



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 91**

## THE HANSARD

Friday, 18<sup>th</sup> October 2024

The House met at 9.40 a.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members, we have quorum to transact business. Clerk-at-the-Table, continue.

### COMMUNICATIONS FROM THE CHAIR

DECISION OF THE SENATE ON THE PROPOSED REMOVAL  
FROM OFFICE, BY IMPEACHMENT, OF HON. RIGATHI  
GACHAGUA, EGH, AS THE DEPUTY PRESIDENT  
OF THE REPUBLIC OF KENYA

*(Hon. (Dr) Shadrack Mwiti and Hon. David Kiplagat  
walked into the Chamber)*

Hon. Dr. Mwiti and Hon. Kiplagat, take the nearest seats. Hon. Members, I have three Communications to make. I will make two now and the third one will be made after 30 minutes. The first one is a Message from the Senate.

Hon. Members, pursuant to the provisions of Standing Order 41(4) of the National Assembly Standing Orders relating to Messages from the Senate, I wish to report to the House that today, Friday, 18<sup>th</sup> October 2024, I received a Message from the Senate regarding its decision on the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya.

*(Applause)*

Hon. Members, the Message conveys that the Senate investigated the matter in accordance with Article 150(1)(b) and (2) of the Constitution, as read together with Article 145 and Standing Order 79 of the Senate Standing Orders, and after according the Deputy President an opportunity to be heard, on Thursday, 17<sup>th</sup> October, 2024, upheld the following impeachment charges against the Deputy President:

1. Ground 1: Gross violation of Articles 10(2)(a), (b) and (c); 27(4), 73(1)(a) and (2)(b); 75(1)(c), and 129 (2) of the Constitution and Article 147 (1), as read together with Article 131(2)(c) and (d) of the Constitution;
2. Ground 4: Gross violation of Article 160(1) of the Constitution on the institutional and decisional independence of judges;
3. Ground 5: Gross violation of Articles 3 (1) and 148 (5)(a) of the Constitution on the fidelity to the Oath of Office and Allegiance;
4. Ground 6: Serious reasons to believe that H.E. the Deputy President has committed crimes under sections 13(1)(a) and 62 of the National Cohesion and Integration Act; and,

5. Ground 9: Gross misconduct that is incompatible with the high calling and dignified status of the Office of the Deputy President and a member of the Cabinet and the National Security Council. H.E. the Deputy President has publicly attacked and undermined the work of the National Security Intelligence Service and its officers.

Hon. Members, you will recall that on Tuesday, 8<sup>th</sup> October 2024, 282 Members, being more than two-thirds of the Members of the National Assembly, voted in support of the Special Motion for the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya on eleven grounds.

The upholding by the Senate of five impeachment charges out of those that were set out in the Special Motion, therefore, concludes the consideration of the process as provided for in Article 145 of the Constitution.

The House is accordingly informed.

Hon. Members, in furtherance to this, there is a message that is being prepared to be delivered in the next few minutes.

APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE  
ON THE DIVISION OF REVENUE (AMENDMENT) BILL, 2024

Hon. Members, the second Communication is on the appointment of Members to a Mediation Committee on the Division of Revenue (Amendment) Bill, 2024.

*(Laughter)*

Hon. Members, as you are aware, on Wednesday, 16<sup>th</sup> October 2024, the House rejected the Motion on consideration of the Senate amendments to the Division of Revenue (Amendment) Bill, (National Assembly Bill No.38 of 2024). This decision essentially committed the Bill to a mediation committee in accordance with the provisions of Article 112 of the Constitution and Standing Order 149.

Hon. Members, Article 113 of the Constitution requires that whenever a Bill is referred to a mediation committee, the Speakers of the Houses of Parliament shall appoint an equal number of Members from both Houses to attempt to develop a version of the Bill for consideration by the Houses of Parliament.

In this regard, Hon. Members, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed the following Members to represent the National Assembly in the Mediation Committee on the Division of Revenue (Amendment) Bill, 2024:

1. The Hon. Ndindi Nyoro, CBS, MP;
2. The Hon. Mary Emaase, MP;
3. The Hon. (Dr) John Chikati, MP;
4. The Hon. David Ochieng', CBS, MP;
5. The Hon. David Kiplagat, MP;
6. The Hon. (Dr) Otiende Amollo, SC, MP;
7. The Hon. Fatuma Jehow, MP;
8. The Hon. (Dr) Makali Mulu, MP; and,
9. The Hon. (Dr) Ojiambo Oundo, MP.

Hon. Members, the aforementioned Members will await the appointment of Senators to the Mediation Committee for the Committee to be fully constituted for purposes of commencing the mediation process. Once I receive a Message from the Senate to that effect, I will convey the same to the House.

Thereafter, the mediation committee will embark on an attempt to develop a version of the Bill for consideration by the Houses of Parliament in accordance with Article 113 of the Constitution.

The House is accordingly guided. Thank you.

Yes, Hon. Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. Article 149 of the Constitution provides that within 14 days after a vacancy in the Office of the Deputy President arises, the President shall nominate a person to fill the vacancy and the National Assembly shall vote on the nomination within 60 days after receiving it.

Hon. Speaker, recently, while passing the Special Motion for Impeachment of the Deputy President, you guided the House that we required at least 233 Members, being two-thirds of all Members of Parliament to pass this Motion...

**Hon. Speaker:** Order, Hon. Pukose. You are jumping the gun.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): No! I am just seeking your guidance as to whether we need the same threshold in this case.

**Hon. Speaker:** Okay. Go on.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, is the same voting threshold applicable in this case? I seek your guidance following your Communication from the Senate.

**Hon. Speaker:** You are jumping the gun. We have a Communication from the Senate, which requires no comment.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Okay.

**Hon. Speaker:** When I give the next message, you can seek that clarification.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you. I am well guided.

*(Hon. Betty Maina spoke off the record)*

**Hon. Speaker:** Hold your horses, Member for Murang'a County. Let us proceed to the next Order.

**Hon. Betty Maina** (Murang'a County, UDA): Hon. Speaker, if I do not have horses. What will I do?

*(Laughter)*

**Hon. Speaker:** Hon. Betty, if you do not have horses, you hold your mule.

*(Laughter)*

## QUESTIONS AND STATEMENTS

### RESPONSES TO STATEMENTS

#### STATE OF AFFAIRS AT MOI UNIVERSITY

**Hon. Speaker:** Yes, Hon. Wamboka.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Speaker, yesterday, you guided that today in the morning, the Chairman of the Departmental Committee on Education would bring a response regarding the opening of Moi University.

**Hon. Speaker:** Which Chairperson?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Melly. Hon. Speaker, I seek your indulgence so that we can open that university. Thank you.

**Hon. Speaker:** Hon. Members, there are two Committee Chairmen I directed to bring preliminary statements this morning. Hon. Melly is supposed to bring one on Moi University. The other one is Hon. Raso. Did I direct Hon. Raso to bring something? Let us start with Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker. I stand here to respond to your direction of yesterday.

Indeed, Moi University is in a crisis. I submitted the request for statement from Hon. Wamboka on the issue of the university. However, I received an inadequate response. It does not address the issues that Hon. Wamboka and this House demanded from the Ministry of Education and, more importantly, from the Principal Secretary. Therefore, I re-directed to the Ministry all the salient issues that were raised in the request for statement for them to be addressed properly. The response I received contained generalities. It did not address those issues. So, I have decided not to present the response to the House. I have returned it to the Cabinet Secretary.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Sirma, do you want to comment on the same issue?

**Hon. Musa Sirma** (Eldama Ravine, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Go ahead.

**Hon. Musa Sirma** (Eldama Ravine, UDA): Hon. Speaker, the closure of Moi University is a very serious issue because it is destroying the lives of our professionals and professors, who have done a great job in terms of teaching our children. The Ministry should take this matter seriously. That is because we are talking about the lives of the people who work there. They are losing in terms of pensions. They do not get salary increments. They have been listed in Credit Reference Bureaus (CRB) because the university stopped remitting loan deductions to financial institutions for almost all the lecturers who have loans. We need to resolve this matter as soon as possible.

**Hon. Speaker:** Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Thank you very much, Hon. Speaker. Moi University is in Kesses Constituency. For the information of the House, I would like to reiterate an issue that has not been talked about for quite some time. Moi University, being the second university in the Republic of Kenya, has facilitated the establishment of more than nine other fully-fledged universities in the country. In the process of establishing them, most of the resources that were earmarked for Moi University – and which were generated through the self-sponsored programmes - were utilised to establish those universities. Since then, no discussions have been brought forward to ensure that the university is compensated to get it back to its original financial position.

As Members of the Committee look into this matter, they should tell us how much money was channelled, or siphoned out of the university, towards the establishment of other universities. So far, no discussion has been initiated to ensure that Moi University is reimbursed to get it back on its feet.

**Hon. Speaker:** Order, Hon. Rutto. You are out of order. A university opening another campus elsewhere does not amount to siphoning money. It is expansion. It is a programme that grows education. How does that become siphoning money? You are out of order.

**Hon. Julius Rutto** (Kesses, UDA): I withdraw that statement, Hon. Speaker. However, the point I am making is that the Departmental Committee on Education should inform this honourable House what should be done.

**Hon. Speaker:** I know for a fact that Moi University produced Masinde Muliro University of Science and Technology in Kakamega which, in turn, produced Kibabii University. That has nothing to do with siphoning of money at all.

Yes, Hon. Ochieng'.

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Speaker, the closure of Moi University is disheartening. There is neither urgency nor any effort that is made towards its immediate re-opening. This is a scandal. As the Ministry and the Committee concerned bring a proper statement to this House, can they tell us the root cause of that situation? If it is tribalism, let us be told so that it is sorted out. If it is ethnicity or bad management, let us be told so that it is sorted out.

If we do not get to the root cause of the problem, we will not run that university. The rot at the university is so deep that no amount of assuaging can help. Let us get to the root of the matter. Let the Committee delve into this matter and deal with it squarely. Even as the Ministry looks into this matter, can we get a definite date as to when the students will go back to school?

Thank you.

**Hon. Speaker:** Hon. Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker, for allowing me to speak on this matter. The issue of Moi University is very simple. It is public knowledge that it took loans and invested in building a satellite university, which is now Eldoret University. Moi University also built Maseno University and Karatina University, among other universities. Moi University used its resources to build all those other universities. All those universities, which started as satellite campuses of Moi University, have since received charters and became independent universities. They have gone away with all the investment that Moi University had put in them. Moi University has been left broke, with huge loans to service.

When those universities received their charters, they decided to hire their own human resources. They sent back all the employees who had been posted there by Moi University during their formative stages. Moi University is now left with a human resource glut. It also has debts that it is unable to pay. The only way to save Moi University is for the National Treasury to provide it with resources to enable it pay its debts and recover from its current financial crisis.

Another challenge with Moi University is that it has a capacity of 14,000 students but, at the moment, under the Kenya Universities and Colleges Central Placement Service (KUCCPS) programme, it gets only 5,000 students. The fees it generates from that small number of students is not enough to run the university or even break even. The university needs a minimum of 10,000 students to receive sufficient resources to run it. We need to just look at this matter pragmatically and decide that money has to be put into Moi University for it to get back to its feet again.

Thank you, Hon. Speaker.

**Hon. Speaker:** Is that Hon. Nabii Nabwera?

**Hon. Nabii Nabwera** (Lugari, ODM): Thank you, Hon. Speaker. I have four points to make on Moi University, as an alumnus.

Firstly, unless we address the governance issues at Moi University, we are lying to ourselves. There is a governance issue there. Secondly, it is very disheartening that the university has more than 3,000 hectares of land, but one of us in this House has taken it over. He is tilling the land without paying for it. The truth should be told.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Nabii Nabwera. That general statement casts aspersions on the entire House.

*(Hon. Nabii Nabwera stood up in his place)*

Take your seat, Hon. Nabii.

*(Loud consultations)*

Order! Order, Hon. Members.

*(Hon. Mugambi Rindikiri stood along the gangway)*

Order, Hon. Rindikiri. Take your seat.

Hon. Nabii, when you say that one of us in this House is tilling 3,000 hectares of Moi University land, you appreciate that ‘one of us’ includes the Speaker. I am not doing any such thing. So, you must be responsible for what you say. If you have no facts, that statement will be struck off from *The Hansard*.

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Speaker, I promise to come back to the House with evidence and name that person.

**Hon. Speaker:** When will you bring the evidence?

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Speaker, I will bring the evidence in two weeks’ time.

**Hon. Speaker:** On the first day of resumption after the short recess, you must bring the evidence to the House.

**Hon. Nabii Nabwera** (Lugari, ODM): I will, Hon. Speaker. I undertake to bring evidence.

**Hon. Speaker:** Go on.

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Speaker, the third point is on the issue of student capacity at Moi University. It has something to do with how well the university is being run. There is nothing that KUCCPS can do about it. If students know that Moi University is being poorly run, they will not apply to join it. They cannot be forced to join a university which is being poorly run. Therefore, I call upon the Ministry of Education, especially the Council for University Education (CUE), to carry out its mandate of quality assurance. They should ensure that they supervise the university so that it goes back to where it was.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. As the first alumnus of Moi University to ever be elected to public office, I am shocked, dismayed and flabbergasted to see that giant institution struggling today. We must call a spade a spade. During our time, Moi University was everything in terms of infrastructure and academic excellence. Taking into account the prevailing circumstances at the university, would I be in order to suggest that we form an *ad hoc* committee to look into this matter? I do not want to pre-empt on what action would be taken, but the matter should not be dealt with by the Departmental Committee on Education alone. We need an *ad hoc* committee that would put together the best minds of this House to investigate the circumstances that have grounded Moi University to a halt with a view of coming up with remedial measures. As somebody has rightly alluded, the problem is not insufficient funding alone. The problems includes cronyism and abuse of office. We all know the history of that university. We must side with Moi University and deal with this problem

once and for all, so that it does not join the league of public institutions that have been run down.

Hon. Speaker, I seek your indulgence so that we can form an *ad hoc* committee to inquire into this matter. We should deal with it comprehensively, once and for all.

Thank you.

**Hon. Speaker:** Yes, Hon. Mandazi.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you very much, Hon. Speaker. As one of the alumni of Moi University, I am very disappointed with the way the university is currently being managed. I got the name ‘Mandazi’ at Moi University when it was a functional university then. What Moi University is suffering from is bad governance.

The university management has to be sorted out. After that, the Government has to deliberately put money into the institution to prop it up. That is because Moi University helped to develop other universities and, in doing so, ended up going under. It is time the Ministry of Education ensured that Moi University gets back to its original form. It should get back to what it was when we were students there. I support that Moi University is taken back to where it was when we schooled there. I got the name ‘Mandazi’ at that Moi University because I used to sell *mandazi* to my fellow university students, who included the current Leader of the Majority Party in the Senate and Hon. Cecilia Ngiti. By then, it was so good a university that students who graduated from it, including myself, were highly respected. Today, it is not a university like it was before. It is time that this House considered putting money into Moi University to enable it develop and regain its original stature.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Melly, what you have attempted to say on Moi University is not only inadequate, but unacceptable to the House. You can see that from what your colleagues are saying. There is a Sitting in the afternoon, at 2.30 p.m. You must bring information from the Ministry on when that university will be re-opened. Whether the statement will be adequate or inadequate, you must tell the House when the university will be re-opened. Parents go through serious soul-searching to ensure that their children are maintained and sustained in those institutions. We cannot, as a responsible House, procrastinate on this matter anymore.

Yes, Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Speaker, I agree with you wholeheartedly. I also agree with what Members have said. They have raised pertinent issues. When a Principal Secretary gives a two-paragraph statement on such a serious matter, it is belittling the House. I forwarded the Member’s request for statement to the Ministry; only for me to receive a two-paragraph Statement. It is very wrong. Moi University is facing weighty financial and poor governance issues. I did not imagine that I would be expected to bring to the House such a poor response to the request for statement.

**Hon. Speaker:** As the Chairman of the Committee, you know what to do.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Speaker, I will take action as you have guided. I will bring a statement this afternoon.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Dido Raso.

KUFURUSHWA KWA FAMILIA KUTOKA KWENYE  
ARDHI YENYE MGOGORO KILIFI

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker. I rise to respond to a request for statement that was raised yesterday by Hon. Chonga. There is enough evidence that the County Commissioner and the Deputy County Commissioner (DCC) are aware about what the Hon. Member raised about that family. Just because they do not have enough

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resources, the man who had the resources had to throw them out of that land. So, it has been confirmed to that extent.

**Hon. Speaker:** Is Hon. Ken Chonga in the House? That was his request for statement. Right?

**Hon. Ali Raso** (Saku, UDA): Yes, Hon. Speaker. The task that you gave me yesterday was that the County Commissioner and the Deputy County Commissioner (DCC) should, this morning, sit and deliberate on the matter of removal of that family from their land. What they have also confirmed to me is that the matter is in court. Everybody was wondering how the family could be thrown out of their homestead. The Ministry, and specifically the County Commissioner, are seized of the matter. In the next one or two days, they will give us feedback to the effect that the family is restored back to its homestead. That is what we have gathered so far, but we will not leave it at that. We will follow-up.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Ken Chonga is not in the House. Therefore, we leave it that. Yes, Chairman.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I know that my very able Vice-Chairman had presented a preliminary report on the matter, but I would like to update the House. The information could be available as early as this afternoon.

**Hon. Speaker:** Will you deliver a statement in the afternoon?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Excellent! Member for Moyale, Hon. Jaldesa Guyo.

#### REQUEST FOR STATEMENT

#### RE-OPENING OF HILO GOLD MINE

**Hon. Prof. Guyo Jaldesa** (Moyale, UPIA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairman of the Departmental Committee on Administration and Internal Affairs regarding re-opening of Hilo Gold Mine in Dabel, Moyale Constituency.

In 2023, the residents of Moyale discovered traces of gold in the Hilo area of Dabel in Marsabit County. Following a prolonged drought between 2021 and 2023 during which pastoralists lost more than 80 per cent of their livestock, the discovery of the Hilo Gold Mine offered a new life-line and an alternative means of livelihood for the community. However, in March 2024, a disagreement between two artisanal miners resulted in a tragic loss of lives.

Consequently, the Ministry of Interior and Administration of National Government ordered a 30-day closure of the gold mine citing insecurity and the absence of proper administrative structures to manage the site for the welfare of the community and other stakeholders.

Since the closure, several positive developments have taken place. Community organisations have transformed into co-operatives to oversee the administration and management of their natural resource. Unfortunately, it is alleged that some members of security agencies have begun engaging in illegal mining activities in the area. They provide misleading response to justify the continued closure thereby excluding residents from benefiting from the situation.

In September 2024, Marsabit County leaders met with the Cabinet Secretary for Interior and Administration of National Government to discuss the re-opening of the Hilo Gold Mine and other security concerns. Although there was a unanimous agreement to re-open the mine, just two weeks later, the Cabinet Secretary extended the closure by another 30 days, further disadvantaging the local community.

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Hon. Speaker, it is against this background that I request for a statement from the Chairman of the Departmental Committee on Administration and Internal Security on the following:

1. A report on the status of progress towards the re-opening of the Hilo Gold Mine.
2. Actions that are being taken by the Ministry of Interior and Administration of National Government to facilitate the re-opening of the Hilo Gold Mine along with the implementation of necessary administrative and security structures to safeguard the lives, property and the welfare of the local community.
3. Efforts to ensure that the co-operatives that the residents established are recognised as the legitimate artisanal miners.

Thank you, Hon. Speaker.

*(Several Hon. Members stood along the gangways and consulted loudly)*

**Hon. Speaker:** Order, Hon. Members. Clerks-at-the-Table, we will go back to Order No.3. Order, Members. Take your seats, Hon. Members who are on their feet.

### MESSAGE

#### NOMINATION OF PROF. KITHURE KINDIKI, EGH, AS THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

**Hon. Speaker:** Hon. Members, I have a Message from the President on the nomination of Prof. Kithure Kindiki, EGH, to fill the vacancy in the Office of the Deputy President of the Republic of Kenya.

*(Applause)*

Pursuant to the provisions of Standing Order (42)(1), I wish to report to the House that I have received a Message from His Excellency the President today morning, regarding the nomination of Prof. Kithure Kindiki, EGH, to fill the vacancy which has occurred in the Office of the Deputy President of the Republic of Kenya. That is following the impeachment of the previous office holder.

Hon. Members, as you are aware, article 149(1) of the constitution provides as follows:

“Within 14 days after a vacancy in the office of the deputy president arises, the President shall nominate a person to fill the vacancy and the National Assembly shall vote on the nomination within 60 days after receiving it.”

Hon. Members, as you are aware, for a person to hold the office of the deputy president, the person must meet the requirements that are specified in Article 148 as read together with Article 137 of the Constitution.

In the Message, His Excellency the President indicates that, as the prerequisite to the nomination was being sought, he received confirmation from the Independent Electoral and Boundaries Commission (IEBC) that the candidate is qualified to vie for election as a Member of Parliament in accordance with Article 137(1) of the Constitution. Further, His Excellency the President confirms that he has sought and received clearances from the following institutions with respect to the candidate:

1. The Kenya Revenue Authority (KRA).
2. The Ethics and the Anti-Corruption (EACC).
3. The Directorate of Criminal Investigations (DCI).
4. The Higher Education Loans Board (HELB).

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5. The Commission for University Education (CUE).

Hon. Members, in a statement to the foregoing, His Excellency the President has annexed the following documents in relation to his nominee:

1. Certified true copy of his certificate of birth.
2. Certified true copy of his national identity card (ID).
3. Certified copies of his university degrees and other academic certificates.
4. Certification of foreign university degrees by the Commission for University Education (CUE).
5. Passport size photograph.
6. Curriculum Vitae and testimonials.
7. Confirmation of compliance with Article 137 of the Constitution from the Independent Electoral and Boundaries Commission (IEBC).
8. Confirmation of citizen status by the National Registration Bureau (NRB), Office of the Registrar of Persons (ORP).
9. Confirmation of membership status in a political party from the Office of the Registrar of Political Parties (ORPP).
10. Policy party membership confirmation from the United Democratic Alliance (UDA).
11. Chapter 6 of the Constitution statutory clearances on leadership and integrity from:
  - (a) Tax compliance certificate from Kenya Revenue Authority (KRA).
  - (b) Ethics and Anti-Corruption Commission (EACC).
  - (c) Certificate of good conduct from the Directorate of Criminal Investigation (DCI).
  - (d) Compliance with the Higher Education Loans Board (HELB).
  - (e) Credit report and certificate of clearance from the Credit Reference Bureau (CRB).

In view of the foregoing, and having perused the attached documents, I am satisfied that the candidate meets the requirements under Article 148 as read together with Article 137 of the Constitution to fill the vacancy in the Office of the Deputy President. Consequently, the nomination is properly before the House for purposes of the decision required under article 149(1) of the Constitution.

Hon. Members, Article 149(1) of the Constitution states that, upon receipt of a nomination of a person to fill a vacancy in the Office of the Deputy President of the Republic of Kenya, the House is required to vote on the nomination. Considering that the House is scheduled to proceed on recess at the rise of the House this afternoon, I will convene a meeting of the House Business Committee (HBC) immediately hereafter. The meeting is to deliberate on the next steps to be taken by the House. Thereafter, I will guide the House on the decision of the HBC.

The House is according guided. I thank you.

*(Applause)*

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

**Hon. Speaker:** Hon. Pukose, you can now raise your point of order.

*(Laughter)*

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. Article 149(1) of the Constitution provides that:

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“Within 14 days after a vacancy in the Office of the Deputy President arises, the President shall nominate a person to fill the vacancy and the National Assembly shall vote on the nomination within 60 days after receiving it.”

Recently, in passing the Special Motion for Impeachment of the Deputy President...

**Hon. Raphael Wanjala** (Budalangi, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Wanjala. He is on a point of order.

*(Hon. Raphael Wanjala spoke off record)*

Order, Hon. Wanjala. What is it?

*(Hon. Raphael Wanjala spoke off record)*

Order. Hon. Shinali, will you be upstanding?

*(Hon. Bernard Shinali stood up in his place)*

You are not properly dressed. Please go and dress properly and come back.

*(Several Hon. Members spoke off record)*

Who else? Hon. Zaheer?

*(Hon. Zaheer Jhanda stood up in his place)*

He is a Muslim and is wearing for the Friday Prayer meeting. There is no problem. Hon. Shinali, go and dress up.

Go on, Hon. Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, recently, in passing the Special Motion for the Impeachment of the Deputy President, you guided us that we required at least two-thirds, that is 233 Members of the House, to pass the Motion. Is the same voting threshold applicable in this case? I seek your guidance on the matter.

**Hon. Speaker:** Thank you. Hon. Milemba.

*(Hon. Bernard Shinali approached the Chair)*

Hon. Shinali, retreat quietly and dress up and come back.

*(Hon. Shinali walked out of the Chamber)*

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. The business before this House requires us to vote on the nomination of a person to fill a vacancy in the Office of the Deputy President in terms of Article 149 of the Constitution. As is the practice, before the House takes a vote on a matter, Members are accorded an opportunity to debate and give their views on the business before the House. To this end, I seek your guidance on whether we shall be allowed to debate the nomination and give our views.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Speaker. I rise to seek your guidance on whether this House will be required to undertake the vetting and approval process as required by the Public Appointments (Parliamentary Approval) Act.

Two, Article 124(4) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a committee of the relevant House and the committee's recommendation shall be tabled in the House for approval. In your Communication, you have not given us an indication of how you are going to handle that process. You may guide me on how you intend to handle it.

**Hon. Speaker:** Thank you. Hon. Jane Kagiri.

**Hon. Jane Kagiri** (Laikipia County, UDA): Thank you, Hon. Speaker. You have conveyed a Message from His Excellency the President on the nomination of Prof. Kithure Kindiki to fill the vacancy in the Office of the Deputy President, which occurred yesterday, following the conclusion of the impeachment proceedings in the Senate. We are here to vote on the nomination as the Constitution requires. Could you please guide the House on whether we are acting within the constitutional deadline, and is it in order for the voting to happen today after receiving the nomination from the President today?

**Hon. Speaker:** I will address those clarifications that have been sought by Members after the House Business Committee meeting. Hon Members, I will now require the Deputy Speaker to come to the Chair and carry on with the proceedings. Members of the House Business Committee to move to Room 9 for a meeting. Thereafter, we will resume the proceedings and I will guide the House on the issues that have been raised by Hon. Pukose, Hon. Jane Kagiri, Hon. Wangwe and Hon. Omboko Milemba.

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes! What is your point of order, Hon. Chepkong'a?

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): Thank you, Hon. Speaker. I join my very good friend, Hon. Pukose, in seeking your direction with regard to Article 149 of the Constitution on the appointment and approval of the Deputy President by a vote.

**Hon. Speaker:** Order. The words of the Constitution are very clear.

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): Yes.

**Hon. Speaker:** It is appointment and vote. Approval is not used in this Article.

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): I agree. Hon. Speaker, this Constitution was heavily borrowed from the United States of America. The 25<sup>th</sup> Amendment of the USA Constitution, which was passed in 1967, has a similar provision that a vice-president shall be nominated by the president and approved by a vote by the House. It uses the word 'confirmation'. Previously in the United States, before the 25<sup>th</sup> Amendment, there was no similar provision. In fact, before 1967, there was a cumulative of 37 years when there was no vice-president when one either passed away or became the president. So, we would like you to express yourself with regard to this issue. The threshold for the removal of the deputy president is two-thirds. Does the approval, by a vote, of the deputy president require the two-thirds majority? It is not provided in the Constitution.

**Hon. Speaker:** Hon. Chepkong'a, if you were paying attention, you are saying exactly what Hon. Pukose has said, word for word, and you are sitting next to him!

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): No! I had walked out. He has 'stolen' from me.

*(Laughter)*

Yes, Hon. Wamboka.

*(Hon. David Kiplagat stood up in his place)*

Hon. DK, if you want to catch the Speaker's eye, there is no provision for you to stand up. You sit and I will give you an opportunity. Hon. Wamboka, Member for Bumula.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Speaker, as you are aware, Article 118 of the Constitution requires this House to facilitate public participation in its legislative and other businesses of the House. The issue of public participation is a sensitive matter which has often attracted debate and court challenges. Indeed, our recent experience in considering the Special Motion for the removal of the Deputy President made us even appreciate better the need for public participation. With this in mind, please, guide this House on whether we shall be expected to conduct public participation in voting for the nomination to fill the vacancy in the Office of the Deputy President.

**Hon. Speaker:** Thank you. Hon. DK.

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Speaker. I am rising on a point of order on the same issue. I need your guidance. Looking at His Excellency the President nominee, we just vetted him not more than two months ago. That implies not more than six months ago. The questionnaire that is expected is still the questionnaire that we used. Why do we not use the same questionnaire and the same output, put the question and finish today?

**Hon. Speaker:** Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. It is great that Hon. Kithure Kindiki has been nominated by the President. Will the Independent Electoral and Boundaries Commission (IEBC) have to be involved as it was during the elections? Or is it not a factor in this case? I congratulate Kithure Kindiki for the nomination.

**Hon. Speaker:** What is it, Hon. Donya? Is it on the same issue?

**Hon. Dorice Donya** (Kisii County, WDM): Yes, Hon. Speaker. It is on the same issue.

**Hon. Speaker:** Go ahead.

**Hon. Dorice Donya** (Kisii County, WDM): He is saying that we should use the same questionnaire that we used when he was nominated as the Cabinet Secretary for Interior and National Administration to evaluate his nomination as the Deputy President. He is incorrect because you cannot use the same questions when it is a different docket. He is out of order.

**Hon. Speaker:** Thank you for helping the Speaker.

*(Laughter)*

Yes, Member for Lang'ata Constituency.

**Hon. Phelix Odiwuor** (Lang'ata, ODM): Thank you, Hon. Speaker. Having seen how things are moving very fast in this House, I take this opportunity to congratulate the newly appointed Deputy President, Prof. Kithure Kindiki...

**Hon. Speaker:** Order, Hon. Jalang'o. He has not been appointed. He has been nominated.

**Hon. Phelix Odiwuor** (Langata, ODM): Hon. Speaker, I have just said that things are moving very fast here!

*(Laughter)*

Let me be the first person to congratulate the newly elected Deputy President. Thank you, Hon. Speaker.

*(Laughter)*

*(The Speaker (Hon. Moses Wetang'ula) consulted with the Deputy Speaker (Hon. Gladys Boss))*

**Hon. Speaker:** Hon. Members, we will end this here. I will give a reasoned direction on the issues that have been raised. I will now ask all the Members of the House Business Committee, Hon. Keynan and your team, to move to Committee Room 9 for a meeting. The Deputy Speaker will go on with the Statements. I had not given direction on the request for statement by the Member for Moyale Constituency. It is referred to the Committee responsible, which should bring a response in two weeks.

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

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

**Hon. Deputy Speaker:** Hon. Members, we shall now go to Statements, and we shall continue with the Statement from the Member for North Horr Constituency, Hon. Wario.

*(Loud consultations)*

Order, Hon. Members! Hon. Wario, you may proceed.

#### REQUEST FOR STATEMENT

##### PERPETUAL FOOD CRISIS IN ARID AND SEMI-ARID LANDS IN KENYA

**Hon. Adhe Guyo** (North Horr, KANU): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairpersons of the Departmental Committees on Agriculture and Livestock, and on Regional Development, regarding the perpetual drought crisis and resultant loss of livelihoods in arid and semi-arid lands (ASALs), especially in North Horr Constituency.

The northern region of Kenya is largely ASALs and, as a result, it is highly susceptible to the vagaries of climate change and climate-induced disasters. During the recent drought, several lives were lost due to unmitigated droughts and persistent famine in the region. Furthermore, the ASAL regions lost an estimated 2.6 million livestock, which the National Drought Management Authority (NDMA) estimated to be worth Ksh226 billion.

It is worth noting that North Horr Constituency, spanning 39,000 square kilometres, which is one-and-a-half times the size of Rwanda, is the largest constituency in Kenya, and epitomises the challenges that are faced by the northern region. That area is highly susceptible to climate change and climate-induced disasters, and has recently witnessed devastating losses. Communities lost over 90 per cent of their livestock, malnutrition rates rose to three times the global average, and thousands of children dropped out of school. Even with the recent above-normal rains, the population in North Horr Constituency still faces a life-threatening food crisis with minimal and intermittent Government support through relief food. Despite the availability of vast land as the main factor of production, and the ability to predict those weather patterns with the use of Information Communication Technology (ICT)-based technology, the Government interventions have largely been reactive and short-term, thus perpetuating a cycle of dependency.

Hon. Deputy Speaker, the Northern Kenya Development Plan is a sustainable plan to cushion communities in the region from the adverse effects of climate change and climate-induced disasters. Unfortunately, that plan is yet to be implemented to transition pastoralists

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and victims of climate disasters from dependency on relief food to long-term and sustainable livelihoods and food security interventions.

It is against this backdrop that I request for a statement from the Chairpersons of the Departmental Committees on Agriculture and Livestock, and on Regional Development, on the following:

1. Plans on how the Government intends to leverage on demonstrated capacity for transformative projects in technology, water, and large-scale infrastructure projects, to prioritise food security and enhance the dignity of the population in North Horr Constituency and the ASALs regions of Kenya.
2. An explanation as to why the Government allocates substantial resources for relief food annually, but minimal or no resources for specific, measurable, achievable, realistic and time-bound (SMART) food security programmes in the ASALs of Kenya.
3. A comprehensive report on all food security and drought resilience projects, with corresponding budgets, by both the Government and donor-funded projects that have been implemented or are ongoing in North Horr Constituency, and the ASALs of northern Kenya.
4. Reasons why ASAL regions of Kenya remain vulnerable to climate change effects despite numerous national plans, including a report on the implementation status of the Northern Kenya Development Plan.
5. A detailed analysis of the audited impacts of initiatives that are aimed at cushioning Kenyans from the effects of climate change, with specific attention to the northern Kenya region, including timelines for the implementation of sustainable solutions.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. That falls under which Committee? The Departmental Committee on Environment, Forestry and Mining?

**Hon. Adhe Guyo** (North Horr, KANU): The Departmental Committees on Agriculture and Livestock and on Regional Development.

**Hon. Deputy Speaker:** Hon. Mutunga, are you here? Do you have any response or do you want to say something about it?

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Hon. Deputy Speaker, we promise to bring a response in the next two weeks after the recess.

**Hon. Deputy Speaker:** Thank you. Hon. Members, before we move to the next request for statement...

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

Yes, I will come to the Questions. Before we continue with the responses to the requests for statements, I will give you an opportunity. We will go back to the Statements and so, you will have an opportunity to contribute, Hon. Pukose.

Hon. Pukose, before we proceed with the statements, please allow me to re-order the Order Paper. We will go to Order No.8 and Order No.9 to put the Question, and then we can return to statements. Hon. Members, Order No. 8.

## BILL

### *Second Reading*

#### COMMUNITY HEALTH WORKERS BILL

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(National Assembly Bill number 53 of 2022)

*(Moved by Hon. Martin Owino on 16.10.2024-Afternoon Sitting)*

*(Debate concluded on 17.10.2024)*

*(Question put and agreed to)*

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

**Hon. Deputy Speaker:** Next Order.

## MOTION

CONSIDERATION OF THE MEDIATED VERSION OF THE SUGAR BILL  
(National Assembly Bill number 34 of 2022)

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House adopts the Report of the Mediation Committee on the Sugar Bill, (National Assembly Bill No.34 of 2022), laid on the Table of the House on Wednesday, 16<sup>th</sup> October 2024, and approves the mediated version of the Sugar Bill, (National Assembly Bill No.34 of 2022).

*(Moved by Hon. Emmanuel Wangwe on 17.10.2024)*

*(Debate concluded on 17.10.2024)*

*(Question put and agreed to)*

## STATEMENTS

### REQUESTS FOR STATEMENTS

**Hon. Deputy Speaker:** Hon. Members, we will return to statements, and I think we have a statement. Yours was not the first one, Hon. Member. I have the list here. We are starting with the one for Hon. Bernard Kitur, Member of Parliament for Nandi Hills. I think it was supposed to be answered by the Administration and Internal Affairs Committee. Hon. Kitur.

### THE KIDNAPPING AND TORTURE OF MR. PASGALIS KOSGEI

**Hon. Benard Kitur** (Nandi Hills, UDA): Hon. Deputy Speaker, pursuant to Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the kidnapping and torture of Mr. Pasgalis Kosgei.

Hon. Deputy Speaker, on 15<sup>th</sup> July 2024, Mr. Pasgalis Kosgei of ID No. 26289458, the Chairman of the Nandi Hills *Boda Boda* Association, was kidnapped in Kerengwet Village, Nandi Hills Constituency. He was tortured for six hours before being dumped unconscious and naked in a tea plantation miles away from his home. That incident occurred the same day he led a major demonstration alongside other area leaders against multi-national tea estates,

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demanding increased employment for locals and a reduction in the use of tea plucking machines. Before his abduction, Mr. Kosgei reported that he had received numerous calls regarding his whereabouts, including from a senior DCI officer, who was recently transferred from Nandi Hills. His kidnapping sparked significant outrage within the constituency and was reported at Nandi Hills Police Station under Occurrence Book Number 39/15/07/2024.

Hon. Deputy Speaker, it is also important to note that Kenya is a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. However, the country has yet to ratify that crucial agreement, which will be instrumental in addressing human rights violations and ensuring accountability for victims and their families.

Hon. Speaker, it is against this background that I seek for a statement from the Chairperson of the Departmental Committee on Administration and National Affairs. In the statement, the Chairperson should address the following -

1. Status of investigations on the kidnapping and torture of Mr. Pasgalis Kosgei;
2. Any steps the Government is taking to stop abductions, enforced disappearances and killings in the country; and,
3. When the Ministry will forward the International Convention for the Protection of All Persons from Enforced Disappearance to Parliament for ratification.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Chairperson of the Committee on Administration and National Affairs. Hon. Raso, you are speaking on behalf of the Chair. You may proceed.

**Hon. Ali Raso (Saku, UDA):** I thank you, Hon. Deputy Speaker. This is fundamental. It is about human rights, the protection of lives, and the sanctity of life, which is enshrined in our constitution. But I think I will need two weeks after the recess to respond. Thank you.

**Hon. Deputy Speaker:** I think it is one thing that I addressed with some of the committees. Even though we are going on recess, if you dispatch the letter now or during recess, then you can have a response by the time we come back from recess because the Executive is not on recess. I think you adjust it that way. Thank you.

Next, we have a request for a statement from Hon. Christopher Aseka, Member for Khwisero.

#### SCRAPPING THE APPLICATION FEES FOR ISSUANCE OF NATIONAL IDENTITY CARDS TO FIRST-TIME APPLICANTS

**Hon. Christopher Wangaya (Khwisero, ODM):** Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and National Affairs regarding the scrapping of the application fees for the issuance of identity cards.

Hon. Deputy Speaker, every Kenyan is entitled to the issuance of a national identification card upon maturity at 18 years. Possession of an ID card is especially critical in facilitating the Kenyan youth's access to basic services such as university and college funding, employment opportunities, recruitment to the disciplined forces and enrolment for financial services such as M-Pesa and banking.

Sadly, Hon. Deputy Speaker, the Government's requirement for payment of a mandatory application fee of Ksh300 is hindering many teenage first-time applicants from acquiring national identity cards. Clearly, at the age of 18 years, teenagers applying for identification cards do not have an income of their own to pay fees and meet other related costs, such as convenience fees that are charged by Huduma Centres. Additionally, teenagers who do not have parents or guardians to pay the application fees for them fail to apply for identification cards due to the cost implications. As a result, most young people are not only delayed from

timely access to opportunities requiring ID cards, but also the enjoyment of their inherent identity as citizens of Kenya.

Hon. Deputy Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and National Affairs on the following:

1. Clarification on the justification for levying an application fee of Ksh300 for the issuance of national identification cards for first-time teenage applicants who do not have their own income; and,
2. the actions that are being taken to immediately scrap the application fees for first-time teenage applicants in order to remove the prohibitive financial obligation that hinders them from obtaining the critical identification document.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Raso. Yes, proceed. Do you want to respond to him? It is in my timeline.

**Hon. Ali Raso (Saku, UDA):** I think this is a hot issue in the country. Youngsters do not have anything. They live with their parents. They are told that to get an identification card, they must pay for it. I think it is something that we have not yet reached that stage, even as a country. Yes, in developed countries, youngsters start working as early as 15 years old and have some income. I think the Committee needs a serious debate with the State Department. We will give a comprehensive response after recess.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Raso, were the fees a gazetted regulation? How was it implemented?

**Hon. Ali Raso (Saku, UDA):** Actually, Hon. Deputy Speaker, the fees were gazetted. It was a means of raising revenue for the State Department. However, there were no concerted discussions with the Committee of Parliament. Whereas it is out in the public domain, we need to review that position because it raises fundamental issues. The children of Members of Parliament can afford it, but what about the children of peasants who cannot even afford a meal every day? We will work on it and respond after the recess.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I assume it should have come to the Committee on Delegated Legislation. That is the point at which they could approve or nullify it. Liaise with that Committee.

GOVERNMENT FINANCIAL ASSISTANCE FOR STUDENTS ENROLLED  
AT THE KENYA MEDICAL TRAINING COLLEGE

**Hon. Deputy Speaker:** The next request for a statement is by Hon. (Dr) Robert Pukose.

**Hon. (Dr) Robert Pukose (Endebess, UDA):** Thank you, Hon. Deputy Speaker. This request for statement is from the Committee, and I am presenting it in my capacity as the Chairperson.

Hon. Deputy Speaker, I rise to request for a statement from the Chairperson of the Departmental Committee on Education and Research regarding the Government financial assistance to students who are enrolled at the Kenya Medical Training College.

Hon. Deputy Speaker, this matter is of great significance to many aspiring medical professionals across our nation as Kenya Medical Training College (KMTC) students are integral to our health care system. Their training and expertise directly contribute to the quality of care that is provided to our citizens. Ensuring that those students receive adequate financial assistance is essential not only for their success, but also for the future of health care in Kenya.

It is against this background that I seek for a statement from the Chairperson of the Departmental Committee on Education and Research on the following:

1. To clarify whether KMTC students currently placed in KMTC campuses by the Kenya Universities and Colleges Central Placement Service (KUCCPS) are entitled to the financial assistance that is provided by the Higher Education Loans Board (HELB) that is available to all students that are pursuing higher education in Kenya.
2. Indicate whether KMTC students are eligible for student loans that are offered under the purview of the Ministry of Education and, if so, when will they receive financial assistance, including student loans under the new funding model that is being introduced by the Ministry of Education.
3. State whether the Ministry of Education continues to allow the Ministry of Health through KMTC to collaborate with the Higher Education Loans Board in disbursing student loans to medical training colleges as practised previously.
4. Explain the actions that are being taken by the Ministry of Education to ensure that KMTC students have access to financial assistance, thereby promoting equity and inclusivity in higher education financing that is comparable to that of other students across the country.

Hon. Deputy Speaker, if you allow, my Vice-Chairperson would also like to comment on it.

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, UDA): Thank you, Hon. Deputy Speaker. I would like to support my Chairman in seeking that statement because you were in this House when we approved that students who go to KMTC will, from now on be admitted through KUCCPS, like other students in the universities. It is illogical that they go through KUCCPS but do not benefit from Government financing through HELB, like other university students. Since KMTC students go through KUCCPS like other university students, the Committee requests that they also benefit from HELB in financing their education.

As we try to achieve Universal Health Coverage in this country, the most important cadres that will help us to attain that are the nurses, clinical officers and public health officers. KMTC trains the bulk of that lot. We request that those who go to KMTC also be beneficiaries of HELB.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Chairperson of the Departmental Committee on Education and Research.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I want to commend Hon. (Dr) Pukose, the Chairperson, and the Members who have raised this particular issue. It is a very pertinent issue. As the rule requires, mid-level colleges and university students in the Republic should get loans and scholarships through the Higher Education Loans Board and the University Funding Board. I will fast-track this particular issue and respond immediately when we return from recess because it is a very important item that we need to dispense with very fast.

Thank you, Hon. Deputy Speaker.

#### UTILISATION OF PENSION FUNDS FOR NATION-BUILDING

**Hon. Deputy Speaker:** Thank you. Let us proceed with the next request for a statement by the Member for Tigania West, Hon. (Dr) John Mutunga.

**Hon. John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Deputy Speaker. I rise to request for a statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the utilisation of pension funds for nation-building.

Hon. Deputy Speaker, the Retirement Benefits Act of 1997 provides for, among other things, requirements for the effective management and investment of the pension funds in Kenya. The statute also establishes the Retirement Benefit Authority, which oversees the prudent management of pension schemes and ensures responsible investment of pension funds. The funds represent a significant pool of long-term capital that, when strategically invested, can greatly contribute to national development. By allocating a portion of the fund to well-planned infrastructure projects, renewable energy initiatives and affordable housing programs, pension funds can address key development challenges while ensuring stable long-term returns for retirees. This would also improve financial inclusivity, enhance the living standards of citizens and reduce the reliance on foreign debts.

Hon. Deputy Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

1. Provide a report on the number of registered pension funds in the country and the total amount under management across the funds.
2. A list of the specific sectors where the pension funds have been invested and the terms of those investments.
3. Report on the proposal that money held in pension funds be invested in national development and the likely modalities for such arrangements.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Chairperson of the Departmental Committee on Finance and National Planning, Hon. Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Deputy Speaker. I thank my colleague, the Chairperson of the Departmental Committee on Agriculture and Livestock, Hon. Mutunga, for requesting for that statement. I think the Committee will endeavour to go beyond the statement that has been sought.

The pension savings, as a percentage of GDP in Kenya, is between 10 and 15 per cent. This is much lower than the global average of around 50 to 100 per cent. One of the reasons we could be lagging in pension savings, as a percentage of GDP, compared to countries of equal GDP, might be because we are not investing in those pension schemes as we should. The Departmental Committee on Finance and National Planning will endeavour to meet the relevant authorities, including the Retirement Benefit Authority and all the other pension schemes, to see how they are investing those monies and ensuring that the savings are not just used for the development of this country, but are also safeguarded. That is so that when our pensioners retire, they are assured they will get their pension on time. They will also grow the fund and ensure that it is used for the economic development of this country.

Hon. Deputy Speaker, if you give us two weeks, we should be able to respond to the request for a statement that has been sought by Hon. Mutunga. Thank you.

**Hon. Deputy Speaker:** Thank you. The next request for a statement is by Hon. Paul Katana, Member for Kaloleni Constituency.

#### ELEPHANT INVASION AT KAYA FUNGO IN KALOLENI

**Hon. Paul Katana** (Kaloleni, ODM): Hon. Deputy Speaker, pursuant to Standing Order 4(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on elephant invasion in Kayafungo in Kaloleni.

Kayafungo is a Sacred Giriama Shrine, that is set within a natural forest field with towering ancient trees. Unfortunately, the invasion of elephants has severely impacted the area, thus leading to the destruction of nearly all its trees and places of worship. While those majestic

creatures are an essential part of our national heritage, they have also become a major source of property damage and fear by the residents.

Hon. Deputy Speaker, it is against this background that I seek for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife. In the statement, the Chairperson should address the following:

1. Immediate measures the Ministry is instituting through the Kenya Wildlife Service (KWS) to keep the elephants away from Kayafungo and facilitate their return to their natural habitat.
2. Plans by the Ministry to compensate residents whose properties have been damaged by the elephants.
3. Measures in place to restore the damaged Giriama Shrine and its surrounding environment to its original state as well as to protect it from future elephant invasion.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Chairperson for the Departmental Committee on Tourism and Wildlife. Yes, Hon. Muge.

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Deputy Speaker, I am not the Chairperson or a member of the Departmental Committee. However, I want to add my voice to the said matter.

I come from a county that has many animals, especially monkeys. This matter has to be accorded the attention it deserves. My county has a whole belt running through the valley of Aldai and Tinderet constituencies. Those people hardly harvest anything. Whatever they plant is eaten by the monkeys. Those people are not getting the attention from the concerned authorities so that their crops and plantations can be protected or they can be advised on what else to do that will not attract the animals to their farms and eat their foods and crops. Therefore, in support of the Hon. Member who has asked for this Statement, I add my voice that this particular department should be able to do a thorough audit and map all the animals that are the source of human-wildlife conflict so that we can look for a way to safeguard those people. This will also ensure that they live comfortably and that their animals are comfortable so that they can have a better co-existence.

I thank you.

**Hon. Deputy Speaker:** Thank you. Is there a member of that Committee in the House? Hon. Waqo, we will task you to ensure it goes to the relevant Committee.

**Hon. Naomi Waqo** (Marsabit County, UDA): I will do so. Thank you.

**Hon. Deputy Speaker:** Next, we have another request for a statement. Hon. Wanjiku Muhia, Member for Kipipiri Constituency.

#### UNMARKED BUMPS ALONG FLYOVER-NJABINI- KIPIPIRI-OL KALOU- NYAHURURU ROAD

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(C), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the unmarked bumps along Flyover-Njabini-Kipipiri-Olkalou-Nyahururu Road.

Hon. Deputy Speaker, there are several concerns regarding the safety and well-being of both road users and the surrounding communities due to the erection of unmarked speed bumps along the Flyover-Njabini-Kipipiri-Olkalou-Nyahururu Road. The unmarked bumps on the Kenya National Highways Authority (KeNHA) Class A Road pose a significant risk to motorists. The lack of clear signage, markings and proper visibility has already resulted in several near-miss incidents and, in some cases, accidents. The sudden appearance of those

speed bumps forces drivers to brake abruptly, thus increasing the likelihood of rear-end collisions particularly at night, or in adverse weather conditions.

Additionally, the residents are worried about the heightened risk to pedestrians, especially school-going children, as vehicles may swerve unpredictably to avoid the unmarked bumps. Moreover, the vehicle damage caused by sudden impacts with those bumps has placed an unnecessary financial burden on road users.

Hon. Deputy Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Plans to ensure that all bumps that are erected along the Flyover-Njabini-Kipipiri-Olkalou-Nyahururu Road are clearly marked and proper signage is provided.
2. Actions being taken for the provision of proper signage and reflective markers along the Flyover-Njabini-Kipipiri-Olkalou-Nyahururu Road.
3. A report on the exact timeline for marking the bumps and placing signage along the said road.

In just one sentence, I want to confirm that in Kipipiri, we have already lost so many souls in a black spot called Jiret, near Kariamu. We recently lost the Principal of Kiambogo Secondary School. We have lost many lives, particularly near Kinangop. I know the Member of Parliament for that area will be speaking. The contractor who maintained that road left the road in such a dangerous state.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Member for Kinangop.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Deputy Speaker. I want to thank my colleague, the Member of Parliament for Kipipiri, who is my neighbour in a special way.

The above-mentioned road passes through my constituency from the Flyover to Njabini, then Kipipiri, and all the way to Nyahururu. That road has become a death trap simply because the bumps are not marked. We have raised this issue numerous times with the KeNHA, but nothing has been done so far. In my very constituency, there is a place called Kanamba in Gathaara Ward. We have lost lives of school-going children simply because there are no bumps. The few that are there are unmarked.

Therefore, I want to support this request for statement and ask KeNHA to quickly erect bumps where they are supposed to be and be simply marked so that we can stop that loss of life. There is some level of complacency when it comes to erecting bumps. You will hear those people say they cannot erect bumps on a highway. However, what is more important between speed and the lives of people?

Therefore, Hon. Deputy Speaker, in a special way, I would like you to emphatically compel KeNHA to erect bumps where they are supposed to be and mark them appropriately.

I rest my case, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Chairperson for the Departmental Committee on Transport and Infrastructure. Is any member of the Committee present?

Again, Hon. Waqo, we will leave this to you.

**Hon. Naomi Waqo** (Marsabit County, UDA): Most obliged. Thank you.

**Hon. Deputy Speaker:** We will have the last request for statement from the Hon. Member for Chuka, Hon. Patrick Ntwiga.

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, UDA): Thank you, Hon. Deputy Speaker. I stand in this House today to pass my sincere condolences and mourn a colleague, friend and constituent, Hon. Beatrice Nkatha Nyaga. She served in this House in the 11<sup>th</sup> and 12<sup>th</sup> Parliament. She was dedicated and a very hardworking woman. We used to say she was

the glue that held Tharaka-Nithi County together. It is a very sad moment because we have lost a very dedicated leader and loving woman. As a county, we are at a loss today, as we mourn Hon. Beatrice Nkatha Nyaga, the immediate former Member for Tharaka-Nithi County.

She has been ailing for the last few months and yesterday, she rested. I stand in this House to mourn her and give my sincere condolences to her family, children and the great people of Tharaka-Nithi County where she comes from. Members of this House worked very closely with her because she was a friend to everyone.

As we mourn her, Tharaka-Nithi County is also celebrating the appointment of Prof. Kindiki. So, we have mixed feelings. I do not wish to continue and request Hon. Murugara, who was her close friend, to give his condolences.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Patrick, you are out of order. You cannot give an opportunity to the Member for Tharaka. I will give a chance to Hon. Dorothy Ikiara and then come to him. You are out of order for taking the Speaker's job.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Deputy Speaker. Indeed, today is a sad day for all of us. I join my brother, Hon. Patrick, the entire Tharaka-Nithi community and women of this country in mourning Hon. Beatrice Nkatha.

She was a woman of strength and worked diligently as the first Member for Tharaka-Nithi County, where she was referred to as “Mama County”. She served the women, vulnerable and less disadvantaged in the community with a lot of dedication and zeal. This is a sad moment for the country and all of us. That is because we know the great role she played during the 2022 general elections. If you can remember from her video clips, she was very committed to ensuring that this Government comes into power. More so, she was fighting for His Excellency the President. Even when the ground in her own community was so hostile that she was unable to say anything, she went on to shout: “Ruto”! We still remember her for that.

I join the rest of the Members of this House, in mourning that beautiful soul. She was very generous and had a smile all the time even when things were so difficult. May the gracious Lord rest her soul in eternal peace. Thank you.

**Hon. Deputy Speaker:** The Member for Tharaka, Hon. George Murugara. I can see Hon. Mishi Mboko is next. I will come to you. I am following the order of names. Proceed, Member for Tharaka.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. Allow me to join my colleague, neighbour and constituent of Tharaka-Nithi County, Hon. Patrick Munene Ntwiga, Member for Chuka/Igambang’ombe, where the late Hon. Beatrice Nkatha Nyaga comes from.

On behalf of the people of Tharaka Constituency, Tharaka-Nithi County, and all the well-wishers of the country, I want to relay my unreserved condolences to the family of the late Hon. Beatrice Nkatha. She was a lady to behold and served Tharaka-Nithi County for 10 years without a blemish.

We remember her with nostalgia because she was the unifying factor of that county, even when things appeared to go south. She spoke for all of us and loved her county. She traversed the county like a colossus and did not discriminate one constituency from another or against the people. She loved children, students, the elderly and vulnerable. She spoke to them without any reservations. Today, a dark cloud hangs over Tharaka-Nithi County as we mourn that great lady. It also hangs over the country because, in the last general election, she stood for the entire country. She was one of the most committed servants of the UDA party. Also, one of the most loyal persons to His Excellency the President, Dr. William Samoei Ruto. He constantly remembered her and would ask of her whereabouts. Eventually, he nominated her for the seat of Cabinet Administrative Secretary (CAS), the National Treasury. We never took that lightly. However, problems came up, thus affecting the position of CAS.



I want to thank His Excellency the President for wiping away our tears. He has nominated Prof. Kithure Kindiki as the Deputy President of the Republic of Kenya. Prof. Kindiki does not belong to Tharaka-Nithi County or Meru. He is a nationalist and will stand for the entire country. That is why, this House has received his nomination with zeal, happiness and accolades.

I also lost my mum, the late Elena Gashire Murugara, to whom I was the third born. She was 88 years old. I am happy because Members of Parliament have wished me well and given their condolences. For that, I sincerely appreciate and thank them.

Thank you very much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Member for Likoni, Hon. Mishi Mboko.

**Hon. Mishi Mboko** (Likoni, UDA): Ahsante sana, Mhe. Naibu Spika. Nachukuwa nafasi hii kwa niaba yangu, eneo Bunge la Likoni na watu wa Mombasa kutoa risala za rambirambi kwa mwenda zake, dada yetu, Beatrice Nkatha. Tulikuwa naye katika hili Bunge la Kitaifa.

Mhe. Naibu Spika, Mhe. Nkatha alikuwa kiongozi ambaye alikuwa na furaha na bashasha kila wakati ukimwona. Alikuwa na msimamo dhabiti wa kutetea chama chake na Kiongozi wake. Tulikuwa tunajua dada yetu ataingia katika uongozi ambao tunaita kwa Kiingereza *Chief Administrative Secretary (CAS)*. Lakini kwa yale mambo yaliyotokea, hakuweza kufika hapo. Tunasikitika sana. Hata nimetamautishwa kusikia alikuwa mgonjwa kwa muda mfupi, takriban kama miezi miwili hivi. Tungekuwa tunajua, haswa sisi kama akina mama, tungemtembelea na kumuomba dua ili Mungu ampatie afueni. Lakini tunajua kwamba tulimpenda, lakini Mwenyezi Mungu amependa zaidi.

Wakati mmoja nilikuwa na Mhe. Beatrice katika kamati moja. Nilikuwa karibu sana na yeye. Nilipenda sana mavazi yake. Alipovaa, alikuwa mama maridadi sana. Kile kibeti alichokibeba, viatu na nguo alizovaa zilikuwa zinawiana. Yaani alikuwa mama mtanashati sana. Hakuwa na fujo wala dhiki na mtu. Pia, tulikuwa akina mama wa kwanza katika kiti cha kuwakilisha katika kaunti zetu. Nilikuwa kule Mombasa na yeye alikuwa akiwakilisha kule sehemu ya kwao. Tulikuwa wa kwanza baada ya kupata Katiba mpya ya taifa letu la Kenya.

Tunasikitika na tunaomboleza pamoja na ndugu zetu wa sehemu za Meru na Tharaka-Nithi kwa kumpoteza shujaa na dada yetu, Mhe. Beatrice Nkatha. Tunaomba Mwenyezi Mungu ailaze roho yake mahali pema peponi. Tunaomba Serikali ya Kenya Kwanza, kupitia Daktari William Samoei Ruto, iangalie familia yake. Alikuwa kiongozi wake shujaa na mwenye msimamo. Yeye ni mwenda zake sasa, lakini najua ana watoto na pengine wajukuu. Tusiwatupe viongozi wetu wakati wamepatwa na misiba. Pia tuwakumbuke wale aliowaacha. Tunamuomba Mola amueke pema na penye waja wema. Poleni sana watu wa Tharaka-Nithi na Meru, na Bunge la Taifa na Kenya kwa jumla.

Ahsante sana, Mhe. Naibu wa Spika.

**Hon. Deputy Speaker:** Member for Nairobi City County, Hon. Esther Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to speak. I send condolences to the family of Hon. Beatrice Nkatha Nyaga from my myself, family and Nairobi City County. It is, indeed, a sad moment when you hear that somebody you knew has passed on. With the nature of life, we served in the 12<sup>th</sup> Parliament together. We have not seen her for a while, but I remember we met once during campaigns. Even if she was in United Democratic Alliance (UDA) and I was in Orange Democratic Movement (ODM), we still exchanged pleasantries like sisters.

I met her again recently when she was appointed the CAS for the National Treasury. She was very happy. She was also very happy because I had made it to serve the second term. She was such a lovely human being. She was a beautiful soul. She had no inhibitions. At the same time, she had no hard feelings for anyone. In politics, when you are in opposing parties,

sometimes, you see tension in the friendship. With her, the friendship was pure and sincere. As a woman, she believed in the tribe of women. We stood together.

I would like to quote Shakespeare. He says that we are all on the world stage, as men and women. We are merely players who are here, and we will exit. We have entrances and exits. Hon. Nkatha has exited the stage, but she will not be forgotten. She has left her landmark. We say sorry to the people of Tharaka-Nithi and Kenyans. As a legislator, you not only serve your constituency or county, but also you make decisions that impact, affect and serve all Kenyans.

As she has exited her stage, we have seen the nomination of the Cabinet Secretary, Prof. Kithure Kindiki, as the incoming Deputy President. The people of Tharaka-Nithi have lost with one hand and received with another. We also recognise that Prof. Kithure Kindiki is a national figure. He has served in many offices and, as the Cabinet Secretary for Interior and National Administration. So, he knows that Kenya is one. We wish him well in his nomination. We wish this country the best. I send my condolences to the family.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Embu County. After that, I will give an opportunity to the Member for Tharaka-Nithi.

**Hon. Pamela Njeru** (Embu County, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to send my condolences to the family of the late Hon. Beatrice Nkatha from Tharaka-Nithi County. Personally, I know her. We met in many occasions. Even during the last 2022 campaigns, we were with her in many meetings. It saddens us to hear about her demise this morning. We are here to give our sincere condolences to the family, children and the whole community of Tharaka-Nithi County for losing such a soul who was a kind person.

She was a generous person. Above all, she was very smart, even at heart. I represent Embu County as a woman representative. I know she was, one time, the Woman Representative for Tharaka-Nithi County. As women representatives in this august House, we are saddened to lose one of us. We only pray that the Kenya Kwanza Government, UDA fraternity and the entire House shall stand with her and the entire family.

May her soul rest in eternal peace. Thank you.

**Hon. Deputy Speaker:** Hon. Susan Nduyo, Member for Tharaka-Nithi, will be the last one to contribute.

**Hon. Susan Ngugi** (Tharaka-Nithi County, TSP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I was outside trying to draft something better to present this afternoon. But, luckily, my colleague presented this Statement to us. Today is a sad and happy day for Tharaka-Nithi. There are mixed feelings. The late Hon. Beatrice Nkatha is my predecessor. She is a lady whom I valued and honoured. When I decided to vie for the seat of a woman representative, I was so confused on how I would go about it. That is because she was like a mentor to me. That is why I even tell my people that I have not come to compete with her, but to continue from where she stopped.

She was an honoured lady. She was a professional printer who worked with the provincial administration for close to 26 years. She did not know the poor and the rich. She left indelible marks in Tharaka-Nithi County. We are sad. She was a very hard-working lady. She was one of the founding mothers, officers and politicians of the UDA Party. She was a great friend of Prof. Kithure Kindiki. I expected her to be here with us, to be the leading mother to celebrate this joy that is in Tharaka-Nithi today. Unfortunately, she is not here. We are celebrating this great day and yet, we are mourning. I have just talked to the son who is so sad. I pray that God may give us peace, and comfort the people of Tharaka-Nithi County and her family. We loved her. May her soul rest in eternal peace.

Thank you.

**Hon. Deputy Speaker:** Hon. Members, let us rise for a moment of silence in honour of our departed colleague, Hon. Beatrice Nkatha Nyaga.

*(Members observed a moment of silence)*

May her soul rest in eternal peace.

Next Order

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Chairman (Hon. David Ochieng') in the Chair]*

#### CONSIDERATION OF SENATE AMENDMENTS TO THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (National Assembly Bill No.21 of 2023)

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Members, this is the Committee of the whole House to consider the Senate Amendments to the Foods and Feeds Safety Control Co-ordination Bill, (National Bill No.21 of 2023). This is a very short Bill. It has three clauses. I request your attention. What is it Whip of the Majority Party?

Is the Departmental Committee on Agriculture and Livestock Chairman in the House?

*(Hon. Justice Kemei stood in his place)*

Are you holding brief for him?

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Yes, Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng'): Let us proceed. This Bill originated from the National Assembly, then went to the Senate, and is now back here with us with proposed amendments in the Senate. The Chairman of the Committee will guide us on how to proceed. I request the Chairman, Hon. Justice, to approach the Dispatch Box.

*(Hon. Justice Kemei consulted with the Clerks-at-the-Table)*

Hon. Justice Kimeii.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): We are ready to proceed, Hon. Temporary Chairman. Before the Chairman comes in, I will stand in for him.

Thank you.

*Senate amendment to clause 22*

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleting the words "conduct risk management" appearing immediately after the words "the Controller may" and substituting therefor the words "advise on the appropriate risk management measures".

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*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng’): Mover.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Hon. Temporary Chairman, we looked at the amendment from the Senate on Clause 22 and after discussing and seeing the merits of the amendment from the Senate, we, as the Committee on Agriculture and Livestock, decided to approve the amendment from the Senate.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): I would allow any intervention, if there is any. Yes, Hon. Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Chairman. Could the Chairman of that Committee explain the amendments for the sake of the public and this House. Thank you, Hon. Temporary Chairman.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Temporary Chairman. The explanation is that in the Bill, we had used the terminology “conduct risk management”, appearing immediately after the words “the Comptroller may”, and substituting the words “advice on the appropriate risk management measures”. We have adopted the words from the Senate because they are more encompassing and represent the entire spectrum of risk management.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

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

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

*(Senate amendment to clause 22 agreed to)*

*Senate amendment to clause 25*

**The Temporary Chairman** (Hon. David Ochieng’): Mover.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank Hon. Temporary Chairman. Just like in clause 22, clause 25 is being amended in sub-clause 3 by inserting the following new sub-clause, “on receipt of the report under subsection 3....”

**The Temporary Chairman** (Hon. David Ochieng’): Order. Move the amendment first before you explain.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Okay. Hon. Temporary Chairman, Chair, I wish to move the amendment and accept the proposed amendment from the Senate.

**The Temporary Chairman** (Hon. David Ochieng’): What is the amendment?

**Hon. Justice Kemei** (Sigowet/Soin, UDA): The amendment, Hon. Temporary Chairman....

**The Temporary Chairman** (Hon. David Ochieng’): Just read what is in the Order Paper. “I move an amendment that Clause...”

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Hon. Temporary Chairman, I beg to move: THAT, clause 25 of the Bill be amended in sub-clause (3) by inserting the following new sub-clause—

3A. On receipt of the report under subsection (3)(b), the governor shall submit the report to the respective county assembly.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Again, as my colleague *mwalimu* raised issues, exactly what kind of report are we envisaging? What we have here and what the country has does not lead anywhere. What kind of report are we envisaging to be submitted to the county assembly? What is the county assembly expected to do with that report? That is considering, in many cases, the calibre of Members of County Assemblies (MCAs) in many county assemblies.

**The Temporary Speaker** (Hon. David Ochieng’): Yes, Hon. Justice Kemei.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): As per the laws of the land, we would not expect a governor to submit any report, unless it is authorised by the respective county assembly. We are basically agreeing that it should go through the county assembly before it is passed.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Thuku.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Temporary Chair.

I wish to support this amendment for the simple reason that members of the county assemblies are the representatives of the people. Indeed, any report that emanates from whatever quarter needs the approval and ratification of the county assemblies. We are talking of a very important Bill here. It is the Food and Feed Safety Control Coordination Bill.

I come from an agricultural constituency where we do dairy farming. We have so much unregulated feed from manufacturers. Of course, we know the kind of infiltration that can happen within the circles of animal feeds. If after any investigation or certification of feeds that report comes to governors for approval, we will be opening a highway for corruption or scrupulousness. With the approval of the assembly that has direct mandate to oversight from the people, they will have an opportunity to interrogate. Assemblies may even do visits and even involve certification bodies like the Kenya Bureau of Standards (KEBS) or the Food and Drug Authority. That is just to make sure that whatever feeds they get to our farmers are up to standard and in the best international standards.

Therefore, I support this amendment.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

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

*(Senate amendment to Clause 25 agreed to)*

*Senate amendment to the First Schedule*

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): I beg to move:

THAT, the First Schedule be amended by inserting the following new items immediately after item no. 3—

3A. Each county government department dealing with matters relating to agriculture;

3B. Each county government department dealing with matters relating to health.

We propose to reject this amendment because we will not be going down to various departments the moment we forward issues to county governments. We will just be giving the

matters to county governments. The county governments will then deal as per the authorisation they have.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I totally concur or agree with the Committee. At times, county governments overreach themselves. The small departments in counties, which are without value to the lives of the people should not be involved in very complicated matters like these ones. Once it has gotten to the county, the small departments have no budgets. They are only employment bureaus that have no technical ability to deal with this matter. I totally agree that we reject and then we go back to mediation. I hope that is the only point of mediation. I wish you well, and hope that you will convince them to see the necessity to leave it the way it is.

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. Mbai.

**Hon. Nimrod Mbai** (Kitui East, UDA): I wanted to add my voice on the proposal before we approve it.

We know agriculture is the backbone of our country. Formerly, before devolution, whoever was in the country would tell there were some serious activities to do with agriculture on the fields. Officers were being sent there, supporting farmers, and were having vehicles and motorbikes. Today, after devolution, county governments do not support agriculture as much as the national Government did. If we take this direction for another 10 or 20 years, this country might start borrowing unnecessary foodstuffs which we have never thought Kenya could run out of.

With beef, we can see the industry of livestock in agriculture is much affected. There are no extension officers. To this far, I do not know which county has ever employed a veterinary officer. They are using public health officers to inspect meat in the towns. The same public health officers cannot be used as field extension officers for agricultural businesses. I urge counties to be more vigilant because they are carrying out a very important role of feeding this country. As we empower them, they should take up their role with strength.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Thuku.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you very much. I also support this amendment, but still give my voice on feeds. This is what we intend to do in empowering the relevant county government departments that are dealing with matters relating to agriculture.

The issue of standards and certification is quite an important matter to this country today. The world is becoming a global village whereby we are now becoming borderless concerning imports, exports, and competitive and comparative advantage. Countries will now have to trade. We have the slogan “let us go trade, let us go exchange goods”. Let us enjoy each competitive and comparative advantage. Setting the standards is what I would call a panacea to where we want to go. Feeds is quite an interesting matter in this country. We cannot trade if there is no regulation because we will not be able to export our beef, mutton or other agricultural products. Therefore, empowering departments in county governments by legislation is the way to go. We have had exporters trying to create quarantine centres so that they can put their animals in certified areas, but without legislation. With this legislation, a farmer in Kinangop, Kwale, or Kajiado can export their products without further certification. Therefore, I support this amendment.

Thank you, Hon. Temporary Speaker.

*(Hon. Justice Kemei and Hon. Oscar Sudi  
stood along the gangways)*

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Kemei, take your seat. Hon. Oscar Sudi, can you take your seat?

Hon. Members, I have to guide voting on this amendment. The Committee is proposing the rejection of the amendment and so, those who are supporting the Committee will vote Nay. Those who support the Senate amendment will vote Aye. I hope you are well guided.

Yes, Hon. Mbai.

**Hon. Nimrod Mbai** (Kitui East, UDA): Maybe, the Member standing in for the Chairman could indicate the initial proposal of the Committee and the proposed amendment by the Senate.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Mbai, that was long done. That is what we have just finished doing. The Chairman moved the amendment and explained the amendment. We proposed the question. It has been debated. Now we are voting. That is what has just happened. We cannot repeat that process. We have just finished.

Hon. Members, I will now put the question. I have guided that the Committee proposes a rejection of the amendment. Those who support the Committee will vote Nay. The Senate proposes to amend the Bill. Those who support the Senate will vote Aye.

*(Question, that the words to be inserted  
be inserted, put and negatived)*

*(Senate amendment to the First Schedule negatived)*

Mover.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Senate amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No. 21 of 2023), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

**MOTION**

CONSIDERATION OF REPORT ON SENATE AMENDMENTS TO THE  
FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL

**Hon. Speaker:** The Chairperson.

**Hon. David Ochieng’** (Ugenya, MDG): Hon. Speaker, I beg to report that the Committee of the whole House has considered Senate amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No. 21 of 2023), and approved the same with amendments.

**Hon. Speaker:** Mover.

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**Hon. Justice Kemei** (Sigowet/Soin/UDA): Hon. Speaker, I beg to move that the House do agree with the Committee in the said report. I request Hon. (Dr) Mutunga to second.

**Hon. Speaker:** Dr. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Speaker, I beg to second.

*(Several Members walked into the Chamber)*

**Hon. Speaker:** Hon. Members on their feet, take the nearest seat. Take your seats. Hon. Bashir and Hon. Rindikiri, take the nearest seat. Where is the nearest seat?

*(Question proposed)*

*(Question put and agreed to)*

*(Senate amendments approved with further amendments)*

Hon. Members, as I indicated to you earlier, following the meeting of the House Business Committee, authority was given for a Supplementary Order Paper, which the Clerk has prepared and the Speaker has approved for circulation. It is now available to you.

Clerk, call out the next Order.

## BILL

### *Second Reading*

#### THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (National Assembly Bill No. 58 of 2022)

**Hon. Speaker:** Hon. Joyce Kamene. Is she in the House? Hon. Kamene, you may start moving the Bill but, at some point, I will interrupt you to deal with the issue that we adjourned before you carry on.

**Hon. Joyce Kamene** (Machakos County, WDM): Thank you, Hon. Speaker. I wish to move the Higher Education Loans Board (Amendment) Bill, (National Assembly Bill No. 58 of 2022).

Hon. Speaker, the principal object of this Bill is to amend the Higher Education Loans Board Act (No. 3 of 1995) to address a specific challenge that is faced by some of the young students; that is, those who have not yet attained the age of 18 years and, as such, are ineligible to apply for higher education loans under the current legal framework. Article 27(4) of the Constitution on equality and freedom from discrimination outlines that the State shall not discriminate directly or indirectly against any person on any grounds, including age. The Bill expressly provides that HELB shall not deny a loan to a student who has not attained the age of 18 years. This provision recognises that many students complete their...

**Hon. Speaker:** Hon. Joyce, for the record, you should have started by saying: "Hon. Speaker, I beg to move that the so-and-so Bill be now read a Second Time". After that, you can go on with the good things that you were saying.

**Hon. Joyce Kamene** (Machakos County, WDM): Hon. Speaker, I wish to move this...

**Hon. Speaker:** I beg to move...

**Hon. Joyce Kamene** (Machakos County, WDM): Hon. Speaker, I beg to move that the Bill be read a Second Time.

**Hon. Speaker:** Read the entire title of the Bill: "I beg to move



THAT, the Higher Education Loans Board (Amendment) Bill, (National Assembly Bill No.58 of 2022), be now read a Second Time".

**Hon. Joyce Kamene** (Machakos County, WDM): Hon. Speaker, I beg to move:

THAT, the Higher Education Loans Board (Amendment) Bill, (National Assembly Bill No.58 of 2022), be now read a Second Time.

The principal object of this Bill is to amend the Higher Education Loans Board (HELB) Act No.3 of 1995 to address a specific challenge that is faced by our young students who have not yet attained the age of 18 years and, as such, are ineligible to apply for the HELB under the current legal framework. However, Article 27(4) of the Constitution, 2010 on equality and freedom from discrimination outlines that the State shall not discriminate directly or indirectly against any person on any grounds, including age. The Bill expressly provides that the HELB shall not deny a loan to a student who has not yet attained the age of 18 years. This provision recognises that many students complete their secondary education early and deserve the same opportunities for financial support as their older peers.

For students under the age of 18, the Bill introduces the requirement that their parents or guardians must be co-signatories to the loan agreement. This ensures that there is legal responsibility and accountability for the loan, thus protecting both the student and the Board, while allowing access to loans for eligible students. Article 43(1)(f) of the Constitution of Kenya on economic and social rights states:

“43(1) Every person has the right –  
(f) to education.”

This guarantees every person the right to education. By removing age-related barriers to accessing higher education loans, the Bill seeks to enhance this right ensuring that all students, regardless of age, have an equal opportunity to access financing for their university education.

In addition, Kenya’s Vision 2030 aims to transform Kenya into a middle-income country by enhancing access to education and ensuring an educated workforce that is capable of driving economic development. By removing barriers for students under 18 years of age, the Bill supports Kenya Vision 2030’s goal of increasing access to higher education and producing a skilled competitive workforce. The amendment Bill is also crucial in allowing students who have not yet received their national identification cards to still apply for higher education loans. This removes a significant barrier for many students and ensures that every eligible student can pursue higher education, regardless of their age or ID status.

This Bill ensures that all students, regardless of age, have equal access to the financial resources that they need to further their education. It prevents the exclusion of young, bright students who may complete their studies earlier than expected. It is worth noting that many students are excelling in their studies and completing secondary school before they attain the age of 18 years. They should not be penalised for their academic success by being denied access to financial aid. This amendment Bill will ensure that the system recognises and supports their efforts.

Hon. Speaker, moreover, the amendment Bill strengthens the HELB’s mandate by adapting the policies to better service the changing educational landscape, ultimately enhancing the effectiveness and relevance of the National Student Loans Programme.

In conclusion, this amendment Bill is essential in ensuring fairness and inclusivity in our education system. It addresses a long-standing gap and ensures that every deserving student, regardless of age, has access to financial support for their education. It has been said many times that education is an equaliser. I urge Members of this House to support this Bill and ensure its swift passage for the benefit of our young students and the future of our education system.

Hon. Speaker, I beg to move and request Hon. Ounda to second.

**Hon. Speaker:** Hon....?

*(Laughter)*

**Hon. Joyce Kamene** (Machakos County, WDM): Hon. Oundo.

**Hon. Speaker:** Order, Members! Hon. Oundo, hold your horses. Take your seat.

Hon. Members, we will hold the Bill in Order No.11 that has been moved by the distinguished Member for Machakos County, Hon. Kamene. Hon. Oundo, you will second the Bill after we dispose of Order No.12 on the Supplementary Order Paper.

We will proceed as follows: When Order No.12 on the Supplementary Order Paper is read, the Speaker will give a short ruling on the points of order that were raised by several Hon. Members this morning. Thereafter, the Division Bell will be rung to call you to order for the vote. The House Business Committee has directed that voting will be electronic. Those of you who may not have your cards will be required to register with the Clerks-at-the-Table so that everybody votes. After the vote is cast, and the results are announced to the House, I will open the Floor to a few Members who may wish to comment on the nominee that has been processed through the House.

### COMMUNICATION FROM THE CHAIR

#### GUIDANCE ON THE NOMINATION OF PROF. KITHURE KINDIKI, EGH, AS THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

Hon. Members, I have a Communication to make on the nomination of Prof. Kithure Kindiki, EGH, to fill the vacancy in the Office of the Deputy President of the Republic of Kenya.

Hon. Members, you will recall that earlier this morning, at the commencement of the Sitting, I notified the House of the receipt of a Message from His Excellency the President nominating Prof. Kithure Kindiki, EGH, to fill the vacancy in the Office of the Deputy President, pursuant to Article 149 of the Constitution. Hon. Mutuse, take your seat.

*(Applause)*

*(Hon. Kagucia John stood in his place)*

Hon. Kagucia, take your seat.

Hon. Members, you may further recall that upon the notification to the House, several Members rose in their places and raised a number of issues for my guidance. Those who spoke included Hon. (Dr) Robert Pukose, Hon. Omboko Milemba, Hon. Emmanuel Wangwe, Hon. Samuel Chepkong'a, Hon. Jane Gakiri, Hon. Wanami Wamboka and others. In this regard, I convened a meeting of the House Business Committee (HBC) for the purpose of deliberating on the next steps to be taken by the House on this matter, and guiding the House on the issues that were raised.

I have distilled the issues that have been raised by the Members as follows:

1. Whether Article 149(1) of the Constitution envisages an approval process in the manner contemplated by the Public Appointments (Parliamentary Approval) Act, Cap 7F.
2. Whether the House shall conduct public participation in voting on the nomination under Article 149 (1) of the Constitution.
3. Whether the Members shall be required to debate on the nomination under Article 149 (1) of the Constitution.

4. The timelines envisaged under Article 149 (1) of the Constitution.
5. The threshold for voting on the nomination under Article 149 (1) of the Constitution.

Hon. Members, permit me to examine each of the issues that have been raised.

On whether Article 149 (1) of the Constitution envisages an approval process in the manner contemplated by the Public Appointments (Parliamentary Approval) Act., it is noteworthy that Article 149 (1) of the Constitution provides as follows:

“Within 14 days after a vacancy in the office of the deputy president arises, the President shall nominate a person to fill the vacancy and the National Assembly shall vote on the nomination within sixty days after receiving it.”

From a reading of Article 149 (1) of the Constitution, it is expressly provided that the National Assembly shall vote on the nomination within 60 days after receiving it. The drafters of the Constitution distinguished the language that is used in Article 149 (1) of the Constitution by expressly providing that the House is required to vote and not approve the nomination.

Indeed, this is to be distinguished from the provisions of Article 132(4) of the Constitution which provides that the President shall nominate and, with the approval of the National Assembly, appoint and may dismiss the cabinet secretaries in accordance with Article 152, the Attorney General in accordance with Article 156, the Secretary to the Cabinet in accordance with Article 154, principal secretaries in accordance with Article 155 and high commissioners, ambassadors, diplomatic and consular representatives.

Members at the Bar, take the nearest seats.

*(Several Members walked into the Chamber)*

In this regard, for all the State officers that I have just highlighted, the House is required to approve their nomination by the President. However, in respect to the Deputy President, Article 149(1) of the Constitution expressly provides that the House is required to vote on the nomination. It is noteworthy that the Public Appointments (Parliamentary Approval) Act applies where an appointment under the Constitution or any other law requires an approval of the House.

Consequently, noting that Article 149(1) of the Constitution requires the House to take a vote on the nomination, the approval process envisaged under the Public Appointments (Parliamentary Approval) Act does not apply in this case. The House will, therefore, adopt the precedent it has set on this matter and that settles that point.

On whether the House shall conduct public participation in voting on the nomination under Article 149(1) of the Constitution, as stated earlier, Article 149(1) of the Constitution requires the House to take a vote on the nomination of Prof. Kithure Kindiki to fill the vacancy in the Office of the Deputy President, which is essentially an election. You will recall the practice of the House whenever it is confronted with an obligation to vote on the matter as it relates to an election. The instances include election of the Speaker and the Deputy Speaker under Articles 106 of the Constitution, and the election of Members of the East African Legislative Assembly and the Pan-African Parliament, for which the House is required to vote on the nominations of those to hold such positions. The practice of the House in these instances is that the House has always proceeded directly to vote without public participation.

To this end, to the extent that Article 149 (1) of the Constitution contemplates the House to vote upon receiving the nomination, the requirement for public participation is not applicable in this case. This settles the second issue.

Hon. Members, on the third issue that is relating to whether Members shall be allowed to debate on the nomination, it is noteworthy that having determined that the vote contemplated under Article 149(1) of the Constitution is an election, no debate arises on a matter of election.

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Indeed, you will recall that in the case of the election of a Speaker of this House and the Members of the East African Legislative Assembly, no debate arises. This settles that third issue.

On the fourth issue of timelines as envisaged under Article 149(1) of the Constitution, you will observe that Article 149(1) of the Constitution defines the period within which the President is required to nominate a person to fill the vacancy in the Office of the Deputy President, which is within 14 days after the vacancy in the Office of the Deputy President arises. The National Assembly is then required to vote on the nomination within 60 days after receiving it. From the foregoing, Article 149(1) of the Constitution defines the maximum period within which the President and the National Assembly are required to act.

To this end, the President can nominate a person to fill the vacancy from the first day the vacancy arises up to the 14<sup>th</sup> day. The National Assembly, on its part, is required to vote on any day from the first day it receives a nomination up to the 60<sup>th</sup> day after the receipt of the nomination. Consequently, the nomination of Prof. Kithure Kindiki and the vote the House is required to take today on the nomination is within the constitutional timeline that is provided for in Article 149 (1) of the Constitution. This settles that fourth issue.

The fifth and final issue that was raised was guidance on the threshold for voting under Article 149 (1) of the Constitution. It is noteworthy that Article 149(1) of the Constitution has not defined or provided for the threshold for voting for the nomination of a person to fill the vacancy of the Office of the Deputy President. Article 122(1) of the Constitution provides that:

“Except as otherwise provided in the Constitution, any question proposed for decision in either House or Parliament shall be determined by a majority of the Members in that House present and voting.”

Consequently, the threshold for voting on the nomination of Prof. Kithure Kindiki, EGH, is a majority of the Members in this House, present and voting, as provided for in Article 122(1) of the Constitution. That final issue is also settled.

In summary, therefore, I wish to guide the House as follows:

1. Article 149 of the Constitution requires the House to take a vote on the nomination of Prof. Kithure Kindiki, EGH, to fill the vacancy in the Office of the Deputy President.
2. In this regard, the House will be guided by its previous precedent whenever it is called upon to take a vote on a matter as relates to the election of the Speaker, the Deputy Speaker and Members of EALA and Pan-African Parliament.
3. No debate arises on a matter that the House is required to take a vote.
4. That the nomination of Prof. Kithure Kindiki, EGH, and the vote the House is required to take on the nomination is within the constitutional timeline that is provided for in Article 149(1) of the Constitution.
5. That the House Business Committee has resolved that the vote contemplated under Article 149(1) of the Constitution be taken today during this sitting of the House.
6. That the threshold for voting on the nomination of Prof. Kithure Kindiki, EGH, is a majority of the Members in the House, present and voting, as provided for in Article 122(1) of the Constitution.

The House is, therefore, accordingly guided.

You may now proceed to take the vote. Clerk-at-the-Table, ring the Division Bell for five minutes.

**Hon. Raphael Wanjala** (Budalangi, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Wanjala.

**Hon. Raphael Wanjala** (Budalangi, ODM): Hon. Speaker, as you have rightly said, we will take a vote. This House recognises three types of voting; namely, acclamation,

electronic and roll call. As I sit in this House, we are in concurrence that Prof. Kindiki is the right man to be the Deputy President. We should just vote by acclamation so that we can go home. Some of us have flights to catch.

**Hon. Speaker:** Hon. Ruku.

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

*(Loud consultations)*

Protect me, Hon. Speaker.

**Hon. Speaker:** Go on. I am listening.

**Hon. Ruku G.K.** (Mbeere North, DP): As you have rightly pointed out, Article 149(1) of our Constitution provides that the National Assembly shall vote on the nomination within sixty days after receiving it. The mood of the House is that there is no objection whatsoever as far as the nomination of Prof. Kindiki is concerned. We are ready with our cards to vote electronically, but we seek your ruling and indulgence to allow us vote by acclamation so that we can resolve the matter once and for all.

Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Yes, Senior Counsel, Hon. Otiende. Give him the microphone.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you. Hon. Speaker and Hon. Members, I know this is a serious moment in history. It is also a constitutional moment. I wholly agree with Hon. Wanjala and Hon. Ruku, in terms of the mood of the House.

However, there are things that we need to do for the record, not just for ourselves. Even as we speak, this whole process is being challenged in court. We should not allow any gap. From the start up to now, we have not allowed any gap. Let us not be in a rush to allow a gap. I beseech Members that we vote electronically. It does not take time.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, let us not open debate on this matter. Electronic voting takes less than five minutes. I am sure you know that. Since the House is nearly full, let us have the Division Bell rung for five minutes, and then we draw the Bar. You will log in and we will call out the vote. The Leaders of the Majority and Minority Parties are supposed to nominate one person each to act as tellers. Those who do not have cards should come and record at the table with the clerks.

*(The Division Bell was rung)*

**Hon. Speaker:** Order! Hon. Members, Take your seats. Serjeant-at-Arms, you may now close the Bar and lock the door for purposes of voting.

*(The Bar was drawn and the door locked)*

Order, Hon. Members. Can I have a feel of how many Members do not have their cards?

*(Several Hon. Members raised their hands)*

Not many.

Respectfully, I request Members who do not have their cards to come to where civil servants sit when they come to the House. You can go to either side, it does not matter. But get in there. Serjeant-at-Arms, give them way. You can even spill to the back. No problem. You will be called.

*(Hon. Catherine Omanyoo stood in the gangway)*

Hon. Catherine, if you do not have a card, move in. Member for Gatundu, complete your journey to where you were going.

*(Loud consultations)*

Order, Hon. Members!

*(Hon. Eve Obara stood in the gangway)*

Hon. Eve Obara do you also not have your card? Come to my left side. Hon. Members, the question we are voting on is on the nomination of Prof. Kithure Kindiki, EGH to fill the vacancy in the Office of the Deputy President of the Republic of Kenya. That is the question. Now take out your cards. Log in.

*(The Speaker consulted with the Clerk-at-the-Table)*

*Tungojee wakurugenzi wa mitambo.* Hon. Catherine, do you have your card? Who are the tellers? There are no tellers? Okay.

*(Hon. Paul Katana stood up in his place)*

Order, Hon. Katana. What is the problem?

*Tunangojea wakurugenzi wa mitambo.* Njoro, are you ready? Okay. Members who have now logged in, now vote.

*(Voting in progress)*

Order, Hon. Members. Do not interfere with your cards so that your systems can record and count as you vote.

*(Loud consultations)*

End of vote.

*(Loud consultations)*

Order! Njoro, what is your problem?

*(Loud consultations)*

Order, Hon. Members. Let us repeat. Log out. Hon. Members, your rules require that you vote in silence. Log out. Log in. Once you have logged in, just hold until you are told

to vote. Do not vote yet. Is it malfunctioning? Kirui, is it malfunctioning? Clerk, do you have a problem? Vote now.

**Hon. Members:** It is not working!

*(Loud consultations)*

**Hon. Speaker:** The IT man, what is the problem? Let us try one more time and then, if it does not work, we will explore a different opportunity.

*(Voting in progress)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Remain in your seats as voting is going on.

*(Some Hon. Members consulted along the gangways)*

The three ladies, go back. What is the problem? Hon. Members who do not have their cards, will come one by one and the Clerk-at-the-Table will tick against your name. If you have already voted, take your seat. Those whose equipment has malfunctioned can walk to the desk and report to the Clerk-at-the-Table.

*(Voting in progress)*

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

*(Loud consultations)*

*(Several Members stood in the gangways)*

**Hon. Speaker:** Order, Hon. Members. Take your seats. Stop what you are doing Clerk-at-the-Table. Order, Hon. Members. Taking the cue from the submission of Senior Counsel Otiende Amollo, whatever you do must be a record, must be impeccable and must speak for itself. I am advised by the Clerk-at-the-Table that the electronic voting system is malfunctioning. Even after you voted, the numbers are adjusting themselves upwards and downwards. Consequently, I direct that the electronic vote be cancelled and annulled.

*(The electronic vote was cancelled and annulled)*

We will do a roll call vote. The Leader of the Majority Party and the Leader of the Minority Party, give me one teller each. Hon. Pukose and who else? Hon. Junet, who?

*(Hon. Junet Mohamed spoke off record)*

Bring two. Who? Hon. Zamzam and who else? One more. Hon. Martin Owino.

Hon. Members, once again, the vote is on the nomination of Prof. Kithure Kindiki, EGH to fill the vacancy of the Office of the Deputy President of the Republic of Kenya. Clerk-at-the-Table, you can start. Remain in your seats and in silent. We can do this very quickly.

*(Voting commenced)*

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*(Voting in progress)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Order!

*(Hon. Rozaah Buyu consulted loudly)*

Order, Hon. Rozaah Buyu. Order! Hon. Wamaua, vote.

*(Voting in progress)*

*(Hon. Rozzah Buyu consulted loudly)*

Order, Hon. Rozaah Buyu. You are out of order.

*(Voting in progress)*

*(Hon. (Dr) Lilian Gogo consulted loudly)*

**Hon. Speaker:** Order, Hon. Lilian Gogo! Take your seat.

*(Voting in progress)*

**Hon. Speaker:** Order, Hon. Members.

*(Hon. Kiborek Reuben consulted loudly)*

Order, Hon. Kiborek. Is there any Member who has not heard his or her name?

*(Voting in progress)*

**Hon. Speaker:** Order, Hon. Members. Is there any Member who has not been called out on the roll call? No Member.

*(Tallying in progress)*

*(Hon. Jane Kagiri, Hon. Muchangi Karemba,  
and other Members stood in the aisle)*

**Hon. Speaker:** Order, Hon. Members. Take your seats. Hon. Jane Kagiri and Hon. Karemba, take your seats.

Tellers, go to the Bar.

Tellers for the Ayes: Hon. (Dr) Robert Pukose and Hon. Zamzam Mohammed.

Teller for the Noes: Hon. Martin Owino.

**Hon. Speaker:** Tellers, go to the Bar. Tellers, approach the Dispatch Table. Who is your team leader? Hon. (Dr) Pukose?

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, the results of the Division are as follows:



Ayes – 236

Noes – 0

Abstentions – 0

*(Applause)*

## RESULTS

### AYES

- |                              |                              |
|------------------------------|------------------------------|
| 1. Hon. Samwel Chepkong'a    | 42. Hon. Martha Wangari      |
| 2. Hon. Marianne Kitany      | 43. Hon. Charles Gimose      |
| 3. Hon. Irene Njoki          | 44. Hon. Atieno Bensuda      |
| 4. Hon. Abdi Shurie          | 45. Hon. Peter Kaluma        |
| 5. Hon. Jematiah Sergon      | 46. Hon. Daniel Karitho      |
| 6. Hon. Joshua Kandie        | 47. Hon. Julius M'anaiba     |
| 7. Hon. Joseph Makilap       | 48. Hon. John Paul Mwirigi   |
| 8. Hon. Charles Kamuren      | 49. Hon. Abdi Ali Abdi       |
| 9. Hon. Nelson Koech         | 50. Hon. Benard Shinali      |
| 10. Hon. Innocent Obiri      | 51. Hon. Mumina Bonaya       |
| 11. Hon. Alfah Miruka        | 52. Hon. Githua Wamacukuru   |
| 12. Hon. Linet Chepkorir     | 53. Hon. Eve Obara           |
| 13. Hon. Kilel Richard       | 54. Hon. Titus Lotee         |
| 14. Hon. Richard Yegon       | 55. Hon. Leah Sankaire       |
| 15. Hon. Patrick Osero       | 56. Hon. Kakuta Maimai       |
| 16. Hon. Raphael Wanjala     | 57. Hon. George Sunkuyia     |
| 17. Hon. Kibet Komingo       | 58. Hon. Elsie Muhanda       |
| 18. Hon. Catherine Omanyoo   | 59. Hon. Paul Katana         |
| 19. Hon. Maero Oyula         | 60. Hon. Yusuf Hassan        |
| 20. Hon. Mugambi Rindikiri   | 61. Hon. Njuguna Chege       |
| 21. Hon. Moses Kirima        | 62. Hon. John Makali         |
| 22. Hon. Patrick Simiyu      | 63. Hon. Fabian Muli         |
| 23. Hon. Paul Biego          | 64. Hon. Samwel Chumel       |
| 24. Hon. Patrick Ntwiga      | 65. Hon. Oscar Sudi          |
| 25. Hon. Farah Maalim        | 66. Hon. Adipo Okuome        |
| 26. Hon. Beatrice Elachi     | 67. Hon. Charles Ong'ondo    |
| 27. Hon. Musa Sirma          | 68. Hon. Adams Korir         |
| 28. Hon. Adan Keynan         | 69. Hon. Gideon Kimaiyo      |
| 29. Hon. Caroline Ng'elechei | 70. Hon. Beatrice Kemei      |
| 30. Hon. Pamela Njeru        | 71. Hon. Julius Rutto        |
| 31. Hon. Omboko Milemba      | 72. Hon. Christopher Wangaya |
| 32. Hon. Johana Kipyegon     | 73. Hon. Njuguna Kawanjiku   |
| 33. Hon. (Dr) Robert Pukose  | 74. Hon. John Waitthaka      |
| 34. Hon. Farah Yakub         | 75. Hon. Ann Wamuratha       |
| 35. Hon. (Dr) Ojiambo Oundo  | 76. Hon. Peter Orero         |
| 36. Hon. Amina Siyad         | 77. Hon. Mwengi Mutuse       |
| 37. Hon. Dekow Mohamed       | 78. Hon. Anthony Wainaina    |
| 38. Hon. Wakili Edward Muriu | 79. Hon. Joseph Munyoro      |
| 39. Hon. Elijah Kururia      | 80. Hon. Kimani Ichung'wah   |
| 40. Hon. Elisha Odhiambo     | 81. Hon. Owen Baya           |
| 41. Hon. Gichimu Githinji    | 82. Hon. Ken Chonga          |

83. Hon. Gonzi Rai  
84. Hon. Kwenya Thuku  
85. Hon. Joseph Cherorot  
86. Hon. Hilary Kosgei  
87. Hon. Rashid Bedzimba  
88. Hon. Dorice Donya  
89. Hon. Ruth Odinga  
90. Hon. Joshua Oron  
91. Hon. Rozaah Buyu  
92. Hon. Nimrod Mbai  
93. Hon. (Dr) Rachael Nyamai  
94. Hon. Japheth Nyakundi  
95. Hon. Clive Gisairo  
96. Hon. Brighton Yegon  
97. Hon. Alfred Mutai  
98. Hon. Joseph Tonui  
99. Hon. Maisori Kemero  
100. Hon. Mathias Robi  
101. Hon. Abdirahman Mohamed  
102. Hon. Abdikadir Mohamed  
103. Hon. Jane Kagiri  
104. Hon. Mwangi Kiunjuri  
105. Hon. Sarah Korere  
106. Hon. Wachira Karani  
107. Hon. Joseph Lekuton  
108. Hon. Muthoni Marubu  
109. Hon. Ruweida Mohamed  
110. Hon. Stanley Muthama  
111. Hon. Phelix Odiwuor  
112. Hon. Mishi Mboko  
113. Hon. (Eng.) John Kiragu  
114. Hon. Dick Oyugi  
115. Hon. Nabii Nabwera  
116. Hon. Chiforomodo Mangale  
117. Hon. Kareke Mbiuki  
118. Hon. George Aladwa  
119. Hon. Malulu Injendi  
120. Hon. Amina Mnyazi  
121. Hon. (Major) (Rtd) Abdullahi Sheikh  
122. Hon. Umul Kheir Kassim  
123. Hon. Hussein Weytan  
124. Hon. Abdul Haro  
125. Hon. Gitonga Mukunji  
126. Hon. Mary Njoroge  
127. Hon. Kangogo Bowen  
128. Hon. Naomi Waqo  
129. Hon. Joshua Mwalyo  
130. Hon. Geoffrey Odanga  
131. Hon. Edwin Gichuki  
132. Hon. Eric Wamumbi  
133. Hon. Kassim Tandaza  
134. Hon. Peter Nabulindo  
135. Hon. Patrick Makau  
136. Hon. Ruku G.K.  
137. Hon. (Eng.) Nebart Muriuki  
138. Hon. Kivasu Nzioka  
139. Hon. Fatuma Mohammed  
140. Hon. Kiborek Reuben  
141. Hon. Kuria Kimani  
142. Hon. Zamzam Mohammed  
143. Hon. James K'Oyoo  
144. Hon. Kaguchia John  
145. Hon. Johnson Naicca  
146. Hon. Betty Maina  
147. Hon. Mohamed Machele  
148. Hon. Vincent Musau  
149. Hon. Peter Shake  
150. Hon. Mary Maingi  
151. Hon. Charles Nguna  
152. Hon. Esther Passaris  
153. Hon. Liza Chelule  
154. Hon. David Gikaria  
155. Hon. Samuel Arama  
156. Hon. Cynthia Muge  
157. Hon. Benard Kitur  
158. Hon. Lemanken Aramat  
159. Hon. Agnes Mantaine  
160. Hon. Kitilai Ntutu  
161. Hon. Gabriel Tongoyo  
162. Hon. Emmanuel Wangwe  
163. Hon. George Gachagua  
164. Hon. Martin Owino  
165. Hon. Rahim Dawood  
166. Hon. Joash Nyamoko  
167. Hon. Aduma Owuor  
168. Hon. Jerusha Momanyi  
169. Hon. Faith Gitau  
170. Hon. Zaheer Jhanda  
171. Hon. Tom Odege  
172. Hon. Rahab Mukami  
173. Hon. Duncan Mathenge  
174. Hon. Michael Muchira  
175. Hon. Michael Wainaina  
176. Hon. David Pkosing  
177. Hon. (Dr) Lilian Gogo  
178. Hon. (Dr) Otiende Amollo  
179. Hon. Paul Chebor  
180. Hon. Kamande Mwafrika  
181. Hon. T.J. Kajwang'

- |                                 |                               |
|---------------------------------|-------------------------------|
| 182. Hon. Simon King'ara        | 210. Hon. Julius Melly        |
| 183. Hon. Muchangi Karemba      | 211. Hon. Lillian Siyoi       |
| 184. Hon. Clement Sloya         | 212. Hon. Janet Sitienei      |
| 185. Hon. Ali Raso              | 213. Hon. Cecilia A. Ngigit   |
| 186. Hon. Pauline Lenguris      | 214. Hon. Joseph Emathe       |
| 187. Hon. Letipila Eli          | 215. Hon. Gladys Boss         |
| 188. Hon. (Dr) James Nyikal     | 216. Hon. David Ochieng'      |
| 189. Hon. Fred Ikana            | 217. Hon. Ernest Kivai        |
| 190. Hon. (Dr) Christine Ombaka | 218. Hon. Adagala Beatrice    |
| 191. Hon. Peter Lochakapong     | 219. Hon. Khamis Chome        |
| 192. Hon. Justice Kemei         | 220. Hon. Fatuma Jehow        |
| 193. Hon. John Koyi             | 221. Hon. Aden Mohammed       |
| 194. Hon. Francis Sigei         | 222. Hon. Mohammed Adow       |
| 195. Hon. (Dr) Shadrack Mwiti   | 223. Hon. Yussuf Farah        |
| 196. Hon. Silvanus Osoro        | 224. Hon. Martin Wanyonyi     |
| 197. Hon. David Kiplagat        | 225. Hon. Rael Kasiwai        |
| 198. Hon. Samuel Gachobe        | 226. Hon. Tim Wanyonyi        |
| 199. Hon. Junet Mohamed         | 227. Hon. Abdisirat Khalif    |
| 200. Hon. Haika Mizighi         | 228. Hon. Sabina Chege        |
| 201. Hon. Hussein Abdi          | 229. Hon. Joseph Hamisi       |
| 202. Hon. John Bwire            | 230. Hon. Suleka Harun        |
| 203. Hon. Oku Kaunya            | 231. Hon. Dorothy Muthoni     |
| 204. Hon. Mary Emaase           | 232. Hon. Joseph Wainaina     |
| 205. Hon. George Murugara       | 233. Hon. (Dr) Jackson Kosgei |
| 206. Hon. Susan Ngugi           | 234. Hon. Irene Mayaka        |
| 207. Hon. Kassait Kamket        | 235. Hon. Umulkher Harun      |
| 208. Hon. Mpuru Aburi           | 236. Hon. Abubakar Talib      |
| 209. Hon. (Dr) John K. Mutunga  |                               |

**Hon. Speaker:** Order, Hon. Members! Who is that Member?

*(Hon. Hilary Kosgei consulted loudly)*

Hon. Hilary, take your seat.

Hon. Members, the results of the vote on the nomination of Prof. Kithure Kindiki to fill the vacancy in the Office of the Deputy President of the Republic of Kenya are as follows:

Ayes – 236

Noes – 0

Abstentions – 0

The Ayes have it.

The results that have been brought to the Speaker are duly signed by the two nominated Tellers.

*(Applause)*

As I had advised you earlier, the vote is overwhelmingly “yes”. So, the nomination is hereby declared passed by the House. The Speaker will transmit the results to the President. The Speaker will also sign a gazette notice to the effect that the nominee for Deputy President has been duly voted for by the House. Therefore, I will transmit that to the appointing authority to proceed with the appointment. He is now the Deputy President-Elect.

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*(Question carried by 236 votes)*

*(Applause)*

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, having finished with the issue of the Deputy President-Elect, it is now 1.54 p.m. The House will adjourn until this afternoon at 2.30 p.m.

The House rose at 1.54 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi