



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 52**

## THE HANSARD

Thursday, 22<sup>nd</sup> June 2023

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Serjeant-at-Arms, please ring the Quorum Bell. We are way short of quorum.

*(The Quorum Bell was rung)*

Order, Hon. Members. We now have quorum to transact business.

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

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF KIRINYAGA

**Hon. Speaker:** Hon. Members, I wish to introduce to you a Delegation from the County Assembly of Kirinyaga who are seated in the Speaker's Gallery. The Delegation comprises Members of the County Assembly's Committee on Powers and Privileges.

They are:

1. Hon. Muteti Murimi - Speaker of County Assembly/Chairperson of the Committee of Powers and Privilege
2. Hon. Timothy Kathuri - Vice-Chairperson.
3. Hon. Geoffrey Gakuru - Member.
4. Hon. Charles Nyaga - Member.
5. Hon. Milker Thoithi - Member.
6. Hon. Lucy Mwaniki - Member.
7. Hon. Joseph Kiragu - Member.

The Delegation is accompanied by the Clerk of County Assembly, Mr. Kamau Aidi and five other assembly staff. They are on a benchmarking visit with the National Assembly's Committee of Powers and Privileges to learn and share experiences and best practices in the execution of their mandate.

On my behalf and that of the National Assembly, I welcome the distinguished Delegation from Kirinyaga to Parliament and wish them fruitful engagements with the counterpart Committee.

I thank you.

Next Order.

MESSAGE

PASSAGE OF THE PARLIAMENTARY POWERS AND  
PRIVILEGES (AMENDMENT) BILL

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 41(4) of the National Assembly, I wish to convey to the House that I have received a Message from the Senate regarding the passage of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No.5 of 2022).

The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No.5 of 2022) was published *vide* Kenya Gazette Supplement No.176 of 8<sup>th</sup> November 2022, as a Bill to amend the Parliamentary Powers and Privileges Act, to provide for a structured mechanism through which Parliament is able to receive reports from public officers on the resolutions passed by Parliament; and for connected purposes.

The Message conveys that on Tuesday, 13<sup>th</sup> June 2023, the Senate considered and passed the said Bill with Amendments.

Having considered and passed the Bill, the Senate now seeks the concurrence of the National Assembly on the Bill pursuant to Article 110(4) of the Constitution and Standing Orders 46(1) of the Senate's Standing Orders.

Standing Order 143(1)(c) of the National Assembly requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message.

I, therefore, direct the Clerk to have the Bill listed in the Order Paper for the First Reading at the next Sitting. After being Read for the First Time, the Bill will stand committed to the Committee of Powers and Privileges for consideration.

I thank you.

Next Order. Hon. Members, take the nearest seats.

*(Several Members walked into the Chamber)*

## PETITION

### TARMACKING OF THE KIGANJO-MUGUTHA-GWA KAIRU LINK ROAD

**Hon. Speaker:** Hon. Members, I have a Petition regarding the tarmacking of Kiganjo-Mugutha-Gwa Kairu Link Road.

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 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 a consortium of Petitioners from Juja and Ruiru constituencies, calling for urgent tarmacking of the Kiganjo-Mugutha-Gwa Kairu Link Road that traverses the two constituencies.

The Petitioners are composed of the management, employees, students and stakeholders of the Nairobi Institute of Business Studies, Rexol-Mart Supermarket, Sahara Ridge Estate, Kimbo Nebz Village, Wembley Queen Gardens, Rays Gardens, Spur Mall, Lizzie Wanyoike Preparatory School, the G.S.U Recce Office in Ruiru and St. Thomas Catholic Church, petitioning through Mr. Lewis Gichini of P.O. Box 4364, Nairobi.

The Petitioners decry the sorry state of the Kiganjo-Mugutha-Gwa Kairu Link Road which is a critical access road for business operators, transporters, the general public as well as the G.S.U, Recce Squad that utilises it for emergency movements and operations in the area.

The Petitioners aver that they have regularly teamed up to upgrade the one-and-a-half-kilometre road to murram status at their own costs but these short-term interventions are always proven futile during rainy seasons and additionally, on account of the massive traffic that wears off the link road quickly.

Additionally, the Petitioners are concerned about the perennial health hazards caused by the dust emanating from the road that makes over 15,000 students and residents vulnerable to health complications.

In light of these recurrent challenges, the Petitioners seek the urgent intervention of the National Assembly in facilitating the upgrading to bitumen standards of the Kiganjo-Mugutha Gwa Kairu Link Road inclusive of the Railways and Thika Superhighway underpass that borders Kenyatta University's Ruiru Campus in order to create an alternative access to and exit from the Superhighway in light of the perennial heavy traffic jams at the Ruiru-Kimbo underpass.

Having established that the matter raised in the Petition is 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).

I thank you.

Hon. Members, ordinarily, we give the House a few minutes. We will give you 30 minutes to comment. If the interest is massive, I will give you two minutes each.

Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, that Petition is merited. It is a Petition that is sound. I happen to know that road network. When I was still in the corporate world, I used to live in Thika Town, some years back. I, therefore, know that area very well.

The Committee concerned should expedite that Petition for it to yield some results. The question one would want to ask is: How comes the agencies tasked with the duty of doing roads like Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA) cannot to prioritise such roads; that they have to wait to be probed by Petitioners and by this House?

The fact that that area is notorious for traffic jams is something which is of public notoriety. I am sure relevant agencies are aware. Even as we process this Petition, let the agencies concerned wake up from their slumber and proactively, deal with such cases.

I have a case in point in my constituency where we used to lose people every other day through road accidents on account of lack of speed bumps. It took a long time for the relevant agencies to come in and put those bumps.

In my view, this is a wake-up call. I really support that process if it can be expedited.

**Hon. Speaker:** Thank you. Hon. Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Speaker, I want to support the Petition. The Petition is just one example of the many of our dilapidated roads across the country. Central Kenya, for instance, is majorly an agricultural area and 99 per cent of our transport is by road network. Even as we sit here as Members, some of us do not have tarmac roads back in our constituencies. We are only seeking to get murram roads to enable farmers take their produce to the nearby markets. It is a big concern not only to the people of Central Kenya but also a concern of people across the country. In Kerio Valley where I come from, we have serious insecurity because the police are unable to follow the stolen animals because there is no road. As we appropriate monies in this House, let us focus on the common *wananchi* instead of focusing on Kenya Airways. Very few of us use air transport. Let us focus on the roads.

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

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Speaker, for giving me this opportunity.

I support the Petition. It is a very serious Petition. Preceding the presentation of this Petition here, there have been public protests and demonstrations about this road. The social media has been awash with people protesting about the state of this road. The fact that it has called for the citizens to present this Petition here shows the ineffectiveness of public institutions or the laziness of the people serving in this Government who have to wait for its citizens to come to Parliament to get service. This is happening across the country. We have, maybe, a Government that is deaf. I urge the Government to be sensitive to the plight of Kenyans especially those from regions that ideally voted for or supported it.

Last week we were talking about public protests and we said here that we should allow Kenyans to protest here at the National Assembly. The Leader of the Majority Party said that Kenyans do not need to protest here. This is an example that we have to be open and democratic and allow Kenyans to express themselves wherever they are. More fundamentally, let us urge this Government to wake up and serve the people that gave them the mandate to rule.

Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Yes, your neighbour, Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Poetically he is also my neighbour on the ground.

Hon. Speaker, I stand to also support the Petition. The issue of road infrastructure, not on that specific road but all over the country is becoming dangerous and requires concerted efforts. It is alarming that residents have to petition or protest for their needs to be identified. I believe that the Committee in charge of roads and infrastructure should prioritise this project because they pass and make budgets as required in the Constitution. I urge them to move speedily and include it in the next Budget.

In my constituency, the road from Matayos all the way to Burema had its tendering process completed in 2016 and there has been no activity at all. Probably, we will soon also prepare a Petition and stage a massive protest, akin to our usual *maandamano* so that the deaf Government can listen to us.

Thank you, Hon. Speaker.

**Hon. Speaker:** Give the microphone to Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I support the great Petitioners who have thought it right to write to Parliament for the sake of getting service from the Government. I want to appreciate that, indeed, the roads in many places and particularly in my area are in a very bad state. The road from St. Kisai Mutsuki all the way towards the Leader of the Minority Party's area through Khumusalaba to Yala is in a very bad state. As we have passed the Budget, the authorities in charge should quickly move to deal with that road because it is in a very deplorable state which is not good for the people.

I support the Petitioners and encourage all other petitioners having challenges of that sort to petition Parliament. Thank you.

**Hon. Speaker:** Hon. Member for Manyatta.

**Hon Gitonga Mukunji** (Manyatta, UDA): Hon. Speaker, I also rise as my colleagues have said to thank the Petitioners and also add my voice to the issue of roads in this country. Yesterday, we passed the Finance Bill and I appeal to the Government, through the relevant ministries, to look at the issue of roads and road maintenance. We have invested a lot in the roads infrastructure, but the challenge of maintenance requires a better approach in terms of procurement. We should have contractors getting ten to 20 years of maintenance of these roads or a consistent budget that will ensure our roads do not become hazardous.

Also in our area, we have challenges on roads and one of them is Ena Kithumu- Kivwe Road. It is a road in a lucrative area in terms of agriculture where miraa, maize and many other crops are grown. I would like to see the road maintained.

Maintenance and compensation of the people that are affected when roads are being maintained is also a challenge. Ring Road was constructed in Embu from Kibugu all the way to Kiriare but we have members of the public there who have not been compensated for the land they gave during the construction of that road. I appeal....

**Hon. Speaker:** Hon. Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Speaker. I also rise to support the Petition. What this Petition is showing us is that you are presiding over a very open Parliament. The process we had with the Finance Bill has also opened these doors to the public to realise that they do not even need to go out there for *maandamano* or picket; they can write directly to this Parliament and be heard.

The issue of roads does not affect one side only. Through yesterday's process, we have already embedded the role of this House. We will look for the resources and also oversee the resources. I do not think there is a Member of this House who does not have a road that they would want tarmacked. I remember even in the last Parliament and this one, I have been talking about the road from Gilgil to Gitare. It is our duty to provide resources or/and raise money and ensure that it is used for what it is supposed to do. More importantly, this is a listening Parliament. We have a whole Committee on Petitions that members of the public can interact with us and raise issues directly to Parliament.

Thank you, Hon. Speaker for the opportunity.

**Hon. Speaker:** Hon. John Waluke.

**Hon. John Koyi** (Sirisia, JP): Thank you very much, Hon. Speaker. I rise to support the Petitioners.

We have a lot of hope in this Government that roads and infrastructure is going to be done. We passed a Motion here in 2016 for the tarmacking of about 20 kilometres of roads in every constituency. It started in some constituencies, but in others it has not been done. In my constituency, the Sirisia, Chwele-Lwakhakha Road is bad.

Hon. Speaker, you know there are very many trucks there because it is the exit from Uganda to Mombasa. That is one of the problems in my constituency. An Officer Commanding Station (OCS) there is doing business with cement companies. They are dumping cement at the Wahaha Custom Point then it is transported to Uganda and that is a low volume road. The big trucks are not allowed.

I support. Thank you.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Speaker.

I rise to support the Petition. This shows that, as long as you are a Kenyan, you are entitled to the right to petition this House so that your issues and concerns can be looked at. We also have roads that require urgent attention in my Mbeere North Constituency. I am sure this government will give those roads urgent attention. They are in an extremely bad state. The Gikuyari-Muminji-Kiria road is in a terrible situation. I have written several letters to the Cabinet Secretary in charge of infrastructure and roads to ensure that we get a budget for the maintenance of that road as well as the road from Kanyombora to Kamumo, all the way to Siakago. I appreciate that we have a contractor on site but the speed on the ground is questionable. Now that we have a budget, I wish that is transmitted to the contractor so that the road can be constructed and the people of Mbeere North enjoy services as other Kenyans.

I support this Petition, thank you.

**Hon. Speaker:** Hon. Hassan.

**Hon. Hussein Weytan** (Mandera East, ODM): Thank you, Hon. Speaker.

I also support this important Petition. This is a typical example of the extremely pathetic roads in this country. The Lafey-Fino-Arabia-Mandera road in my constituency is extremely pathetic. It has taken the lives of over 50 people. Roads in North Eastern are murrum. You rarely see tarmacked roads. Terrorists easily plant Improvised Explosive Devices (IEDs) in some of the places. These IEDs are normally planted in murrum roads and not in tarmacked ones. We need these roads tarmacked and the agencies of this country take them seriously to help people use the roads without fear.

Thank you very much.

**Hon. Speaker:** Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you for this opportunity. I rise to support this Petition.

Once the public starts speaking this way, it seems they are seeing their Members of Parliament or representatives are not working. I assure the Petitioners that we are also focusing on ensuring equal distribution of resources, particularly the provision road infrastructure in this country. The Kenya Kwanza government is focusing on this. Some of the problems we are experiencing is as a result of the past, particularly the immediate past government that did not take keen interest in the survival of the people who require transportation. The cost of transport is very high, accidents are many, the cost of trading is very high, the cost of maintenance is very high, and there is much wastage of time where there is poor road infrastructure.

I join other Members of Parliament here who are saying, going forward, we must as the Kenya Kwanza government sort this problem as a priority. If we do not do that, we will be held accountable of too many misdeeds of the past. Therefore, I support this Petition and urge the government to try to solve these problems going forward. I assure Kenyans that the Kenya Kwanza government is not blind. We can see and hear. We shall endeavour to sort out this problem.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker.

I rise to support and appreciate that we just passed the Budget in this House. Drainage is not in place in the built Expressway. If you are driving under that road when it is raining, it is very easy for one to cause an accident. It is time they put the right drainage and clear the lower road they messed up. If you look at all this, most of the roads that were done were never marked. As we move forward and look at where we have challenges, I hope we mark roads so that the accidents we have and all that end. As I support, as much as people think there are roads in Nairobi, you will find many challenges with roads when you get to the real streets of Nairobi. Whenever there is fire or an ambulance is passing, you will always find challenges.

As we look at all the roads, let us endeavour to ensure drainage and sewer systems are done together. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Okuome.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Speaker.

I rise to support the Petitioners on the roads that are not supporting their system. I am in the same boat. I have made noise as a Member of Parliament. Our people have expressed their concerns. Nothing is happening. I register my concerns about a famous road in my area. Even the President himself has spoken about it several times. This is the Kadel-Karachuonyo Kanyadhiang' road. I wish it is taken care of in line with what the president told us. This is a very important concern for our people in Karachuonyo. I thank you for having given me the opportunity to express myself about it.

**Hon. Speaker:** Hon. Johana Ng'eno

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Speaker.

I support the Petitioner, with a rider that the Petitioner petitioned the National Assembly and not the ministry. Why? This House taxes the people. This House legislates on taxation. This House also legislates how to appropriate money. It is time we woke up and ensured such problems are sorted at the budget-making level. The budget-making process is not a ceremony that we just look at, make noise over, and fight each other here. It should be a process that ensures all problems cited by the people of this country are factored in so that we sort all these problems.

There have been accidents in this country. Forget about the people searching for roads. There have been several accidents in this country because of how roads are made. In developed countries, almost all the roads are dual carriageways and there are no accidents. It is high time this House looked at how to make the roads accident-free and passable for the people of this country.

Thank you, Hon. Speaker.

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

**Hon. Yussuf Hassan** (Kamukunji, JP): Thank you Hon. Speaker, for giving me the opportunity. I want to support the Petition and Petitioner. It is important to contribute to the construction of our roads, being an important component of any development process particularly, for major urban centres and some rural areas.

One concern I have about roads, is the lack of maintenance. It seems we now have a culture of not bothering about maintenance at all. This culture is leaving a lot of damaged roads unattended until they completely collapse before any investment is done, which is normally higher. We should start thinking about maintenance. I do not know whether this would require an amendment to the various road acts we have in the country. It is important we invest more on our roads.

The second point is about petitions. This is my fourth term in Parliament. Normally, petitions are not followed up and executed well in terms of the final decisions and many disappear in between. We should look into this and the House should ensure those petitions are implemented and executed.

**Hon. Speaker:** The Member for Turkana, Hon. Nicholas. Give him the microphone.

**Hon. Nicholas Ng'ikor** (Turkana East, JP): Thank you Hon. Speaker, for giving me this chance. I rise to support the Petitioner. What he has stated takes me back to my own constituency where the issue of tarmacked roads is a theory. The students in my constituency read about tarmacked roads in books, but seeing them practically is a nightmare. This takes me back to a Bill which was passed in this House in 2016, in the 11<sup>th</sup> Parliament, where we agreed all the 290 constituencies be allocated money to tarmac roads. Up to date, a constituency like Turkana East does not have even an inch of tarmacked road. There is a road which crosses my constituency and connects to Baringo County from Chemolingot junction – Kapedo – Napeitom- Lokori- Ewoi in Lokichar. Such roads are supposed to be tarmacked for people to have good transport because road network is good for development in every area. I support the Petitioner and think we will continue petitioning this House...

**Hon. Speaker:** Member for Kajiado North.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you Hon. Speaker. I rise to add my voice on the Petition and thank the petitioners for using this channel. It seems we have a very informed society and people have resulted to what the Constitution allows them to do; that is petitioning this House to draw the attention of Members, the Departmental Committee on Transport and Infrastructure and the Budget and Appropriations Committee.

In my constituency, there are several roads that were started in the last regime, that have not received any funding up to date. This raises a big question on the issues of planning. I want to urge this House, as we consider this Petition, we be good planners of resources at hand, so that we might not end up borrowing from the backdoor and having incomplete roads because



we did not plan and failed to procure correctly for resources to complete roads and end up with many unfinished projects.

I thank the petitioners and also draw the attention of this House to the fact that we need to plan properly, so that roads are completed and remain as useful projects. That way, we will have a society that plans, executes well and people benefit from the projects approved by this House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Members, we will stop there. The Petition is committed to the relevant committee in the terms that were read out. Hon. Members, allow me to acknowledge, in the Speaker's Gallery, Chogoria Boys High School from Maara Constituency, Tharaka Nithi and in the Public Gallery, Njabini Junior Secondary School from Kinangop, Nyandarua and Marmanet Secondary School from Laikipia West, Laikipia County.

On my behalf and that of Members, I welcome them to the House of Parliament. Yes, Murugara. If you want to welcome a school from your constituency, take the opportunity to speak for everybody.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. I welcome Chogoria Boys High School. It is not in my constituency, but the neighbouring constituency, Maara in Tharaka Nithi County. It is one of the best schools in the county and we are proud of them. I also welcome the students from Njabini and Marmanet. Feel welcome to the House and follow the proceedings. These are the future leaders of Kenya. I encourage them to continue working very hard in school, be disciplined and always remember that the motto of the country is 'education is everything for everyone.' All the best as you watch our deliberations. Thank you very much.

**Hon. Speaker:** Thank you. Next Order!

## PAPERS

**Hon. Speaker:** The leader of the Majority Party. Hon. Chepkong'a, are you the acting Leader of the Majority Party?

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): No. Temporary one! If you say acting, I must have a letter. Thank you, Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table:

1. Draft Charter for Open University of Kenya from the Ministry of Education.
2. Report of the Auditor-General and Financial Statements of Road Maintenance Levy Fund for the year ended 30<sup>th</sup> June 2022 - Kenya Urban Roads Authority.
3. Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June 2022, and the certificates therein:
  - (a) Kenya Railways Corporation;
  - (b) National Housing Corporation;
  - (c) Kenya Civil Aviation Authority;
  - (d) National Oil Corporation of Kenya Limited; and,
  - (e) Energy and Petroleum Regulatory Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Chepkong'a. Chairperson of the Departmental Committee on Labour, Hon. Karemba. Give the microphone to him.

**Hon. Muchangi Karemba** (Runjenjes, UDA): Thank you, Hon. Speaker. I can hear some Members referring to me as Mr. Francis Atwoli. I wish to state categorically that my name is Hon. Muchangi Karemba. There is no relationship between Mr. Francis Atwoli and I.

*(Several Members spoke off-record.)*

That cannot be a compliment.

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

Report of the Departmental Committee on Labour on its consideration of the Public Service Internship Bill, (National Assembly Bill No.63 of 2022).

I thank you Hon. Speaker.

**Hon. Speaker:** Let us have Hon. Caroline Ng'elechei for the Departmental Committee on Administration and Internal Security.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Administration and Internal Security on the vetting of Ms. Anne Njoki Wang'ombe for appointment as Principal Secretary, State Department for Performance Management and Delivery Service

**Hon. Speaker:** Hon. Njeri Maina I give you one minute to welcome the delegation from your county.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon Speaker. I want to welcome the delegation from the County Assembly of Kirinyaga led by the Hon. Speaker. The Members reminded me that this House promised that it will look into the Ward Development Fund, so that they are able to do their oversight mandate.

I thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## NOTICES OF MOTIONS

### PROVIDING A SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES

**Hon. Speaker:** Hon. Dorothy Ikiara proceed.

**The Hon. Dorothy Ikiara** (Nominated, UDA): Thank you Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that, Article 21(3) of the Constitution provides that all State organs have the duty to address the needs of vulnerable groups within the society; further aware that the persons with severe disabilities cash transfer programme (PWSD-CT) is one of the four cash transfer programmes implemented by the Government as part of the overall social protection interventions; noting that caregivers undertaking the immense responsibility of providing daily care and assistance to persons with severe disabilities (PWSD) are often-times the immediate family members of the PWSD; concerned that this causes a disproportionate burden on those families as persons who would otherwise be engaged in gainful employment or other activities to provide for the families are limited by those immense responsibilities; further concerned that, this loss of income opportunities and resources exacerbates the challenges faced by those families; cognizant that, the Government ought to take action to recognize the invaluable contributions of caregivers and support them in caring for individuals with severe disabilities; now therefore, this House resolves that the Government, through the Ministry of Labour & Social Protection, recognizes primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for those primary caregivers.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Let us have Hon. Caroline Ng'elechei for the Departmental Committee on Administration and Internal Security.

ADOPTION OF REPORT ON APPROVAL FOR NOMINEE FOR APPOINTMENT AS  
PRINCIPAL SECRETARY STATE DEPARTMENT FOR PERFORMANCE  
MANAGEMENT AND DELIVERY SERVICES

**Hon. Caroline Ng'elechei** (ElgeyoMarakwet, Independent): Thank you Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the finding on the Departmental Committee on Administration and Internal Security, in its report on the vetting of a nominee for appointment of Principal Secretary, State Department for Performance Management and Delivery Services, laid on the Table of the House on Thursday 22nd June 2023 and, pursuant to the provision of Article 155 (3) (b) of the Constitution and Section 8(1) of the Public Appointment Parliament Approval Act 2011, approves the appointment of Ms. Ann Njoki Wang'ombe as Principal Secretary State Department for Performance Management and Delivery Services.

I thank you Hon. Speaker.

**Hon. Speaker:** Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENT

#### INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING

**Hon. Anthony Kibagendi** (Kitutu Chache South, ODM): Hon. Speaker, pursuant to Standing Order 43(1), I wish to make a Statement on the International Day against Drug Abuse and Illicit Trafficking celebrated every 26<sup>th</sup> day of June whose theme this year is 'People First: Stop Stigma and Discrimination, Strengthen Prevention.'

Pursuant to Standing Order 259A, the Parliamentarians against Drugs and Substance Abuse Caucus was established and received recognition and approval from the Speaker on 23<sup>rd</sup> November, 2022.

The Caucus is mandated to contribute to the prevention of substance use and other social problems to significantly improve society's health, safety and well-being, by reviewing and enhancing legislative and institutional frameworks to combat illicit drug abuse.

The International Day against Drug Abuse and Illicit Trafficking is commemorated by people, organizations and Parliaments across the world in a bid to strengthen action and co-operation to realize a world free of drug abuse. Parliaments, in particular, have a vital role to play in the fight against drugs and substance abuse. Hence, the need for this House to re-examine the already existing legislation in the wake of contemporary issues in the sale of illicit substances and, specifically, the online sale of drugs.

It is a known fact that there is an upsurge in drugs and illicit substance abuse in the country. We can see that from our Deputy President, who is one of our biggest campaigners. Members can attest that many young people in our constituencies are now, more than ever, at the greatest risk of wasting away due to drugs abuse.

Many drug abusers face stigma and discrimination which further harm their physical and mental health and, consequently, prevent them from accessing the help they need. To

successfully tackle this problem, this House should adopt a people-centred approach in formulating drug-related policies and laws with a keen focus on compassion, human rights and evidence-based practices.

As I present this Statement on behalf of the Parliamentarians against Drugs and Substance Abuse Caucus, I am honoured to report to this House that the Caucus has already embarked on a journey to reinforce the fight against this vice. Further, the Caucus is in receipt of an invitation from NACADA to commemorate this day on Monday 26<sup>th</sup> June, 2023 at the Bomas of Kenya.

Lastly, Hon. Speaker, the concerted efforts by the current administration spearheaded by His Excellency Deputy President Rigathi Gachagua demonstrate the severity of this menace. It is for this reason that I invite Members to join in the fight against drugs and substance abuse by participating in the activities of the day as organised by NACADA and support in creating awareness. I am requesting that we encourage Members on that day. I will be sharing in our group the theme for this year. I would also like to table the national survey on the status of drugs and substance abuse in Kenya.

**Hon. Speaker:** Well done, Kibagendi. You are actually the first caucus to bring any Statement to the Floor of the House. That is commendable. I wish you the best in what you are doing to eliminate the menace of drugs in our society.

Next Order. Leader of the Majority Party, give your Thursday Statement.

#### BUSINESS FOR THE WEEK FROM 26<sup>TH</sup> – 30<sup>TH</sup> JUNE 2023

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 20<sup>th</sup> June 2023, to prioritise the business for consideration during the week.

As Members are aware, this week, the House has considered the following Bills and other priority budget-related business:

1. The Appropriation Bill (National Assembly Bill No.27 of 2023);
2. The Finance Bill (National Assembly Bill No.14 of 2023);
3. The County Allocation of Revenue Bill (Senate Bill No.16 of 2023);
4. The Equalisation Fund Appropriation Bill (Senate Bill No.2 of 2023);
5. The Supplementary Estimates II for the Financial Year 2022/2023; and,
6. The Supplementary Appropriation (No.2) Bill (National Assembly Bill No.31 of 2023).

Hon. Speaker, the House Business Committee severally proposed that sittings of the House be extended to accord the House time to conclude with all stages of these Bills and priority budget-related business. I wish to take this opportunity to thank all Members of this House for the sacrifice, active participation and overall contribution to the improvement of our law-making at every stage of the process of representing our people and critically exercising our crucial mandate as bestowed upon us by the people of Kenya.

In accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the House to respond to Questions as follows:

1. The Cabinet Secretary for Water, Sanitation and Irrigation will appear on the afternoon of Wednesday, 28<sup>th</sup> June 2023 to respond to the following Questions:
  - (a) Question by Private Notice No.007/2023 by the Member for Alego Usonga Constituency, Hon. Samuel Atandi, regarding the collapsing dykes around Lake Kanyaboli, which have resulted in the flooding of the area and displacement of people;

- (b) Question No.158/2023 by the Member for Ikolomani Constituency, Hon. Bernard Shinali, regarding the implementation of the Moi's Bridge –Matunda Water Supply and Sanitation Project; and,
  - (c) Question No.159/2023 by the Member for Turkana Central Constituency, Hon. Joseph Emathe, regarding the status of Naoros and Nadoto irrigation schemes in Turkana County.
2. The Cabinet Secretary for Labour and Social Protection will appear on the afternoon of Wednesday, 28<sup>th</sup> June 2023 to respond to the following Questions:
- (a) Question No.088/2023 by the Member for Konoin Constituency, Hon. Brighton Yegon, regarding the welfare of Kenyans working in Saudi Arabia and efforts geared towards regulated licensing of recruiting agencies;
  - (b) Question No.089/2023 by the Member for Yatta Constituency, Hon. Robert Basil, regarding incorporation of senior citizens into the Older Persons Cash Transfer Scheme;
  - (c) Question No.090/2023 by the Member for Konoin Constituency, Hon. Brighton Yegon, regarding the formulation of a policy framework to support children whose parents or guardians are incarcerated;
  - (d) Question No.091/2023 by the Member for Machakos County, Hon. Joyce Kamene, regarding the plight of orphans, widows, and widowers in the country;
  - (e) Question No.092/2023 by the Member for Kirinyaga County (who is seated behind me), Hon. Jane Njeri Maina, regarding the effectiveness of the *Inua Jamii* Programme since its inception; and,
  - (f) Question No.160/2023 by the Member for Kiambu Constituency, Hon. John Machua Waithaka, regarding the eligibility of cancer survivors being registered as persons with disabilities.
3. The Cabinet Secretary for Lands, Housing and Urban Development will appear on the afternoon of Wednesday, 28<sup>th</sup> June 2023 to respond to the following Questions:
- (a) Question No.084/2023 by the Member for Mwingi Central Constituency, Hon. Gideon Mulyungi, regarding errors in title deeds for parcels of land in Mui Coal Basin;
  - (b) Question No.085/2023 by the Member for Mwingi Central Constituency, Hon. Gideon Mulyungi, regarding the high mast security lighting project in Mwingi Town;
  - (c) Question No.086/2023 by the Member for Saboti Constituency, Hon. Caleb Amisi, regarding ownership status of the parcel of land LR No.5004/30/R currently occupied by the Kwale International Sugar Company;
  - (d) Question No.087/2023 by the Member for Laisamis Constituency, Hon. Joseph Lekuton, regarding review of boundaries bordering Laisamis Constituency;
  - (e) Question No.109/2023 by the Member for Nakuru Town East Constituency, Hon. David Gikaria, regarding the *Kazi Mtaani* Project Phase III;
  - (f) Question No.117/2023 by the Member for Embakasi West Constituency, Hon. Mark Mwenje, regarding the status of ownership of land popularly referred to as 'EMCO' in Mowlem Ward in Embakasi West Constituency; and,

- (g) Question No.246/2023 by the Member for Kibwezi West Constituency, Hon. Mwengi Mutuse, regarding delayed payment of compensation to residents whose land was compulsorily acquired in 2017 for the construction of the Kibwezi – Kitui Road

With regard to the business for Tuesday next week, the House is expected to consider Special Motions on the nominee for appointment as the Chairperson of the Commission on Revenue Allocation (CRA), and the nominee for appointment as a member of the Salaries and Remuneration Commission (SRC). Debate will also be undertaken on the following business, should it not be concluded today:

1. The Public Finance Management (Amendment) Bill (National Assembly Bill (No.16 of 2023);
2. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.60 of 2022);
3. Report on Ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities;
4. Report on Ratification of the Kigali Amendment on the Montreal Protocol on the Substances that Deplete the Ozone Layer;
5. Report on Ratification of the Bamako Convention on the Ban of the Importation into Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste within Africa; and,
6. Report of the Kenyan Delegation to the Parliamentary Dialogue on United Nations Convention against Corruption (UNCAC) and Global Parliamentarians against Corruption (GOPAC) Annual General Meeting.

The House Business Committee shall reconvene on Tuesday, 27<sup>th</sup> June 2023 to schedule the business for the rest of the week. I now wish to lay this Statement on the Table of the House. I apologise since it was quite a long one today.

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

**Hon. Speaker:** Thank you, Leader of the Majority Party. Hon. Members, the following schools are in the Speaker's Gallery:

1. Mang'u High School from Juja, Murang'a. I thought Juja was in Kiambu. Is Juja not in Kiambu? So, this is Mang'u High School from Juja, Kiambu, and not Murang'a;
2. Sekenani Boarding Primary School from Narok West in the Public Gallery;
3. Chumvi Mixed Day Secondary School from Laikipia North in Laikipia;

On my behalf and that of the House, I welcome the students and their teachers to the House of Parliament.

**Hon. Speaker:** Next Order.

## BILL

### *Second Reading*

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (National Assembly Bill No.16 of 2023)

**Hon. Speaker:** Leader of the Majority Party, due to time constraints, how much time do you want us to spend on this Order?

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**Hon. Kimani Ichung'wah** (Kikuyu, UDA): If we will be done in 40 minutes, or a maximum of one hour, it will be good enough.

**Hon. Speaker:** Go ahead.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): There is also Order No.9.

**Hon. Speaker:** Yes.

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

THAT, the Public Finance Management (Amendment) Bill (National Assembly Bill No.16 of 2023), be now read a Second Time.

Allow me to begin by first thanking the Chairperson of the Public Debt and Privatisation Committee, Hon. Shurie, ably deputised by Hon. Makali Mulu, who tabled the Report of the Committee yesterday. They were able to consider this Bill.

Hon. Speaker, they did public participation over the last two or so weeks. They tabled a very good Report with very good recommendations. They also came up with certain amendments that are critical to the implementation of this Bill. The principal objectives of this Bill are enumerated in the Bill. Firstly, it is to amend the Public Finance Management Act (No. 18) of 2012 to operationalise the public debt and borrowing with regards to the framework for monitoring the level of public debt. This is to align with the provisions of Article 214 (2) of the Constitution which defines public debt. This Article defines public debt as all financial obligations attendant to loans raised or guaranteed and securities issued or guaranteed by the national Government.

The Public Finance Management Act of 2012 does not offer this clear definition of what public debt is. Therefore, it is important to define it in such a manner that it covers all elements of our public debt. You can define public debt as just our national Government debt without considering what is guaranteed by our national Government to our county governments or even to State-owned enterprises. Therefore, a holistic definition was necessary. That is part of the objectives of this Bill.

Secondly, as a country and, indeed, many other countries in Africa and beyond, we are confronted with a heavy question of public debt and its management in the running of our economies. Kenya is not an exception. We had a situation where we were almost at the brink of being unable to manage our debts. Should we allow things to go the way they are going without taking cognisance? What is happening in the global economy with the war in Ukraine and inflation around the world, both in Europe and United States of America (USA)? There is large devaluation of our shilling against the major currencies, especially the US dollar, which is occasioned— as I mentioned— by inflation, which is very high in the USA.

It is said that when the economy of the USA coughs, the rest of the world catches a cold. Therefore, we are no exception. There were a lot of Government freebies or money being given to the populace during COVID-19 Pandemic in USA. After the pandemic, there are people who were opting not to work. The kind of welfare monies they were getting from the State was, at times, even better than what they were getting when they were working. That has driven inflation very high and occasioned the federal funds rate in the USA to be increased in a manner that has never happened, since the great recession there. That increment in interest rates is what has caused the problems we have here today with our dollar, which was trading at an average of about Ksh120 less than a year ago. Today, I think it is an average of about Ksh132 – 140 against US\$. I must say that the Kenya shilling has tried to be quite resilient.

Hon. Speaker, considering that there are all those global effects, we must be very careful on how we treat our public debts. Let me thank the Committee because one of the things that are in this Bill is a provision or clause where, if the National Treasury hits the debt ceiling, they will come and report to the House. That is one of the recommendations that the Committee has given and noted. I am trying to get it in the Report. They recommend that this should not be an *ex post facto* approval by Parliament because we cannot abrogate our role and mandate to

oversee the Government. They report to us. This would be abused just like Article 223 of the Constitution. People spend money and come to report to us after they do so. I support what the Committee has recommended. That should the National Treasury go beyond the debt threshold or ceiling – and I will speak to that because that is the second objective of this Bill - then they ought to come for approval from Parliament before hitting it.

Allow me to speak to the second objective of this Bill, which is to migrate us from the absolute figure of a debt ceiling that we have been using, in terms of measuring our debt-carrying capacity, to a threshold which is popularly or otherwise known as a debt anchor. The proposal for our economy is a debt anchor of about 55 per cent. This Bill is proposing a debt anchor of 55 per cent, plus or minus 5 per cent. I also note that the Committee had observed that, plus or minus, if you are in the negative of 55 per cent, then you are still okay. You are not in the red. Therefore, I propose to amend that to remove the minus and just say a threshold of 55 per cent plus 5.

I had a discussion with the Chairperson of the Committee. I proposed that we need to reconsider that. The intent by the National Treasury of saying a threshold of 55 per cent plus or minus is that we are able to signal ourselves or the country knows that if you are at 50 per cent, then you know you have 5 per cent points to hit your threshold. Therefore, you will be careful as you appropriate resources and plan Finance Bills, so that you know the amount of resources you need to generate to reduce your fiscal deficit, that will then feed onto the amount of money that you need to borrow. In the same breath, if you are at 55 per cent, you know you have hit the debt threshold that you have placed for yourself. Anything beyond 55 per cent moving to 60 per cent, you are in the red.

Currently, our debt-carrying capacity is sustainable. However, it is at the risk of getting to levels that are unsustainable. That is why the National Treasury and the current administration have purposed that we shall not continue to dig the hole that we are in. We are already in a hole. If we factor in almost Ksh9.4 trillion that is in debt today and almost Ksh718 billion that is a fiscal deficit that we have budgeted for in the next Financial Year 2023/2024, we are already past the debt ceiling that we set. If we do not do anything and continue with the trajectory that we are in, without signals to the economy and even to Parliament... We have an absolute figure that we set of Ksh10 trillion a year ago in 2022, if I remember well, just before the Financial Year 2022/2023 Budget. It was projected that this would probably take us for another two years. However, we are already in the red.

There is a rationale of having an absolute figure. When I joined this House in 2014 and found Hon. (CPA) Mbadi, we had a figure of Ksh2.5 trillion. We doubled that to Ksh5 trillion in the Financial Year 2014/2015, if I remember well. Then we moved it in 2018. When I was chairing the Budget and Appropriations Committee, there was a proposal to increase the debt ceiling to Ksh10 trillion. The Budget and Appropriations Committee then was of the view that we either revert to the debt anchor that we are now reverting to, where we are able to measure our public debt in terms of ratios, or we maintain our public debt ceiling at Ksh7.5 trillion up to June, 2024. Hon. John Mbadi was a member of that Committee. We had a heated argument with the National Treasury then. We actually sat in this Chamber. They insisted that they wanted at least Ksh9 trillion, which we gave them. Hon. John Mbadi will recall that, that money was to sustain us up to June 2024. Last year, they came back to us requesting that we move the ceiling up to Ksh10 trillion. Many of us opposed that move. During debate on that matter, I reminded them that three years back, we had asked them to move to a debt anchor, which signals to indicate that we are getting to the red line but at that time nobody listened to us.

Today the National Treasury can opt to come back to us to have the debt ceiling raised to Ksh12 trillion or Ksh15 trillion. The question we need to ask ourselves is: What do these absolute figures measure? They are just figures. I hear CPA Mbadi say that it is guesswork. Unlike John Mbadi, I will avoid using the term “guesswork” but those figures are basically



meaningless and signal nothing. Today, we could allow the National Treasury to raise the ceiling to Ksh15 trillion but a country's public debt ought to be sustainable. This is only measured by the Government's ability to meet all its current and future financial obligations. Individual companies, accountants like Mbadi, and good economists like the Vice-Chair of this Committee will tell you that the bank will not measure your debt-carrying capacity through absolute figures. They will use your cash and liquidity ratios. We are seeking to use ratios at the macro-economic level to measure the debt-carrying capacity that is sustainable for the country.

We would then ask ourselves what the risk of moving to a debt anchor, away from an absolute figure, is. Other than economists and finance literate people, very illiterate people will tell you how to measure debt in present value terms and that becomes a problem. That is why you will find that initially it was easier to convince Parliament and the country that we are better off with an absolute figure. In 2014, we were told that we would be better off moving from a debt anchor to an absolute figure, where we would know that our debt ceiling is at Ksh5 trillion, or Ksh9 trillion or Ksh10 trillion as we would know when we hit it. So, what are we measuring in that Ksh10 trillion? If someone were to ask us today whether our debt ceiling of Ksh10 trillion is a measure of our debt carrying capacity or a measure of how sustainable our debt is, the simple answer would be that this absolute figure is meaningless in defining whether our debt is sustainable or if we have the capacity to carry that amount in debt.

Hon. Speaker, we cannot close our eyes to the debt anchor. The Public Debt and Privatisation Committee, ably Chaired by Hon. Shurie, assisted by Dr Makali Mulu, who is an economist, have their work cut out for them. This House will depend on this Committee to review our debt management strategies on a quarterly basis. They should engage the National Treasury to know how we are doing when it comes to our debt. The Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning also have a role to play. Yesterday, we passed the Finance Bill that will finance the Appropriation Bill, which we passed this morning. This House and the National Treasury will determine whether this country will continue to borrow in a sustainable manner or not.

The deficits that we budget for informs how much more debt we are adding to our national public debt. Even as we debated the Finance Bill in the last few days, during the Second Reading many Members said that we committed to moving away from sinking deeper into the pit of public debt. The surest way of achieving this is to have a clear liability management system. I am glad that the National Treasury, in their engagement with the Committee, has indicated that they are embarking on a robust liability management programme which will ensure that there is a fiscal consolidation that you cannot only feel but touch. We talk about fiscal consolidation but we never get to actualise it to ensure that we are cutting on unnecessary expenditures in the Government. As I said, the Budget and Appropriations Committee and the Public Debt and Privatisation Committee have their work cut out for them to ensure that whatever deficits we have in our Budget books are at a level that is manageable and sustainable, and that the liability management programme is actualised.

Hon. Speaker, as you may recall, back in 2014, this country embarked on what was popularly known as the Eurobonds. Some of the problems we have today are as a result of those Eurobonds. In the Committee's Report, there is a 2014 Eurobond of US\$2 billion that is maturing next year. These are some of the short-term commercial debts that have landed us into the problems we have. Part of the liability management strategy that the National Treasury has outlined—and that is also contained in the Committee Report and raised during public participation exercise by the experts who appeared before the Committee on Public Debt and Privatisation—is that besides fiscal consolidation and ensuring that we narrow our fiscal deficit, there is need for proper liability management. I am glad that the National Treasury is already working on this liability management programme. For instance, before the US\$2

billion Eurobond of 2014 that matures in June of 2014, they are already working on a programme to ensure that they retire it. They will not acquire a commercial loan or Eurobond to succeed this one. That is the easier route. The only reason why African governments have opted for commercial borrowing in form of Eurobonds is because these facilities usually come without pre-conditions.

From the time I joined this House in 2013 to the time I was Chairman of the Budget and Appropriations Committee, every other report always spoke to the issues of fiscal consolidation and our debt management strategy. As I said, those reports are filed away and all our recommendations on how to move away from commercial debt to more long-term concessional loans are not followed. I am happy that the National Treasury is now deliberating on an intent to move away from these expensive commercial and short-term loans to long-term concessional loans. Concessional loans... Forgive me, I was about to say concessional 'roans.' It is because of where I come from.

*(Laughter)*

Hon. Speaker, bilateral and multilateral loans come with cheaper rates. The most expensive rate we are getting today is about 2.5 per cent from the Exim Bank of China. These loans are for a period of between 30 years and 40 years as opposed to Eurobond loans, which run for 10 years. The Eurobond loan that we are retiring next year was acquired at 6.8 per cent in 2014. Last year, during the election time, because of our high-risk profile, the spread of this Eurobond loan was at a rate of between 14 per cent and 18 per cent. The highest rate was at 21 per cent. This means if that Eurobond was to be recalled then, we would pay it at 21 per cent interest. After the elections, and with the stabilisation of the economy, that spread has come down to 12 per cent. However, 12 per cent is still very high for a middle-income country, and for a growing economy like ours. The rate of 6.8 per cent is still high. That is why the National Treasury advised on more concessional loans, which attract an interest of about 2.5 per cent. Some of them attract as low interest as 1 per cent, 1.5 per cent or 2 per cent.

The President has spoken about these concessional, multilateral and bilateral loans because African countries are getting these loans at a higher rate. Whereas African countries access these loans at 2.5 per cent, economies in the West, like the United States, get them at 0.1 per cent interest rate. Other countries in Europe get the same loans at between 0.5 per cent and 0.1 per cent interest rate. I will not belabour the issue of liability management because the Committee has highlighted it in detail.

Hon. Speaker, on the issue of fiscal consolidation, as a House, we have a duty to follow up this matter with the National Treasury. I am happy that part of the recommendations that the Committee has proposed to bring during the Committee of the whole House will touch on issues that people were not happy with even during public participation. For example, The Institute for Social Accountability (TISA) presented on the particular clause that sought to take over the work of Parliament - our constitutional mandate to oversee the national Government and the National Treasury. The Committee agreed with this one. During public participation, the concerns of many of us who did not want to relinquish our oversight responsibility to people who are not elected by the people of Kenya were looked at.

Allow me to end at this point and request Hon. (Dr) Makali Mulu, who is the Vice-Chairperson of this Committee, to second. He put in a lot of work and long hours in this Report. They even worked on a weekend to put this Report together for tabling and adoption by the House. I also urge the House to support this Bill because it will go a long way in helping our country to measure our debts and our debt repayment capacity. We need to know how sustainable our debt is. Those of us who have managed corporate bodies, we always get signals of whether we are moving towards the redline. This Bill seeks to alert us and the country when

we are moving towards the redline in terms of our debt carrying capacity and the sustainability of our public debt.

With those many remarks, I beg to move.

**Hon. Speaker:** Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. First, I thank the Leader of the Majority Party for moving the Bill. Before I discuss the Committee's Report, allow me to make some introductory comments.

This Bill was published on 4<sup>th</sup> May 2023 and it was read the First Time on 6<sup>th</sup> June 2023. Thereafter, it was referred to the Public Debt and Privatisation Committee for considerations. In line with our Standing Orders, two advertisements were published in *The Daily Nation* and *The Standard* newspapers, calling for stakeholders and individuals to submit their comments on this Bill. In response to that advertisement, we got some comments from institutions and individuals. We got submissions from TISA, the International Budget Partnership (IBP), Kenya Chapter; The Institute of Economic Affairs (IEA), and the Institute of Certified Public Accountants of Kenya (ICPAK). We also got submissions from the University of Nairobi Women Economic Empowerment Hub, Civil Engineering Contractors Association (CECA) as well as from individuals, namely: Mr. Jimmy Wanjigi and Ms. Valentine Wangeci Okwaro.

Hon. Speaker, on the basis of these interactions, the Committee prepared a Report, which we tabled yesterday. I want to highlight some issues from this Report. Before, I do that, it is also important that I appreciate the support we got from your office, the Office of the Clerk of the National Assembly, all the stakeholders, the National Treasury, our Parliamentary Budget Office (PBO) and our Legal Department. With this support, we managed to go through this Bill, which has seven clauses. I will, very quickly, take the House through it clause by clause so that Members can appreciate the Bill and debate it adequately.

The first to be amended is Clause 2(a). The Bill has what we call "the county public debt." The import of this clause is to delete the word "public" so that we remain with "county debt." After interactions with the stakeholders, we agreed that if we delete the word "public" from "county public debt", then we run a risk of focusing on public debt which is guaranteed by the national Government and include debts incurred at the county-level. For example, most counties get overdrafts from commercial banks to pay salaries. If we remove the word "public" then we will include even the county debts to the public debt. On this basis, as a Committee, we recommend that we retain that as it is.

The other proposed amendment under Clause 2 is Paragraph (b), which provides for a definition of "financial obligations." Article 214 of our Constitution defines "public debt" as follows—

"(b) For the purposes of this Article, "public debt" means all financial obligations attendant to loans raised or guarantees and securities issued or guaranteed by the national Government."

This Bill now comes up with a clear definition of "financial obligation" so that we do not entertain ambiguity in terms of what should be paid or not paid. On this basis, the National Treasury came up with a definition that we thought was not good enough to capture what is indebted in the Constitution. In the Committee of the whole House, we will move their definition and we will give a new definition, which is an improvement of theirs. In principle, we are in agreement that there is need to define financial obligations for clarity.

Clause 3A proposes to delete the word 'national' so that instead of having 'national debt', we replace it with 'public debt'. This is aligned with the Constitution, which talks about public debt and not national debt. This is like cleaning the Act. As a Committee, we have no problem supporting the amendment. As we move into the future, we would be agreeing with the National Treasury so that we replace the word 'national debt' with 'public debt'.

Clause 3B intends to ensure that the Public Debt Management Office has more role in controlling what happens at the national and county levels on matters public debt. Currently, the Public Debt Management Office can only go to monitor or audit county public debts at invitation of counties. The law says their work is to oversee in totality the public debt. Clause 3B seeks to ensure that the Public Debt Management Office can audit matters relating to public debt both at the national and county levels without invitation. That is a good amendment. As a Committee, we agree to that and we will be supporting it.

Hon. Speaker, I want Members to listen to this one. Clause 4 suggests that the Public Debt Management Office takes up an advisory role to advise Parliament. Currently, they only advise the National Treasury. Their advisory role is now being extended to include Parliament. If you look at the principle of separation of powers, first, this office is a directorate under the National Treasury, which means they are answerable to the Cabinet Secretary and the Principal Secretary of the National Treasury and Economic Planning. From that analysis, you can see that it is like Parliament will be advised by a department in the National Treasury. Based on the principle of separation of powers, this is not obtainable. Even though they are proposing that we do that, the Committee has taken a position on Clause 4. We are saying that there is no way Parliament can be advised by a department in the National Treasury. On that basis, this is a Clause we will be proposing for deletion, and it will not be part of the Bill.

Clause 4B talks about the other issue I was discussing. It is just a cleaning exercise replacing the word ‘national debt’ with ‘public debt’, because public debt is in the Constitution.

In my view, Clause 6A was the main reason why this Bill was crafted by the National Treasury. It is what the Leader of the Majority Party was explaining. I want to plead with Members that we take time to listen to what the Committee observed. This Clause has two sections. Part one of the Clause seeks to delete the words ‘a limit’ and replace them with ‘set threshold’. In addition to that, there is an insertion of a proviso at the end of the sentence that reads:

“Provided that if at any time the Cabinet Secretary is unable to maintain the public debt threshold as required under this subsection, or the regulations thereunder, the Cabinet Secretary shall submit a written report to Parliament, explaining the cause of the breach of the threshold and provide a time bound remedial plan.”

As the Leader of the Majority Party has said, let me handle the second part because it is easier. Looking at this second part, Parliament is like being coerced to allow our powers to be exercised by the National Treasury. They are saying that we allow the Cabinet Secretary of the National Treasury and Economic Planning to breach the law and then he can come to explain to us. The Constitution is very clear that it is only Parliament that can set debt limit or threshold. Based on that, as a Committee, we have said “No” to the proviso or part two of that Clause. We will not be allowing it. We will only set the threshold, but part two will be deleted as we move to the future.

Hon. Speaker, let me come to the threshold. This is where I want to spend a bit of time because it is important. When I joined this House in 2013, together with the Leader of the Majority Party and other Members like Hon. Mbui, in the first year we got to this House, that was March, before the end of that year, we were presented with a proposal to change the debt ceiling from Ksh1.2 trillion to Ksh2.4 trillion. I opposed the proposal but at the end of the day, the Majority side carried the day and we moved it up to Ksh2.4 trillion. Over time, we hit that limit. The National Treasury came back to us and instead of a limit, they proposed to go back to the threshold, the so-called “debt anchor.” We went back to a percentage of the Gross Domestic Product (GDP). At that time, the percentage approved was 50 per cent of GDP. The net requested value of the public debt to GDP was 50 per cent.

We operated under that arrangement up to around 2017. In 2017, the National Treasury came and we went back to our limit, a figure again. At that point in time, if I remember well, the figure was about Ksh8.4 trillion. Over time, the House was requested to push it to Ksh9 trillion, which we did after a serious discussion. Last year, as we were approaching elections, while approving the last budget that we are implementing now, the National Treasury came back and said we needed to raise the ceiling to Ksh10 trillion.

As a country, we have experienced both sides of this threshold - a nominal figure and a percentage. The truth of the matter is that irrespective of which one we used, we always ended up being requested to review it upwards. Currently, the National Treasury is requesting this House to approve a net present value of public debt to GDP of 55 per cent. Why 55 per cent? The World Bank and the International Monetary Fund (IMF), who are financial monitors in the world, would normally carry an assessment of a country's capacity to get debt. We call them "public debt carrying capacities of countries." In Kenya, from where we are after looking at all the factors, we are assessed and our debt carrying capacity is at 55 per cent of GDP, the net present.

We are now being requested to move from a nominal figure of Ksh10 trillion and place our country's debt ceiling at 55 per cent of GDP, where it should be assessed by the international bodies. That is our debt carrying capacity. The challenge we have is that by the time we were interacting with the National Treasury, our net present value was at 60 per cent, which already means we have breached the ceiling. We are above the 55 per cent. As I speak to you now, and you heard the Chairman of the Budget and Appropriations Committee explain, we are at 62.5 per cent. As a Committee, the question that we have been asking ourselves is whether we should legislate on this matter when we already know that we have breached this position. That is why we are proposing that we provide a threshold of 55 per cent plus 5 per cent, so that if it gets to 60 per cent, we can say we made the law without breaching it from the word "go."

Based on that, it means that, through the physical consolidation path, the National Treasury will be working towards bringing the percentage to where it should be, 55 per cent. We, however, have another dilemma. The figure has moved beyond 5 per cent, which we are proposing. That means as we go to the Third Reading, there will be need to look at that, and plus or minus 5 per cent again and see how the drafting can be done in order to allow the National Treasury to operate within the region of breaching. However, we must force them to work towards achieving the 55 per cent.

Hon. Speaker, that is the explanation I had for Members. Even as we agree to this, this is an area we would all want to hear Members' input so that as we craft the final draft of the law, we do so correctly.

Hon. Speaker, I must, really, thank you and the wisdom of the House for creating the Committee on Public Debt and Privatisation. Up to now, this Committee has tabled about three Reports relating to Public Debt and Consolidated Fund Services (CFS). I urge Members to look at these Reports. They provide important information in addition to the things that Members will be proposing so that we are able to properly control public debt in this country.

First, this House should annually discuss what we call the "Medium-Term Public Debt Strategy" because it comes together with the Budget Policy Statement (BPS). If we discuss and approve the document on an annual basis, it would mean we have an opportunity to set the public debt ceiling. Immediately we set the Budget deficit, we would have set the public debt ceiling. It means that on annual basis, our Committee will be proposing that we take this document seriously and make sure that whatever savings we agree on, they are adhered to by the National Treasury.

The second point that we have proposed is on the public debt portfolio for this country, debt stock and the payments we are making. We have realised that this country has

uncommitted loans which we have already signed up for but because we are not drawing, we are paying commissions. You will be surprised to realise that up to March this year, this country had paid about Ksh580 million for failure to withdraw loans which have already been approved.

The other thing is the issue of the foreign exchange. Because of the way our foreign exchange regime is not stable, we end up spending a lot of money paying for the changes or what we call the volatility of the US Dollar and other foreign currencies. This is another area which we would want the House to take seriously because I could hear the Leader of the Majority saying that we need to come up with strategies of how to monitor this.

It is time this country came up with a Sinking Fund for paying public debt. We should not be discussing the issue of how to pay for the Eurobond that we took in 2014. If we had a Sinking Fund, we would be paying that amount on an annual basis. By now we would just be waiting to issue the final payment for that Eurobond and we would not be straining Kenyans.

Hon. Members will note that as a Committee, on the principle of borrowing, we have said that the generation borrowing should not be in a position to overburden the future generations. In technical terms, we call it the “Intergenerational equity.” As we borrow today, we must remember that our children and grandchildren will be expected to pay these loans because they are loans running for a period of between 30 years and 40 years. Therefore, there must be a procedure to ensure that we do not overburden our future generations. As we discuss public debt as a House, it is important that we take note of some of these important things so that we shield our future generations from unnecessary burden. We should take loans which by the time they mature, they will have generated enough income for the country. We should take loans that we can repay without overburdening our future generations.

Last but not least, as a Committee, we are saying the application of the public debt - any money borrowed from outside Kenya and domestically - so long as it is a loan, must be applied for the intended purposes. We have seen a situation where Members were saying that some loans were being applied to projects which were not feasible - projects which do not generate income for the country, and which do not bring enough returns to the country. At the end of the day, we end up paying the debts using Exchequers from the Consolidated Fund as opposed to using resources being generated by the investments of these loans.

Hon. Speaker, those are some of the things that we have done as a Committee. I urge that when we get to the Committee of the whole House, we amend this Bill to ensure that we do not lose our independence in terms of determining our public debt. At the same time, we should not allow a Department in the National Treasury to tell us how to relate with public debt because we have our own Parliamentary Budget Office with the capacity to advise us as a House.

I beg to second, and I want to thank Members for the many days we sat together to discuss this Bill. I want to thank everybody who was involved including our stakeholders.

Thank you. I second.

*(Question proposed)*

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

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker, for giving me a chance to make a few comments on this particular Bill, which has many items trying to manage our Public Debt and how we can move forward.

This is a country which is reeling in high borrowing, as it has been indicated. Currently, we have an outstanding debt of over Ksh9.63 trillion with a debt ceiling of Ksh10 trillion. Out of the Ksh10 trillion, about Ksh4.5 trillion is domestic while Ksh5.09 is foreign. We already have a Budget which has a deficit of Ksh718 billion. This means our fiscal space for borrowing

is currently only Ksh400 billion, thus becoming very difficult for us to fully finance the Budget of Financial Year 2023/2024 without doing something about our debt ceiling.

It is good practice as advised by the International Monetary Fund (IMF) that every country must borrow as per its capacity. That is why this Bill proposes that we move from the figure of Ksh10 trillion and increase it to Ksh11 trillion or Ksh12 trillion, given the history that this figure was increased beginning the Year, 2013 from Ksh1.1 trillion to the current figure of Ksh10 trillion.

For a long time, many Kenyans imagined that Kenya has a lot of money. Given the rampant corruption that was going on within the country, members of the public were made to understand that there is too much money in this country that cannot get finished even if there is corruption. However, the truth is that we have been depending on borrowing. Every time we reached the public debt ceiling, we went back to Parliament and got more loans. That is how we sustained ourselves all these years. Remarkably, if you look at the figures as they were between 2013 and 2022, that is the position. Within that time, we tripled our foreign debt from about Ksh2 trillion to over Ksh10 trillion today. Therefore, there is need to manage our debts depending on our carrying capacity. Given that we are going the IMF and the World Bank way - the so-called Bretton Woods institutions - it is important that we regulate our borrowing depending on our carrying capacity. That is why a threshold of 55 per cent debt anchor is being proposed. In reality, that would make us reduce on our borrowing. Currently, what is the per centum of our debt vis-a-vis our GDP? It is much higher, as it has been stated by the Mover and the Seconder.

We were lucky to have two strong economists – the Mover and the Seconder moving debate on this particular Bill. Our public debt now stands at over 60 per cent of GDP. It is about 62.5 per cent but we now want it to go down to 55 per cent. The whole agenda of this Bill is to bring down our public debt and manage it so that we move from where we are to a lower figure. I think it is good but we have to put several measures in place to make sure that we do not allow our powers to be ceded to the Cabinet Secretary.

As proposed by both the Mover and the Seconder, Parliament should not allow its power of controlling the foreign debt to go to the Cabinet Secretary. Both the Mover and the Seconder did not indicate the fact that within this Bill, there was an attempt to try and lower the threshold of managing debt to a level of a regulation and not an Act. That would have been very dangerous. In the Committee of the whole House, we should correct that through both the Committee and the House. Matters relating to foreign debt and borrowing must be exclusively in the hands of Parliament and not downgraded to a regulation where the Cabinet Secretary can borrow beyond the threshold and still only come to Parliament to explain. If we did that, Parliament would have completely abdicated its duty of managing both debt and the Budget of this country.

I know of very few countries that have gone the debt anchor way. We need to be brave enough to confront it in that manner because it will ensure we manage our debt.

Finally, the high appetite for borrowing in this country needs to be managed and that is why yesterday we were dealing with tax laws and ways of raising funds, which will go a long way to try and manage this. But above all, it is important to create a sinking fund. If we had a sinking fund when we took the Euro Bond in 2014, we would have deposited enough money in it to manage and also help in paying the Euro Bond.

I fully support that we need to go for concessional loans and long-term tenure bonds that can be used to pay the short-term debts that we have, which are very expensive and are leading this country into great trouble.

Hon. Speaker, I support this Bill and urge the House to support it because we have to cut our cloth according to our size. This will be a little bit difficult but that is the way we need to go so as to manage the country and in so doing, also have to improve on productivity. One

other thing that has made our borrowing to be increased is the fact that we do not have foreign exchange and our balance of payments are very poor. The days of coffee, tea and other goods for export that would earn us foreign exchange are no longer in existence. We are relying on everything to get the foreign exchange. I like the discussion we had yesterday that showed that we import everything dollars. It was good we put in place measures on importation of steel and other goods to protect the things that can be produced within this country. We must start producing and exporting our own goods so that we can get foreign exchange which will in turn reduce the burden that we have in that particular area.

With those few remarks, Hon. Speaker, I thank you and support.

**Hon. Speaker:** Hon. Members, I direct as follows: I will give a chance to Hon. John Mbadi and Hon. Oundo, five minutes each, and then I will call upon the Mover to reply.

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

**Hon. Speaker:** Hold on Hon. Mbadi. On this side, I will give the Chair of the Departmental Committee of Finance and National Planning. The rest, hold your horses. I am doing this because these are time-bound legislations and you can see the haemorrhage in the House is quite high and we need to put the Question when we have quorum. These Bills must be assented to on or before Friday next week. Right?

Allow me to recognise the following schools before Hon. Mbadi speaks.

1. Nandarasi Secondary School, North Kinangop, Nyandarua.
2. St. Catherine Gatari Girls, Kiharu.
3. Garden Estate Secondary School Roysambu, Nairobi.

On behalf of the House and my own behalf, I welcome the students and their teachers to the House of Parliament. Hon. Mbadi, five minutes. If you can do less the better.

**Hon. John Mbadi** (Nominated, ODM): Thank you Hon. Speaker. I will do five minutes or less.

First of all, I want to agree that we have spoken about this matter for years now that, we need to move away from absolute numbers and anchor our debt to GDP. Why that is necessary is simply because to measure a country's economic growth, it is measured in terms of GDP in net present value or at times some people measure it in nominal terms. For us to determine our ability to pay or repay our debts, it should be anchored on economic growth. It is from economic growth that will be able to meet our obligations.

I now want to disclose that when this Bill was first introduced on 6<sup>th</sup> or on 8<sup>th</sup> June 2023 by the Leader of the Majority Party, Hon. Kimani Ichung'wah, I made a public pronouncement that the Bill had been sneaked in the House at a time when we were very busy with the Finance Bill and the Budget Estimates. The reason I said so, and today I am disclosing because from the contribution of the Leader of the Majority Party, it will be fair to take back my words because he has agreed that Clause 6 has a problem. That is the Clause that really offended my conscience. Why? Because from the reading of it, it is clear that we would take away the power of Parliament in settling the debt ceiling or anchoring debt. What really made me a bit unhappy was the proposal that the Cabinet Secretary would just make a report to Parliament, not even seeking *post-facto* approval. Even as we move to GDP, we need to be clear, as a country, on how to measure the GDP of this country. It is controversial and if we are going to peg our debt to GDP, we need to have harmony and agreement all in the same.

I conclude by saying that I agree with the Committee and I am happy that the Committee has recommended that we delete Clause 4 because, when you talk about advice, what is the definition of advice?

Hon. Speaker, I was with you in the 10<sup>th</sup> Parliament where the word "advice" became such a serious matter of debate. What do you mean by advice and agreements? We need to be clear because once you give power to advise, the person given the power may assume that his



or her opinion must be taken as given and that will bring controversy. Hon. Speaker, I want to be conscious of time and yield at this stage.

Thank you very much.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you Hon. Speaker. My party Chair has been very brief and I imagine he has donated to me the time. I will strictly stick to your requirements.

It has always been said that debt is always cheaper than equity. We have always been taught in investment and classes that debt is never bad as long as the right leverage has been established. When I perused this Bill when it was published, like my party Chair has said, I was extremely apprehensive. I was apprehensive specifically on Clause 6(2) which gave unfettered powers to the Cabinet Secretary to spend beyond the limit and simply come to report to Parliament. That would have taken away the power of Parliament that is donated by the Constitution of Kenya under Public Finance.

I want to mention two things. It was refreshing listening to the Leader of the Majority Party in whose name the Bill is published. I remember when I sat in the Committee on Delegated Legislation, the issue of the limit came to us twice. We approved one but we were reluctant on another one and we had to revert to where we were.

The proposal under Clause 6 seems to suggest that we do away with the limit which, in common parlance means a nominal value and go for a threshold. For purposes of understanding, a threshold means the point of vulnerability beyond which if you ever borrow, it will be a breaking point of the economy. My part is on measuring the GDP and determining the Net Present Value (NPV). The question is that what is going to disturb many people in this country is the discount rate we are going to use to determine the NPV at the time of setting the threshold.

Secondly, how many years are we going to discount so that we arrive at the NPV? I hope the Cabinet Secretary will strictly disclose all those material facts when he is making a report to Parliament. Of course, the issue is how to measure GDP in a third world country like Kenya. Do we have adequate data to capture all happenings in the economy where we have too many non-monetarised supplies? We have too many self-supplies that do not go through the money market or are not monetarised. Obviously, that is where danger looms. The danger looms large. It is going to be a disaster or a scandal in the next few years.

As I conclude, allow me to mention the issue of inter-generational burden. We always talk about the willingness to pay and willingness to accept when we are doing cost to benefit analysis. The inter-generational burden must be spread between the generations. Many of the times, we borrow to invest in capital projects or public projects. They have a longer payback period. It is beyond any single generation. That is why the question why we must burden the current generation to pay all the debt incurred currently to build a facility or a public good going to last over 100 years has been a debate we need to settle at one time or another. As I conclude, public debt has been a debate. It has been a public debate and a political debate. We hope that we will, at one time or another, make it devoid of politics so that we focus on the future development of this country. There is no single time we will have the resources to develop fully. We will have to borrow.

On that note, I support.

**Hon. Speaker:** Hon. Kimani, I will be happy if you take three minutes.

**Hon. Kimani Kuria** (Molo, UDA): Thank you, Hon. Speaker. I will take much less than that.

I beg to support this Bill of changing our debts from being on nominal terms to making them a percentage of GDP in present value terms. Probably, I would like to add a new reasoning to it. How do these nominal terms of having our debt limit at Ksh10 trillion compare to with somebody in the United States of America? If an American investor wants to invest in our

Government securities and check on our credit worthiness, the only information they get is that we have a debt ceiling of Ksh10 trillion and our current debt is Ksh9.63 trillion. Remember that person does not even have the advantage of knowing the strength of the Kenyan Shilling.

Therefore, this departure of making the debt not based on nominal terms but as a percentage of GDP in present value terms makes a global conversation about our credit worthiness without necessarily being privileged to what the rate of the Kenya Shilling versus the dollar is or what is Ksh10 trillion, and what the ceiling is about. Most importantly, this puts very good pressure on the Executive for this reason - for you to maintain this GDP at the proposed 55 per cent plus or minus five whereas we are at 62, there are only two options to reduce this 62 per cent to 60 per cent. You either reduce the borrowing or grow the GDP. Because we are not decreasing borrowing, we certainly have to grow GDP. Growing GDP will mean that we are creating more jobs, collecting more revenues and collecting more taxes. Therefore, it is a step in the right direction to make sure the Executive is put in check.

Lastly, we have seen a precedent on borrowed money before and that money never got to this country. A reference will be the Euro Bond. Therefore, it will be a measure if the debt increases without a consequent increase in GDP; that the borrowed money was not spent in this economy and was not used to grow any sector in the country. If it were, it would have led to growth in GDP.

With that, I beg to support.

**Hon. Speaker:** Lastly, I will give two minutes to Hon. Farah Maalim.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, thank you very much for giving me this opportunity. This Bill is very timely.

First, we need a provision to enable us do a forensic audit of all the money that has been borrowed from the day this country became independent up to today. That is to find out how much has seriously gone to infrastructure programmes in the country or ended up in the pockets of people. Unless there are consequences for people who steal from this country, whether it is through foreign debts or local resources, this thing is always going to be there. The other thing I want to tell you is that most of it was borrowed. We need this forensic audit on both projects and finances for us to know where every coin went.

The second thing is that much of the debt has been used for infrastructure development in Kenya. Ostensibly, that is the case. We have not had that much infrastructural development in the North. Therefore, we need a certain exemption for us to get, at least, a road from Garissa all the way to Mandera, Liboi, Hulughu and all those places. That is one area that I think we need an exemption. If we have to borrow for infrastructure, we will have to borrow for those. It is my very humble opinion that busybodies used 'projects' to borrow out there. Infrastructural projects that have not gone very well in the past. Whatever has to come for infrastructural projects now should be given to areas that are marginalised historically, now that we are sharing the Equalisation Fund with everybody else, including areas that benefitted through Sessional Paper 10 of 1965. There has to be a certain equity, equality and fairness, in the manner we use some of those debts.

Thank you.

**Hon. Speaker:** The Mover.

*(A Member spoke off the record)*

Hon. Member, you heard my direction very clearly. So, please, spare me the request.

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

In reply, let me thank the Members who have contributed to this debate and agree with many of the sentiments, including what our former Deputy Speaker has just said on Sessional Paper No.10 of 1965. It is, indeed, true that resources were geared towards the most productive

areas. It is also true that much financed infrastructure has not been equitably distributed around the country. That is why we, as a House, have a big and huge responsibility to ensure whatever the public debt being carried by all of us as Kenyans, finances benefits for all Kenyans across the country. It is also true what has been said; that we must take up our role of ensuring there is actual fiscal consolidation as we prepare our budgets and oversee our MDAs of the Government. Fiscal consolidation does not begin with the Budget and Appropriations Committee. It begins with our oversight of MDAs to ensure there is no wastage of public resources so that whatever we save goes towards reducing our public deficit, our fiscal deficit and, consequently, reduce on how much we ought to borrow to finance the operations of the Government. Let me not belabour that point.

I urge all of you to support and approve this Committee's Report, and the Second Reading of this Bill. We have committed, as a budget-making House, and the House with the only Public Debt and Privatisation Committee... The other House does not have a Committee like this. Therefore, Hon. Makali Mulu and Hon. Abdi Shurie have an onerous task of leading that Committee to ensure that even the public debt we get goes towards what we have always said in our Budget and Appropriations Committee reports. That it is debt that is going to finance specific projects. Their Committee has the responsibility to ensure debt goes to finance specific projects. That is the beauty of doing multilateral and bilateral concessionary loans. They come with such conditions - that they must be project-specific, unlike the Eurobond that is not project-specific and goes into a pot where you cannot tell what happened to the money or what it did.

With those many remarks, I reply.

*(Question put and agreed to)*

*(The Bill was read a Second Time and  
Committed to a Committee of the whole House)*

**Hon. Speaker:** Hon. Aladwa, I advise you to remain in the House. We have a few minutes for the next Order. You have just walked in and you are walking out already. Hon. Members, we barely have quorum. I beg you to hold on to your seats. I want the next Order to be prosecuted in not more than 20 to 25 minutes. I will invite the Clerk to call it out. Have you?

### SPECIAL MOTION

#### APPROVAL OF NOMINEE FOR APPOINTMENT AS THE PRINCIPAL SECRETARY IN THE STATE DEPARTMENT FOR CORRECTIONAL SERVICES

**Hon. Speaker:** Hon. George Murugara. Give the Chairperson of Justice and Legal Affairs Committee the microphone.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. I beg to move:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the Vetting of the Nominee for Appointment as Principal Secretary, State Department for Correctional Services, laid on the Table of the House on Wednesday, 21<sup>st</sup> June 2023 and, pursuant to the provisions of Article 155(3)(b) of the Constitution and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011,

approves the appointment of Ms. Salome Wairimu Muhia-Beacco as Principal Secretary, State Department for Correctional Services.

Hon. Speaker, the Justice and Legal Affairs Committee conducted the vetting exercise yesterday morning. I am grateful you allowed us to do this because very important business of the House was going on. We were 12 Members of the Committee and we want to apologise because when the quorum bell was rung, we continued the vetting contrary to the Standing Orders. Hon. Kimani Ichung'wah came and brought us out so that we could give the House quorum.

I table a detailed Report on what we did. The findings of the Committee were that the nominee, Salome Wairimu Muhia-Beacco, qualifies to be the Principal Secretary for the State Department for Correctional Services. I believe every Member has read the report because in our observations, which is what we are required to do - suitability vetting is not an academic exercise. It is purely to interview and ascertain that a nominee qualifies.

We confirmed the procedure used to nominate the candidate complied with Article 155(3) of the Constitution. That the nominee met all the constitutional and statutory requirements prescribed by the law when it comes to nomination to become a principal secretary. That, Ms. Salome Wairimu Muhia-Beacco is a senior advocate in this country and a senior partner in a law firm run by her and another partner. She has experience in developing and managing strategies vital for the running of the firm and her strategies are similar to what is required to run correctional services as a principal secretary.

The nominee exhibited clear understanding of the current issues affecting the State Department for Correction Services; the need to promote a just and secure society and the effective administration of justice with regard to this particular department. Having considered this, we were convinced that she is suitable. The only message we have for her is that the previous Principal Secretary for Correctional Services, Mary Muthoni Muriuki's shoes were extremely big and she has to fit into them. She exhibited zeal and passion to changing prisons to correctional centres and that was endearing to us.

This is the reason why, having taken into consideration all the relevant factors, the Departmental Committee on Justice and Legal Affairs recommends to this House to approve the appointment of this lady, Salome Muhia-Beacco, as the Principal Secretary, State Department for Correctional Services.

Hon. Speaker, with those remarks, I beg to move and request the indefatigable Member for Dadaab, Hon. Farah Maalim, to second. Thank you very much.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, the Chairman and Member for Tharaka has put it very well. When I go to some of these vetting sessions, I am pleased to see how our ladies have energy, right ideas, zeal and they talk from their hearts. When we gave this lady an opportunity to tell us what she thinks ails that department and what she will do about it, she talked for all of us who were there. As a matter of fact, for 20 minutes, none of us talked. We just listened to her. It was very good that we had very few questions and she answered them all.

I think we need to give more women management positions to run the affairs of this country. I am talking from my heart about our ladies, girls and women. No wonder, in most developed countries, we see 60 to 70 per cent of those who run their Parliaments and affairs are women. In my opinion, this lady will do wonders. The only thing I told her is that we want to see her walk the talk, and I am sure she will do so. Without belabouring and taking a lot of time, I want to call on this House to approve this lady because she will do a fantastic job.

Thank you, Hon. Speaker

**Hon. Speaker:** Thank you, Hon. Farah.

*(Question proposed)*

**Hon. Members:** Put the Question.

*(Question put and agreed to)*

Order, Leader of the Majority Party and your team! Actually, the person who laughed and disturbed the Speaker was not the Leader of the Majority Party, but one lady who appeared excited by the presence of the Leader of the Majority Party.

*(Laughter)*

## MOTIONS

### RATIFICATION OF THE AMENDED NAIROBI CONVENTION AND PROTOCOL FOR THE PROTECTION OF MARINE AND COASTAL ENVIRONMENT

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities, laid on the Table of the House on Thursday, 4<sup>th</sup> May 2023, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities.

**Hon. Speaker:** Chairperson, Departmental Committee on Environment, Forestry and Mining, Hon. Gikaria. He is not in the House. I will step it down. Next Order!

*(Motion deferred)*

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

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I am on a point of order to inform the House on some matters. I am sorry, I should have said this during the Statement hour, but let me say it now. Further to your request two weeks ago on National Government - Constituency Development Fund (NG-CDF) and National Government Affirmative Action Fund (NGAAF) disbursement, the Cabinet Secretary for National Treasury and Economic Planning asked me to inform the House that they have now fully disbursed NGAAF - 100 per cent. They have also disbursed Ksh10 billion out of the Ksh19 billion that was pending on NG-CDF. The balance of Ksh9 billion will be disbursed as he promised before the end of this Financial Year. For the first time in the history of this House, at least, since I joined, we are crossing over a new Financial Year without any arrears in NG-CDF.

On county government funds, it is only the month of June that all county governments have not received money for a figure of about Ksh29 billion that he is working on for the month of June. Therefore, even our governors back in our counties should have no excuse now not to offer services to members of the public, or not to pay their workers as I have seen around the country. All the amounts have been disbursed. I repeat: For county governments, only the month of June is pending and only Ksh9 billion out the total allocation to NG-CDF.

Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Well done, Hon. Leader of the Majority Party.  
Next Order!

RATIFICATION OF THE KIGALI AMENDMENTS ON THE MONTREAL  
PROTOCOL ON THE SUBSTANCES THAT DEplete THE OZONE LAYER

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer, laid on the Table of the House on Thursday, 4<sup>th</sup> May, 2023 and, pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Kigali Amendments to the Montreal Protocol on the Substances that Deplete the Ozone Layer.

**Hon. Speaker:** Chairman, Departmental Committee on Environment, Forestry and Mining.

*(Hon. Kamuren spoke off the record)*

Hon. Kamuren, do you have authority from your Chairman to move the Motion? Record the apology. You are lucky this is a day that the mood is different. Where is your Chairman?

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Speaker. I want to register the apology that you let us move the Motion on Tuesday, next week.

**Hon. Speaker:** Thank you. The matter is stepped down.

*(Motion deferred)*

RATIFICATION OF THE BAMAKO CONVENTION ON THE BAN OF IMPORTATION  
INTO AFRICA AND CONTROL OF TRANS-BOUNDARY MOVEMENT  
AND MANAGEMENT OF HAZARDOUS WASTE

THAT, this house adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the Ratification of the Bamako Convention on the ban of the Importation into Africa and the Control of Trans-Boundary Movement and Management of Hazardous Waste within Africa, laid on the Table of the House on Thursday, 4<sup>th</sup> May 2023, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the Bamako Convention on the ban of the Importation into Africa and the control of Trans-Boundary Movement and Management of Hazardous Waste within Africa.

**Hon. Speaker:** Hon. Kamuren, is it the same situation? That is your Committee.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Speaker. We still extend the need to present it on Tuesday, next week.

**Hon. Speaker:** Thank you. The matter is stepped down.

*(Motion deferred)*

*(Hon. Kimani Ichung'wah spoke off the record)*

**Hon. Speaker:** The Order has not been called out yet, Hon. Leader of the Majority Party.

## BILL

### *Second Reading*

#### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (National Assembly Bill No.60 of 2022)

**Hon. Speaker:** Hon. Leader of the Majority Party, are you in a position to move or we defer? Give him the microphone.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. The Miscellaneous Statute is quite a weighty matter that we cannot begin now, being 5.00 p.m. I would rather step it down to sometime next week.

**Hon. Speaker:** Thank you. The matter is stepped down. It will be on the Order Paper of Tuesday.

*(Bill deferred)*

Next Order.

## MOTION

#### NOTING OF REPORT OF THE KENYAN DELEGATION TO UNCAC AND GOPAC ANNUAL GENERAL MEETING

THAT, this House notes the Report of the Kenya Delegation to the Parliamentary Dialogue on United Nations Convention Against Corruption (UNCAC) and Global Parliamentarians Against Corruption (GOPAC) Annual General Meeting, held in Doha, Qatar, from 8<sup>th</sup> to 9<sup>th</sup> March 2023, laid on the Table of the House on Wednesday, 26<sup>th</sup> April, 2023.

**Hon. Speaker:** Who is the Chairperson? Yes, Hon. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, Hon. Shakeel is the Chairperson. He had indicated that he was out of town and he was not expecting that we would get to that particular Order this evening. So, we would also step it down to sometime next week.

**Hon. Speaker:** The matter stepped down.

*(Motion deferred)*

I direct the Clerk that business appearing at Order Nos.10, 11, 12, 13 and 14 appear on the Order Paper on Tuesday, next week. Order, Hon. Members! Could you be upstanding.

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, having exhausted the business on the Order Paper by default, and the time being 5.06 p.m., this House stands adjourned until Tuesday, 27<sup>th</sup> June 2023 at 2.30 p.m.

The House rose at 5.06 p.m.

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