

REPUBLIC OF KENYA



Approved
AS
31/1/17

paper used
by the chairperson
Hon. Asman Kamau
on Tuesday
31.1.2017

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION – 2017

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE CONSIDERATION OF THE NATIONAL AUTHORITY FOR THE
CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL, 2016

DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

JANUARY, 2017

ANNEXES

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1.0 PREFACE

On 1st September, 2016 the National Authority for the Campaign Against Alcohol and Drug Abuse (Amendment) Bill, 2016 was referred to relevant the Departmental Committee for consideration;

1.1 Mandate of the Committee

The Departmental Committee on Administration and National Security is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference :-

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv) to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
- (vi) study and review all legislation referred to it

The Committee is mandated to consider the following subjects:-

- i. National security
- ii. Police services
- iii. Public Administration
- iv. Public Service
- v. Prisons
- vi. Immigration
- vii. management of natural disasters

1.2 Oversight

In executing its mandate, the Committee oversees the following Government Departments and agencies, namely:-

- i. The Presidency
- ii. The State Department of Interior
- iii. The State Department for Coordination of National Government

- iv. The Public Service Commission,
- v. The National Police Service Commission
- vi. The Independent Police Oversight Authority

1.3 Members of the Committee

Chairperson The Hon. Asman Kamama, MGH, OGW, MP

Vice Chairperson The Hon. Alois M. Lentoimaga, MP

The Hon. Joseph Lekuton, MP

The Hon. Alice Wahome, MP

The Hon. Zakayo K. Cheruiyot, MP

The Hon. Timothy W. Wetangula, MP

The Hon. Patrick Ole Ntutu, MP

The Hon. Ali Isaack Shaaban, MP

The Hon. Samuel Moroto, MP

The Hon. (Dr.) Humphrey Njuguna, MP

The Hon. Francis K. Mwangangi, MP

The Hon. Rashid J. Bedzimba, MP

The Hon. David Gikaria, MP

The Hon. Mohamed Shidiye, MP

The Hon. Jane Machira, MP

The Hon. Ibrahim Abdi Saney, MP

The Hon. Joseph O. Ndiege, MP

The Hon Charles Nyamai, MP

The Hon. Wanjiku Muhia, MP

The Hon (Dr.) Makali Mulu

The Hon. Akuja Protus Ewesit, MP

The Hon. Joseph M. Kahangara, MP

The Hon. Fatuma Ibrahim Ali, MP

The Hon. Grace Kiptui, MP

The Hon. George Theuri, MP

The Hon. James Bett, MP

The Hon. Benard Shinali, MP

The Hon. James Opiyo Wandanyi, MP

The Hon Peter Kaluma, MP

Committee Secretariat

Clerk Assistant I

Mr. Leonard Machira

Clerk Assistant II

Ms. Rose M. Wanjohi

Clerk Assistant III

Ms. Hellen Lokwang

Legal Counsel II

Ms. Christine Odhiambo

Research Officer III

Ms. Fiona Musili

Fiscal Analyst III

Mr. Edison Odhiambo

2.0 PROPOSED AMENDMENTS

The Committee proposes the following amendments to the National Authority for the Campaign against Alcohol and Drug Abuse (Amendment) Bill, 2016 by:-

Clause 2

Deleting the proposed amendment to section 2(e)

Justification

The proposal to reduce the number of religious representatives in the Board from two to one may not be prudent because the country has two major religious faiths and therefore it would be difficult for one representative to provide adequate representation of the two main religious groups in the Board.

3.0 INTRODUCTION

The purpose of the Bill is to amend section 6 of the National Authority for the Campaign against Alcohol and Drug Abuse Act, Cap 121B. It seeks to reconstitute the National Authority for the Campaign against Alcohol and Drug Abuse Board by reducing the membership to nine members in accordance with the report on the Presidential Taskforce on Parastatal Reforms.

The Bill further seeks to amend to the Schedule to the principal Act by reducing the number of members required to convene a special meeting of the Board from five to three; and the quorum for the conduct of the business of the Board from half of the total number of members to three members.

3.1 Analysis of the Amendments

Clause 2

The Bill seeks to amend Clause 2 that amends sections 6 by removing the following persons from the composition of the Board.

- a) deletion of paragraph (d); Principal Secretary in the Ministry of Public Health
- b) deletion of paragraph (e); Principal Secretary in the Ministry of Education
- c) deletion of paragraph (f); Principal Secretary in the Ministry of Children and Youth Affairs
- d) deleting the word "three" and substituting with "two" in paragraph (h)
- e) deleting the word "two" and substituting with "one" in paragraph (i)
- f) deleting paragraph (k)

Clause 3

The Bill further proposes amendments to the Schedule to the principal Act on

- a) Paragraph 3(4):- Reducing the number of members required to convene a special meeting of the Board from five to three; and
- b) Paragraph 3(6):-Reducing the quorum for the conduct of the business of the Board from half of the total number of members to three members-

4.0 SUBMISSIONS AND EVIDENCE

The Committee through the office of the clerk placed an advert in the print media on Thursday 20th October, 2016 inviting the public to submit comments on the Bill. However the Committee had not received any comments on the Bill from the public by close of business, on Friday 28 October 2016.

5.0 COMMITTEE'S CONSIDERATION OF THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL, 2016

The Committee considered the Bill as follows:-

Clause 2

- | | | |
|--|---|--------------------|
| (a) Proposed amendment to paragraph (d) | - | Agreed to |
| (b) Proposed amendment to paragraph (e) | - | Agreed to |
| (c) Proposed amendment to paragraph (f) | - | Agreed to |
| (d) Proposed amendment to paragraph (h) | - | Agreed to |
| (e) Proposed amendment to paragraph (i) | - | Proposed amendment |
| (f) Proposed amendment to paragraph ((k) | - | Agreed to |

Clause 3 (The Schedule to the principal Act)

- | | | |
|---|---|-----------|
| a) Proposed amendment to paragraph 3(4) | - | Agreed to |
| b) Proposed amendment to paragraph 3(6) | - | Agreed to |

Short title	-	Agreed to
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6.0 COMMITTEE OBSERVATIONS

The Committee observed that:-

- a) The proposal to reduce the number of religious representatives in the Board from two to one would not be prudent because the country has two major religious faiths and therefore it would be difficult for one member to provide adequate representation in the Board; and
- b) The inclusion of two religious leaders would increase the Board members from nine to ten. However given that the Chief Executive Officer is a non-executive member and therefore has no voting rights the Board will have nine voting members.

7.0 COMMITTEE'S PROPOSED AMENDMENTS TO THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL, 2016

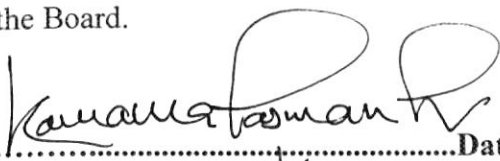
The Committee proposes the following amendment to the National Authority for the Campaign against Alcohol and Drug Abuse (Amendment) Bill, 2016 by:-

Clause 2

Deleting the proposed amendment to section 2(e)

Justification

The proposal to reduce the number of religious representatives in the Board from two to one may not be prudent because the country has two major religious faiths and therefore it would be difficult for one representative to provide adequate representation of the two main religious groups in the Board.

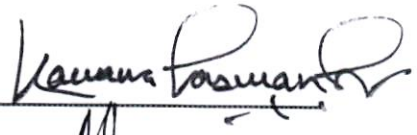

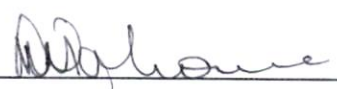

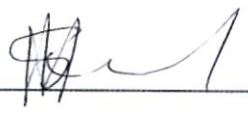

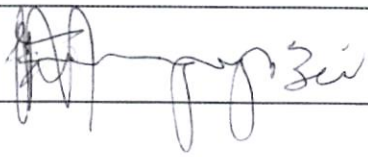

Signed..........Date.....31/01/2017.....

Hon. Asman Kamama, MGH, OGW, MP
Chairman, Departmental Committee on Administration and National Security

ANNEX 1

ADOPTION LIST

We, Members of the Departmental Committee on Administration and National Security have pursuant to Standing Order 199 adopted this report on the consideration of the National Authority on the Campaign Against Alcohol and Drug Abuse Bill, 2016 and affix our signatures to confirm our approval and confirm its accuracy, validity and authenticity on as per the attached adoption list.

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson 
2. The Hon. Alois M. Lentoimaga, MP- Vice Chairperson 
3. The Hon. Joseph Lekuton, MP _____
4. The Hon. Alice Wahome, MP 
5. The Hon. Zakayo K. Cheruiyot, MP 
6. The Hon. Timothy W. Wetangula, MP _____
7. The Hon. Patrick Ole Ntutu, MP _____
8. The Hon. Ali Isaack Shaaban, MP _____
9. The Hon. Samuel Moroto, MP 
10. The Hon. (Dr.) Humphrey Njuguna, MP 
11. The Hon. Francis K. Mwangangi, MP 
12. The Hon. Rashid J. Bedzimba, MP _____
13. The Hon. David Gikaria, MP _____
14. The Hon. Mohamed Shidiye, MP 
15. The Hon. Jane Machira, MP _____

16. The Hon. Ibrahim Abdi Saney, MP

17. The Hon. Joseph O. Ndiege, MP



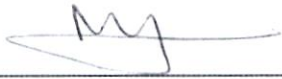
18. The Hon. Wanjiku Muhia, MP



19. The Hon. Akuja Protus Ewesit, MP


20. The Hon. Joseph M. Kahangara, MP

21. The Hon. Charles Nyamai, MP



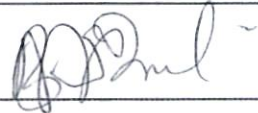
22. The Hon. Grace Kiptui, MP

23. The Hon. George Theuri, MP



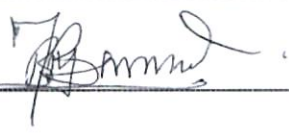
24. The Hon. James Bett, MP

25. The Hon. Benard Shinali, MP



26. The Hon. Fatuma Ibrahim Ali, MP

27. The Hon. (Dr.) Makali Muli, MP



28. The Hon. Peter Kaluma, MP

29. The Hon. James Wandayi, MP

ANNEX 2

COMMITTEE MINUTES

**MINUTES OF THE 2ND SITTING OF DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY ON THURSDAY 26TH
JANUARY, 2017 IN THE COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL
HOUSE, PARLIAMENT BUILDINGS AT 10:00 AM**

PRESENT:

1. The Hon. Asman Kamama, MGH, OGW, MP - **Chairperson**
2. The Hon. Alois M. Lentiomaga, MP - **Vice- Chairperson**
3. The Hon. Alice Wahome, MP
4. The Hon. Mohamed Shidiye, MP
5. The Hon. Wanjiku Muhia, MP
6. The Hon. Zakayo K. Cheruiyot, MP
7. The Hon. Bernard Shinali, MP
8. The Hon. Samuel Moroto, MP
9. The Hon. Joseph O. Ndiege, MP
10. The Hon. George Theuri, MP
11. The Hon.(Dr.) Humphrey Njuguna, MP
12. The Hon. Peter Kaluma, MP
13. The Hon. James Wandayi, MP

ABSENT

1. The Hon. Rashid J. Bedzimba, MP
2. The Hon. Jane Machira, MP
3. The Hon. David Gikaria, MP
4. The Hon. Ibrahim Abdi Saney, MP
5. The Hon. James Bett, MP
6. The Hon. Francis K. Mwangangi, MP
7. The Hon. Joseph Lekuton, MP
8. The Hon. Patrick Ole Ntutu, MP
9. The Hon. (Dr.) Makali Mulu, MP
10. The Hon. Shabaan Ali Isaack, MP
11. The Hon. Akuja Protus Ewesit, MP
12. The Hon. Fatuma Ibrahim Ali, MP
13. The Hon. Timothy W. Wetangula, MP
14. The Hon. Grace Kiptui, MP
15. The Hon. Joseph Kahangara, MP
16. The Hon. Charles Nyamai, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

1. Mr. Leonard Machira - Clerk Assistant I
2. Ms. Rose M. Wanjohi - Clerk Assistant II
3. Ms. Christine Odhiambo - Legal Counsel II
4. Mr. Edison Odhiambo - Fiscal Analyst III

MIN.NO.005/ANS/2017: PRELIMINARIES

The Chairperson called the meeting to order at half past ten o'clock. A prayer was said.

MIN.NO.006 /ANS/2017: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting

MIN.NO.007 /ANS/2017- CONSIDERATION OF THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL, 2016

The Committee was informed that the purpose of the Bill is to amend section 6 of the National Authority for the Campaign against Alcohol and Drug Abuse Act, Cap 121B. It seeks to reduce the membership the National Authority for the Campaign against Alcohol and Drug Abuse Board by to nine members in accordance with the report on the Presidential Taskforce on Parastatal Reforms.

The Bill further seeks to amend to the Schedule to the principal Act by reducing the number of members required to convene a special meeting of the Board from five to three; and the quorum for the conduct of the business of the Board from half of the total number of members to three members.

Committee consideration of the Bill

The Committee considered the Bill as follows:-

Clause 2

- | | | |
|--|---|--------------------|
| (a) Proposed amendment to paragraph (d) | - | Agreed to |
| (b) Proposed amendment to paragraph (e) | - | Agreed to |
| (c) Proposed amendment to paragraph (f) | - | Agreed to |
| (d) Proposed amendment to paragraph (h) | - | Agreed to |
| (e) Proposed amendment to paragraph (i) | - | Proposed amendment |
| (f) Proposed amendment to paragraph ((k) | - | Agreed to |

Clause 3 (The Schedule to the principal Act)

- | | | |
|---|---|-----------|
| a) Proposed amendment to paragraph 3(4) | - | Agreed to |
| b) Proposed amendment to paragraph 3(6) | - | Agreed to |

Short title - Agreed to

Committee Observations

The Committee observed that:-

- a) The proposal to reduce the number of religious representatives in the Board from two to one would not be prudent because the country has two major religious faiths and therefore it would be difficult for one member to provide adequate representation in the Board; and
- b) The inclusion of two religious leaders, the Board members would increase from nine to ten. However given that the Chief Executive Officer is a non-executive member and therefore has no voting rights the Board will have nine voting members.

MIN.NO.008 /ANS/2017- CONSIDERATION OF THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FY 2016/2017

The Parliamentary Budget Office in its brief informed the Committee that all programmes in the State Department of Interior with expenditure changes had no corresponding changes in outputs contrary to section 40(6)(f) of the PFM Regulations. Some of the programmes had also exceeded the 10 percent threshold contrary to section 43 (2) (c) of the PFM Act which requires that reallocation changes per program should not exceed 10 percent of total approved budget of a program unless for unforeseen circumstances. They included: Planning, Policy Coordination and Support Service with an increment of 32 per cent of its approved estimates under the state Department of Interior and General Administration, Planning and Support services at 19 per cent of its approved estimates under the state department of correctional services. There was also no Information on budget performance (actual expenditure and outstanding liabilities/commitments) contrary to section 40(6) (b) of the PFM regulations.

The Presidency

The Committee was informed that the gross estimates for the Financial Year 2016/2017 for the Presidency had been adjusted to Kshs.8.7billion in Supplementary Estimates I for the FY 2016/2017. This comprised of Kshs.8.5 billion and Kshs. 290 million for current and capital expenditures respectively. The increase of Kshs.349.5 million was mainly on account of enhancement for operation and maintenance and personnel emolument under the Cabinet Affairs and State House Affairs programme. This would negatively affect development activities which included installation and operationalization of the incinerator at cabinet affairs office by 50%, completion of the refurbishment of Harambee House Annex and the DPs official residence.

The State Department for Interior

The estimates for the State Department for Interior FY 2016/ had been adjusted under the Supplementary Estimates I for FY 2016/2017 to Kshs.131.2billion comprising of Kshs.103.8 billion and Kshs.27.4 billion for current and capital expenditures respectively. This reflected a net increase of Kshs.5.4 billion mainly to cater for operations and maintenance expenses

including repatriation of refugees; National Cohesion & Integration; issuance of identification cards and enhanced security under the Planning, Policy Coordination and Population Management Services Programme.

The net increase in development expenditure amounted to Kshs. 4.7 billion. The highest allocation went towards National Security Communication and Surveillance System amounting to Kshs. 10.3 billion. The project had no allocation when the estimates were approved in June 2016. Further scrutiny revealed that the Directorate of Registration of Persons had been allocated Kshs. 537 million for supplies of ID materials while construction of Lokirama Border had been allocated Kshs. 5 million.

Allocation to some vote heads were revised downwards with the highest reduction realized under the Resettlement of IDPs and Restorative Justice by Kshs. 4 billion; construction of Forensic laboratory reduced by Kshs. 370 million and securitization of borders by KShs. 500 million.

The State Department of Correctional Services

The gross allocation for the State Department of Correctional Services in the FY 2016/2017 amounts to Kshs.20.3billion. This comprised of Kshs.19.2 billion and Kshs.1.1 billion for current and capital expenditures respectively. The estimates had been adjusted to Kshs.20.7sbillion under Supplementary Estimates I. This comprised of Kshs.20.2 billion and Kshs.525 million for current and capital expenditure respectively. The increase of Kshs.486.9 million was to cater for operation and maintenance expenses under prisons and probation services, including pending bills on food, ration and wood fuel.

The development budget of the state department had seen a net reduction of Kshs. 525 million with major reductions seen in critical projects that were to be completed under the Second Medium Term of Vision 2030. They included construction of penal facilities which had been reduced by KShs. 223 million from an approved estimate of Kshs. 287 million; modernization of penal Training Facilities which had been reduced by Kshs. 93 million from the approved estimate of Kshs 123 million and irrigation and modernization of prison farms which had been reduced by Kshs. 79 million from an approved estimate of Kshs. 80 million. The targets of these key activities were revised downwards with the Modernization programme being the hardest hit. The impact of the supplementary therefore would lead to non-completion of the projects as scheduled.

The Public Service Commission

The gross approved budgetary allocation for the Public Service Commission in the FY 2016/2017 was Kshs.1.22 billion, out of which Kshs.1.18 billion was for recurrent expenditure estimates while Kshs.39 million was for development expenditures. In the Supplementary Estimates 1, the budgetary allocation had remained unchanged for both recurrent and development estimates. However, there were minimal changes between programmes to cater for expenditure shortfalls. The targets had remained unchanged.

The National Police Service Commission

The gross allocation for the National Police Service Commission in the FY2016/2017 Supplementary Estimates I amounts was Kshs.434.9 million for current expenditures. The allocation had reduced by Kshs.300 million from the approved estimates of Ksh.435.3 million for current expenditure. The reduction was due to the rationalization of operations and maintenance expenditure. No changes to the outputs and targets were indicated.

The Independent Police Oversight Authority

The gross allocation for the Independent Police Oversight Authority in the FY2016/2017 Supplementary Estimates I amounted to Kshs.469.7 million for current expenditure. The allocation had reduced by Kshs.21.7 million from the gross approved estimates of Ksh.491.3 million. The reduction was due to the rationalization of operation and maintenance expenditure.

Committee Observations

The Committee observed that:-

- i. The revised estimates for Independent Policing Oversight Authority had been reduced by 21.7 million despite the critical role the Authority plays in reforms and oversight of the police service. Therefore the proposed reduction was rejected by the Committee;
- ii. The supplementary allocation for training in the Kenya Police College Kiganjo and GSU Training College Embakasi had been reduced by Kshs. 549 million and Kshs 500 million respectively. This could negatively impact on the quality and quantity of training in two institutions;
- iii. The allocation toward the construction of the Forensic Laboratory had been reduced by Kshs. 370 million. The reduction would delay the completion of the project ; and
- iv. Kshs. 10.3 billion has been allocated to the National Communication and Surveillance System project, yet the project had no allocation when the estimates were approved in June 2016.

Committee resolution

The Committee resolved to invite the Cabinet Secretary, Interior and Coordination of National Government to attend a meeting scheduled for Thursday 2nd February 2017 to provide specific additional information on :-

- a) A justification for the proposed allocation of Kshs. 10.3 billion to the National Communication and Surveillance System project;
- b) A justification for the proposed reduction of Kshs. 370 million in the construction of the Police Forensic Laboratory project ; and
- c) A status report on the border securitization project.

MIN.NO. 009 ANS/2017: ADJOURNMENT

There being no other business, the meeting was adjourned at thirty-five minutes past twelve o'clock until Tuesday 31st January, 2017 at 10:00am.

SIGNED: _____

(CHAIRPERSON)

DATE: _____

31/01/2017