppose abortion? Why do we say we are pro-life as a country and on the other hand, we want to decriminalise a situation where someone takes it away? As a Christian and as a person who believes that life is sacred and must be preserved, I oppose this Petition, and I want to ask this House not to ever pass such a law. We will stand to be judged, and the Christian fraternity needs to come out and tell Prof. Atwoli that he is wrong to say those things.

I stand with all Christians who believe that we are pro-life, we must preserve life, and let life go because God has willed, but not because man has willed that that person must die.

I oppose.

**Hon. Speaker:** Hon. Mwalyo.

**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you, Hon. Speaker. One of the ten Commandments in the Bible says: "Thou shall not kill."

Therefore, killing yourself is an offence and a sin. We should not set an example. People will say Parliament has already passed that Petition that allows them to kill themselves. Many of them will commit suicide if we pass this Petition.

I oppose.

**Hon. Speaker:** Member for Kirinyaga.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Speaker. We miss the point when we do not understand where the Petition is coming from.

We passed a robust law on mental health in the last Parliament. Unfortunately, we have not had the capacity to fully implement the same. There is a joke that goes around that in heaven, there is no beer. I do not think any person of sane mind would want to take away his life. There are medical data that claim that for a long time, mental illness in the African society has not been addressed adequately. Even in the village, we used to say, "Yule mwendawazimu." We do not understand that in the 21<sup>st</sup> century, it is a disease like any other. It is a condition that must be addressed medically. These people undergo clinical testing. They see therapists, and it is very expensive to see one in this country.

A resident in Kirinyaga County cannot afford Ksh3,000 per session of one hour to see a therapist. Mental health must be addressed adequately by the 13<sup>th</sup> Parliament. The Ministry of Health must also fund county governments to address issues of mental health adequately. We are not sanctioning people to take away their lives. We are saying these people need help. Let us come up with solutions to help them so that they live longer until the Lord decides otherwise.

Let us address the concerns of mental health without bringing in religion or saying that this House or that petition would sanction people taking away their lives.

Thank you, Hon. Speaker.

**Hon. Speaker:** Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): Hon. Speaker, I know Prof. Lukoye. He has been into this for a while. Committing suicide is never instant. There is a process before it. Many things may have happened before one decides to take his or her life. However, there are situations where we look at extreme anger. Somebody who is extremely angered by whatever and decides he or she cannot face this anymore and commits suicide needs to be looked at. In my view, what the Petition ought to have looked at is whether we can subject issues of suicide to processes before one commits suicide. That way, it will make a lot of sense.

Life is important. It is not good for one to take away his or her life. Many suicide cases are followed by many other incidents, activities and processes that by the end of the day, people conclude that they do not want to face them anymore, and hence, the option to commit suicide. We need to have breaks in between so that before we end up saying that you attempted to commit suicide, and it is looked at in isolation, the Petition wants to look at it in terms of a process. What leads you to that kind of a situation where you want to commit suicide?

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Tarbaj. Normally, you do not sit around here.

**Hon. Hussein Abdi** (Tarbaj, UDA): Thank you, Hon. Speaker. I am always on that other end.

I wish to add my voice to this Petition. There are many factors that can lead one to commit suicide. And if people overcome the temptation to commit suicide, we should sympathise with them and not punish them for attempting to commit suicide because we do not know what has led them to that. They should be sympathised with, given enough counselling and support, but not punished.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Martin.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Speaker. There is no data or information that indicates that criminalising suicidal attempts has improved or reduced suicidal attempts.

Sometimes, we use money or funds in the wrong interventions. Instead of taking that person to prison and leaving his or her entire household in abject poverty, it is improving the suicidal ideation more which can result in the attempt, more than if you leave this person in the household, and have some measures. I hope my Chairperson is listening. Instead of Mathare Mental Hospital, we should decentralise mental services to primary healthcare so that they can be addressed at the household and also dispensaries and health centres. Speaking the truth, suicidal ideation, attempts and some completion is an epidemic. People are not surviving. It is not like what Hon. Sunkuli says that they do not want to live. They see that they cannot live, and that is why they take away their lives.

I support the Petition. We should decentralise mental health to primary healthcare.

**Hon. Speaker:** Hon. Liza Chelule.

**Hon. Liza Chelule** (Nakuru County, UDA): Asante sana, Mhe. Spika kwa kunipatia hii nafasi nami nichangie Ombi ambalo limeletwa Bungeni na daktari mmoja katika nchi yetu ya Kenya kuhusu mauaji ya watu au mtu binafsi kuchukua nafasi...

**Hon. Speaker:** Hapana. Hiyo sio Kiswahili sanifu. Ni kujitia kitanzi au kujaribu kujitia kitanzi.

**Hon. Liza Chelule** (Nakuru County, UDA): Ninazungumza kuhusu mtu anayejaribu kujitua uhai ama anayetaka kujitia kitanzi. Kabla mtu hajaamua kujiua ama kujitia kitanzi, kuna sababu ambazo huenda zimemfikisha afanye maamuzi hayo. Huenda ikawa ni ugonjwa au shida ya kiakili. Tunafaa kutofautisha hayo mambo mawili.

Katika Bibilia, Mwenyezi Mungu anasema hatufai kujiua ama kuwaua wenzetu. Mtu hastahili kujitia kitanzi, kujitua uhai, ama kuua mtu mwingine. Kuna mambo mawili hapa: kujitua uhai au kujitia kitanzi ama kumuua mwingine. Mtu aliye na ugonjwa wa kiakili anafaa kupelekwa hospitalini ilia apate tiba. Kwa hivyo, tukisema yule mtu anajaribu kujitua uhai, kujitia kitanzi ama kumtoa uhai mwingine, anafaa kupelekwa hospitalini. Lakini kuna wengine ambao kutokana na hasira au chuki, wanaweza kuwatoa uhai wenzao.

Bw. Spika, ninapinga hili Ombi na lazima uchunguzi ufanywe maana kuna mambo tofauti yanayochangia shida hiyo.

Ahsante, Mhe. Spika.

**Hon. Speaker:** Hon. Okello.

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Speaker.

Many factors could precipitate suicide. The owner/drafter of this Petition has only taken one angle – mental incapacitation. Therefore, life being so sacrosanct, this House cannot administer an easier process that leads to extermination of life. I believe that before judges and magistrates make a final determination as to the guilt or otherwise of an accused person, they usually recommend for mental examination.

**Hon. Speaker:** Only in homicide cases.

**Hon. Jared Okello** (Nyando, ODM): Only in homicide cases. Therefore, if this House would make changes to that effect, then that medical examination should also include cases of suicide. But, we are not going to allow Kenyans to take away their lives at will because basically that is what this Petition is intended to achieve.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes. Hon. Member for Wajir West.

**Hon. Yussuf Farah** (Wajir West, ODM): Thank you, Hon. Speaker, for giving me this opportunity to oppose this Motion.

**Hon. Speaker:** It is a Petition.

**Hon. Yussuf Farah** (Wajir West, ODM): I mean to oppose this Petition. In Islam, suicide is not allowed, and I want to quote the Prophet, *sallallahu alayhi wa sallam*: “Indeed, whoever intentionally kills himself, then certainly, he will be punished in the hell fire.” If God himself decided to punish those who commit suicide, as human beings, we have no power not to punish them. I believe that anybody who attempts to take his own soul should be punished.

With those few remarks, I oppose the Petition. Thank you.

**Hon. Speaker:** Yes, Member for Kamukunji.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I stand to support the Petition by Prof. Atwoli on this critical issue of suicide. This House should not mix their religious beliefs and our ability to legislate justice for all our citizens. Those who are committing suicide are mostly people with mental illnesses, those who are not psychologically balanced and have problems in their own lives and feel that it is not worth living on earth. So, bringing in biblical or Quranic verses in order to oppose is out of place. I think we should decriminalise it and make sure that the patients who survive get the medical attention that they need psychologically, and any other necessary help. I heard some Member mention that we will be encouraging more people to commit suicide, but even if you took people who are not balanced and have survived suicide attempts to prison, they can still hang themselves in prison. There is no deterrent. I think we should give them the support that they need. We should protect them and make sure that they get cured so that they can enjoy living happy and wonderful lives in Kenya and in this world.

Thank you, Hon. Speaker.

**Hon. Speaker:** Okay. Hon. Ruweida, you will be the last on this.

**Hon. Ruweida Mohamed** (Lamu East, JP): Bwana Spika, ninaomba tuwe makini sana hapa Bungeni. Si sawa tukisema tusifuute dini. Katiba yetu inatambua dini zote. Katika Uislamu, kujiweka kitanzi ni kati ya dhambi kubwa sana, na ninaamini kwamba hata kwenye Bibilia ni hivyo. Lakini pia Qurani inasema kwamba watu ambao hawaandikiwi madhambi ni watatu; yule ambaye hana akili mpaka wakati akili itakaporudi, mtoto mdogo na yule ambaye amelala mpaka

atakapoamka. Kwa hivyo, kama kutakuwa na njia ya kuhakikisha kweli hana akili, hapo tutasema hana dhambi. Kuna watu ambao wanatumia hizi nafasi vibaya; kwa mfano, mtu akikosana na bwanake, pengine ameo bibi mwingine, anakunywa na kuleta sarakasi. Huyo anafaa kuadhibiwa. Sisi wengine angalau tunakubali wanne. Kwa hivyo, mambo mengine yasiingizwe katikati na mtu akatumia nafasi hiyo.

Ahsante, Bwana Spika.

**Hon. Speaker:** The Petition is committed to the Committee on Public Petitions. Is Hon. Nimrod here? They should report back in 60 days.

*(Loud consultations)*

Order, Hon. Members. Order!

Hon. Members, on my behalf and on your behalf, allow me to welcome back to the House your colleague from Isiolo North, Hon. Samal, who has been battling some ailment for several months and has missed attending this House for close to a year. We thank God that he is now recuperating properly. He still has some challenges, but he has come to see the Speaker and informed him that he is now able to attend the House at least minimally for 20, 30 minutes to an hour per session. We must all wish him quick recovery so that he can continue discharging his duties on behalf of the electorate of Isiolo North.

Hon. Samal, welcome back and we wish you quick recovery. I do not know if he is able to speak well. Hon. Samal, are you able to say something? It is difficult from what I noticed.

**Hon. Joseph Samal** (Isiolo North, JP): Hallo *(Inaudible)*

**Hon. Speaker:** Hon. Samal, do not stress yourself. We wish you quick recovery. From the time I saw Hon. Samal at the hospital and now, I can report to the House that there is tremendous progress in his recovery.

*(Applause)*

Next Order.

## PAPERS

**Hon. Speaker:** Leader of the Majority Party.

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

1. Submission of Nominee to the National Government Constituencies Development Fund Committee for Hamisi Constituency by the National Government Constituencies Development Fund Board;
2. National Government Budget Implementation Review Report for the First Nine Months of the Financial Year 2023/2024 from the Office of the Controller of Budget;
3. County Governments Budget Implementation Review Report for the First Nine Months of the Financial Year 2023/2024 from the Office of the Controller of Budget;

4. Reports of the Auditor-General and Financial Statements of the National Governments Constituencies Development Fund (NG-CDF) for the year ended 30<sup>th</sup> June 2023 and the certificates therein in respect of the following constituencies:
- |                          |                       |
|--------------------------|-----------------------|
| (a) Bobasi;              | (n) Mandera East;     |
| (b) Bomachoge;           | (o) Mandera South;    |
| (c) Bonchari;            | (p) Mbeere North;     |
| (d) Bondo;               | (q) Narok East;       |
| (e) Emuhaya;             | (r) Nyakach;          |
| (f) Hamisi;              | (s) Nyando;           |
| (g) Ijara;               | (t) Nyatike;          |
| (h) Kangundo;            | (u) Rarieda;          |
| (i) Kitutu Chache North; | (v) Sabatia;          |
| (j) Kisumu Central;      | (w) Seme;             |
| (k) Kisumu West;         | (x) Suna East;        |
| (l) Lafey;               | (y) Wajir South; and, |
| (m) Lagdera;             | (z) Yatta.            |

**Hon. Speaker:** Chairperson of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Select Committee on Budget and Appropriations on its consideration of the County Governments Additional Allocation Bill (Senate Bill No.19 of 2024).

Thank you.

**Hon. Speaker:** Thank you, Hon. Chairman. Chairperson of the Diaspora Affairs and Migrant Workers Committee, Hon. Haika.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Diaspora Affairs and Migrant Workers Committee on the study visit to Philippines from 7<sup>th</sup> to 12<sup>th</sup> August 2023.

Thank you.

**Hon. Speaker:** Thank you, Hon. Haika. Chairman of the Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Administration and Internal Affairs on the inquiry into the state of security in the six counties of North Rift of Baringo, Elgeyo Marakwet, Turkana, West Pokot, Samburu and Laikipia declared as disturbed areas.

**Hon. Speaker:** Thank you, Hon. Tongoyo. Chairman of the Departmental Committee on Agriculture and Livestock, Hon. (Dr) Mutunga.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Mung Beans Bill (Senate Bill No.13 of 2022).

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. (Dr) Mutunga. Next Order.

## NOTICE OF MOTION

### ADOPTION OF REPORT ON INQUIRY INTO STATE OF SECURITY IN NORTH RIFT REGION

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Administration and Internal Affairs on the Inquiry into the State of Security in the Six Counties of North Rift, Baringo, Elgeyo Marakwet, Turkana, West Pokot, Samburu and Laikipia declared as disturbed areas, laid on the Table of the House on Tuesday, 13<sup>th</sup> August 2024.

**Hon. Speaker:** Thank you, Hon. Tongoyo. Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

#### EXTENSION OF TIME TO RESPOND TO STATEMENTS

**Hon. Speaker:** I will start with Hon. Chepkonga.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you very much, Hon. Speaker. About two weeks ago, you referred a Statement by Hon. Kawanjiku, the Member for Kiambaa, on an agreement that was signed by the Ministry of National Treasury and Economic Planning together with a company in Kenya to grant them waivers of taxes. We had a meeting this morning where we interrogated the officials from the Ministry of National Treasury and Economic Planning. Unfortunately, there were certain critical documents that were not presented to us. They came with a statement which was extremely wanting.

We are seeking a further two weeks to receive the necessary documents that we have requested from them, and for them to give us the information that we have sort.

**Hon. Speaker:** Two weeks extension granted.

#### INVITATION TO MEMBERS TO CONFERMENT OF CITY STATUS CEREMONY AND GRANT OF CHARTER TO ELDORET MUNICIPALITY

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, let me take this opportunity to extend an invitation to Members of Parliament. I rise pursuant to Standing Order 83. As you are aware, the President will grant Eldoret city status. He will grant a Charter on Thursday, 15<sup>th</sup> August 2024 to make Eldoret the fifth City of Kenya.

As you know, Uasin Gishu County, which hosts this city, is the home of champions. All the six constituencies are delineated to touch Eldoret. Members of Parliament bring their milk, wheat and maize from their constituencies all the way to Eldoret. On behalf of the Members of Parliament who come from Eldoret—Hon. Bartoo from Moiben, Hon. Engineer Oscar Sudi from Kapseret, Hon. Sitienei from Turbo, Hon. David Kiplagat popularly known as DK from Soy, Hon. CPA Rutto from Kesses, and the Hon. Deputy Speaker and Member for Uasin Gishu County, Hon. Gladys

Boss—I would like to warmly extend our rich welcome to the Members of this House to attend the grant of the Charter to Eldoret as the fifth city in this Republic.

This is the City which has produced many champions. This is the home of the first athlete, Mr. Kipchoge Keino, who won a gold medal for Kenya. It is intended that he will be recognised. It will be very nice that Members of Parliament attend the ceremony for the grant of Charter because this is not an Uasin Gishu County matter. It is about the pride of the country. We now have the fifth City. Other countries have one city. We are proud to have five cities. I can see Hon. Mbui acknowledging and seeking that Makueni will be a city one day. This is a learning experience. Eldoret is a sister to a number of towns that border this county. They are Bungoma, Kericho, Trans Nzoia, Bomet County, Elgeyo Marakwet County, Baringo County and Kitale. I am being corrected by Hon. (Dr) Pukose that it is Kitale Town but not Trans Nzoia. This is where he comes from and he plans to attend.

**Hon. Charles Nguna** (Mwingi West, WDM): On a point of information, Hon. Speaker.

**Hon. Speaker:** Hon. Ngusya, what is your point of information?

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Speaker, I want to inform my colleague here that there is no place called Makueni. He should have said Wote. Makueni is just a name but the town is called Wote.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, I have been corrected by a person who knows the place. The Member is popularly known as CNN. He watches Cable News Network (CNN) a lot. So, he has more information than me. I agree with him.

#### REQUESTS FOR STATEMENTS

**Hon. Speaker:** Next, we will go to the Statement by Hon. David Ochieng'. He is not in the House. We will stay the matter until tomorrow. Next is Hon. Machua Waithaka, Member for Kiambu.

Go ahead.

#### STATUS OF TWO KENYANS DETAINED IN DUBAI

**Hon. John Waithaka** (Kiambu, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the arrest and prolonged detention of two Kenyan citizens in Dubai, United Arab Emirates (UAE).

The two siblings, namely, Mr Kevin Mbugua of Passport No.BK3490508 and his sister, Ms Nellie Wangui of Passport No.AK0227614, who hail from Ndumberi in Kiambu Constituency were arrested in Dubai in December 2023 under unclear circumstances. They are currently being held incommunicado by the Dubai authorities in Ajman jail. Their detention has now persisted for nearly eight months. This prolonged incarceration without clarity on proceedings or due process has caused distress among the family members. The lack of communication has left the family in a state of fear and uncertainty regarding the fate of their loved ones. It is deeply troubling that no formal charges have been filed against the two siblings. This situation also raises questions about the safety and well-being of Kenyans abroad, and the effectiveness of our diplomatic interventions in such cases.

Hon. Speaker, it is against this backdrop that I request a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on:

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1. The current status of Mr Kevin Mbugua and Ms Nelly Wangui, who are detained in Dubai.
2. Steps to provide consular support and ensure communication between the detained individuals and their family in Kenya.
3. Diplomatic measures being taken by the government to engage with UAE authorities to resolve this matter and ensure the reparation of the two Kenyans to re-join their family.

Thank you, Hon. Speaker.

**Hon. Speaker:** Is the Chairperson for the Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Nelson Koech, here? Is any Member of the Committee present? Leader of the Majority Party, inform them to bring the response in two weeks' time.

Yes, Hon. Kandie?

**Hon. Joshua Kandie** (Baringo Central, UDA): I will let my Committee Chair know that the response should be brought to the House in two weeks' time.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Joseph Namuar of Turkana Central is next.

#### NATIONAL WATER HARVESTING AND STORAGE AUTHORITY'S INCOMPLETE PROJECTS IN TURKANA COUNTY

**Hon. Joseph Emathe** (Turkana Central, UDA): Hon. Speaker, I request for a Statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation, pursuant to the provisions of Standing Order 42(2)(c).

**Hon. Speaker:** Speak with some energy. We cannot hear you.

**Hon. Joseph Emathe** (Turkana Central, UDA): Pursuant to the provisions of Standing Order 42(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation regarding National Water Harvesting and Storage Authority's incomplete projects in Turkana County.

The National Water Harvesting and Storage Authority was established under Section 30 of the Water Act of 2016 with the main mandate of undertaking development of national public works, water works for storage of water resources and flood control, on behalf of the national Government. The Authority plays a critical role in promoting access to water for Kenyans as enshrined in the Constitution. However, it is deeply concerning that despite the Kawalase Flood Control Project in Turkana County receiving budgetary allocations in Financial Years 2018/2019, 2019/2020 and 2023/2024 for gabion construction and river training works, the National Water Harvesting and Storage Authority has made no tangible progress.

The lack of progress on projects not only denies the people of Turkana access to water but also leaves them vulnerable during the recurring floods that have caused devastating losses in the region. If this situation continues, more catastrophic losses are expected, including the risk of displacement of Napatet village and the adjacent Lodwar airstrip in Lodwar municipality. It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation on the following:

1. What are the reasons for the slow progress and incomplete status of the Kawalase Flood Control Project by the National Water Harvesting and Storage Authority in Turkana County?



2. Could the Ministry provide a report on the utilisation of funds allocated to the project from the financial year 2018/2019 to the financial year 2023/2024?
3. What measures is the Ministry putting in place to ensure timely completion of these stalled projects?
4. What steps is the Ministry taking to enhance the project's oversight, management and accountability to prevent similar occurrences of incomplete projects in Turkana County in the future?

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Bowen. You are the Chairman of the Departmental Committee on Blue Economy and Irrigation.

**Hon. Bowen Kangogo** (Marakwet East, UDA): Thank you, Hon. Speaker. The National Water Harvesting and Storage Authority has had serious challenges. It is among the 47 institutions listed for winding up. I will check up with the Ministry and bring a Response in two weeks' time.

**Hon. Speaker:** Thank you. Let us have Hon. Catherine Omanyo, the Member for Busia County.

#### HARASSMENT OF KENYAN FISHERMEN IN LAKE VICTORIA

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Speaker. I rise to request for a Statement regarding the status of fishermen in Budalangi, on the Kenya-Uganda border area. Pursuant to the provisions of Standing Order 42(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding harassment of Kenyan fishermen in Lake Victoria.

Lake Victoria is the largest freshwater lake in Africa, and the second largest in the world. It is a shared resource among the Republics of Kenya, Uganda and Tanzania. It supports the livelihoods of millions of people, particularly those who depend on fishing.

It is regrettable that Kenyan fishermen continue to face many challenges arising from transboundary conflicts with Ugandan authorities. One of these conflicts is the frequent arrest and detention of Kenyan fishermen by Ugandan security forces. Uganda accuses them of trespassing into Ugandan waters or operating without valid licences. According to reports, Ugandan police officers often confiscate boats and equipment of Kenyan fishermen and demand hefty bribes for their release. Some of these bribes can be as high as Uganda shilling 700,000. That is equivalent to Ksh30,000 per person.

In some cases, Ugandan security forces have also used violence against Kenyan fishermen, resulting in injuries or even deaths. These incidents violate the rights and dignity of Kenyan fishermen, who are entitled to fish in the lake as per the agreements and protocols signed by the East African Community's member states. These agreements and protocols include the Lake Victoria Fisheries Organisation (LVFO), established in 1994 to promote sustainable management and development of fisheries' resources in the lake.

The LVFO also aims to foster cooperation and coordination among the riparian states on issues such as fishing licences, regulations, enforcement, monitoring and research. These incidents undermine the spirit of friendship and integration between Kenya and Uganda, which have a long history of bilateral relations and cooperation. The two countries share not only a common border but also a common culture, language, heritage and destiny.

It is against this backdrop that I seek a Statement from the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

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1. Steps being taken by the Ministry to engage the Government of Uganda to ensure that Kenyan fishermen in Lake Victoria are treated with respect and dignity, and that any disputes over fishing rights are resolved amicably and peacefully.
2. Strategies put in place by the ministry to work with the LVFO and other stakeholders to harmonise the fishing policies and procedures in the lake and provide adequate support and protection to Kenyan fishermen.
3. Measures put in place to enhance security and surveillance in the lake, and to collaborate with Ugandan authorities to prevent and punish any acts of harassment or extortion against Kenyan fishermen.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Wanjala. That is her Statement. Do you want to be a joyrider?

**Hon. Raphael Wanjala** (Budalangi, ODM): Hon. Speaker, I want to give some additional information that I have just received to support her Request for Statement.

On 11<sup>th</sup> July, Ugandan police operating in Lake Victoria arrested eight people from Bunyala South Location, Bunyala South Ward, Budalangi Constituency. They are:

1. Joseph Ouma Kudira, ID No.1727955;
2. Moses Kudira, ID No.22968364;
3. Stephen Okoth, 16 years old;
4. Preston Sanya, ID No.27492504;
5. Patrick Namonja, ID No.33478402;
6. Zedekiah Oguta, ID No.2575476;
7. John Oboloti; and,
8. Michael Wafula.

Hon. Speaker, we want to tell Ugandans that all the tributaries to Lake Victoria are from Kenya. The fish are bred in Kenya but they move to deeper waters as they grow bigger, and that is why our people go there. It is a shared resource.

Thank you.

**Hon. Speaker:** Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, I represent one of the constituencies that are badly affected by the the so-called...Sorry! Let me call it “bad manners” of our Ugandan neighbours. Hardly a week ends without reports of arrests. Actually, they are not even arrests. They are abductions. The Ugandans come all the way to the shores of Lake Victoria on the Kenyan side and forcefully abduct our fishermen so that they can be given Ksh30,000 that they crave for every single day for release. When they are asked why they do that, they say that the military and the police in Uganda are never paid any salary. They, therefore, suffer and that is why they come looking for little money. For us in Funyula, we have found a way of dealing with them. When they take our people, we also hold their people to ransom and we trade them off with ours.

We want the two countries and Tanzania to have a discussion to put this matter to an end once and for all. Fish are a shared resource. We are a people with language, culture and traditions similar to theirs. I do not know why they keep on harrassing us. If they continue doing this we will also look for self-help measures so that we resolve this matter once and for all.

Thank you.

**Hon. Speaker:** Hon. Odanga.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Speaker. This is a matter that needs to be addressed seriously by the East African Community leadership. It happens over and

over again. Most of the time, the Kenyan fishermen are arrested in Uganda and punished as it has been said. Some are kept in police cells for long periods of time, and that goes on unchallenged. We need our Government to take this matter seriously. When Ugandans come to Kenya, Kenyans do not treat them that way. So, our security apparatus needs to be very serious on the ground to protect Kenyan fishermen and other traders within the border areas of Kenya with Uganda.

I suggest that the Committee on Regional Integration...

*(An Hon. Member consulted the Hon. Speaker)*

Hello, Hon. Speaker. He is not listening.

*(Laughter)*

**Hon. Speaker:** Go on.

**Hon. Geoffrey Odanga** (Matayos, ODM): Hon. Speaker, I suggest that the Committee on Regional Integration be involved in this matter.

Thank you.

**Hon. Speaker:** The Member for Bondo.

**Hon. Gideon Ochanda** (Bondo, ODM): Hon. Speaker, this is a serious menace. The whole issue of the conflict between Kenya and Uganda, particularly with our fishermen, is a menace. Once this conflict is addressed, there will be peace in the region. We should completely determine our boundaries, even if it means using a string. We can have that on the Lake so that anybody crossing from the Kenyan side to the Ugandan and vice versa knows that they are on the boundary. It is difficult for anybody to know exactly where that boundary is. What we are conflicting on is fish. Even if we have a boundary over the water, the fish in the Lake will not respect it. They will cross from left to right and from right to left. So, the most important thing is to get a harmonious way of co-existing, particularly between Kenyans and Ugandans, and more so for the people who use the resources found in the lake. This is something that has been there for long. We must get a solution to it.

Thank you.

**Hon. Speaker:** The Member for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. This is a big problem for all the people around the lake. I want to draw the attention of the House to the fact that two years ago, we passed a Bill in this House that established the Kenya Coast Guard as a unit whose functions were to guard the coast and protect fishermen. It was expected that by the time the Ugandan forces come in, they would have met our Kenya Coast Guard and resolved this issue without affecting the fishermen. What we should look at is what the Kenya Coast Guard do, particularly in Lake Victoria. It was expected that a base would be established somewhere in Busia. This is something we must address as a country.

**Hon. Speaker:** Lastly, Hon. Pukose. Hon. Mutunga, do you want to speak to this matter?

*(Hon. (Dr) John K Mutunga nodded in the affirmative)*

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. The Statement sought by Hon. Catherine Omanyoo, the Member for Busia County, is very serious. It needs attention. All of us who live along the borders must share resources equally without discrimination.

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We are all signatories to the East Africa Community Treaty. As East Africans, we should not have police arresting the people of Budalangi, Endebess, Funyula or Matayos. Whether they are fishermen or hunters and gatherers, they should move freely so that they get whatever resources they need. This is something that should be addressed by the Head of State of Kenya, President Ruto together with his brother, President Museveni so that this issue can be resolved once and for all.

Thank you.

**Hon. Speaker:** Hon. Members, let us end here on this matter. Hon. Mutunga, take a minute. You will be the last one.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Thank you, Hon. Speaker. The issue of skirmishes in Lake Victoria, especially aggression by Ugandan Government officials, is quite disturbing. We wonder why we do not hear such aggression emanating from the Kenyan security forces towards Ugandans. The last time we had an issue with the Misingo Island, there was a lot of aggression from the Ugandan Government. This matter seems to be fizzling out. Whenever it comes up, we just discuss it here and we do not take any action. We are asking the relevant institutions to take it up and deal with it to its logical conclusion. We should not forget that the Second World War was caused by a single assassination in Europe. So, the Ugandans are going too far by being aggressive against Kenyans. We are resilient and we believe in good neighbourliness and friendship. When they had problems with Idi Amin Dada, Ugandans lived in Kenya. We never killed or disturbed them. Lake Victoria water actually comes from Kenya. So, I do not know why they keep on disturbing our people when they even fish on our side of the border. This matter needs to be dealt with conclusively.

Thank you.

**Hon. Speaker:** Chair of the Departmental Committee on Defence and Foreign Relations, Hon. Kandie, can you bring a response in two weeks' time?

**Hon. Joshua Kandie** (Baringo Central, UDA): I will do so, Hon. Speaker.

**Hon. Speaker:** Okay. Hon. Tongoyo, are you ready with the response to the request for Statement by Hon. Wilberforce Oundo?

**Hon. Gabriel Tongoyo** (Narok West, UDA): I am ready, Hon. Speaker

## STATEMENTS

### FACILITATION OF NATIONAL GOVERNMENT ADMINISTRATION OFFICERS

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, Hon. Oundo, the Member of Parliament for Funyula, had requested for a Statement to be informed on the criteria for and the status of distribution of Government vehicles to National Government Administrative Officers (NGAO). Specifically, he sought to know the criterion used and the status of distribution of Government vehicles, what steps the Government has taken to ensure that all national Government administrative officers, particularly, those in Funyula Constituency, are facilitated with vehicles, and when the Ministry will supply vehicles to the national Government administration officers, especially in Samia Sub-County.

Hon. Speaker, I beg to respond that the Ministry has a shortfall of 1,718 units of motor vehicles, way above what is allocated from the leasing programme and budgetary allocation for the National Treasury for the purchase of motor vehicles. The Ministry has embraced the leasing programme as the best way to address mobility challenges faced in service delivery.

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In 2021, the Ministry retained 200 units of Ford Ranger model motor vehicles after expiry of the leasing programme based on the mechanical report from the field administration officers. The units were distributed to all the departments and field administration unit as follows: Deputy County Commissioners got 68 units; County Commissioners pool for use by Assistant County Commissioners (ACCs) in the County, 102; and Departments in the Ministry, 30. That is a total of 200.

In regard to the second question, the Ministry has submitted a request to the National Treasury for allocation of motor vehicle units under the leasing programme but the Ministry is yet to get the allocation of motor vehicles in the just concluded Budget. I mentioned this last week.

In regard to the third question, Samia Sub-County was among 68 sub-counties that retained Ford Ranger model unit whose lease had expired. The Motor Vehicle registration GK B391H is the current vehicle in use by the Deputy County Commissioner. The pooled vehicles at the County Commissioner, Busia County are GKB369J and GKB745H. The ministry is awaiting the National Treasury to allocate funds for the leasing programme. Once the motor vehicles are availed from the leasing programme, the Ministry will deploy them to the field administrative officers. That will include in the said sub-county. Priority will be given to the sub-counties that do not have leased motor vehicles, Samia Sub-County included.

Thank you, Hon. Speaker. I submit.

**Hon. Speaker:** Hon. Oundo, are you satisfied?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM) Hon. Speaker, I have had a discussion with the Chairman earlier. What he has indicated here is what he had told me. Of course, I am not satisfied for two reasons. Number one, the timelines are not given. As I stand here, the Motor Vehicle Registration GK B391H that he talked about is actually grounded and yet the County Commissioner indicates that even the ones that he has indicated here are not in good working condition.

So, I ask him to continuously engage the Ministry so as to expedite the process. They can hold up the money in the National Treasury and as they proceed with the leasing, let them not forget the various police stations in Funyula Constituency that do not have vehicles at all. This is to an extent that the police cannot mount any security operation. They have no vehicles. Sometimes they have to use bicycles or motorcycles to run after criminals, which is now becoming a very dire situation. I ask him to continuously press the Ministry to move with speed and address these issues.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Yes, Hon. Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. Hon Tongoyo said that County Commissioners have been given 102 vehicles for use by ACCs. I do not know how that distribution was done because many of the ACCs, including the ACCs in Endebess, Chepchoina and other places, have no vehicles. I do not think they are able to even access the pooled vehicles.

Secondly, out of the vehicles that are bought, 68 are given to the DCCs, and 30 are given to departmental heads. That means the vehicles remain in Nairobi within the departments thus starving those who are far away, who could utilise those vehicles. Hon. Tongoyo needs to go back and discuss further and give us the breakdown on how the 102 vehicles sent to the County Commissioners have been distributed. If possible, he should get the 30 vehicles that have been given to departmental heads to be distributed to various counties so that ACCs and DCCs can be facilitated to be able to perform their duties.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I appreciate the counter response from the Members. In my opening remarks, I made it very clear that there is an acute shortage of motor vehicles. I said that this problem is not just in the sub-county of the concerned Member but it is in a majority of the administrative units in the country. The solution to this problem lies in this House. It is a matter of allocation of resources – something which is done by this House. So, I call upon all Members to address the acute shortage of motor vehicles among administrative unit officers by allocating sufficient resources to the Ministry so that they can lease more.

**Hon. Speaker:** Let us go to the next one. Is Joseph Namuar in the House? Okay, go ahead and respond to his request for statement.

#### SHOOTING OF TURKANA FISHERMEN BY KWS OFFICERS

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you very much, Hon. Speaker. The next request for Statement is about an incident involving Kenya Wildlife Service personnel in Marsabit County, by the Hon. Member for Turkana Central.

The Member requested for a detailed account of the incident, including circumstances that led to the excessive force used by Kenya Wildlife Service; the specific action that has been initiated to ensure that thorough investigation is done; measures that the Ministry has put in place to ensure that the family of one Mr Esinyeni is compensated; and the steps being taken to de-escalate tension between Kenya Wildlife Service and the local communities, including collaboration with the Ministry of Tourism and Wildlife to prevent such tragic instances.

Hon. Speaker, I beg to state that on 12<sup>th</sup> June 2024, at around 1830, Kenya Wildlife Service officers based at Sibilo Game Reserve were conducting a patrol along the shores of Lake Turkana when they encountered an ambush laid by armed illegal fishermen leading to an exchange of fire, during which two Kenya Wildlife Service officers were fatally injured as follows:

1. No.6099 Samuel Longalon, an Assistant Game Warden was shot on the right part of the chest.
2. No.8249 CPL Michael Oreng' was shot on the right part of the chest.

Hon. Speaker, the incident was reported at North Horr Police Station. The bodies were later removed from the scene after processing by the Officer Commanding Station (OCS), North Horr; and the Kenya Wildlife Service Camp. Before the bodies were airlifted to Nairobi for preservation and post-mortem, on 13<sup>th</sup> June 2024, the Kenya Wildlife Service officers mounted an operation along the shores of the lake to flush out illegal fishing camps within the protected area.

Three days later, it was reported at Kalelok Police Station, Turkana Central Sub-County in Turkana County that Mr Daniel Esinyen, a Turkana fisherman, was shot in the waters of Lake Turkana, allegedly by Kenya Wildlife Service officers in retaliation. Investigation into the killing of the two KWS officers has since been opened by the Directorate of Criminal Investigations (DCIO), North Horr. Two persons were arrested but they were found not to be connected to the case and were charged with the offense of illegal entry into a protected area. They pleaded guilty as charged and each of them was sentenced to three years imprisonment by the Marsabit Law Court. Investigation into the alleged murder of one Daniel Esinyen is also ongoing. Once the investigations are concluded, the necessary action will be taken against whoever will be found culpable.

On the last part of the request, multi-agency patrols are being mounted along the neighbouring villages of Mwhite, Kambi Turkana and Kokai. In addition, sensitization of members

of the public on the importance of keeping law and order, including avoiding fishing in protected areas and ensuring coexistence with law enforcers, is ongoing. The Coast Guard officers based at Lowarengak are closely monitoring activities by illegal fishermen.

Hon. Speaker, the Statement is signed by Hon. Kithure Kindiki.

Thank you.

**Hon. Speaker:** Hon. Joseph, before we proceed to the next issue, are you satisfied?

**Hon. Joseph Emathe** (Turkana Central, UDA): Hon. Speaker, I am not satisfied with the response. This is a very emotive matter that must be understood by the Cabinet Secretary for Interior and National Administration, for whom I have a lot of respect. This problem still persists. As we speak, people are being killed. Some have been dropped into the lake and their fishing gear and boats confiscated. These are two separate incidents. The two KWS officers were killed by poachers. Sibiloi has fish and wild animals. We send our condolences.

Secondly, the incident involving Helicopter Registration Number 5Y-KWM that was used to kill Daniel Esekon on the water has not been reported. As much as I agree that further investigation needs to be done, there is need for recommendations on how the fishermen and the wild animals can coexist within the community. There are two communities or tribes, which are the Merille sub tribe of Daasanach and the Turkana, who coexist. However, in their coexistence with KWS, there is no demarcation to understand how far the park in the lake extends. That needs to be understood. The same happens even in the central highlands.

**Hon. Speaker:** Hon. Namuar, you are now making a speech. You were to seek clarification.

**Hon. Joseph Emathe** (Turkana Central, UDA): Yes, Hon. Speaker. This is a very emotive matter that requires further investigation. It is not as light as it is being put by the Cabinet Secretary for Interior and National Administration. We are losing boats, fishing gear and engines. In fact, some have even been burnt to ashes and their operators killed and thrown into the water. That is happening in Kenya. It is not the case of Uganda versus Kenya. This involves Kenyans against Kenyans. We need further clarification on this matter. That is why I am saying the response given is not enough.

Thank you.

**Hon. Speaker:** Hon. Tongoyo, your response is allegedly inadequate.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I think the issue that touch on the helicopter is just an allegation. It is not something that the Hon. Member can really prove. However, having said that, I understand the magnitude and seriousness of the matter. With your guidance, and taking into account the fact that we now have Cabinet Secretaries in office again, if the Hon. Member needs more clarification, we can have it raised during Question Time so that it can be pursued further.

Thank you, Hon. Speaker.

**Hon. Paul Nabuin** (Turkana North, ODM): Thank you, Hon. Speaker. I want to add to what my colleague from Turkana Central has put across. The issue of KWS and fishermen on Lake Turkana is getting to a different level. During the incident, it is true that a number of fishermen from the Turkana side were killed by shooters who were riding on a helicopter, and not by KWS personnel. We want to know whether it was a government helicopter or a private helicopter. As of two weeks ago, we had still been getting bodies washed on the shores of Lake Turkana in Nachukui. A number of bodies were picked up by the community along the shores of Lake Turkana.

The response that has been given is not satisfactory to us. If this issue is not handled well, at some point the community in Turkana might have to fight the KWS. It is said that the people who killed the KWS officers – we sympathize with their families – are the Daasanach from Ethiopia and not Turkana people. However, when KWS responded, they killed Turkana fishermen who are not even around the island. There is a problem. We need to urgently sit down with the Director-General of KWS to sort out this matter because the killings are ongoing. Our people are not even fishing yet fishing is their economic mainstay. What is supposed to happen?

**Hon. Speaker:** Thank you. Hon. Tongoyo, I direct that you have a meeting with the two Members of Parliament from Turkana County so that you discuss this matter further.

Yes, Hon. Naisula.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Hon. Speaker, on 24<sup>th</sup> of last month, I requested a statement regarding challenges facing the new higher education funding model, on which you directed the Chairperson of the Committee on Education and Research to respond in two weeks' time. The two-weeks deadline lapsed last week. This is a very important matter. As we know, many students will be reporting to higher education institutions next month. Guardians and parents are anxious about the new higher education funding model.

**Hon. Speaker:** Where is the Chairperson of the Committee on Education and Research? Is Hon. Millie or the Vice-Chairperson, Hon. Malulu Injendi, present? Professor, are you a member?

**Hon. Phylis Bartoo** (Moiben, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Do you have the statement?

**Hon. Phylis Bartoo** (Moiben, UDA): I can attempt to respond.

**Hon. Speaker:** No, I do not want an attempt. You either have the Statement or you do not.

**Hon. Phylis Bartoo** (Moiben, UDA): I have the Statement, Hon. Speaker.

**Hon. Speaker:** Are you able to respond now?

**Hon. Phylis Bartoo** (Moiben, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Go ahead.

#### CHALLENGES FACING THE HIGHER EDUCATION FUNDING MODEL

**Hon. Phylis Bartoo** (Moiben, UDA): Hon. Speaker, on behalf of the Chairperson of the Departmental Committee on Education and Research, I stand to respond to a request for Statement by Hon. Naisula on the new university funding model.

**Hon. Speaker:** Which Chair? You are addressing the Speaker.

**Hon. Phylis Bartoo** (Moiben, UDA): Sorry, Hon. Speaker. On 3<sup>rd</sup> May 2023, His Excellency the President of the Republic of Kenya announced the introduction of a new funding model in higher education effective from the Financial Year 2023/2024. It is a student-centred funding model representing a shift from the previous model of the Higher Education Loans Board (HELB). This model aims to ensure equitable access to higher education by directly supporting students based on their financial needs rather than allocating funds to institutions.

The shift from the previous funding is to move individualised elites-based funding to students. It has three key elements. One is that it has a means-testing instrument which gives direct support to students and has special consideration to vulnerable groups. This model has five levels. Level One includes the estimated household income of below Ksh5,995 per month. The second level is a group of persons whose income is Ksh5,000 to Ksh23,670 per month. The third level is the group whose estimated household income is between Ksh23,671 to Ksh70,000 per month. The

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Level Four group represents estimated household income between Ksh70,000 to Ksh119,000 per month. Level Five represents estimated household income above Ksh120,000. Each student is supposed to benefit from this university funding model based on these five levels.

In Band One, for example, the student will get a percentage of the scholarship, a loan and a household contribution. Level One, referred to as Band One, are students from extremely needy and vulnerable backgrounds in society. Their survival is heavily dependent on Government interventions. This includes needy orphans, applicants sponsored in the Ministry of Education Elimu Fund, applicants in social protection safety nets and those with disabilities who are included under affirmative actions. Students classified in this band should be coming from households earning below Ksh5,995. These students will get a 70 per cent scholarship, 25 per cent loan and 5 per cent household contributions.

Students who are in Level Two...

*(Hon. Nimrod Mbai and Hon. Robert Mbui consulted loudly)*

**Hon. Speaker:** Order Member for Kitui. Order, Hon. Robert Mbui. You are now constituting a kamukunji disrupting the proceedings of the House. Go on, Professor.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Speaker. Band Two are those students who are in Level Two. The socio-economic gap between Band One and Two is so blurred that there is no clear distinction. For those students in Band One and Two, the difference is very marginal. However, compared to Band One, Band Two has some income, but cannot sustain their basic needs like clothing, food and shelter. This Band Two cannot survive without Government support. Ideally, they deserve an equivalent Government intervention like Band One, but with variable loans and scholarships. This group includes estimated household income between Ksh5,000 and Ksh23,670 per month. This category of students will get a scholarship of 60 per cent, a loan of 30 per cent and they will have household contribution of 10 per cent.

The third band which is categorised as Level Three...

**Hon. Speaker:** How much more to go?

**Hon. Phylis Bartoo** (Moiben, UDA): We are in Band Three. We have two more.

**Hon. Speaker:** Try to paraphrase them, Professor.

**Hon. Naisula Lesuuda** (Samburu West, KANU): On a point of order.

**Hon. Speaker:** Yes, Hon. Naisula.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Hon. Speaker, I was going to rise on a point of order, that since I have the statement for question 2, it is quite a lengthy response. These are things I can read and keep the Ministry to account. The important parts would be the five bands and she is at Band Two, but there is also question three on the breakdown of the university fees and the last question on how the needy students will not be left out. She can leave out question two, which is quite lengthy and go straight to question three and four. That should be addressing the public as well.

**Hon. Speaker:** Professor, can you? It is a long and winding statement. Can you go to the last part? The Member would probably want to question you.

**Hon. Phylis Bartoo** (Moiben, UDA): I stand guided, Hon. Speaker. I was on Band Three, which is Level Three. It is a composition of needy people.

**Hon. Speaker:** Professor, she said you leave those bands and go to Part Three.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Give the microphone to Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Speaker, that information is extremely important to us, because we need to understand it as much as Kenyans need to understand it and also our students. Please, let her just give the five bands.

**Hon. Speaker:** Okay, go on, Professor.

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

**Hon. Speaker:** Hold on Professor. Yes, Hon. (Dr) Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, we would also like the Professor to simplify it so that if we are to communicate to the members of the public, when you are telling somebody about band one, two or three, they can understand. Can she make it simpler so that it can communicate to the parent who has not even gone to school?

**Hon. Speaker:** Professor.

**Hon. Phylis Bartoo** (Moiben, UDA): Hon. Speaker, bands one to five are the different categorisations of students in colleges and universities. The category to which a student belongs will dictate how much school fees they are going to pay, how much household contribution they are going to make and how much loans they are going to get from the Government. Therefore, at this level, I was in the student category, which is considered at Level Three. This category consists of people considered as needy with some modest income. That is a parent who is needy, but has some income. These are the low-cadre workers who also need significant Government support to allow their students to continue with education. This is a group of people who get an income between Ksh23,671 and Ksh70,000 per month. Therefore, a parent whose income is between this stated amount is considered Band Three. A Band Four parent or who is at Level Four...

*(An Hon. Member spoke off the record)*

Band Three will get a scholarship of 50 per cent and a loan of 30 per cent.

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

**Hon. Speaker:** Professor, there is a point of order. What is it, Hon. Pukose?

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, Professor has already given us those bands; that Band One is from this to that much. We would like to understand how much the student qualifies to get. She has already said that in the first category, they will get 75 per cent, then 15 per cent and finally, five per cent. How much do those percentages translate to? Kindly, break it down in a more simplified way. Give us a break down to show the amount of money the students qualify to get, from the first all the way to the fifth category. This will help parents know how much they will raise and how much the Government will give them.

**Hon. Phylis Bartoo** (Moiben, UDA): Hon. Speaker, when I am done with the different bands, I will give an example of how much a student will get in each of them. I can only give one example because I have to finish the characteristics of every band. For instance, I will pick a student who will take a Bachelor of Medicine at the university and show how much they will get.

**Hon. Speaker:** Go on. I believe what you are saying could have been said in that response.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Speaker. Band Four, which is Level Three, are middle income earners under differentiated unit cost (DUC). This applicant could survive without funding, but the actual programme course created a justification for Government funding. This group represents estimated household income of between Ksh70,000 and Ksh119,000 per month. In that case, this is a group of parents who are comfortable. They have an income, but the programme which the student will take at the university may require extra funding.

A student who takes a Bachelor of Education is different from the one taking a Bachelor of Medicine. So, they will get 40 per cent scholarship, 30 per cent loan and 30 per cent household.

Finally, there is Band Five which is also Level Five. These are high income earners with an estimated income of Ksh120,000 and above. They might need some modest Government support as well depending on the family size, the number of children in primary or secondary school and tertiary level. So, they might need support simply because they have a heavy burden. These are people who earn more than Ksh600,000. They can do without any Government support, but if they apply, they get 30 per cent scholarship, 30 per cent loan and 40 per cent household.

I do not need to answer question two. I will also not talk about the ways the Ministry is communicating to the various stakeholders. They have multiple ways which are already in the public domain. So, I would like to give a clear break down of just one case of a student.

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

**Hon. Speaker:** There is a point of order from Hon. Nyamai.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Speaker.

I have listened to Professor and she is doing her best to respond to the matter that was raised by Hon. Naisula. But it is important for us, as people's representatives, to fully understand this funding model. I am sure the students and parents are also listening. The indicators that will be used are not very clear. Is it possible for Professor to clearly explain the 30 per cent and all the other percentages? She should also explain those who will not get funding because they have other means. It is not clear. As the Member for Kitui South, I do not understand what I will tell the students in my constituency as to what indicators are being used to identify those who get 30 per cent. Is it a research that will be done in advance to know who gets what percentage? This is to ensure that students do not get stranded.

Thank you very much, Hon. Speaker, for allowing me to comment.

**Hon. Speaker:** Hon. (Dr) Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Speaker, the students are picked by the Kenya Universities and Colleges Central Placement Service (KUCCPS) and also given a form for scholarship. They fill all the details about their family background, especially socio-economic, in the form. Based on what they have filled in the form, the criterion that Professor is discussing is used to assess which band they would be placed into. For example, if you are given 70 per cent scholarship, it means that if the school fee is Ksh150,000 a year, then you pay 30 per cent of it and also qualify for 20 per cent as loan. The 30 per cent is scholarship and 20 per cent loan, which you can pay after you are employed. Additionally, 10 per cent is given for the upkeep of the student. That is how this is interpreted. Students need to know that what is important is for them to fill the forms comprehensively and give the correct information to ensure they are considered fairly.

**Hon. Speaker:** Hon. Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker.

This is a very important discussion because many students have despaired. They will neither fill these forms nor work on it. The initial forms they received scared them off university places. I know there was a circular by the Principal Secretary that they withdraw those forms, but that has not been done. Parents are struggling to raise the school fees. I know of parents in my constituency who are selling land to pay school fees because this information has not been unpacked to them.

I had opportunity to organise for a forum where I brought the Higher Education Loans Board and KUCCPS to talk to the students. But I could not reach everybody yet the deadline for

filling those forms is on Thursday, 15<sup>th</sup> August 2024. I would like to request the Ministry of Education to extend this deadline so that more students can apply. There are more students who have not applied than those who have. The information is not getting to them. Hon. Speaker, you need to give a direction to the new Cabinet Secretary, who has just assumed office, to fast-track this issue to extend the deadline and ensure that officers from HELB and KUCCPS go up to the sub-county levels to educate and assist the students and parents fill the forms, to ensure that we do not have any student disenfranchised because they did not get the information. This is important. Your direction is needed.

**Hon. Speaker:** These are valid points.

*(Hon. Naisula Lesuuda spoke off the record)*

Hold on, Hon. Naisula. Professor, how much time do you require to finish reading the Statement?

**Hon. Phylis Bartoo** (Moiben, UDA): Hon. Speaker, just five minutes.

**Hon. Speaker:** Okay, five minutes. Hon. Members, let her finish and then you can respond.

**Hon. Phylis Bartoo** (Moiben, UDA): Hon. Speaker, Hon. Mutunga has aptly put it that the data generated for these percentages emanates from the students themselves. Additionally, the Ministry has a lot of data from students already. When they join secondary schools, they produce their birth certificates and details of their parents.

There is also information from the National Hospital Insurance Fund (NHIF) card, which was still under use until recently. There is a lot of data which the Ministry can access in order to determine the exact amount a student can get. However, in situations where a student's data is not ably captured, they can always appeal. They also have appellate processes in case you do not get the money. I want to give an example of a student who is categorised as Band One, a very vulnerable student who requires Government support at all costs.

I will give a case of a student who has been selected to take a Bachelor in Medicine and another one who is going to take a Bachelor of Arts. Initially, there was a problem whereby the Ministry was giving letters to students indicating a lot of money. For the example, a student selected to take a course in medicine got a fee structure of Ksh612,000. It was not necessary for the Ministry to give unnecessary information. Most of the Members here who went to university in the 80s and 70s, would recall that the letters they used to get from the university only indicated the amount the household is supposed to pay. They were not given information on what the Government was to pay. I think the Ministry erred on that. The fee structure should only indicate the household amount the student is supposed to be pay to the university.

The programme for a student taking a course in medicine costs Ksh612,000. In this case, the student gets 70 per cent scholarship and 25 per cent tuition and 5 per cent household. This 5 per cent which translates to Ksh30,600 is the money that the student receives from the Government for upkeep. For a student who is going to take a Bachelor of Arts course, the fee structure is supposed to indicate Ksh122,400. This student is supposed to get a scholarship of Ksh85,680, Ksh30,600 loan and an upkeep of Ksh60,000. Therefore, he is only to pay Ksh6,100. Every student will get a fee structure depending on their course, and the funding will depend on the information they give in the form. It is, therefore, not a uniform amount. Every student will get support depending on the data they have given.

Regarding Hon. Naisula's question on the issue of the fee structure on the admission letters, as a Committee, we had communicated that to the Ministry and instructed them to withdraw the

letters they had prior given out, and issue new letters indicating the fee structure which the student is supposed to be paying and not the entire amount that the Government is supposed to support the students with. That is the end of my presentation.

**Hon. Speaker:** Hon. Naisula.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Speaker. I do not think Kenyans are in a position to understand what exactly is going on with the higher education model. The response is a good one, only if it works or is implemented correctly. This happens with anything new that is being introduced. We, however, have to be careful. I want to ask my questions as such.

We cannot joke with the education of our children. Many children will not report to Technical Vocational, Education and Training (TVETs), universities and colleges if this information is not clear.

It is clear that this is a generated information. You key in and you get information. My question is: Has the Ministry tested that and what is the result?

**Hon. Speaker:** Has it been piloted?

**Hon. Naisula Lesuuda** (Samburu West, KANU): In so many words. I was trying to get the word. Has this been piloted and if yes, what has been the response so far?

Secondly, how will a child, for example, in the remote areas of Nyiro in Samburu, ensure that they apply and get the information they need using the online process? What are the terms of the loan? Is it like the normal HELB, or are there new terms with it? The Government is giving a lot of money, including the upkeep. Is it a loan and what are its terms? Are children in private universities benefiting? Not the Kenya Universities and Colleges Central Placement Service selected children, but if I want to take my child to a private university, do I benefit from this? Could you first answer those questions?

Lastly, we do not want confusion. The deadline, as Hon. Baya has said, is on 15<sup>th</sup> August. Is it being closed? Have all our children sufficiently applied to ensure that they get the information?

Regarding those children who do not have national identity cards, you have said that provisional application processes allow them to apply using alternative identification such as the Kenya Certificate of Secondary Education (KCSE) index number. This is very important information because there are students who do not have IDs and were wondering how they were going to apply for this.

**Hon. Speaker:** Professor, you can take a few questions and then respond. Hon. Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, this is a beautiful proposal that is not progressing well because of logistics and management. At this point, what we need for every student is information. For instance, if you are in Band One, this is your amount for the loan and household. If you are in Band Two, this is the amount you are going...

I spent the whole of Sunday explaining to parents because they do not know the letter they have is the one that was sent early, which only indicates the cost of the course. But the letter now says that if you want Government help, apply through this. With all these details and the deadline as it is, give parents simple information. For instance, in Band One, you are supposed to pay a certain amount. That is what they want. Further details will require more communication.

Secondly, extend the application period. You can get things going while you are getting more details that will work later on. Parents are going all over the place, racing and trying to raise Ksh500,000 for a medicine course. Give simple information on what to do. It can just be one advert on a page. For example, show the amounts that students in Band One and Band Two are supposed to get. Also show the percentage. You should put that system in a way that it can be accessed by

someone with a *mulika mwizi* phone, such that if you key-in your number, it tells you the band that you are in. That will enable you to know the band and the amount you are supposed to pay and the rest will work out. It is a crisis!

**Hon. Speaker:** You have made your point. Hon. Justice Kemei.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for the opportunity. I have tried to listen to Professor, but even with my understanding of models, loan arrangements and bursaries, I am more confused.

When you finally give the direction, it calls for more communication to reach the students of this country. We will not limit it to newspapers alone. There are other communication channels on the part of the Government that should be used, so that all the students who want to do various courses can get the information. For example, in that kind of communication, I want a student going to study either a Bachelor of Arts, information technology or medicine to know the fee structure, the amount of loan and bursary that will be given to him and the balance. Such communication will really help us reach out to our people and explain this model. My colleagues have said that it is beautiful, but it is clouded in some form of misinformation and technicalities.

**Hon. Speaker:** Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. In your area of mastery, there is a book called, *An Enemy of the People*. A brilliant man, Dr Stockmann, has a good idea, but the local man does not know. He loses everything. We are dealing with a situation where the Ministry has information, seems to have a procedure, but the people do not know. I rushed in specifically for this matter. You can save this country and the education of the students who are going to university by helping the House resolve and make a ruling to extend the deadline. That will really help as the new Cabinet Secretary, whom we can now invite, writes a proper memo that will indicate the fee structures. I do not want to repeat what the other Members have said. What came out has already discouraged some learners from going to university.

Secondly, you can make a ruling that all students who are supposed to go to university should go. When we were in such a situation last time, that was the resolve that was done and it saved the situation. The rest of those issues will be done when they are already there. This will enable the Ministry to have time to explain all these processes. When it is explained here, it looks very good. However, it is not communicated out there and it is not working. Parliament should help the entire education system now.

Thank you, Hon. Speaker.

*(Hon. Julius Melly walked into the Chamber)*

**Hon. Speaker:** Hon. Melly, take your seat. This is your baby. Your Member has tried her best. From what she has given to the House, even an above average Member has not followed clearly. This requires a different approach. Hon. Melly, I will give you time until tomorrow to come and inform the House at 2.30 p.m. on:

1. Whether there is a possibility of extending time beyond 15<sup>th</sup> August which is the day after tomorrow.
2. Whether you can employ a better mechanism of communicating with the students, including but not limited to, having education officers who are deployed up to sub-county levels to be the centres of communication and filling of the forms by the students with their guidance.

3. You can also find out from the Ministry if they can delegate admitting universities as agents for assisting the students when they go to the university to fill the forms, so that no student loses out because of either inadequate or poor communication, or miscommunication.

From what Hon. (Prof) Bartoo has read to the House, the Statement begs more questions than answers. As the Chairman of the Committee, I advise and direct you to go to the Ministry this afternoon. I will give you an opportunity tomorrow at 2.30 p.m. to make a proper communication. I am sure concerns are the same. Let the Chairman go and get information and then he will give it to the House. I have listened to Hon. Naisula who is the questioner, Hon. (Dr) Nyikal, Hon. Justice Kemei, Hon. Omboko Milemba, Hon. (Dr) Mutunga, Hon. (Dr) Nyamai and Hon. Owen, and their concern is simple. It is a good idea with inadequate and poor communication. It is a good idea without clear implementation process. That is how I understand this issue.

If we agree with that, let us not belabour the point. Those with issues, I will give you time to raise them tomorrow. We are already getting to 5.00 p.m. Yes, Hon. Kamket.

**Hon. Kassait Kamket** (Tiaty, UDA): Thank you, Hon. Speaker. Indulge me as the Chairman comes to respond to these matters tomorrow. Two weeks ago, I sought a Statement that was directed to the Teachers Service Commission (TSC). The Committee has not responded to it. I am concerned because we are going on recess, yet I do not have the response.

**Hon. Speaker:** He is here and he has heard you. Address that.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. (Dr) Mutunga, do you want to address the same issue? Is my direction inadequate?

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Hon. Speaker, there is an issue that the Chairman should clarify to Kenyans. Will this model be for the first-year university and college students for this year or it will be for all students in school?

**Hon. Speaker:** That is a legitimate concern. Are you dealing with new entrants or all the students?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Speaker, can the Ministry put a pull-out in the newspapers explaining to the simplest level, and also give those indicators which must be known?

**Hon. Speaker:** There must be various ways of communication. If you have a pull-out in the *Daily Nation* Newspaper, how many children in Kibish Ward and Baragoi will get it? Yes, Hon. Naisula.

**Hon. Naisula Lesuuda** (Samburu West, KANU): I do not want to speak after your ruling, but I have some work at the constituency tomorrow and Thursday. I will allow Hon. Chairman to continue with the Members and then I will get the response.

I want to ask one question which he will ask the Ministry. Normally, when students report to school, they are told to pay a certain percentage to be admitted. Since the Government is taking, for example, 70 per cent in terms of loan and scholarship, and the parent is paying maybe Ksh30,000, if a student shows up and says that percentage will be paid by the fund, will he or she be admitted? Even in future when there is Exchequer delays and the fund is not payable to the school, will that student continue with his education?

Finally, it is on the same question on whether this funding model is for all students or the ones joining in this financial year.

**Hon. Speaker:** Hon. Odanga, I want to close this issue. I am sure my directions have covered all your concerns. What is the issue?

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Speaker. The Higher Education Loans Board has loans, scholarships and bursaries. The issue of bursaries has not been addressed. I would like to know whether it is still there or not. Nobody has talked about it.

Going forward, I suggest that we will have to change our Standing Order. The issue of Members of Parliament responding to us should not arise.

**Hon. Speaker:** Order, Hon. Odanga. We already changed the Standing Orders. The Cabinet Secretary will come here and answer Questions. It is not the old system.

Hon. (Prof) Bartoo said that money disbursed will be bursary or scholarship and loan for the students depending on the categories. If you want to know how difficult it is to understand this, I understood Prof differently from what Hon. Nyikal heard. From what she said, I got the impression that a medical student paying Ksh600,000 will get 75 per cent for bursary, 20 per cent for loan and then he will be left with about 5 per cent that he will pay.

Clear all these things tomorrow, Hon. Melly. I will give you adequate time. As you and your colleagues go on recess, you must have clarity of mind to communicate with Kenyans on what needs to be done. Is that alright? Okay. For those of you with concerns, be here tomorrow at 2.30 p.m., so that we can deal with that.

Hon. Members, I also promised time for those who are interested in celebrating our gallant athletes who have brought fame and glory to the country. I will give you 30 minutes from now so that you speak to this. I will start with Hon. KJ. Take two minutes each because I am sure many of you will want to speak. Hon. KJ, I am told you have no athlete. Give an opportunity to those with athletes.

*(Laughter)*

You have time. Take two minutes each.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, I thank you for the pole position.

I start by first congratulating the Kenya team. I know there has been a lot of things said about this team, especially about their performance this year. I would like to remind this House that they come back home as the number one sporting country in Africa. We are number two in athletics in the world. Team Kenya has done very well. For those of us who are bashing this team, there is something to remember. When sending a child to an examination, you make sure they leave an orderly house. The situation in this country before the team left is akin to sending a child to sit an examination when they are coming from an abusive house. Our national psyche, our national conversation, and our national narrative is at its worst. We would not have expected this team to perform at its best.

The team that represented us in Paris had greats. Faith Kipyegon has done what no athlete has ever done in history. She ought to be celebrated. However, we have to remember a man by the name Kipchoge even as we are celebrating medal holders. He has done so well in his career. This one race that he did not finish cannot define his career.

Finally, there is normally the Special Olympics soon after the Olympics. We ask every person who profiled the Olympics, including the national broadcaster, to profile the Special Olympics in equal measure. If the Kenya Broadcasting Corporation (KBC) could air the Olympics live, then KBC ought to give equal coverage to the Special Olympics. Those too are Kenyans. Those too are athletes. Those too are flying the national flag.

I thank you for this opportunity.



**Hon. Speaker:** Member at the back? That is the Member for? Member for Kiambu, yes, Hon. Machua. There is a microphone next to you. Two minutes.

**Hon. John Waithaka** (Kiambu, UDA): Thank you, Hon. Speaker.

On the behalf of the people of Kiambu, I congratulate the Kenyan Olympic team. They did very well and made us all proud. I remember how people were cheering and watching on television. However, I have a concern about the athletes who have left Kenya because of greener pastures elsewhere. We read about delegation leaders taking advantage of athletes in today's paper. Not during this year, but prior years. You remember the lady who won the 3,000 steeple chase. She is the Wilfred Yavi who said that she was asked for a bribe of Ksh200,000 to represent Kenya. I think this is a great concern. It should be arrested so that our athletes do not offer bribes to represent our country.

The other issue is that we should ask ourselves why many athletes leave Kenya to represent other countries like Bahrain and even the United States. These countries look after the athletes better. They are honoured and respected. The Government should take care and make sure to look after our athletes properly. It is very sad to know that athletes who have represented Kenya in the past are now living in abject poverty.

**Hon. Speaker:** Hon. Ngusya.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Speaker, for giving me this opportunity. I just want to congratulate our athletes for the exemplary performance they have done in the just concluded Olympics. Notably, Faith Kipyegon, who broke the Olympic record and at the same time did what no human being has ever done, men and women. Congratulations to that wonderful lady.

The issue of Chebet, of course, winning two gold medals, 5,000 metres and 10,000, has never been done in the whole of the country. I just want to congratulate them for that performance.

On the other issue, I would like to thank my second home, Greece, which gave the world Olympics. Everybody knows Olympics started in Greece. I would like to take this opportunity to appreciate them for giving the world these Olympics.

The other issue we noted, Kenya participated only in athletics and all the mentors, 11 of them, are coming from athletics disciplines. We need to widen our sports coverage in terms of the participation. We need to increase more games so that we can earn more medals. Of course, we emerged top in Africa, but we still need to do a lot so that we can start competing with countries like the United States of America, that banked over 100 medals, and China.

I can say we do not have time to talk. But let me take this opportunity on behalf of my family and that of the people of Mwingi West, to say congratulations to Kenyans for bringing us this victory of 11 medals.

**Hon. Speaker:** Hon. Jematiah, the microphone...

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Speaker. I also want to take the opportunity to congratulate our beloved athletes and other disciplines that participated in the Olympics.

As Members of the vocal race, there is a lot of concern about the performance of this year's team. Ordinarily, Kenya always participates in most of the disciplines in the athletics. We even have the opportunity to have 100 metres, Mr Omanyala, who did very well, as much as he did not get a medal. But there is one thing I am also noticing that the branding in Kenya today is no longer the way we used to take our athlete in very high regard. I expected television channels to give us a lot of coverage on Faith Kipyegon, for instance, in the exemplary performance she has given this country, to the extent of winning the gold medal and breaking her own world record.

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

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

If you look at the world news in the athletics, the world gave Faith Kipyegon a qualification of Usain Bolt. That means Kenya is so blessed. We need to celebrate her a lot. We should be giving her a lot of incentives. We should, as a Government of the day, probably be rewarding her and many of those who participated. That way, we will incentivise most of the athletes.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Pukose Robert.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker, for allowing me to congratulate our athletes.

I congratulate Faith Kipyegon together with Chebet. Ronald Kwemoi, who managed to get a silver medal in the 5,000-metre race is my constituent. Also, my neighbour, Bernard Wanyonyi, from Saboti managed to get a gold medal in the 800 metres race. Mount Elgon is the origin of champions. Even on the Ugandan side, we had Cheptegei getting gold in the 10,000 metres. So, I also congratulate my neighbour and Cheptegei, who also happens to be my uncle. He did well for Uganda, and that is good. Hon. Oundo and I come from the border, and we have relatives on either side. That is very commendable.

On the flip side, Hon. Temporary Speaker, in the next Olympics, the Cabinet Secretary, Kipchumba Murkomen, has his work cut out for him. He must widen the scope. I saw comments that he made to the effect that he had noted that issue. We hope that he will be able to act under the new dispensation to make sure that we present athletes in almost all games. Our neighbours the Turkanas and the Pokots are very good in spear-throwing, so, in the next championships, we should have those who throw spears, shot put, and other games.

**The Temporary Speaker** (Hon. Peter Kaluma): The Hon. Wanjiku Muhia.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Temporary Speaker.

First, I congratulate the Office of the Speaker for giving the House this moment to celebrate our athletes. Thank you very much.

I congratulate Faith and the team, as well as our own Kipchoge, even if it was difficult. I put the record straight that shortly after, the Paralympic Games will start on 28<sup>th</sup> August 2024. That is just to correct my brother, Hon. KJ. They are not Special Olympics but Paralympic. Paralympics are for physically disabled athletes. The Special Olympics are for the intellectually disabled, and Deaf Olympia is for the deaf category.

We tell the Kenya Broadcasting Corporation (KBC) to buy enough rights to show the athletes of the Paralympics with equal measure, just like they did for the others.

To Hon. Murkomen, this is his first assignment. We want him to show, just like he stood with the others. We do not want to repeat the Hon. Ababu Namwamba scenario from last year, in which he was not able to support the Special Olympics. Let him support the Paralympic athletes, be with them, and let KBC show Kenyans the talent that we have in those other categories.

I congratulate and thank all our athletes.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. The Hon (Dr) Phyllis Bartoo.

**Hon Phyllis Bartoo** (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I join my colleagues and, on behalf of my people of Moiben, congratulate our athletes for their sterling performance in Paris. They took us to position 17 in the world and the top in Africa. That is not a mean achievement. I particularly congratulate Beatrice Chebet and

Wanyonyi for the gold medals. It is good that the decision to deny Faith Kipyegon a silver medal a chance was rescinded, otherwise we would have gone to occupy Ethiopia because an Ethiopian athlete had pushed her.

Every medal they received sparked much excitement. They kept us glued to our televisions for 19 good days. We were very excited. We took every opportunity to see what was happening in Paris. We hope to do much better in the coming activities, which my colleagues are referring to as the Special Olympics.

To the Cabinet Secretary, Hon. Murkomen, we wish him the best in this new assignment of taking over the sports docket. We know he will do a commendable job.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Francis Sigei.

**Hon. Francis Sigei** (Sotik, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I join my colleagues in thanking and congratulating our athletes, who really gave us a very good name. We were proud to see our athletes excelling in Paris. I especially mention Faith Kipyegon and Chebet, who displayed a stellar performance. Our people were glued to the television. I watched throughout, and I saw our athletes do extremely well.

I know we can do better than this. We need to prepare our athletes better than we did. I thank Hon. Murkomen for making a very strong statement in Paris. He said it is time we diversify so that we can do better in other games. Let us remember that the 10,000 metres and steeplechase, which we had always done well, are now won by other people. It is high time we changed and diversified so that we can win more medals.

I thank Omanyala for running 100 metres. I know he can do better next year. Wanyonyi did extremely well, and we thank him. We need to award and reward these athletes who have made this country proud. We must give them a national medal.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Justice Kimei.

**Hon. Justice Kimei** (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker, for also giving me an opportunity to congratulate our athletes.

**The Temporary Speaker** (Hon. Peter Kaluma): I thought this side is for footballers, not athletes.

*(Laughter)*

We are coming this way.

**Hon. Justice Kimei** (Sigowet/ Soin, UDA): Hon. Temporary Speaker, the performance in Paris was splendid. I join you, Members of Parliament, and the entire country in congratulating our sportsmen and sportswomen. We must not forget the people behind them, the coaches, who spend much time in training camps to prepare these athletes. Part of that training team includes my brother, Japhet Kimei. I congratulate him for what he has done, not only for the people of Kericho but also for this country.

Finally, I congratulate Beatrice Chebet on winning two gold medals. We, the people of Kericho, are proud of you. Faith Kipyegon achieved what no human being has ever achieved. We congratulate her. We also congratulate Wanyonyi, who is 20 years old, on beating Arop of Canada. We also congratulate all the athletes.

Finally, to the Cabinet Secretary, Hon. Murkomen, there are areas in which we have done extremely well in the past, but we now have. Let him focus on steeplechase and middle-distance races like 1,500 metres. As he said, try other areas in which this nation has not been doing well.

Congratulations, Kenya, and my elder brother, Japheth Kemei. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to congratulate our Olympic team. Our team won 11 medals, which is a great honour for this country. The athletes shone from 1968 in Mexico, to now in Paris. If there is any good name Kenya has earned, it is from the athletes. I want the Government and the Ministry of Youth Affairs, Creative Economy, and Sports to put much emphasis on this. Kenya has been a powerhouse in long and middle-distance races. However, we are slowly losing to our neighbours like Uganda and Ethiopia, and even to emerging powerhouses like South Africa, Canada, and the USA. We really need to invest in this.

Further, we need to motivate the athletes. You will realise that the winners, especially in Bahrain, will get a lot of motivation in terms of houses, cars, and cash awards. Kenya needs to know that some Kenyans are competing and winning for other parts of the world. If we can bring those Kenyans here and motivate them to run for our country, we will be ahead of the USA and other Western countries. They will not be able to beat us. We want to inspire the young generation and make sure that the athletics fraternity is recognised and motivated. Young people need to know that they can earn a living from it.

I support and congratulate our athletes.

**The Temporary Speaker** (Hon. Peter Kaluma): Is the Member next to the Chairperson of the Budget and Appropriations Committee, Hon. Rutto? Give Hon. Rutto the microphone.

**Hon. Julius Rutto** (Kesses, UDA): Thank you very much, Hon. Temporary Speaker. I also rise to laud our athletes who have demonstrated the capacity to lift the flag and the name of our nation. I want to single out the beautiful ladies of Kenya who put us on the map of the world, and not forgetting one man, Mr Wanyonyi. You need to know the story of that young man. He was a herdsman in a village called Kosirai. That family had faith in him. They took him over when he was a child. They took him to school and gave him an opportunity. Today, he is running. He has won a gold medal for Kenya. It demonstrates to us that we can be good as Kenyans, support the destitute in our society, and give them a second chance. That is a story that I wanted to tell.

Lastly, because of time, I call upon the Athletics Kenya and Federation to iron out issues. We have had many issues here now and then, especially surrounding elections. It is time we relook at it because if you look at the behaviour and the performance of our athletes, as much as the ladies did us a favour by winning, we had many challenges on our specific track events like the 3,000-metres steeplechase that Kenya has been winning now and then are slowly drifting. This shows that there is a problem somewhere, either in the selection or in the process of training and identifying the team. All goes together and zero in the leadership.

I want to call upon the Government and the new Cabinet Secretary, Hon. Murkomen, to sit down and look at Athletics Kenya. We cannot afford to lose what has been known for Kenya for a long time. That has been our brand, and other countries are now coming in. In the 800-metre race for women and men, again, we are seeing other countries like the USA shifting from their short races and coming to long races, which Kenya has been performing well. Despite the fact that we did well and became position one in Africa, we also need to realise that we are losing in the critical areas of our performance that have been known to us.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker. I was not there to run, but I can assure you that the boy comes from a village called Matisi, from what I have been told. I did not know the boy came from Keiyo Ward.

I want to take this opportunity to congratulate the whole team that brought us medals. I have just got into the country, and people have been asking whether I am from Kenya. I told them yes, and they said that we have done wonders. We want to take this opportunity to congratulate our team. I also take this opportunity to assure our Members here that the boy called ‘Emmanuel Wanyonyi’ comes from my constituency, and I will organise a homecoming ceremony for him. I have already told my people on the ground to welcome the boy. We should motivate these boys and girls to make us even more proud because being ranked 14<sup>th</sup> in the world and top in Africa is not a walk in the park.

I want to take this opportunity to thank the athletes, particularly the *kijana* named Emmanuel Wanyonyi, my namesake. Please note that I will be welcoming him. You will see it on your television because the boy has made Kenyans proud. You will be invited to come and witness that as well.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Catherine Omanyo.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. I stand as one of the proudest Kenyans at this moment. Looking at how our Olympians participated in the face of adversity, they still showed unparalleled strength. Just before they went to participate, we had changes – the Gen Z issues – and we thought they might be naturally stressed as they are also patriotic.

Looking at the Olympic Games as a whole, especially the boxing game, I witnessed something a little bit unfair, and it is good to mention it because I know Kenya will be participating in the future. Let the transgender fight transgender. Let the male athletes run with the male athletes, and the female athletes also compete with the female athletes. Let us not confuse a man who almost has features of a woman fighting a real woman. It was a little bit unfair.

Our Wanyonyi, who is my friend...

**The Temporary Speaker** (Hon. Peter Kaluma): Are you saying a man pretended to be a woman and was allowed to fight women?

**Hon. Catherine Omanyo** (Busia County, ODM): Yes. We have human rights that acknowledge that if a transgender is there and wants to be seen as a woman, they should be allowed to. Let the transgender fight transgender and not...

**Hon. John Kiarie** (Dagoretti South, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. KJ, what is out of order?

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, the Standing Orders of this House dictate that each Member should be accountable for the veracity of the statements they make.

*(Hon. Catherine remained upstanding)*

Hon. Temporary Speaker, this Member is a first-time legislator. You might also want to tell her what the rules dictate when another Member stands on a point of order. She does not seem to know what happens.

**The Temporary Speaker** (Hon. Peter Kaluma): Take your seat, Hon. Omanyo.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, Hon. Catherine Omanyoo should be responsible for the veracity of the statements she made. She is making these statements in relation to a boxer from Algeria. This boxer happens to be a lady. The committee did everything it needed to do to verify that this boxer was indeed a woman. So, she should not in any way be referred to as transgender or anything else because all that needs to be done...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. KJ, please note that Hon. Catherine Omanyoo neither named nor identified anybody. All she said is that as a matter of principle, men should fight men, and women should fight women. I get you. Hon. Catherine Omanyoo, wind up.

**Hon. Catherine Omanyoo** (Busia County, ODM): Thank you, Hon. Temporary Speaker, for protecting me.

*(Hon. John Kiarie spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): You are not debating again.

**Hon. Catherine Omanyoo** (Busia County, ODM): Thank you, Hon. Temporary Speaker, for protecting me. In acknowledging our athletes, the way they were flying, running, and talking out there showed that Kenya is above. Anything that tries to bring us down as a nation should see how our sprinters do it. We are at the top, and the world should keep watching.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wilberforce Oundo, and lastly, Hon. Jared Okello. Hon. Members, we have other businesses to transact.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Let me also join my fellow Kenyans in congratulating the 11 athletes who brought us medals. I also congratulate all the other members of the entourage who accompanied the entire team to Paris for the Olympic Games. It is worth noting, and I want to echo the sentiments of my colleagues, that we are starting to lose our traditional points of strength. We have done very well from eternity in some races, but we are starting to lose out, and that could explain two or three things. First, either archaic coaching styles or an unfair selection of athletes who are going to compete in these games. I also want to echo and make this point very clear: our athletes are our best global ambassadors. Wherever they are, they depict what Kenyans ought to be, and what Kenya is. Unfortunately, at the end of their running career when they no longer compete, we do not see or hear them. They disappear into oblivion. I urge Athletics Kenya to invest in these athletes in terms of communication so that they can become brand ambassadors and advertisers for various products in the world. For you to do that, you must be a good communicator.

With those few remarks, Hon. Temporary Speaker, I congratulate the team.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): I thank you very much, Hon. Temporary Speaker. I participated in the 80-metre race, and a walking race for Bunge Athletics, which fed into my passion for athletics. I watched the entire athletics session in Paris. At one time, I was very disappointed when our numbers were intermittent between the 30s and 40s. Our last-minute ditch efforts by our athletes in long races rekindled my ecstasy. As a matter of fact, in the end, we were very proud of what our country did.

We need incentives for those who participate in these games and bring medals to this country. We also need academies. Mr Wanyonyi, who ran 800 metres together with a lady called Ms Yavi, who has since moved to Bahrain, is a testament that we can indeed run beyond Rift Valley. Therefore, if we have academies in our country, we can nurture more talent.

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There is one fundamental thing that we also need to invest in. Some of these athletes come from very humble backgrounds. They get these dollars, but they lack the capacity to put them into productive use. Some of them just burn this money out and, in the end, even attempt to commit suicide. How do we then ensure that, in the end, we have counsellors and business gurus who can take them through investment programmes, so that these monies are not wasted?

I thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Beatrice Kemei, under Standing Order 1, has a very special request.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I appreciate the fact that you have given me this opportunity. Two athletes who won gold medals, especially Ms Beatrice Chebet, who won two medals, come from Kericho County. I congratulate them. Ms Faith Cherotich, who also won in Steeplechase, comes from Kericho County. I also sincerely congratulate all the other athletes. Let us encourage them.

I attended Ms Faith Cherotich's function once. I was so impressed by the fact that she built a very beautiful house for her parents. This says that when these athletes get whatever they are given, they should be encouraged to invest more so that next time, we will be able to see what they have.

In line with that, we also have the Paralympics coming up. Whoever will win gold should also be awarded just like these others. There should be no difference. They should also be given the amount of money that others are given. I ask the new Cabinet Secretary, Hon. Murkomen, whom I know is equal to the task, to look into the issues that we have in athletics and all the other sporting activities. Once more, I congratulate Ms Faith and Mr Wanyonyi.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, I want us to end this debate. There is very critical Business coming under Standing Order No.10. You note that the Chairman of the Budget and Appropriations Committee has been sitting in the House. I wish that Members begin looking at that business.

Hon. Members, under the relevant provisions of our Standing Orders, let me re-arrange the Order Paper. Call out the next Order.

## MOTION

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

The Motion under Order No. 8 will be re-arranged to come after the Motion appearing under Order No. 13.

Next Order.

## BILLS

### *First Reading*

#### THE MEDICAL SOCIAL WORKERS BILL (National Assembly Bill No.22 of 2024)

*(The Bill was read a First Time and*

*referred to the relevant committee)*

Next Order.

*Second Reading*

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL  
(Senate Bill No.19 of 2024)

Hon. Members, I hope you are attentive to this Bill. Can the Chairperson of the Budget and Appropriations Committee, Hon. Ndindi Nyoro, now move?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the County Governments Additional Allocations Bill (Senate Bill No.19 of 2024) be now read a Second Time.

I wish to bring forth to Members that, basically, what we are doing is in line with what you have been doing for the last few weeks. After the passage of the Appropriations Bill 2024 earlier in July, the process was running concurrently with the other side of raising revenue. Therefore, when we passed the Appropriations Bill of 2024, which became an Act, the hope was that money would be available through the revenue-raising measures that were then in place. Unfortunately, that was not possible due to what we all understand. Therefore, we came back here and made a major Supplementary Budget, which is now the main Budget in Kenya. That process was completed around a week-and-a-half ago.

Therefore, that necessitated two things in regard to the relationship between the county governments and the National Government. There are two primary areas in which county governments draw money from the national Government. One is through equitable share, which, as the House knows, was also part of the rationalisation that happened the last two weeks. Across the two levels of government, everyone had to take a cut. The National Government took the bigger burden. The county governments also lost Ksh20 billion in the equitable share. Therefore, the figures that we appropriated indicated an equitable share; part of it, which is over Ksh33 billion, was part of the carry-overs from the last financial year. Therefore, the actual amount for this current year in equitable share is Ksh380 billion. That is one area.

The second way county governments get money from the national Government is through what we are doing today—the County Governments Additional Allocations Bill (CGAA). This happens because of these reasons. This happens because the Government may direct resources to some specific devolved functions for implementation when there is an overarching agenda. Whereas we have county governments and national governments, devolved functions could be among the agenda of the national Government. For that reason, these monies follow what the Government wants to achieve nationally.

The other area is found in the schedules. I am sure Members already have. Beyond the monies directed by the national Government from various departments, part of additional allocations to county governments comes from development partners. That is why Schedule Four of the County Governments Additional Allocations Act shows the amount of money going to county governments from development partners. Before I go into the specifics, which will take very little time, I underline that many times, we use development partners with the insinuation of money coming to us for free or given by anyone.



Development partners do not give Kenya grants. Most of these monies are loans. When we talk about development partners, this House must be very firm that this is the Government of Kenya's money. After all, a loan is a sovereign debt and forms part of public debt. The summarisation of when we see semantics and other big names is that this is Kenya's money. When you walk into a bank, and the bank advances you money, it ceases to be the bank's money. It becomes your money because you have given security or other modalities. Therefore, money becomes your property when lent to you.

There is a reason I am saying this. Many times, you hear people saying this or that is a World Bank project or an Africa Development Bank (ADB) project, even on national Government-funded projects. There is no World Bank project or ADB project in Kenya. All these projects are the projects of the Government of Kenya. We repay these monies. We pay dearly, even with interest. I will do a summary.

The current Government has an agenda to execute. One is around industrialisation bordering on agriculture. We are calling them county aggregation and industrial parks. This is an overarching Government agenda. However, as we know, agriculture is devolved. County governments own part of the land on which we may end up building these facilities. The national Government has some of the land. There is a collaboration. What is the collaboration? The collaboration in this area is when county governments, through their county assemblies, appropriate Ksh250 million to go into these industrial parks. The national Government will follow up with another Ksh250 million to build industrial parks, totalling approximately Ksh500,000,000 million.

The national Government and county governments took and funded the first 18 batches in the last financial year. However, we did not release all the monies by the lapse of the financial year. There was a proposal in the Bill we are debating today. We were to pick another 12 batches to be funded in this financial year. The Budget and Appropriations Committee thought it was not prudent to do so. We cannot go ahead and appropriate money for new projects when we have projects funded halfway from the previous 18 batches. The wisdom of the Committee in the Report was that we finish the first 18 batches so that Kenyans can get utility out of them.

An industry can only operate when it is built up and is 100 per cent functional. It would be imprudent for us to jump to start new ones just for the political correctness happening everywhere and end up not enjoying utility for a long time. The Committee recommends that we fund the first 18 batches to completion when money is available. However, Hon. Temporary Speaker, you and the Members can see that money is insufficient.

Why do I say so? In the previous Appropriations Bill before the Supplementary Estimates, I had taken care of Ksh61.9 billion for conditional grants in relevant departments. Conditional allocations in the Appropriations Bill we are debating have come down to Ksh46.6 billion. Why? Rationalisation. On what basis? Revenue-raising measures could not be supported. We understood what happened. Part of the area in the report is a climb down. Industrial parks were to get approximately Ksh4 billion. It is Ksh2 billion in this Report. However, the money will go to the 18 batches that have already started.

Second is the Universal Health Coverage programme. It has human capital and equipment. Through the relevant Ministry, the Government bought the equipment needed by Community Health Promoters. This is also a joint programme. All the healthcare promoters will get a stipend of Ksh5,000. Because this is an overarching Government agenda, the national Government is not throwing this burden to county governments alone. It will share the burden equally on a 50-50 basis. County governments will pay Ksh2,500 to healthcare promoters. The national Government

will top up the other Ksh2,500. The essence is that this money is going to county governments to pay healthcare promoters rather than one person receiving two sets of salaries. That money is among the allocations we are debating today.

However, this money has been slashed a little bit. We may need to top up in the ensuing Supplementary Estimates to cover the difference. This is a revolutionary thing. It covers over 103,000 Kenyan healthcare promoters in various localities.

There is another thing. There is a conditional allocation to counties. It is for building headquarters of five county governments that did not have buildings in their district headquarters. Mostly, districts became counties. There are some county governments, like Tharaka Nithi, Isiolo, and three more, that never had buildings they could inherit as offices. At that time, in the wisdom of the government, the national Government was to pay approximately Ksh300 million to help these counties. It would be to the tune of Ksh1.8 billion to assist the five counties in getting headquarters. We have gone the long haul and provided around Ksh800 million so far. Some money was to be provided this financial year. Unfortunately, as members can see in the report, this has not been possible because of rationalisation. Some headquarters are at different levels of completion. We hope that will be funded as we proceed.

There is an issue we have to look at as a House—fines and royalties. How do fines accrue? When somebody goes to courts in various counties and is fined by county laws, the monies should go to counties because you have contravened county laws. The fines collected by our Judiciary are supposed to go to specific counties, but over the years, this money has not reached the counties as intended. Even in the current financial year, it is only reflected on paper because when the National Treasury comes up with ceilings, each Government department tends to use up its entire allocation without setting aside any portion for the fines to be directed to the counties. As a result, this money remains in the Consolidated Fund. This should be streamlined.

For instance, Kwale County is supposed to receive Ksh740 million in royalties from Base Titanium, but there have been challenges because these conditional and additional allocations are budgeted and domiciled in specific departments. For example, funds for health programmes are placed in the health departments. In this Appropriation Bill, the money for health promoters is domiciled in the relevant department.

Regarding royalties, the wise thing would have been to domicile this money within mining but that is not provided for. This is because when departments are given ceilings, they first look inwards, in terms of their needs and there is scarcely any other room to accommodate any additional resources for our counties. We need to look into this because there is a gap here. Judging by previous years, this has resulted in the fines money only being accounted for on paper without actually benefiting the counties.

Additionally, there are specific funds from development partners, each designated for particular purposes, such as health or climate issues. For example, the Kenya Informal Settlements Improvement Project (KISIP) deals with health programmes while Financing Locally Led Climate Action (FLLoCA) deals with climate issues, support and interventions. When these funds are provided, they come with conditions that must be adhered to. Much of these are concessional, and therefore, cheap but even when borrowing, some conditions must be followed. This forms part of the additional resources that we will appropriate through this Bill today.

Finally, there is the County Government Additional Allocation (CGAA), which has included Ksh10 billion for the Roads Maintenance Levy Fund (RMLF) over the past three years. As we were doing the Appropriation Bill, the wisdom of this House was that the maintenance of roads through the Kenya Rural Roads Authority (KeRRA) should be a preserve of the constituency

roads committee. We affirm this and this money has remained with these committees. We consulted with the Council of Governors and they also agreed that it would be impossible to do otherwise. Members understand that.

Hon. Temporary Speaker, I, therefore, call upon Members to look at the Report. The report contains detailed information on the allocation of funds to each county from various sources, and I urge all Members to review it before making their contributions. Otherwise, I thank all the Members and the Members of the Budget and Appropriation Committee. We have met and deliberated on this. I wish to move and request the Chairperson of the Departmental Committee on Information Communication and Innovation, Hon. John Kiarie, the Member for Dagoretti South to second this Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. John Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. I also extend my gratitude and congratulations to the Chairperson of the Budget and Appropriations Committee and his Committee. The current situation in the country has required this Committee to work diligently. Some Members may not be aware that due to the ongoing events in the country, this Committee has had to work tirelessly, without seeking extra commendation or glory. They have presented report after report as we continue to manage our budgets and source for projects in this financial year. It is not lost on any of us how we reached this point. We are aware of the situation with the Finance Bill 2024 and the subsequent review of these reports.

I second and support that this Bill be approved by Parliament with the requisite amendments. If we adhere to the Committee's recommendations, we will be pushing our country towards industrialisation. The investment in county parks is informed by the bottom-up economic transformation agenda which aims to propel the country into a middle-income status. We are intentionally making efforts towards this goal. We can draw inspiration from countries like Singapore that had to pause at some point and change their way of doing things. The bottom-up economic transformation agenda is doing the same by intentionally drawing up value chains, with agriculture being one of them. Agriculture is not just about farming but also involves value addition. We aim to add value to our products so that they do not go to the market raw; for instance, we will not sell our milk raw. In doing so, we will create employment opportunities for young people and, more importantly, we will progress towards industrialisation.

If approved, this Bill aimed at moving the country towards industrialisation and provides for the funding of county aggregation industrial parks in eight counties. As the Chair mentioned, instead of spreading the resources too thinly, we can begin with the eight counties and start reaping benefits from them.

Universal Healthcare is a big thing in Kenya. As we develop the infrastructure-heavy projects, we are reminded that our biggest investment should be in people. The health of our people is critical. Therefore, I am excited about the journey towards universal healthcare.

As the Chair mentioned, the 42 Moi districts became counties. Some are new and emerging, while others are old but never had headquarters. This Bill aims to allocate resources for the county headquarters, even as we allocate Ksh380 billion from the equitable share and additional funds. With the money that we are bringing in now with the County Governments Additional Allocations Bill (Senate Bill No.19 of 2024), counties need to rethink their economies. One easy way of rethinking county economies is appreciating that a county is such a small entity in economic terms that standing on its own might not be a concern. There might be need for our counties to start moving towards economic blocs; regional economic blocs.

I remember in 2013, the Governor for Nyeri County, the late Hon. Gakuru, mooted some amazing ideas on how to bring about county economic blocs. This is critical because that one Governor, and God rest his soul in peace, is one of the people who were behind Vision 2030. When he was elected Governor, he realised that his government in Nyeri is such a small economic entity that it might not be able to do what he intends to do in his vision. He called upon the 11 counties in the Mount Kenya Region to form an economic bloc that would be a viable entity that would even be able to sit across the table even with some of our development partners.

Today, even a county like Nairobi, big as we imagine it to be, is not a viable economic entity that would sit across the table with our bilateral partners on a bilateral conversation because what we see as county revenue here, is negligible in the whole scheme of things.

Even as we resource these counties from our monies, we should call upon counties to reimagine how they approach their county economics and economic blocs would be one of those things. As was moved by Hon. Chairman, it is now incumbent upon counties to take this up so that they can spur development in their counties. They also need to check what is provided for in the Bottom-Up Economic Transformation Agenda so that what they are doing is in line with what the national Government is doing so that there is no competition in carrying out some projects and that there is also no duplication of roads.

This Bill provides for conditional allocations as financed from the national Government in the First Schedule. In the Second Schedule, it provides for what is coming from the Roads Maintenance Fuel Levy. In the Third Schedule, there is that which is coming from court fines.

Finally, royalties from mining and other natural resources is what is carried in this Bill. That said, I would like to second. Thank you very much.

*(Question proposed)*

Hon. Gideon Ochanda, Member for Bondo, do you want to speak to this?

**Hon. Gideon Ochanda** (Bondo, ODM): Yes. Thank you, Hon. Temporary Speaker. This is a good effort in terms of showing Kenyans that counties get much more money, regardless of whether their functions are done by themselves and are funded by themselves or from different sources. It is a very good indication that we are not only talking about the Ksh380 billion, and if Hon. Chairman went further to put all these additions together, we would have seen that county governments are getting a lot much more than what is indicated many times.

However, the clean-up is not complete in terms of these other sources, particularly from the national Government. The national Government spends money on fertiliser whereas fertiliser is in agriculture and this is devolved. What amount of money is in that? This is not yet clear.

If you also look at the many Regional or Semi-Autonomous Government Agencies (SAGAs) that are funded by the national Government, they are doing county functions. The Lake Basin Development Authority and many of these regional development authorities are basically doing functions that are supposed to be county functions and yet are funded by the National Government. If we put all those together, definitely there is a lot more money that goes to county governments.

The other thing that Hon. Chairman may need to hear is in terms of where the national Government and county governments are co-matching, particularly he mentioned, health. We need to ask ourselves for how long is the national Government going to support Community Health

Promoters? Is it going to be an annual ritual event that the national Government must give money to support Community Health Promoters?

*(Hon. John Kiarie consulted the Temporary Speaker (Hon. Peter Kaluma))*

Hon. Temporary Speaker, do you want me to repeat that? The Seconder is keeping you busy. There are these things that the national Government and county government are co-funding, such as the industrial parks and Community Health Promoters.

On industrial parks, we have said that we are going to make sure that the ones that were started are complete and that is fine. However, on Community Health Promoters, we are taking half. If we are taking half, we need to indicate to ourselves for how long we want to do this. Is it going to be an annual national ritual thing to support Community Health Promoters when we know very clearly that this is supposed to be done by county governments? That is another critical area in terms of cleaning the amount of money that get to county governments.

The other thing is the sustainability of these Community Health Promoters. If the national Government pulls out its bit, what happens to them? This is a very critical question that we must answer ourselves.

On industrial parks, let us say the national Government puts in Ksh250 million for the 18, and on the other side, the county government does not place their Ksh250 million because it is not a priority to them at that particular time, what happens? What happens to those counties that this is a priority to them, yet they are not in the 18 that we started with? These are areas we may need to check.

At the end of it all, can we do some analysis in terms of where this money goes? A county may be in the 18 for purposes of the industrial parks, then the same county is in for some grants and some money from a different source. Where are we? Are we able to check that? I see that certain counties may be left behind while others may be getting much more in the end, thereby bringing in some inequalities.

If you look at grants for the last five years, the ones that we have had have been going to particular counties over the years, whether it is urban development or those things that are supported by grants. If those areas also get fertiliser, industrial park and another, what happens to the other areas? That is a very critical thing that needs to be looked at.

The other issue is on royalties. Hon. Chairman mentioned that this has not been very clear. But there are areas where many things are happening in the name of mining, whether artisanal or not. Look at the amount of money that is generated from “explorative or explorations” in gold and artisanal mining in gold in Kakamega, Siaya, Bondo, Migori and the rest. It is quite a huge amount of money. Where do we bring in these counties? At what stage are we able to check through all these things so that the people who are doing it get to know that they are supposed to be paying royalties to the county government? That is another critical thing that we need to look at clearly.

The issue of court fines and stuff like that has been very clear, because initially there were municipal courts. However, there are areas where there are no municipal courts and their money is swallowed and goes as part of the Judiciary to the Consolidated Fund. This needs to be streamlined so that counties can have these as their own sources of revenue moving forward. Therefore, I support this. However, I believe that a bit of effort is required as we move forward.

The other proposal is that instead of talking about this as an additional bill, we can have it as an addendum of the artificial revenue placement of Ksh380 billion below it, which is clear cut.

This way, one does not struggle from one Bill to the other looking for how much it has been added again. That may help us a great deal moving forward.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Joseph Oyula, Member of Parliament for Butula. I am intentionally choosing people to speak to this Bill.

*(Laughter)*

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker, for this opportunity to also add my voice to this Bill.

I want to start by congratulating the Chairman of the Budget and Appropriations Committee and his team for carefully bringing some of these Bills to the House. It is important that they are carefully looked at and approved by this House. Once a project is started, it must be properly financed and completed. The financing of the county parks is important. For projects that began in the last financial year but remain incomplete, it is important that the money is released to ensure their completion so that *wananchi* around those parks benefit.

Additionally, introduction of industrial projects that will promote employment in the areas is important. We have one park in Busia and everybody has been asking when they are going to start benefitting from it. That was a very good move from the Budget and Appropriations Committee, to ensure that all the parks are funded to finality.

Hon. Temporary Speaker, on the issue of health, health workers have been suffering for a very long time and this move is dearly going to motivate them. They have a lot of work. They move from one household to the other. However, I have one fear; Hon. Chairman indicated that they are going to be paid Ksh5,000 each. The County Government will contribute Ksh2, 500 and the national Government will contribute a similar amount.

I think the Government is committing an offence because the minimum wage is not Ksh5,000. You cannot pay others the minimum wage and bring in those who are doing a very important job at only Ksh5, 000. I would like to ask the Chairman of the Budget and Appropriations Committee and his team, to look at that area in the future. Let us start, but it should not be Ksh5,000. The distance that these men and women cover from one village to the other is long. They also spend a lot of their time with the families that need their help.

Therefore, Hon. Temporary Speaker, I think this Bill is quite in order. The grants or loans that we receive from the donors are public funds and they must be properly accounted for and utilised for the purpose for which the money has been borrowed. Let us not redirect the money to other uses. Let it go to the places where it was intended. Particularly, the county governments must make sure that they use these funds carefully because the funds are going to them for development purposes. As they use the initial allocation of Ksh380 billion for other uses, this is specific to projects. Therefore, a system should be established where the monies given to the county governments from the donors goes strictly to the intended purpose so that we do not lose the loans or grants in the future due to poor funds management.

Hon. Temporary Speaker, with those few remarks, I support this Bill and ask the House to approve it as soon as possible.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): The Member of Parliament for Baringo County, Hon. Florence Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. I am sorry about that. I think the microphone went off.

Firstly, I want to declare that I am a member of this Committee. We are living in very unprecedented times as a country. This Bill is coming at a time when we want to look at every coin and see its value. Even as we discuss this allocation, I also want to speak to the issues that are stipulated in this Bill. I want to talk about the Community Health Promoters (CHPs). This is one of the noble ideas that the Government of Kenya Kwanza is implementing. It is through CHPs that the community is going to be taken care of specifically on matters health.

Initially, people would feel very sick to the extent that when they arrived at the hospital they just got admitted. There was no diagnosis and interaction with community health workers before they arrived at the hospital. The CHPs play a very crucial role. It is one of the very noble agenda that this Government has put across for Kenyans. As we do this across all the 47 counties, you can see the allocation of the money that is there. The stipend of Ksh5, 000 is very minimal. I also want to agree with Members who spoke before me that this money should be increased in future. I believe it is just the beginning. The number of the CHPs in counties vary based on the size of the population. The ratio is between the population of the county vis-à-vis the number of the CHPs, which is a very good idea. However, money is very scarce.

Considering the challenges that we have gone through, I also realised that there are 18 counties that have been earmarked for the establishment of the industrial parks. If you ask me, it is an idea that has been overtaken by events. You might wonder what 50 million Kenyans do every day. After churning out many graduates from school with all the skills, are these the areas that we should be exposing them? Specifically, we need to think whether skill-based students or our young people who have just finished schools or people who have interacted with Technical and Vocational Educational Training (TVET) are appropriately placed.

These industrial parks will give us the opportunity to employ most of our youth and most of the skilled members of the society. For instance, in this paper, we do not have Baringo where I come from, yet we had ear-marked areas for livestock production in Baringo, specifically on hide and skin, meat production and creating abattoirs. We also have areas of horticulture. This idea should be generated right from the bottom and the people own the process so that we implement these industrial parks. Otherwise, if we do not take care of this, it might end up being one of the biggest challenges in terms of white elephants.

We are building these industrial parks...I saw one Principal Secretary for Investments, Trade and Industry, Mr Abubakar, in Busia last week. He was commissioning a very nice industrial park in Busia County with His Excellency Mr Otuoma. I want to believe that the people of Busia have been given the opportunity to interact with the aggregation of this park. Otherwise, if we continue just launching and identifying these parks without taking in and understand that this should be a project that is supposed to be culminating right from the grassroots, then we might end up not achieving what we intended.

Another thing is that in both areas we are assessing whether the county government can deliver this or it be domiciled fully in the national level. This is because, we want the monies allocated to these projects to have value. For the first time, we want to have functional factories in Kenya. To have projects that are completed so that we do not just start these projects and these industrial parks then leave them hanging all over the place, while Kenyans have already lost money.

On the issues of the Community Health Promoters. I think we made a very big mistake when we created devolved governments through the Constitution of 2010; more so by allowing

governors to be elected. There should be a provision in this country that the governor seat should not be an elective seat but probably be by appointment so that we have governors who have experience to lead these counties. Today, we have many challenges because most of the governors elected, specifically in the first and second county governments, have no capacity to manage resources of the counties. This is to the extent that even the amenities of the counties that were there before are no longer functioning. Another problem we made with the Constitution is to devolve sectors like health. Devolving health sector in this country has caused problems.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Omboko Milemba is on a point of order.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I do not really want to interrupt the speaker who has been on the Floor, but I do not want it to go unnoticed that the statements we place in this House can really influence the populace of Kenya. The history of counties and even county deputies all over the world since the time of the French Revolution and creation of counties has been through elections. Is it in order for a Member to imagine that any person who is elected cannot be a performing governor? Yet even in America...

*(Several Members spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Florence Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. As much as I...

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): On a point of information, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Florence Jematiah, do you want information from Dr Lilian Gogo?

**Hon. Jematiah Sergon** (Baringo County, UDA): Yes.

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

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you, Hon. Temporary Speaker and Hon. Jematiah for allowing me to give extra information. I appreciate your brilliance. The extra information is that what you are saying is the truth and nothing but the truth.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Florence Jematiah, your truthfulness has been appreciated and given back to you as information. Proceed.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much. I ask for, at least, two extra minutes.

I am saying that because we have interacted with most of the problems in the counties. If you look at it keenly, it is not that Kenyans lack resources, but it is the mismanagement of the resources. For instance, the health sector in the counties is dead. Today, a pregnant mother going to deliver in a hospital walks into that place and cannot even find a painkiller. We should empower Community Health Promoters to take care of most of the populace. In this scenario, we will have a real conversation as a country through the county management. This is because, even if you have the best leader at the national level, but you have the kind of mismanagement going on in the counties, there is nothing this country will achieve in the future. Most likely, we might lose this country in terms of poverty levels and disparity in the society. This is because the poverty levels in the country today are as a result of mismanagement of resources. As much as we are channelling a lot of money to the counties, we cannot succeed unless we have a good manager to manage those



resources. Look at the money that we are giving to the counties today. Even the Senate has a role as it oversees the counties, to give us reasons why the counties are always deteriorating. We have overstretching and many pending bills that are accrued in the counties. We sometimes do not know who will pay this money. We cannot just bury our heads as Members of Parliament. This is a House of representation and we have a duty...

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. If you are done, I will go to the left. Hon. (Dr) Makali Mulu will be followed by Hon. Senior Counsel Naisula Lesuuda.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity to make my contribution to this important Senate Bill. This Bill is focusing on additional allocations to county governments. The main object of the Bill is to provide a framework in terms of additional allocations from proceeds of loans and grants and the transfers from the national Government.

My opening remarks are that this Bill is coming at a time when we have gone through the initial budget. We had an Appropriations Act which we have now revised to come up with a Supplementary Appropriation Act. We are all aware that as a result of that revision, the initial allocation to counties was equitable share of Ksh400.01 billion. As a result of the downscaling, which was as a result of this Finance Bill 2024 not being approved, we have come down to Ksh380 billion equitable share. Having said that, you realise that even on the issue of additional resources, there has been a bit of scaling down for some areas. Since we have approved the Supplementary Appropriation Act 2024, automatically, some of the proposals in this Bill will also have to be amended downwards. We are debating the Bill as it is. We have no choice but to amend some sections and, more so, the schedules so that the figures are aligned to the already approved Supplementary Appropriation Act, 2024.

Let me give a number of examples. If you look at the issue of the county aggregation industrial parks, the Schedule shows that we are expected to provide for 18 counties. Each of the county is supposed to be given about Ksh250 million. The expectation is that the counties will also allocate Ksh250 million from their resources to make it Ksh500 million and then do the parks. If you look at the Budget which has been approved through the Supplementary Appropriation Act, 2024, it is obvious that the money allocated there will not finance all the 18 counties. To some extent, it means that there will be scaling down of those figures. We might scale the number of counties or the amount of money. I do not think we have a way out because the Supplementary Appropriation Act, 2024 is already out.

The other matter is the construction of county headquarters. You realise from the schedules that there was a provision for four counties to get some money. They are Isiolo, Lamu, Tana River and Tharaka Nithi. In the Supplementary Appropriation Act 2024, that figure has been reduced to zero. This means that unless another Supplementary Estimate is brought as we are debating this Bill, there is no allocation to the four county headquarters because this Schedule would need to be revised. We have to amend this Schedule so that it reflects the reality on the ground.

There is money provided for Community Health Promoters. The initial plan was for the Government and the county governments to each give an allocation of Ksh2,500 to each. However, looking at what we have done at the supplementary level, the amount given cannot cater for all the Community Health Promoters. This means that to some extent, we have to look at the necessary amendments so that we factor them in. Unless we do that Hon. Temporary Speaker, we will not be helping the counties by having figures which cannot be financed from the Supplementary Appropriation Act, 2024.

Another issue I would like to comment on is about court fines and transfer of money to museums. The funds are provided for in the schedules. However, despite that fact, there is no framework in terms of how to get money from the Consolidated Fund to respective counties. Unless that framework is in place, we will continue budgeting for this money yet the money does not reach counties. As the House proceeds with debating this law, it is important that the docket of National Treasury and Economic Planning comes up with a clear framework. That way, when the Bill becomes an Act of Parliament, the proceeds from court fines and mineral royalties can be sent to the counties. By doing so, we will be encouraging counties which have not yet exploited their minerals to be proactive and exploit them since they will get royalties.

It is important to observe that a county like Kitui, where I come from, is very rich in minerals but the amount it is getting is only Ksh114,000. That is a drop in the sea! Kitui should be getting billions of shillings! My Governor and his team can be more proactive if this framework is put in place. Once they taste the Ksh114,000, they will realise that exploiting more minerals will bring more money to the counties. In that case, we can have more resources to implement our programmes. The National Treasury needs to quickly come up with a framework in that area so that once we get the money, we are able to send it to the counties.

On grants and loans, looking at these schedules, you will realise that a lot of money is being given by our development partners to support the counties, either through loans or grants. Unless the signing of the necessary or relevant agreements between the counties and some of the development partners is fast-tracked by the National Treasury, there is a likelihood of a delay in terms of implementation. This should be a concurrent kind of process so that even as we go through this Bill, the National Treasury also initiates the process of ensuring that counties are facilitated to access this money once the Bill becomes an Act of Parliament. It is very bad that we are complaining about having no resources, yet some of our development partners have given us grants and we are not able to access the money just because some simple documents have not been signed. So, as the Budget and Appropriations Committee, we also made an observation that the area of loans and grants is very slow-moving in terms of utilisation of the resources. As a House, we need to seriously oversee this area, so that we use any money given by our development partners.

In my other Committee, the Public Debt and Privatisation Committee, we have realised that the Government is paying a lot of commitment fees for loans which have been signed for, and we are not drawing the resources. We should have a smooth way of implementing our projects as a result of getting resources in a timely manner.

The other critical matter is the own-source revenue. Counties are getting some of these additional resources, but I do not think they are doing enough to maximise or optimise their own-source revenue. Counties need to come up with ways of optimising their own-source revenue so that they supplement the resources from the national Government. That will help them to have more resources to implement programmes and also pay for their pending bills. In that case, they will be able to do much better, and the complaints about governors not doing the right thing can be minimised. One of the ways which has proved to be quite effective in doing that is the digitisation of their revenue collection. If they digitise those processes, they are likely to collect more money.

I support the Bill, but I think we will be amending some sections before we finalise it so that by the time it is approved, we factor...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Naisula Lesuuda.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Temporary Speaker. You had earlier on mentioned that I am a Senior Counsel, and I was seeing Hon. Njeri looking at me wondering when I became one.

**The Temporary Speaker** (Hon. Peter Kaluma): The manner in which you executed your mandate in the Committee on Appointments could only measure to the standard of a Senior Counsel.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you. I take that as a compliment, and maybe in the next life...

I rise to support the consideration of the County Governments Additional Allocations Bill (Senate Bill No.19 of 2024). We are debating this matter when, as a country, we have rationalised the Budget that we just passed in this House the other day. Most Kenyans do not even know about these funds. They only know about the shareable revenue that goes to the counties. Most Kenyans do not know that there are additional funds from the national Government and donors that go to the counties. It is important that this conversation is going on in this House so that Kenyans know that there is extra money beyond the shareable revenue that goes to our counties. It is also evident that when most Kenyans are not enlightened on these matters, it becomes the governors' kitty or their money because no one knows anything about it. Many people just know about the shareable revenue. So, it is just the governors who know about these funds, and nobody really questions how the implementation of these projects is done.

It is important that Kenyans know that, for example, a county like mine, Samburu, receives a total of Ksh500 million additional funds over and above the shareable revenue. This ranges from money for the Community Health Promoters, the Matching Fund that national Government is giving shilling by shilling, and the mineral royalties. I am certain that there are too many people in Samburu County who do not know that in the Financial Year 2023/2024, Samburu County received Ksh900,000. This financial year, we are not clear on the royalties. Why is Samburu County receiving royalties worth a paltry Ksh17,000 in the Financial Year 2024/2025? With all the minerals in our county, why would Samburu County be receiving Ksh17,000? Actually, it is a joke. What will Samburu County do with Ksh17,000 as royalty?

There is also additional donor funding that includes locust money. We need to know what locust money does. As you may know, locusts left the country. So, we need to know what the money for locusts in Samburu County is going to do. We do not want any money to be used as somebody's kitty in the counties.

There is also money for food resilience, devolution support, and Kenya Urban Support Programme. All these things are additional revenues to our counties. Having said that, it is important that, as a country, we have a serious conversation and bite the bullet. If we embraced devolution, then we need to review whether we actually devolved all the functions and if funds follow those functions. We cannot continue to have a situation where the national Government gives counties money when it feels like. If a function is devolved, its funds should be devolved fully by the national Government. We cannot live with this fallacy that it is only in the county governments that governors abet corruption. Corruption is also happening at the national Government. So, if funds do not follow functions because they will be misappropriated at the county level, they can also be misappropriated at the national level. That is why sometimes you hear people saying that corruption is devolved. If funds are being misappropriated at the national level, they can even be better misappropriated at the county level. So, as a country, we must have a conversation. If a function has been devolved, let all of its funds be devolved as well. Perhaps, why health is not working in counties is because of not giving enough resources to the functions

that have been devolved. So, let us make sure that funds follow functions that have been devolved in our country.

The second thing that this Bill will take care of is ensuring that projects are completed. I like it now that we have reduced the industrial parks. Even though Samburu wants an industrial park, I would rather we have 18 complete and functional industrial parks in this country as opposed to small incomplete industrial parks across the country. That way, we will get value for money. We should finish a project and have it in use so that we get value for money.

The other important thing that we must have a conversation on, as a country, is killing of public facilities. What happened in the health sector with the National Health Insurance Fund (NHIF)? We made sure that our public facilities are dead so that Kenyans could go to private facilities. The public funds in the NHIF are utilised in the private hospitals. So, our public facilities continue to die. Our public health is dead. What I hope is – and that is why I was raising the issue of the higher education funding model – that, as a country, we do not kill our public universities as we have done to our public hospitals. If we kill public universities, children will go to private universities and the funding model will channel money to private universities. We have to be serious as a country so that our public institutions work and serve Kenyans. Not everybody can afford private universities.

Lastly on this issue, I have heard debates on whether governors should be executives or should be elected. We crossed that bridge and we decided we want them elected. I find that we have a challenge of immediate governors running for the Senate. How do you have a governor who has just left office being elected as a senator? Probably, he or she will chair the Public Accounts Committee (PAC) in the Senate where his or her audited accounts will be considered. How logical will that be?

Laws are made. As we implement them, we become progressive so that we see what works and what does not. I will look into that Act and bring amendments to it. If you want to run for Senate, you should at least wait for five or 10 years after your term as governor. This will enable the Senate to look at all your audited accounts. The Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) can also look at your record to ascertain if you misappropriated the funds of that county, before you find yourself in the Senate auditing yourself as the Chairperson of PAC. This was something that was not thought through when we came up with our Constitution. But, as I have said, as we implement the Act, we should look at what needs to be corrected because we will find many governors running to the Senate to protect themselves.

With those very many remarks, I support the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jared Okello, do you want to speak to this Bill for five minutes?

**Hon. Jared Okello** (Nyando, ODM): I thank you very much, Hon. Temporary Speaker. I want to add my voice to the County Governments Additional Allocations Bill (Senate Bill No.19 of 2024). We are here as a result of what happened two months ago. Whereas people castigate the Generation Z who were involved in what happened, I look at it positively. They created a separate path for oversight of our country's governance. We would not be here. There would not have been changes occasioned at the Cabinet had it not been for Generation Z coming out to shine bright light on the dark corners of our governance. Our counties have done a great job so far. However, there are also pitfalls that need to be looked into.

The idea of having county governments emanated from discrimination of certain areas. Devolution was brought forth to try and create a level of equity and correct certain ills that had

been perpetuated in the past. Our counties grapple with pending bills. I do not know where we lost the mark. The NG-CDF is one of the devolved funds that attract no pending bills at all. No one is engaged, until money is available. You cannot have a supplier or contractor on site under the NG-CDF until money is brought into the constituency. How did we lose this? Governors and their county executive committees sit down and allocate contracts based on monies they do not have. At the end of the day, they lump up bills. What stops an outgoing governor from engaging contractors and suppliers, getting his kickbacks, and then retiring? Nothing can stop it. If you visit all our counties, you will be confronted by pending bills running into billions, yet nothing has been done on the ground. How do we correct these ills moving forward? Some Governors have become lazy. There are Exchequer releases. Today we are also talking about additional funding to counties. We are looking at sources from court fines. We are looking at counties getting royalties from minerals available within them.

What stops a governor from just sitting pretty and waiting for these monies? Why can they not become innovative enough to add additional revenue streams into their systems? Governors also need to wake up to the reality and expand their revenue streams to fund their projects without necessarily waiting for Exchequer releases. The Integrated Financial Management System (IFMIS) and all the other obstacles on the way confront the Exchequer. It has been said enough times that the little money that goes into constituencies in terms of project implementation is what can be seen on the ground. Counties attract billions from both their revenue and the Exchequer. However, I can tell you there is nothing substantial they do that one can write home about. Our hospitals are still confronted by a lack of medicines. Their doctors and nurses have to go on strike to be paid. Some of these counties have not paid salaries dating back six months yet billions are channelled there.

The genesis upon which county governments were enacted is being lost on the way. You are piling more problems on the people, unlike their situations before. Even as a House, we are intending to add more money to counties. Everybody needs to be moral enough and come up with what we call financial probity where accountability becomes the centre stage of transactions. Otherwise, the main and very noble idea is being lost. That is the tragedy we have as a nation.

I support this Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. I have been waiting for long. Thank you for this opportunity. I thank the Chairman of the Budget and Appropriations Committee for moving this Bill very elaborately and clearly. It helps enlighten Kenyans that there are usually additional monies that go to counties. Many a time we do not talk about it, that is, the County Governments Additional Allocations Bill, popularly referred to as CGAA.

I will confine myself to the Bill. The main aim of this Bill, from what we got from the Chairman, is to align various budget-cuts that we experienced after the fall of the Finance Bill... We had to come up with the Supplementary Estimates I to cover for allocations that Government had allocated to our county governments from the Exchequer.

Firstly, this Bill speaks of monies to county governments to pay Community Health Promoters. This area is very important. The CHPs have been very motivated since the national Government reflected the 50:50 per cent support. The CHPs are doing a very good job in counties and villages. They are the people doing their job with a lot of motivation, yet with no pay. Additionally, the small bit that they are given, which is Ksh2,500 from the county government and Ksh2,500 from the national Government, has also been delayed. In fact, recently, they received a

little bit of the monies that have been accruing and owing to them for the last several months. This is one cadre of people I would like to protect.

When the Chairman of this Committee spoke on this earlier on, he seemed to indicate that there is a cut on these monies. I wish he was here to clarify the matter. This is an area that we have to choreograph and amend so that we retain the resources that go to the human resource such as the Community Health Promoters. They are currently doing a lot of work on the ground. If we demotivate them by cutting their budget, we would lose the only bit we are remaining with on the ground. This is because county hospitals do not have drugs let alone facilities and are, therefore, not operating. So, this is the human resource that moves around the villages trying to make sure that the health sector is operational or some form of advice goes to the local *mwananchi*.

I am taking a bit longer on this point to insist that the monies for CHPs needs to be protected. Let us not handle this the way we did with the teachers. During the Supplementary Estimates I, there was a Collective Bargaining Agreement (CBA) for teachers which had been agreed in court. Unfortunately, the allocation was removed and that is why Kenyan teachers may not report to schools on 26<sup>th</sup> August 2024. It was not necessary. The issue of teachers aside, we would also be risking by getting the CHPs off work.

Where is the Chairman of this Committee? There were two components that were discussed. The first one was human resource and the second one, machines. My proposal to this Bill is that we reduce expenditure on machinery but retain the stipend for the CHPs so that they continue helping our people at the grassroots.

The other level that this Bill talks about is the monies that go to the county governments from our other development partners. The Chairman described very well that this is not free money but loans. Hon. Temporary Speaker, did you know that we have been grappling with calculating the real debt that Kenya owes? This is because there are too many borrowings that have been done by county governments which have not been accredited to the national debt. Like Randall Robinson says in his book, *The Debt: What America owes to Blacks*, we are not very sure about how much our debt is. I am very happy that this Bill brings out clearly the fact that these monies from partners are loans to the Kenyan people. It is a debt which shall be paid by the entire Kenyan population.

Lastly, I support the Bill on the issue of royalties and court fines. This is money that should go to the county governments. Unfortunately, it is taken to the Consolidated Fund Services (CFS) and once there, it cannot go down to counties.

Hon. Temporary Speaker, because of time, let me allow other Members to speak on this issue. I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Njeri Maina, as you address this Bill, could you also explain the court fines. Now that the Judiciary is not devolved, how would this money go back to the county?

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. The framers of the Constitution of Kenya 2010 had no intention, whatsoever, to devolve corruption and the lack of service delivery. At the outset, their intention was very pure. What we have done with the gift of devolution is to abuse it. As I support the allocation to the counties, these monies should translate to service delivery and spur economic growth at the county level. The county allocation pacts have been provided for in the Bill. It is the duty of this Government and other successive governments to ensure that we spur growth in manufacturing and value addition at the county level.

County governments must think of the future and how to collect data to ensure that they match employment opportunity needs at a county level. The issues that we have now, and mostly the sky-rocketing unemployment, are not a concern for the national Government only; the county governments must also think of how they can deal with it.

It goes without saying that various counties across Kenya are experiencing healthcare issues. There is lack of basic medication at county governments' Level I, II, and III facilities. In some places we have seen very good and big buildings built, launched, and public relations packaging going on. During the launches, nurses accompanied by the Governors would come with medication and medical equipment and thereafter, disappear into thin air. We must do what is right. We must ensure that our people at the local level access healthcare facilities.

There are many health facilities across the country, for example, Kavoti Level I facility in Kirinyaga County and Mutivi Dispensary. As a Member of Parliament, our people ask us to ensure they have access to medical facilities and medicine. What we try to do is to show them that it is a county government function. However, enough civic education was not done for them to know the difference in roles and duties. This House demands that healthcare be sorted out. If the county governments can no longer manage healthcare, let it be the prerogative of the national Government because health is a crucial matter.

You have also requested that I address the issue of the Judiciary allocation to the county governments, if I heard you right. The Chairman said that these are only emanating from fines that are confined within breach of county laws. We must demand that monies allocated to county governments translate to service delivery for our people.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Andrew Okuome, Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you for giving me this opportunity.

Why was devolution created? Have we really gone anywhere with devolution or has it been a negativity? We have spent a lot of money on devolution but the results are minimal.

My colleagues have mentioned, and it is true, that the impact of devolution is not commensurate with the money that has been spent on them. We know Ksh380 billion of shareable revenue is going to them. That is not a small amount of money. It is quite huge. Today, we want to give them additional allocation to cover various items which can spur development in this country. I have the industrial park in mind. There is potential in the industrial parks and they can bring about a big difference in terms of creating employment to a large number of youths. If they do not aim at this, I do not see why the money should be allocated to them.

I congratulate the Budget and Appropriations Committee for having thought it wise to allocate such a big amount of money to help our people to come out of the problem that we are in. We are all aware that two months ago, we encountered a problem when Gen Zs were out there in the streets. I do not need to say anything on that as we all know about it. The only thing I can add...

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Okuome Adipo. Let me register my appreciation to all of you for having been in the House up to this late. Special thanks to Hon. John Waluke, Hon. John Kiragu, Hon. Beatrice Kemei, Hon. (Dr) Lilian Gogo, Hon. Samuel Parashina, Hon. Dorothy Ikiara, Hon. Kirima and Hon. Charity Kathambi. I regret we operate under the rules and once it hits 7.00 p.m. we have to adjourn. You are noted for contributions when this matter is scheduled for debate, hopefully by tomorrow.

Therefore, Hon. Andrew Okuome, you will have seven more minutes to contribute, and you will be the first to speak when the Order is called.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.02 p.m., the House stands adjourned until Wednesday, 14<sup>th</sup> August 2024, at 9.30 a.m.

The House rose at 7.02 p.m.



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